

THE COMPROMISE OF 1850

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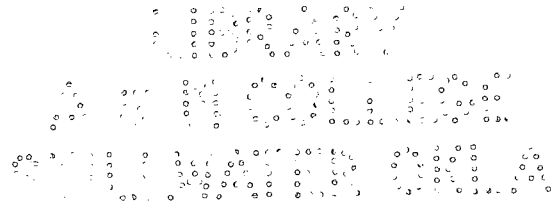
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PREFACE

This survey has for its purpose a study of the Compromise of 1850, with special emphasis upon the historical events and emotional forces which threatened to disrupt the Union at the time of the Compromise.

In order to comprehend more fully the situation, it has seemed necessary to review some of the history of the United States prior to the period under consideration. This review has carried the study into some diplomatic relations with Mexico and Great Britain, particularly the treaties settling the boundary of Oregon and the acquisitions of Texas, New Mexico, and California.

The source material used in this study consisted mainly of government documents and bound volumes of the correspondence of the government officials of the various governments concerned.

The background material used consisted of books of recognized authors and histories of the United States and of Mexico in order to obtain as accurate a picture as possible of the true state of affairs that made the Compromise of 1850 necessary.

ACKNOWLEDGMENT

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THE COMPROMISE OF 1850

CHAPTER I

SLAVERY AND THE ABOLITION MOVEMENT

The Compromise of 1850 was a series of bills passed by the United States Congress in an effort to settle the question of slavery in a manner satisfactory to both sections of the country and thereby avert the possibility of secession.

Before entering into a discussion of the Compromise proper, let us review the rise and development of the slavery system in the American colonies, and the resultant growth of sectionalism which ultimately led to the Compromise of 1850.

The institution of slavery in America is almost as old as the American colonies themselves.¹ In 1619, the same year that the House of Burgesses convened in Virginia, constituting the first assembly of American people in representative government, and one year before the coming of the Pilgrims, the first ship load of African slaves in America was brought to Virginia and offered for sale by a Dutch privateer.

In the month of August, 1619, a Dutch ship entered James River with twenty African slaves. They were purchased by the colonists, and they and their offspring were held in

¹Henry Wilson, The Rise and Fall of Slave Power in America, I, p. 2.

perpetual servitude. Thus at Jamestown, twelve years from the settlement of the colony of Virginia, and one year before the feet of the Pilgrims had touched the New World, began that system in the British continental colonies which, under the fostering care of England, overspread the land. So near in time, though remote in points of destination, came those two vessels across the sea, with elements at once so potent and yet so unlike,--the "Mayflower," with its freight of learning and Christian civilization; the other, with its seeds of a system destined, after a struggle of two hundred and forty years for development, expansion, and dominion, to light the fires of civil war, and perish in the flames its own hand had kindled.²

During the Colonial Period, negro slavery existed legally in all the English colonies.³ The North as well as the South had slaves, but slave labor, from the very beginning, had proved itself more adaptable to the plantation life of the South than to the smaller, half-sterile lands of the North,⁴ for the climate and occupation there seemed to fit the physique and needs of the negro.⁵

. . . Axes and mattocks were put into their hands and in time they came to be regarded as valuable workers. They were slower than English peasants; but they were of tougher fibre for warm climates. Five years later, when hundreds of the English settlers had died of the "plague," every one of the blacks were alive and contented. They were already acclimated; and white men came to think that a negro loved to bask in the hottest summer sun and was not subject to "swamp fevers." If they suffered in winter there is no record of the fact. . . . Living in little sheds or special cabins,

²Ibid., pp. 2-3.

³The South, In The Building of A Nation, IV, p. 243.

⁴Ulrich B. Phillips, Plantation and Frontier Documents; 1649-1863, II, pp. 19-47.

⁵Ibid., II, pp. 169-218.

the Negroes began to work their way silently into the sad economy of plantation slavery.⁶

When the fertile soil of the tobacco lands of Maryland and Virginia wore out,⁷ slaves were still believed an indispensable⁸ source of labor for the rice fields farther south.

. . . Meanwhile, amid the swamps of the Carolinas, where white men sickened and died, the patient negro was finding a second home on the continent. There his labor laid the foundation for the coming of rice and indigo plantations and for the glory that was to be Charleston's.⁹

When it was found that the interior parts of the South were adapted to the production of cotton,¹⁰ here again was a demand in the South for slaves, for "cheap labor in the cotton fields was a necessity."¹¹ Then, later,¹² the invention of the cotton gin, by Eli Whitney, gave slavery a new lease on life and created an even greater demand for slave labor. All in all, slavery seemed to fasten itself naturally

⁶William E. Dodd, The Old South Struggles for Democracy, II, pp. 42-52.

⁷Ibid.

⁸Avery Craven, Edmund Ruffin Southerner, pp. 120-121. See also The South in The Building of A Nation, IV, pp. 348. "Wage-earning labor was not to be had on any feasible terms in most parts of America, and captains of industry were forced to buy bondsmen or do without laborers."

⁹Craven, op. cit., pp. 120-121.

¹⁰Frederick Law Olmsted, The Cotton Kingdom, pp. 236-300.

¹¹Craven, op. cit., p. 121.

¹²1793.

and easily upon the Southern section of the country.¹³

"Under the encouragement of British Legislation and the featurig smile of royalty"¹⁴ the number of negroes increased with such rapidity¹⁵ that very early the wisest men of the time were aware of the dangers it presented.¹⁶ When Virginia, Maryland, the Carolinas, and some of the Northern colonies passed laws trying to restrict the importation of slaves,¹⁷ such laws were promptly vetoed by the king,¹⁸ although slavery was not tolerated in England at that time.¹⁹ The American colonists resented this action and seized the first opportunity to act for themselves. In the "Association of 1774,"²⁰ slave importations were forbidden, and for the rest of the Revolution the trade was checked.

¹³Phillips, op. cit., I, pp. 283, 291.

¹⁴Wilson, op. cit., p. 3.

¹⁵"The original twenty had increased to 750,000 in 1790, and by 1860, this number had further increased and multiplied to 4,500,000." In The Building of A Nation, VII, p. 522.

¹⁶Wilson, op. cit., I, p. 30.

¹⁷The Building of A Nation, IV, pp. 215-216. "Every English colony on the Continent concerned at all with a race problem legislated or attempted to legislate from time to time in limitation of the foreign slave trade."

¹⁸Ibid., IV, pp. 34-35; 388-389.

¹⁹Wilson, op. cit., I, pp. 3-5.

²⁰Journals of the Continental Congress, I, p. 77., Oct. 20, 1774. Library of Congress.

"We will neither import nor purchase, any slave imported after the first day of December next; after which time, we will wholly discontinue the slave trade, and will neither be concerned in it ourselves, nor will we hire our vessels, nor sell our commodities nor manufacturing to those who are concerned with it."

For the most part, however, except in the case of the Quakers who denounced slavery upon religious grounds,²¹ the opposition prior to the Revolution was based almost wholly on economic grounds; for so long as all the communities had slaves, the system made no trouble between the states; run-away slaves were returned if they got into another colony as one would return stray animals to the rightful owner. During the Revolutionary period, however, the question of individual rights entered into the objections:

. . . the champions of independence based their contentions mainly on inherent individual rights and were led to proclaim the universal validity of that doctrine with more or less earnestness.²²

After the Revolution commerce generally was controlled by the states, all of which, except those in the far South, forbade foreign slave trade. Domestic slave trade, however, immediately made its appearance and caused much of the bitterness that later developed between the two sections of the country.²³

Many of the great men of the time, Washington, Jefferson, Franklin, Madison, Henry, and others, condemned slavery as being unjust to the negro and declared their willingness to secure its abolition as soon as possible.²⁴ Jefferson in his

²¹Wilson, op. cit., I, P. 9.

²²The Building of A Nation, IV, p. 389.

²³Ibid., p. 217.

²⁴Wilson, op. cit., I, p. 30.

"Notes on Virginia," in "Query 18", wrote:

'With what execrations should the statesman be loaded, who permitting one half of the citizens thus to trample on the rights of the other, transforms those into despots and these into enemies. . . . And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That these are not to be violated but with his wrath? Indeed, I tremble for my country when I reflect that God is just; that his justice cannot sleep forever.'²⁵

But however much these great men demanded the abolition of slaves, they were a part of a great industrial system which demanded slave labor, and the time was not yet ripe for complete emancipation.

In the meantime a movement for emancipation had swept over the entire North.²⁶ Vermont led the way by declaring slavery illegal in the bill of rights incorporated in her Constitution; thus forbidding slavery forever. Pennsylvania, in 1780, had voted a scheme for gradual emancipation, and that same year Massachusetts declared in the Constitution adopted that "all men are born free and equal."²⁷ By 1787 slavery had either been abolished, or preparations were being made for its abolition, in the states of Vermont, New Hampshire, Massachusetts, Pennsylvania, Connecticut, Rhode Island, and New Jersey.²⁸

²⁵Ibid.

²⁶The Building of A Nation, IV, p. 389. "Since the per cent. of slaves was not great in the New England colonies, not over 5 per cent. of the population, it was not difficult to pass such laws."

²⁷Wilson, op. cit., pp. 30-32.

²⁸Ibid.

Even though emancipation was general in the North and slavery more prevalent in the South, there had been no evidence of bitterness between the two sections of the country.²⁹ The first real evidence of a conflict appeared over the efforts to organize a government for the Northwest Territory.³⁰ The growing anti-slavery sentiment expressed itself in the Continental Congress when, in Article VI³¹ of the Ordinance of 1787, slavery was prohibited in the Northwest Territory out of which the states of Ohio, Indiana, Illinois, Michigan, Wisconsin, and a part of Minnesota were later formed. Henry Wilson summarizes the actions of Congress,³² which brought about the prohibition of slavery in the Northwest Territory, thus:

On the first day of March, 1784,³³ Mr. Jefferson presented to the Continental Congress, then assembled in Annapolis, a deed of cession of all the land claimed by Virginia northwest of the Ohio River. A select committee was appointed, consisting of himself, Mr. Chase of Maryland, and Mr. Howell of Rhode Island; and this committee reported a plan for the government of the territory ceded, or to be ceded. This plan contemplated its ultimate division into seventeen States. It was

²⁹Ibid.

³⁰Annals of Congress, XXXII-XXXIV. These volumes contain the entire proceedings of the Ordinance of 1787.

³¹Journals of the Continental Congress, XXXII, p. 343.

³²Ibid. Henry Wilson follows the proceedings given in the above sources very closely.

³³Ibid. pp. 101, 121.

therein provided that,

'after the year of the Christian era 1800, there shall be neither slavery nor involuntary servitude, in any of these States, otherwise than in the punishment of crime, whereof the party shall have been duly convicted.'

This provision was stricken out on motion of Mr. Spaight of North Carolina, seconded by Mr. Read of South Carolina. It required the votes of nine States to retain it as a part of the Ordinance. Only six voted for it, --New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and Pennsylvania. Maryland, Virginia, and South Carolina voted against it. North Carolina divided. Delaware and Georgia were not present. Mr. Dick of New Jersey voted to retain it, but as two members were required to give the vote of a State, that State was not represented in the vote. Though sixteen members voted for the prohibition of slavery, and only seven voted against it, yet then, as so often since, slavery, though in a lean minority, gained a victory that should have fallen to the other side. This important measure would have saved to freedom not only the territory of the Northwest, but also Kentucky, Tennessee, Alabama, and Mississippi.

In March, 1785, Rufus King, a delegate from Massachusetts, moved to modify the report made at the previous session, by inserting therein a total and immediate prohibition of slavery; but his motion failed. In July, 1787, a committee, of which Nathan Dane of Massachusetts was chairman, reported an ordinance for the territory northwest of the Ohio River, in which there should be neither slavery nor involuntary servitude. With it there was, however, a stipulation for the rendition of fugitive slaves. This ordinance --which consecrated to freedom the fertile territory covered now by the great States of Ohio, Indiana, Illinois, Michigan, and Wisconsin --was passed on the 13th of July, 1878; every State voting for it, Mr. Yates of New York alone voting against it.

Persistent efforts, however, were made from time to time to give slavery a foothold in that region.³⁴ Each Congress until 1807 attempted to reopen the question. At that time a

³⁴Wilson, op. cit., 1, pp. 34-35.

committee in the Senate reported a resolve, declaring it not expedient to suspend the Sixth Article of the Ordinance of 1787 for the government of the territory northwest of Ohio.³⁵

The convention which framed the Constitution was in session when the Ordinance of 1787 was passed. This group evidently foresaw trouble over slavery and attempted to avoid any conflict if possible; for the Constitution recognized slavery in the existing states. Although the word "slave" does not occur in the Federal Constitution, the subject of slavery is touched upon in three places: In answer to the question of who should be enumerated in apportioning representation and direct taxes, Article I, Section 2,³⁶ specifies that "the whold Number of Free Persons" was to be counted and "three-fifths of all other persons." While Congress was given power over interstate commerce, Article I, Section 9,³⁷ of the Constitution declared that Congress

³⁵Annals of Congress, I Cong., I sess., pp. 646-657. "In July, 1798, Mr. Fitzsimmins of Pennsylvania reported in the House of Representatives a bill for the government of the territory northwest of the Ohio River, which passed both houses without opposition. This act gave the emphatic sanction of the first Congress under the Constitution to the Ordinance of 1787, prohibiting forever slavery in the Northwest Territory."

³⁶George Gordon Payne, Constitution of the United States, p. 65.

³⁷Ibid. pp. 255-256.

could not prohibit the external slave trade until 1808.³⁸ Article IV, Section 2,³⁹ further provides that persons "held to Service of Labour in one State" who escaped to another should be delivered up on Claim of the Party to whom such Service of Labour may be due." It was upon this authority that the First Fugitive Slave Act of 1793 was passed. This Act gave the master the right to recover an absconding slave merely by proving his ownership before a magistrate without jury or ordinary forms of law.

It was not, however, until Missouri⁴⁰ petitioned for admission to the Union that the controversy over negro slavery seemed anything but of minor importance. In the debates in Congress over the admission of Missouri, the members from both the North and the South resorted to violence, bitterness, and abuse, and for the first time was heard the cry of disunion.

³⁸Under the leadership of Jefferson, the anti-slavery men were able to bring about the Federal Act, in 1807, which forbade slave trade after 1808.

Section 1. "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the thirty-first day of December, 1807, it shall not be lawful to import or bring into the United States or the territories thereof, any negro, mulatto, or any person of color with intent to keep, sell, or dispose of such negro, mulatto or person of color, as a slave"---
Annals of Congress, 9 Cong., 2 sess., p. 167.

³⁹Payne, op. cit., p. 517.

⁴⁰The Louisiana purchase was divided by act of Congress into two territories by the thirty-third parallel of latitude. The Missouri Territory was that part which lay north of the parallel.---Wilson, op. cit., p. 136.

On March 16, 1818, petitions were presented by citizens of Missouri asking that the Territory be permitted to form a constitution and be admitted to the Union.⁴¹ Congress took no action on the petitions at that time, but the petition was renewed in the next session of Congress.⁴² In February, 1819, the House was considering a state bill when Tallmadge, of New York, added fuel to the gathering flames when he offered an amendment to exclude further introduction of slaves into Missouri, and to gradually emancipate those already there.⁴³ A short, angry debate followed the introduction of the amendment in which both Northern and Southern leaders participated.

Mr. Clay, the Speaker, opposed the amendment and emphatically declared that Congress had no right whatever to prescribe any condition to the newly organized states.⁴⁴ Mr. John W. Taylor, of New York, declared that Congress did have the power

⁴¹Annals of Congress, 15 Cong., 1 sess., II, pp. 1391, 1672.

⁴²Ibid., 15 Cong., 2 sess., II, pp. 1431-1438.

⁴³Ibid., p. 1436; also 15 Cong., 2 sess., III, p. 1170.

"The House having resolved itself into a committee of the whole on the bill to authorise the people of the Missouri territory to form a constitution and state government and have the admission of the same into the Union, the question being on the proposition of Mr. Tallmadge to amend the bill by adding to it the following proviso:

And provided that the further introduction of slavery or involuntary servitude be prohibited except for the punishment of crimes whereof the party shall have been fully convicted; and that all children born within the said state after the admission thereof into the Union shall be free at the age of twenty-five years."

⁴⁴Annals of Congress, 15 Cong., 2 sess., I, p. 1174.

to prohibit slavery in a state seeking admission, and, furthermore, declared:

If they (our ancestors) have tried slavery and found it a curse; if they desire to dissipate the gloom with which it covers their land, I call upon them to exclude it from the territory in question,--plant not its seeds in this uncorrupted soil; let not our children looking back to the proceedings of this day, say of us, as we have been constrained to say of our fathers 'We wish their decision had been different.'⁴⁵

Mr. Livermore, of New Hampshire, likewise upheld the amendment.

An opportunity is now presented, if not to diminish, at least to prevent the growth of a sin that sits heavy on the sould of every one of us. By embracing this opportunity we may retrieve the national character, and in some degree our own. But if we suffer it to pass unimproved, let us at least be consistent, and declare that our Constitution was made to impose slavery, and not to establish liberty. Let us no longer tell idle tales about the abolition of slavery; away with colonization societies if their design is only to rid us of free blacks and turbulent slaves. Have done, also, with Bible societies, whose views are extended to Africa and the East Indies, while they overlook the deplorable condition of our sable brethren within our own borders. Make no more laws to prohibit the importation of the slaves, for the world must see that the object of such laws is alone to prohibit the glutting of a prodigious market of the flesh and blood of man, which we are about to establish in the West, and to enhance the price of sturdy wretches, raised like black cattle and horses, on our own plantations, for sale.⁴⁶

The South just as ardently defended the institution of slavery.

Mr. Scott, the delegate from Missouri, spoke against the prohibition of slavery, and warned Congress that the Tallmadge

⁴⁵Annals of Congress, 13 Cong., 2 sess., 1, p. 1174.

⁴⁶Ibid., pp. 1191-1193.

Amendment was "big with the fate of Caesar and of Rome."⁴⁷
 Mr. Colston, of Virginia, was especially excited and violent. He accused Mr. Livermore of attempting to incite war; and "insolently declared" that he was

no better than Arbuthnot and Ambrister, and deserved no better fate.⁴⁸

Mr. Cobb, of Georgia, warned the friends of the amendment that

. . . they were kindling a fire which all the waters of the ocean could not extinguish. It could be extinguished only in blood.⁴⁹

He, also, pointed out that the Union would be dissolved if the amendment passed. Mr. Tallmadge closed the debate, in reply to Mr. Cobb, thus:

. . . If a dissolution of the Union must take place, let it be so! If civil war, which gentlemen so much threaten, must come, I can only say, Let it come! My hold on life is probably as frail as any man who hears me; but while that life lasts it shall be devoted to the service of my country, to the freedom of man. If blood is necessary to extinguish any fire which I have assisted to kindle, I can assure, gentlemen, while I regret the necessity, I shall not forbear to contribute my mite.⁵⁰

The amendment carried in the House, but lost in the Senate.⁵¹

Here was the situation that caused such an outburst of sentiment over slavery at this particular time. There were twenty-two states in the Union. Eleven had already freed

⁴⁷Annals of Congress, 15 Cong., 2 sess., I, p. 1195.

⁴⁸ Ibid., p. 1205.

⁴⁹ Ibid., p. 1205.

⁵⁰ Ibid., p. 1203.

⁵¹ Ibid., p. 1214.

their slaves, or had passed laws to free them gradually. Eleven still had slaves.⁵² The South saw danger in Congress,⁵³ for the free states had a majority of votes. In order to prevent Congress from passing anti-slavery legislation, the South wanted to retain its equality in the Senate.⁵⁴ They, also, felt that the rapid immigration into the free North would enable that section to populate the vast West quickly, and thus establish control in Congress.⁵⁵ With that result achieved, the South did not doubt but that an attempt would be made to amend the Constitution with regard to the three-fifths representation of slaves, and perhaps efforts would be made to abolish slavery itself.⁵⁶ Then, too, many Southerners resented the charge made by the Northerners that slaveholding was a crime.⁵⁷ The best people of the South owned slaves, they argued, and could "the people of the North be so blind as not to see that on every hand earnest efforts" had been made to make the "bondsmen as happy as circumstances would permit."⁵⁸

⁵²The Building of A Nation, IV, p. 417.

⁵³At this time the free states had five million inhabitants and sent 105 members to the House of Representatives; while the slave states had only four and a half million inhabitants, with eighty-one members in the House. The free states, therefore, had a majority.

⁵⁴Regardless of population there are two senators from each state.---Payne, op. cit., Article I, sec. 3, I.

⁵⁵Craven, op. cit., p. 112.

⁵⁶Ibid.

⁵⁷Ibid., p. 124.

⁵⁸Ibid.

The North just as earnestly contended that the South, by the extension of slavery into the great Missouri Territory, would eventually lay hands on all the region to the West of it. And so, during the Summer of 1819 (following the discussion of the Tallmadge Amendment), affairs proceeded from bad to worse; moderation was lost.⁵⁹ Everywhere feeling flamed high. Sermons were preached. Books were written; in fact, everybody was discussing the evils or benefits of slavery.⁶⁰ By the time the new Congress met on December 7, 1819, sentiment between the North and the South had so definitely crystallized into such bitter sectional strife, over issues involving slavery, that party leaders became convinced that only a compromise could prevent a dissolution of the Union.⁶¹

When Congress had reassembled in December, 1819, a bill was passed by the House (which was made up largely of members from the free states) to admit Maine;⁶² and another bill for the prohibition of slavery in Missouri.⁶³ Earlier in this session, Alabama had been admitted⁶⁴ so that the admission

⁵⁹The Building of A Nation, IV, pp. 383, 393.

⁶⁰Wilson, op. cit., pp. 136-152.

⁶¹Ibid.; See also, The Building of A Nation, IV, pp. 417.

⁶²Annals of Congress, 16 Cong., 1 sess., I, pp. 20-22.

⁶³Ibid., p. 430.

⁶⁴Ibid., p. 54.

of Maine gave the free states a majority.⁶⁵ When the Maine bill reached the Senate, it was combined with a bill then before that House to admit Missouri without restriction.⁶⁶ Then began a long, serious debate, often as violent as the previous debates in the House over the Tallmadge Amendment. Mr. Roberts moved to amend the bill so that slavery should be "absolutely and irrevocably" prohibited.⁶⁷ Mr. Eliot, of Georgia, thought the restriction,

. . . unauthorized by the Constitution, in contravention of a solemn treaty; and opposed by the suggestions of sound policy.⁶⁸

Mr. Lowrie, of Pennsylvania, said that,

. . . if the alternative, as intimated by the opponents of slavery restriction, were a dissolution of the Union or the extension of slavery over the whole Western territory, I will choose the former, though the choice is one that fills my mind with horror.⁶⁹

Mr. Otis, of Massachusetts, favored prohibition because he was,

. . . unable to agree to any measure which should counteract the spirit of the age by increasing the mischief of slavery to a degree boundless in extent and perpetual in duration, and to entail on posterity a scourge for which we reproach the memory of our ancestors.⁷⁰

Mr. Ruggles, of Ohio, contended that:

⁶⁵Wilson, op. cit., p. 152.

⁶⁶Annals of Congress, 16 Cong., 1 sess., I, p. 86.

⁶⁷Ibid., p. 119.

⁶⁸Ibid., pp. 129-130.

⁶⁹Ibid., pp. 202, 206.

⁷⁰Ibid., p. 108.

. . . this day's legislation is not to perish with us,--it is to endure for centuries. The people of Missouri fifty years hence will trace, . . . to Congress the evils of slavery.⁷¹

Southern members just as ably opposed the amendment.

Mr. Smith, of South Carolina, declared that the efforts that had been made against slavery were the "misguided influences of fanaticism and humanity."⁷² Richard M. Johnson, of Kentucky, believed that,

. . . the friends of prohibition would check the progress of humanity, tighten the bands of the captive, prolong the time of slavery, and augment its evils, excite every discordant passion of the soul, and produce jargon, animosity, and strife.⁷³

Then Mr. Thomas, of Illinois, moved an amendment providing that in all the country ceded by France to the United States north of thirty-six degrees and thirty minutes, there should be neither slavery nor involuntary servitude.⁷⁴ After more debating the bill was passed by a vote of twenty-four to twenty.⁷⁵ The bill was then taken up in the House, and one of the greatest debates in the legislative history of the nation took place.⁷⁶

John Sergeant, of Pennsylvania, spoke thus:

⁷¹Annals of Congress, 16 Cong., 1 sess., I, p. 278.

⁷²Ibid., p. 259.

⁷³Ibid., p. 345.

⁷⁴Ibid., p. 467.

⁷⁵Ibid., 16 Cong., 1 sess., II, pp. 2555-2559.

⁷⁶Wilson, op. cit., I, p. 153.

Let the standard of Freedom be planted in Missouri by the hands of the Constitution, and let its banner wave over the heads of none but freemen.⁷⁷

Mr. Cook, of Illinois, said:

I believe, if the voice of futurity could be heard, I should receive her approbation and her gratitude. She might come from the wilderness, with her locks wet with the dews of the night, and knock at your door for admittance till she falls with weakness; and, unless she comes in the white robe of freedom and a pledge against the future evils of slavery, with my consent she will not be admitted.⁷⁸

Mr. Clay spoke for four hours against the restriction of slavery.⁷⁹ Mr. Hardin, of Kentucky, told the anti-slavery members:

It would be more magnanimous to haul down the colors on which are engraven humanity, morality, and religion, and unfurl the genuine banner on which is written a contest for political consequence and mastery.⁸⁰

John Tyler, afterwards President of the United States, warned the North not to;

. . . forget yourselves. Rail at slavery as much as you please. I point you to the Constitution, and say to you that you have not only acknowledged our right to this species of property, but you have gone much further and have bound yourselves to rivet the chains of the slave.⁸¹

⁷⁷Annals of Congress, 16 Cong., 1 sess., I, pp. 1172-1408.

⁷⁸Ibid., p. 1091.

⁷⁹Ibid., pp. 831, 840.

⁸⁰Ibid., p. 1069.

⁸¹Ibid., p. 1382.

Finally, after months of debating, the motion to concur with the Senate in passing the Maine-Missouri-Thomas bill passed by a vote of one hundred thirty-four to forty-two.⁸² In return for the admission of Maine, and for the exclusion of slavery from the Louisiana Purchase territory north of thirty-six degrees and thirty minutes (except Missouri was to come in as a slave state), the House agreed to drop the Tallmadge Amendment, and, to keep the balance of power in the Senate, admit Missouri as a slave state.⁸³

Thus came to an end the first real conflict between the two sections of the country over the territorial expansion of the slave system. The vital character of this problem had not been perceived until the agitation over the admission of Missouri. Then the conflict showed how great was the rift between the North and the South on the subject of slavery, and how strongly each felt about it: the North hostile and determined to put a stop to the aggression and extension of slavery; the South just as strongly defending it, and making every effort to extend its boundaries. Thomas Jefferson says of the conflict:

⁸²Annals of Congress, 16 Cong., 1 sess., II, p. 2559.

⁸³It is important to note here, in view of the later controversy over Oregon, Texas, California, and New Mexico, that Congress, by this Compromise bill, excluded slavery from territory of the United States, and that all of the seventy-five votes in the House from the States south of Pennsylvania were cast in favor of the bill.

The Missouri Compromise is the most portentous one which ever yet threatened our Union. In the gloomiest moment of the Revolutionary war I never had any apprehension equal to what I feel from this source. . . . This momentous question, like a fire bell in the night, awakened me and filled me with horror. I considered it at once as the knell of the Union.⁸⁴

The two sections were so sharply divided, so excited, and so resentful that further misunderstanding on issues other than slavery was inevitable. And so the spirit of sectionalism that was aroused by the controversy over the Missouri Compromise increased in the next few years as the two sections came into conflict over the tariff.

Looking back: At the close of the War of 1812, the South had been more favorable to a protective tariff than the North.⁸⁵ At that time the South had expected to manufacture its own cotton into cotton goods; but that was found to be impracticable,⁸⁶ for slave labor had a one-track mind and did not possess the intelligence to manufacture; white labor could not compete with slave labor; consequently, the cotton mills had been built in New England.⁸⁷ As the South increasingly devoted itself to agriculture, with cotton raising a

⁸⁴Letter to Hugh Nelson, Feb. 7, 1820; see also, letter to John Holmes, April 22, 1820, in Writings of Thomas Jefferson, edited by Paul Leicester Ford, X, pp. 156-167.

⁸⁵William Dodd, Expansion and Conflict, IV, pp. 39-58.

⁸⁶Ibid.

⁸⁷Phillips, op. cit., I, pp. 69-104.

leading industry, it became more hostile to the protective tariff of 1816, which Southern leaders had at first supported.⁸⁸ Not only did the South prefer a low tariff so that manufactured goods might be purchased more cheaply, but they were afraid that the high tariff would disturb the cotton market.⁸⁹ Western migration had caused land values to fall steadily, and suffering had increased by the steady fall in the price of cotton due to the rapid extension of the area of cultivation to the Gulf region.⁹⁰ Then the cry arose, in the South, that their difficulties had been brought about by the inequality of the tariff, which the Southerners felt had built up the North at the expense of the South.⁹¹ As the price of their supplies mounted higher and higher, the protest over the tariff became louder.⁹²

In contrast to the conditions in the South, the growth of manufactures in New England balanced the loss caused by westward migration. The North, therefore, began to favor a protective tariff.⁹³ And so the tariff of 1816, for which both sections of the country had voted to promote the growth

⁸⁸Dodd, op. cit., IV, pp. 39-58.

⁸⁹Ibid.

⁹⁰In The Building of A Nation, IV, pp. 367-368.

⁹¹Craven, op. cit., pp. 121-124.

⁹²Ibid.

⁹³Dodd, Loc. cit., pp. 39-58.

of home industries and to keep out English goods became the great Southern argument against the tariff.⁹⁴ The South contended that the tariff was not only unconstitutional but that the tariff money was always leaving Southern pockets and did not return.⁹⁵

Nevertheless, the tariff duties of 1816 were raised in 1824.⁹⁶ The duties were raised from twenty per cent to thirty-six per cent. This tariff was purely sectional because only three votes were cast for it south of the Potomac and Cumberland Rivers.⁹⁷ In 1828 Congress passed a tariff so objectionable to the South that it was called the "Tariff of Abominations."⁹⁸ South Carolina was so indignant over the tariff that she raised the question of a state's right to nullify an act of Congress which it believed to be unconstitutional; that the tariff of 1828,

. . . was not for revenue, but for the protection of manufactures. It was not to pay debts; it was not to provide for the common defense of the country; and it was not for the general welfare of the United States, because it inflicted grievous injury upon the South.⁹⁹

From that time on, Calhoun became the spokesman for the

⁹⁴Ibid.

⁹⁵Dr. H. Von Holst, John C. Calhoun, pp. 83-120.

⁹⁶Annals of Congress, 18 Cong., 1 sess., II, pp. 3221-3226.

⁹⁷Ibid.

⁹⁸Congressional Debates, 20 Cong., 1 sess., p. 786.

⁹⁹In The Building of A Nation, IV, pp. 367-387.

Southern States.¹⁰⁰ He maintained that the government was an agreement or compact between the states, and that the National government created by that compact could not be superior to the states in sovereignty; nor could it be the judge of what its powers were; and that the states were the final judges of whether or not Congress was overstepping its powers. Therefore, a state might challenge an act of Congress and rightfully appeal to its sister states for the verdict in the matter. In such case, Calhoun further contended, Congress must then secure the votes of three-fourths of the states in ratification of an amendment giving it the express power in dispute. Following this doctrine, threats of "nullification" were heard in South Carolina when that State declared null and void the tariff acts of 1828 and those of 1832. Jackson did not approve of South Carolina's action, and issued a warning to the people of South Carolina against such "illegal and disorganizing" action.¹⁰¹ At Jackson's request the "Force Bill" was passed by Congress.¹⁰² This bill gave the President the power to use the army to enforce the acts of Congress. The majority of the people felt that the tariff was too high, and under Clay's leadership a compromise bill was passed.¹⁰³ This tariff reduced the rates gradually until at the end of

¹⁰⁰Von Holst, op. cit., pp. 83-120; and 183-220.

¹⁰¹Appendix to the Congressional Debates, 22 Cong., 2 sess., IX, pt. 2. 179.

¹⁰²Ibid., p. 663 ff.

¹⁰³Ibid.

ten years, 1842, they would be down to twenty per cent. These disputes over the tariff tend to show further that different interests and different occupations were pushing the sections farther and farther apart.

During the 'thirties the question of slavery was again brought to public attention through the activities of the abolitionists. It is well to keep in mind the distinction between abolitionists and anti-slavery men. The abolitionists wanted to destroy slavery wherever it existed; while the anti-slavery men wanted merely to prevent the extension of slavery.

William Lloyd Garrison was a leading figure in the early period of the movement. He traveled throughout the country making speeches and organizing abolition societies; thus inciting the people against the slave-holders as well as against slavery itself. Through his publication, "The Liberator," he succeeded in arousing the North to the moral evil of slavery. In the first issue of this publication Garrison announced:

I shall strenuously contend for the immediate enfranchisement of our slave population . . . I am in earnest--I will not equivocate--I will not excuse--I will not retreat a single inch--and I will be heard.¹⁰⁴

The abolitionists aroused intense antagonism in the North as well as in the South.¹⁰⁵ Many Northerners believed that

¹⁰⁴William Lloyd Garrison, The Story of His Life as Told by His Children, I, p. 141.

¹⁰⁵William Hart, Abolition and Slavery, pp. 210-214.

such agitation unnecessarily antagonized the South and endangered the peace and security of the Union. Abolitionist meetings were broken up not infrequently; no one was more hated and despised than the abolitionists. Most of the men in public life and affairs were against the abolition movement.¹⁰⁶

abolitionists meetings in New York, Boston, Philadelphia, Cincinnati and other places usually turned to riots. In Boston in 1835, Garrison was about to be lynched when the mayor put him in jail to save his life.¹⁰⁷

Another noted agitator, Rev. E. P. Lovejoy of St. Louis, an abolitionist editor, was deliberately murdered by a pro-slavery mob because he persisted in publishing an anti-slavery paper in a free state.¹⁰⁸

The founding of the Anti-American Anti-slavery Association by the abolitionists tended to foster the growth of the anti-slavery movement. This society split into two factions: the more radical group, composed of those agreeing with Garrison in his extreme views; and the more conservative faction, which later formed the basis of the Liberty party.¹⁰⁹ The purpose of the latter faction was to bring the national government under the control of those opposed to the extension of slavery.¹¹⁰ Even though their membership grew to nearly

¹⁰⁶Ibid.

¹⁰⁷Garrison, op. cit., II, pp. 1-37.

¹⁰⁸Ibid.

¹⁰⁹Ibid., III, pp. 94 ff.

¹¹⁰Ibid.

200,000 in number, it was not until late in the 'thirties that there was a member of Congress in favor of abolition. Then William Slade, of Vermont, made the first abolition speech in Congress.¹¹¹ Later, Morris of Ohio joined an abolition society and defended the cause in the Senate. Despite bitter persecutions and intense opposition, both in the North and in the South, the abolition movement continued to grow; eventually attracting to itself the talents of such men as Channing, Whittier, and Wendell Phillips.¹¹² As the abolitionists gained in the North, proslavery gained in the South.¹¹³

The growing division between the two sections of the country soon found expression in Congress, in spite of the efforts of the conservative men to keep the abolition quarrel isolated to the minor factions. Southerners had become alarmed when abolition literature had been sent to the South; some of it to negroes. Appeals had been made to the postmaster general to refuse the use of the mails for such purposes. In his annual message to Congress, President Jackson invited the attention of Congress to:

. . . the painful excitement produced in the South by attempts to circulate through the mails inflammatory appeals addressed to the passions of the slaves, in print and in various sorts of publications, calculated to stimulate them to insurrection and produce all the horrors of a servile war.¹¹⁴

¹¹¹Hart, op. cit., p. 165.

¹¹²Ibid., pp. 210-214.

¹¹³Craven, op. cit., p. 136.

¹¹⁴James D. Richardson, Messages and Papers of the Presidents, III, pp. 265-269.

Jackson pointed out that the citizens and Congress felt indignant regret at such conduct on the part of the abolitionists.

. . . so destructive of the harmony and peace of the country, and so repugnant to the principles of our national compact and to the dictates of humanity and religion.¹¹⁵

Calhoun offered a bill in the Senate to forbid the sending of antislavery literature through the mails, but his proposition received an adverse vote because Calhoun advanced his own pet theories in regard to slavery and state sovereignty.

Wilson says:

The report maintained that slavery in the Southern States could not be abolished without disaster unexampled in the history of the world; that to destroy the existing relations would be to place the two races in a state of conflict, which must end in the expulsion or extirpation of one or the other. It maintained, too, that social and political equality between them was impossible; that no power on earth could overcome the difficulty; that, without such equality, to change the present condition of the African race would be but to change the form of slavery,-- would make them the slaves of society, instead of the slaves of individuals.¹¹⁶

Mr. King, of Georgia, thought Calhoun's report inconsistent with the bill in question, and

inconsistent with the Union itself, and which if established and carried into practice, must hastily end in its dissolution.¹¹⁷

Calhoun radically argued thus:

the refusal of Congress to pass the bill would be virtually to co-operate with the Abolitionists, and

¹¹⁵ Ibid.

¹¹⁶ Wilson, op. cit., pp. 341-342.

¹¹⁷ The Congressional Globe, 24 Cong., 1 sess., II-III, pp. 35, 325.

would make the officers of the Post Office Department their agents in the circulation of incendiary publications. He warned that the South would never abandon the principles of the bill but that the States interposition was the rightful remedy . . . and bid defiance to the movements of the Abolitionists, whether at home or abroad, and . . . under our own protection and beyond the reach of dangers.¹¹⁸

Mr. Benton, of Missouri, avowed that he:

. . . would not make the United States a packhorse for the Abolitionists; but he could not vote to invest ten-thousand postmasters with such authority, even to suppress Abolition publications.¹¹⁹

Clay declared the bill "a most dangerous tendency," and Webster thought it "contrary to the Constitution."¹²⁰ Buchanan, however, said he favored the bill because it conformed to the President's wishes.¹²¹ Thus the debate ran on for several weeks when the bill was finally defeated.

Further excitement was aroused a few months later by the attitude of the House of Representatives toward anti-slavery petitions. Both houses of Congress were bombarded with petitions from the Abolitionists urging Congress to take steps to abolish slavery. Most of the petitioners knew very well that Congress did not have the authority to act in such a matter. The Senate simply received the petitions and took no further action concerning them. The House, on May 26, 1836, adopted the following Resolution:

¹¹⁸The Congressional Globe, 24 Cong., 1 sess., II-III, pp. 36, 325.

¹¹⁹Ibid., p. 351

¹²⁰Ibid., p. 239.

¹²¹Ibid., p. 36.

. . . and whereas it is extremely important and desirable that the agitation of this subject should be finally arrested, for the purpose of restoring tranquillity to the public mind, the committee respectfully recommends the adoption of the following additional resolution, viz: 'Resolved, That all petitions, memorials, resolutions, propositions or papers, relating in any way or to any extent whatever to the subject of slavery or the abolition of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon.¹²²

John Quincy Adams, a member of the House, protested. Although no friend of the Abolitionists, he said:

I hold the resolution to be a direct violation of the Constitution of the United States, of the Rules of this House, and of the rights of my constituents.¹²³

The resolution passed, however, and, in spite of Adams's valiant opposition, was renewed each session of Congress thereafter until in 1840 when it was made a "standing rule of the House." Adams was undaunted by the passage of the resolution and presented petitions by the hundreds to Congress. Whenever the regular hour for petitions arrived, Adams could be seen at his desk in the House with a huge pile of papers before him. As the order of the day was announced, he would rise with words similar to these:¹²⁴

"I hold in my hands a request from citizens of the town of ---praying the abolition of slavery in ---." The Speaker's

¹²² The Congressional Globe, 24 Cong., 1 sess., II-III, p. 4051.

¹²³ Ibid.

¹²⁴ Ibid.

hammer would fall and Adams would be declared out of order. After an eight years' fight, however, Adams was able to get the resolution repealed.

Violent and repressive measures did not check but tended to increase the agitation over slavery; and only added to the dangerous acrimony with which every topic relating to slavery was discussed in Congress, and by the people at large. The two sections had grown so far apart by this time that the rift between the two had grown into a chasm.

The Missouri Compromise had connected the question of slavery with westward expansion, and had revealed to the leading men, both North and South, the fact that the development of our national domains was to be marked by a struggle between freedom and slavery. Then, too, after the Missouri debates, there was a change from the national to the sectional point of view as was noted in the strife over the tariff. Calhoun and other Southern leaders saw how dangerous such powers as those which the Tallmadge amendment gave to Congress would be to slavery; consequently, the South grew more insistent on the doctrine of the sovereignty of the states. Leaders realized that if the agitation continued not a bond would be left to bind together the two great sections of the country. Naturally they tried to suppress any subject that might add to the growing bitterness and strife.

CHAPTER II

TERRITORIAL ACQUISITIONS AND THE SLAVERY ISSUE TO 1850

The anti-slavery agitation of the 'thirties had been scorned by both political parties, but events soon tended to tie up the question with politics. Let us consider here a diplomatic problem which arose in connection with Mexico.

In 1829 the region now embraced generally in the states of Texas, New Mexico, Arizona, Utah, Nevada, and California, was in the hands of the republic of Mexico. The inhabited parts of Mexico were ruled as states and provinces. One of these states was known as Coahuila and Texas, and was divided into four departments, one of which was Texas. The state had a constitution of its own and exercised its functions under the authority of the federal republic. It was the annexation of this great commonwealth to the Union, and the disposition of the land acquired as a result of the war with Mexico, which followed the annexation, that was to determine the whole policy of our government toward the West during the decade of 1840-1850.¹

The department of Texas, vast and inviting as it was, lay between the Sabine and Nueces rivers,² Its fine lands

¹George Lockhart Rives, The United States and Mexico, I, p. 472.

²Ibid., I, pp. 1-26; see also, Thomas Marshall, A History of the Western Boundary of the Louisiana Purchase, 1819-1841, et passim.

had early become an attraction for adventurous land hunters from the East, and during the years from 1821 to 1827 there was a continuous stream of settlers from the United States.

At first the Mexican authorities had encouraged the immigration of men from the East by giving them large grants of land.³ The community soon showed such vigor,⁴ however, that authorities began to fear a movement for a separate state. Probably this apprehension was the factor that caused them to attach Texas to the distinctly Mexican state of Coahuila, giving it only one-sixth of the representation in the state's legislature.⁵ Then came the effort to restrict immigration. When Mexico had emancipated her slaves in 1827, Texas had refused to do so.⁶ Again, in 1829, the Mexican president had issued an order abolishing slavery in the republic.⁷ As slavery existed only among the Anglo-

³Herbert Ingram Priestley, The Mexican Nation, A History, p. 279.

"The Mexicans hoped to obtain from the settlers two benefits: trade between them and Mexico and the building up of a strong, aggressive frontier colony which would be a barrier to the cupidity of the United States."

⁴Ibid., p. 280. "Immigration was so steady that during the nine-year period from 1827 to 1836 the number of new arrivals had grown from 15,000 to about 30,000."

⁵H. H. Bancroft, A History of Mexico, XIII, p. 179.

⁶Priestley, op. cit., p. 281.

⁷Bancroft, op. cit., pp. 79-80. "Deputy Tornel . . . drew up and laid before Guerrero a decree for total abolition. It was signed Sept. 15, 1829 and proclaimed the next day, the national anniversary."

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American settlers of Texas, the order was construed as a blow at that community.⁸ Through the efforts of Stephen F. Austin, a second order was secured exempting Texas from the operation of the first order.⁹ Then, in 1830, there came a Mexican law which forbade further colonization from abroad, and prohibited the subsequent introduction of slaves.¹⁰ This law encouraged the Mexicans to colonize Texas, and was directed against the United States. Priestley says:

Repeated proposals by the United States to purchase Texas¹¹ had made it apparent to the Mexicans that there was more than danger in allowing admission of a strong colony of Americans. Hence the law of

⁸Priestley, op. cit., pp. 281-282. "The industry of the Americans depended upon the labor of slaves, and those who were opposed to the institution of slavery on principle, still believed that the colony would be ruined if the importation of slaves were to be stopped. . . . Neither was the move for the settlement of that region a preorganized plot of the slavocracy, as several American historians have averred. The question was at this time an incident in the internal history of Texas, the colonization of which was as inevitable as the centuries-long westward sweep of the Anglo-Saxon race had been."

⁹N. W. Stephenson, Texas and the Mexican War, p. 20. "The decree was soon set aside as far as Texas was concerned owing to the firm representations of the local Mexican officials and many of the leading Texans."

¹⁰Priestley, op. cit., p. 282.

¹¹H. R. Doc. 42, 25 Cong., 1 sess. pp. 10-16. "In 1827, President John Quincy Adams had offered Mexico \$1,000,000 for Texas; and President Jackson had made two attempts to purchase the province (1829, 1835), and had raised Adam's offer to \$3,000,000, but Mexico refused to consider any offer." No one pressed the issue because of a treaty of amity that existed between the United States and Mexico.

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April 6, 1830, proposed by Lucas Alaman, Secretary of Foreign Relations. This law, couched in general terms, explicitly encouraged colonization by Mexicans in Texas, and was directed against the feared contingency by providing that no territory could be settled by inhabitants of another state immediately contiguous to the boundary of the lands upon which settlement was being made. Importation of slaves was forbidden, as a special discouragement. Independent settlers, not on regular grants, were to be ejected. Passports were to be required for admission. Unfulfilled contracts were to be suspended. This law was never adequately enforced. It did not check immigration, and led to a vast amount of ill-feeling, but it was an impossible measure.¹²

The Texans interpreted these laws to be a deliberate effort to check their growing power. From that time on the Texans dreamed of the time when they would be able to break from the Mexican government, with ultimate annexation to the United States as their goal.¹³ The spirit of independence was so strong that in 1835 Texas resisted an armed force under Santa Anna, the self-proclaimed President of Mexico; and on March 2, 1836, they declared themselves independent of Mexico, drew up a national constitution, and made slavery a fundamental part of the government.¹⁴ On April 21, 1838, at the battle of San Jacinto, Santa Anna was captured; then Texas' independence was a fact. Immediately Texas asked the United States to recognize her as an independent state.¹⁵

¹²Priestley, op. cit., p. 282.

¹³Ibid.

¹⁴Justine Smith, War with Mexico, I, p. 13 ff.

¹⁵Ibid.

Although Henry Wilson claims that the Texas rebellion was a scheme hatched and encouraged by the Southern portion of the United States,¹⁶ the feeling in Congress over the recognition of the independence of Texas, in the beginning, was about evenly divided. In April, 1836, Senator Morris, of Ohio, an antislavery man, presented the report of the proceedings of,

a large respectable meeting of citizens of Cincinnati on the subject of the struggle for freedom now going on in Texas, and suggest the expediency of acknowledging the independence of that country.¹⁷

Mr. King, of Alabama, thought it too early to recognize Texas as independent, and, by general consent, the subject was laid on the table.¹⁸ On May 9, 1836, Mr. Preston, of South Carolina, presented petitions from Philadelphia asking Congress to recognize the request of Texas.¹⁹ On the whole feeling in the Senate seemed to be in favor of recognition. Calhoun, ever an ardent enthusiast for slavery, let it be known that the government was in favor of recognizing the independence of Texas. He had:

always entertained the opinion that the people of Texas could never live under the Mexican Government

¹⁶Henry Wilson, The Rise and Fall of Slave Power in America, I, pp. 587-605.

¹⁷The Congressional Globe, 24 Cong., 1 sess., II-III, pp. 75, 122.

¹⁸Ibid., 24 Cong., 1 sess., IV, p. 21.

¹⁹Ibid., p. 22.

in peace and happiness. He had thought, too, that it was our duty, at the earliest period practicable, to recognize the independence of Texas. He felt certain, from the events which had occurred in that country, that unless a speedy stop was put to what was going on there, the Rio del Norte would not be made the boundary of Texas. She would shake the Mexican empire to its very centre, if the controversy existing between her and Mexico should not instantly cease. He was ready to acknowledge her independence; and the sooner that was done the better.²⁰

Mr. Adams, as one would expect, in a speech in the Committee of the Whole, denounced the war in Texas as an effort of the slavery men.²¹ He bitterly attacked the administration for bringing a probable war with Mexico, who, in his judgment, was upholding the cause of freedom.²²

But from the time that Congress had adjourned in July, 1836, to the time of the next session, public feeling had undergone a decided change; opposition to annexation had become more definite. The possible effect of the recognition of Texas, a slave state, on the subject of slavery was beginning to be recognized. President Jackson reviewed the situation in regard to Texas in his annual message to Congress, December 21, 1836.²³

No steps have been taken by the Executive toward the acknowledgement of the independence of Texas, and the whole subject would have been left without

²⁰Congressional Globe, 24 Cong., 2 sess., IV, p. 210.

²¹Ibid., 24 Cong., 1 sess., II-III, pp. 447-449.

²²Ibid.

²³James D. Richardson, Messages and Papers of the Presidents, III, pp. 265-269.

further remark on the information now given to Congress were it not that the two Houses at their last session, acting separately, passed resolutions 'that the independence of Texas ought to be acknowledged by the United States whenever satisfactory information should be received that it had in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power.

. . . the Mexican Republic under another executive is rallying its forces under a new leader and menacing a fresh invasion to recover the lost dominion.

. . . Upon the issues of this threatened invasion the independence of Texas may be considered as suspended, and were there nothing peculiar in the relative situation of the United States and Texas our acknowledgment of its independence at such a crisis could scarcely be regarded as consistent with that prudent reserve with which we have heretofore held ourselves bound to treat all similar questions. But there are circumstances in the relations of the two countries which require us to act on this occasion with even more than our wonted caution. Texas was once claimed as a part of our property, and there are those among our citizens who, always reluctant to abandon that claim, can not but regard with solicitude the prospect of the reunion of the territory to this country. . . . and, more than all, it is known that the people of that country have instituted the same form of government with our own, and have since the close of your last session openly resolved, on the acknowledgment by us of their independence, to seek admission into the Union as one of the Federal States. This last circumstance is a matter of peculiar delicacy, and forces upon us consideration of the gravest character. The title of Texas to the territory she claims is identified with her independence. She asks us to acknowledge that title to the territory, with an avowed design to treat immediately of its transfer to the United States. It becomes us to beware of a too early movement, as it might subject us, however unjustly, to the imputation of seeking to establish the claim of our neighbors to a territory with a view to its subsequent acquisition by ourselves. Prudence, therefore, seems to dictate that we should still stand aloof and maintain our present attitude, if not until Mexico itself or one of the great foreign powers shall recognize the independence of the new Government, at least until the lapse of time or the course of events shall have

proved beyond cavil or dispute the ability of the people of that country to maintain their separate sovereignty and to uphold the government constituted by them.

In the House, Waddy Thompson, a South Carolina whig and principal advocate for the recognition of Texas, offered resolutions favoring recognition. Finally, after many defeats, the resolution carried by a vote of one hundred twenty-one to seventy-six, with the following amendment attached thereto:

Whenever the President of the United States may receive satisfactory evidence that Texas is an independent power and shall deem it expedient to appoint such minister.²⁴

In the Senate, Mr. Walker, of Mississippi, on January 11, 1837, submitted a resolution:

Resolved, That the State of Texas having established and maintained an independent Government, capable of performing those duties, foreign and domestic, which appertain to independent Governments, and it appearing that there is no longer reasonable prospect of the successful prosecution of the war by Mexico against said State, it is expedient and proper, and in perfect conformity with the laws of nations, and the practice of this government in like cases, that the independent political existence of said State be acknowledged by the government of the United States.²⁵

He did not get a hearing on the petitions until March 1, 1837, when he spoke again.

²⁴The Congressional Globe, 24 Cong., 2 sess., IV, p. 213.

²⁵Ibid,, p. 83.

. . . the resolution . . . was in exact concurrence with the views expressed by the President of the United States in his last message on this subject. In that message, the President declared it as his opinion, that the independence of Texas might be considered as suspended when the issue of the threatened invasion by the army under the command of General Bravo. . . . with the knowledge of these facts the President would cheerfully unite with Congress in recognizing the independence of Texas.²⁶

Preston and Calhoun both spoke in favor of recognition.

Preston said:

. . . he would now say that he was prepared to establish the fact, that upon the recognized principles of national law, the practice of this Government, and the policy of the country, she ought, as was her duty, to make a prompt, speedy and absolute recognition of the independence of Texas. . . . her independence should be immediately acknowledged, and that, too, without any regard as to what might be said or done by Santa Anna, for his authority had ceased in Texas for ever. . . . Congress should proceed as early as possible to discuss the question of immediately acknowledging the independence of Texas. She was entitled to it; she had a right to demand it of the United States, and the sooner it was granted the better.²⁷

Clay and Buchanan were in favor of waiting,²⁸ but, after considerable debating, Walker's resolution carried by a vote of twenty-three to nineteen.²⁹ This bill with the Waddy Thompson' amendment was passed by both houses and approved by the President on March 3, 1837.³⁰ The re-

²⁶The Congressional Globe, 24 Cong., 2 sess., IV, p. 83.

²⁷Ibid.

²⁸Ibid., p. 194.

²⁹Ibid., p. 210

³⁰Ibid., p. 214.

sponsibility, thereby, was shifted to President Jackson who was nearing the end of his term of office. He sent the following message to Congress:

In my message to Congress of the 21st of December last, I laid before that body, without reserve, my views concerning the recognition of the independence of Texas, with a report of the agent employed by the Executive to obtain information in respect to the condition of that country. Since that time the subject had been repeatedly discussed in both branches of the Legislature. . . . Regarding these proceedings as a virtual decision of the question submitted by me to Congress, I think it my duty to acquiesce therein, and therefore I nominate Alcee La Branche, of Louisiana, to be charge d'Affaires to the Republic of Texas.³¹

The recognition, as had been expected, met with protests from the Mexican authorities. Castillo, Mexican authority, in his letter to Forsyth, Secretary of State, March 8, 1837;³² and a later letter, Monasterio to Forsyth, March 31, 1837,³³ referred to Jackson's message of December 21, 1836, and inquired if the situation had changed so much that the United States was justified in the recognition of Texas.

Texas immediately offered proposals for annexation to the United States. Wharton, the Texan minister to the United States, soon found what he described as bitter opposition toward annexation. He wrote:

³¹Richardson, op. cit., III, pp. 281-282.

³²Sen. Doc. 1, 25 Cong., 2 sess., pp. 131, 143.

³³Ibid.

The leading prints of the North and East and the abolitionists everywhere oppose it on the old grounds of an opposition to the extension of slavery and of a fear of southern preponderance in the councils of the nation. Our friends, by which term I now mean those of Louisiana, Mississippi, Kentucky, etc. (for I have seen and conversed with no others as yet) oppose our annexation on the grounds that a brighter destiny awaits Texas. . . . to be plain and candid, I believe the recognition of our independence will certainly take place, but I have not at present much hopes of our being annexed. The question when proposed will agitate this union more than did the attempt to restrict Missouri, nullification, and abolitionism, all combined.³⁴

Wharton's forecast of the strife that would follow over any proposal to add more territory to the United States, and, by so doing disturb the balance of power in the Senate, was not amiss.

Van Buren refused to do anything about the question of annexation during his administration. Forsyth, Secretary of State, in a letter to Hunt, the Texas' minister, not only refused to enter into any negotiation in regard to annexation but let it be known that the subject would not be considered during that administration.

Neither the duties nor the settled policy of the United States permit them to enter into an examination of the accuracy of the historical facts related by General Hunt, nor to allow them, if even admitted to be correct, to control the decision of the question presented to him. . . . Although in the controversy between Texas and Mexico, circumstances have existed, . . . calculated to enlist the sympathies of our people,

³⁴George Pierce Garrison, Diplomatic Correspondence of the Republic of Texas, I, pp. 151-154; Wharton to Austin, Dec. 11, 1836. Hereafter this work will be referred to simply as Tex. Dip. Corr.

the effort of the Government has been to look upon that dispute also, with the same rigid impartiality with which it has regarded all other Mexican commotions. . . . So long as Texas shall remain at war, while the United States are at peace with her adversary, the proposition of the Texas minister plenipotentiary necessarily involves the question of war with that adversary. The United States are bound to Mexico by a treaty of amity and commerce. . . .

. . . the inducements mentioned by General Hunt, for the United States to annex Texas to their territory, are duly appreciated, but powerful and weighty as certainly they are, they are light when opposed in the scale of reason to treaty obligations and respect for that integrity of character by which the United States have sought to distinguish themselves.³⁵

Forsyth was not, at heart, unfriendly toward annexation, and thought it probable that annexation would come about in time.³⁶ That the Cabinet was "acting with a sort of diplomatic caution out of deference to the prejudices of the North"³⁷ was not unlikely; for the President and his party were, no doubt, looking forward to the next presidential campaign. Friends of the President and of annexation let it be known that,

. . . it was impossible to jeopardize the strength of the party in the North by precipitating action upon the subject.³⁸

And any subject dealing with territorial expansion was sure to bring about a discussion of the slavery issue. The

³⁵H. R. Doc. 40, 25 Cong., 1 sess., pp. 11-13.

³⁶Tex. Dip. Corr., I, pp. 268 ff.; Hunt to Irion, Nov. 15, 1837.

³⁷Ibid., p. 265; Grayson to Houston, Oct. 21, 1837.

³⁸Ibid., p. 266; Hunt to Irion, Oct. 21, 1837.

Texas' minister in Washington expressed surprise at the number of petitions continually being sent to Congress.

I regret the presentation of so many petitions against Texas from the Northeastern states. . . . I had anticipated opposition from that quarter, but did not suppose it would be so determined.³⁹

Like Clay, therefore, the friends of annexation did not think:

the time had arrived when the question could be taken up in Congress with any probability of success.⁴⁰

In view of these facts, it was not surprising that Van Buren refused to consider the question. New controversies would be sure to arise over the expansion of slave territory.

In the election of 1840 neither the Whigs (who opposed annexation) nor the Democrats made annexation an issue in the presidential campaign. The election of Harrison brought the Whigs into power, but their triumph was short-lived. President Harrison died a month after his inauguration, and Vice-President Tyler, a Virginian and a Democrat whose name had been placed on the whig ticket with Harrison to obtain votes in the South, succeeded to the presidency. On most of the great questions of the day, he was opposed by the Whig leaders. Consequently, when he vetoed a bill passed by the Whig Congress for the recharter of the National

³⁹Ibid., p. 277.

⁴⁰Ibid., p. 278; Hunt to Irion, Jan. 31, 1838.

Bank,⁴¹ he was "read out" of the whig party, and every member of his Cabinet, with the exception of Webster, resigned. Having been thus alienated from his party, Tyler boldly decided on a policy of annexation as the great measure of his administration; by so doing he hoped to win the South for the coming election. Tyler laid his plans to get rid of Webster. Finally, Webster resigned from the Cabinet in May, 1843.⁴² Mr. Upshur, of Virginia, was appointed to fill Webster's place as Secretary of State. Mr. Upshur met sudden death in February, 1844, and John C. Calhoun was appointed to fill the vacancy. Senator McDuffie, of South Carolina, urged Calhoun to accept.

. . . I mention to you in confidence that the Texas question is in such a state that in ten days after your arrival the Treaty of annexation would be signed, and from poor Upshur's account forty senators would vote for it. The President says he has hopes of the acquiescence of Mexico. It is a great occasion involving the peace of the country and the salvation of the South, and your friends here have ventured to say for you, that no party or personal consideration would prevent you from meeting the crisis.⁴³

Calhoun accepted, and, ever an ardent annexationist, he took hold of the business with remarkable energy. On April 12, 1844 a secret treaty of annexation was signed by the United States of America and the Republic of Texas.⁴⁴ Presi-

⁴¹The Congressional Globe, 25 Cong., 1 sess., IV-V, p. 21.

⁴²John Quincy Adams, Memoirs, XI, p. 13. Quoted by Rives.

⁴³American Historical Association Report, 1899, II, p. 934.

⁴⁴H. R. Doc. 271, 28 Cong., 1 sess., 5-8. See also Hunter Miller, Treaties and Other International Acts of the United States of America, IV, pp. 697-699.

dent Tyler sent the treaty to the Senate on April 22, 1844, but, instead of receiving the expected two-thirds votes necessary for ratification, it was rejected by a two-thirds vote on June 8, 1844.⁴⁵ The rejection of the treaty was a shock to the President.

Unlike the election of 1840, the Texas' question became a most vital issue in the presidential election of 1844. Clay and Van Buren were the logical candidates for the two parties, and both were against annexation. Both tried to keep silent on the question, but both were forced to declare themselves as against annexation. Jackson, in a letter to Benjamin F. Butler, on May 18, 1844, said:

Clay's letter had prostrated him with the Whigs in the South and West and nine tenths of our population had declared in favor of Mr. Van Buren and annexation of Texas--when this ill-fated letter (Van Buren's) made its appearance, and fell upon the democracy like a thunderbolt. . . . You might as well, it appears to me, attempt to turn the current of the Mississippi, as to turn the democracy from the annexation of Texas.⁴⁶

Calhoun, in a letter to his daughter, not only expressed the same opinion as Jackson, but gives us a picture of the political situation.

V. B.'s letter has completely prostrated him, and has brought forward a host of candidates in his place; Buchanan, who, with Tyler and V. B. himself, make six. . . . In the meantime, I stand aloof. I regard annexation to be a vital question. If lost now, it will be forever lost; and, if that, the South will be lost. . . . It is the all absorbing question, stronger even

⁴⁵The Congressional Globe, 28 Cong., 1 sess., XIII, p. 698. There were sixteen "yeas" and thirty-five "nays".

⁴⁶American Historical Review, XI, p. 833.

than the presidential. It is, indeed, under circumstances, the most important question, both for the South and the Union, ever agitated since the adoption of the Constitution.⁴⁷

Gideon J. Pillow wrote to James K. Polk, thus:

We have been busily engaged examining into the condition of things here and though I had expected to find some confusion and excitement among our friends, yet I confess myself much surprised at the extent of the distractions and the bitterness of feeling which exists between the Van Buren and the disaffected portion of the party. This last party I am satisfied is daily gaining strength by the arrival of delegations from regions of the country which have been lost by V's letter. The Democracy, or rather, the delegates of the southwest and west are making an extraordinary effort for Cass.⁴⁸

Again, a few days later, Pillow wrote to Polk; even before Polk's name had come up as a presidential possibility.

You have more friends here, than any man in the field and if your name had been brought before the country for the first place we would have had far more unanimity. . . . Things may take that turn yet. We of the South cannot bring that matter up. If it should be done by the North it will all work right.⁴⁹

Polk's name was suggested by the North, Bancroft of Massachusetts made the suggestion, and Polk did receive the nomination. Probably because earlier, Polk had expressed himself in favor of annexation.

I have no hesitation in declaring that I am in favor of the immediate reannexation of Texas to the territory and government of the United States. I entertain no doubts as to the power or expediency of the

⁴⁷Amer. Hist. Assn. Rep., 1899, II, p. 585; Calhoun to Mrs. Clemson, May 10, 1844.

⁴⁸American Historical Review, XI, 835.

⁴⁹Ibid., p. 839; Pillow to Polk, May 25, 1844.

reannexation. . . .50

The adoption of the Democratic platform was:

That our title to the whole of the territory of Oregon is clear and unquestionable, that no portion of the same ought to be ceded to England or to any other power; and that the re-occupation of Oregon and the re-annexation of Texas at the earliest practicable period are great American measures, which this Convention recommends to the cordial support of the Democracy of the Union.⁵¹

Polk's whole-hearted support for the same, gave the election to him, for Clay had made himself unpopular by his wavering opinions. Thurlow Weed declared the election of Polk,

. . . means that Texas will be annexed to the United States. In all rational probability, this gain to the slave power insures permanent slave supremacy in the administration. . . . That question (the annexation of Texas), and that question alone, produced the nomination of Mr. Polk. It was that upon which the Presidency hung, first in the nominating convention, and then at the ballot-boxes, where the people ratified the act of the convention. This is the precise truth, to deny which is both dishonest and unwise.⁵²

Tyler interpreted the election of Polk as the indorsement of the American people of the policy of the immediate annexation of Texas. He suggested to Congress that it might admit Texas.

in the form of a joint resolution, or act, to be perfected and made binding on the two countries when adopted, in like manner by the government of Texas.⁵³

He urged Congress to take immediate action on the question

⁵⁰John S. Jenkins, James Knox Polk and a History of his Administration, pp. 120-123.

⁵¹Edward Stanwood, A History of the Presidency, p. 215.

⁵²Thurlow Weed Barnes, Life of Thurlow Weed, II, p. 124.

⁵³Richardson, op. cit., IV, pp. 323-327.

and to "avoid all collateral issues" and proceed at once with the matter of annexation. Then began the bitter contest in both houses of Congress over the joint resolution proposed by Tyler.

Many resolutions were proposed in the House in regard to Texas. On January 3, 1845, Mr. Ingersoll, Chairman of the Committee on Foreign Relations, proceeded to the consideration of the joint resolution he had reported earlier.⁵⁴ He opened the debate and pointed out that but for slavery the people were united for the measure.

It is undeniable that Southern interests, Southern frontiers and Southern institutions--I mean slavery and all--are to be primarily regarded in settling the restoration of Texas.⁵⁵

The old fear of the balance of power was pointed out by William L. Yancey, of Alabama. He admitted the necessity of slavery in the competition with freedom, but that the South was losing their,

relative strength in the representative branch of the government,

and that,

the highest consideration of individual, sectional, and national interests urge us on to annexation.⁵⁶

Mr. Rhett, of South Carolina, thought that the "South had been wantonly wronged and betrayed," and that the North

⁵⁴The Congressional Globe, 28 Cong., 2 sess., XIV, p. 190.

⁵⁵Ibid., p. 26.

⁵⁶Ibid., pp. 100-101.

had caused,

hatred, insurrection, and violence which made Texas necessary to insure the domestic peace the North had disturbed.⁵⁷

Andrew Johnson, of Tennessee, afterwards president of the United States, contended that annexation

would prove to be the gateway out of which the sable sons of Africa are to pass from bondage to freedom where they can become merged in a population congenial with themselves, who know and feel no distinction in consequence of the various hues of skin or crosses of blood.⁵⁸

Mr. Rathbun, a Democratic member from New York, bitterly denounced the resolution and any Northerner who voted for it.

He braves the public opinion of the North; he scorns the interests of the North; he arouses the indignation of the North; he fixes upon himself a mark which time cannot efface.⁵⁹

Mr. Winthrop, of Massachusetts, opposed the measure because it was "unconstitutional," and was "contrary to the Compromise of the Constitution;" that it would endanger "the permanence of the Union," and because he was,

uncompromisingly opposed to slavery, or the addition of another inch of slaveholding territory to the Nation.⁶⁰

Daniel D. Barnard, of New York, thought that the joint resolution was made "in contempt of the Constitution."⁶¹

⁵⁷The Congressional Globe, 28 Cong., 2 sess., XIV, pp. 166-167.

⁵⁸Ibid., p. 170.

⁵⁹Ibid., pp. 175-176.

⁶⁰Ibid., p. 94.

⁶¹Ibid., p. 187.

Mr. Hamlin, of Maine, charged the government with fostering the measure:

no stranger could read the Correspondence of the Secretary of State without feeling that we have no other God but the God of slavery. . . . The people of the North have reaped the bitter fruits of the Missouri Compromise, and have seen and felt the iron rule of slavery.⁶²

Finally a vote was taken, and the resolution passed the House on January 25, 1845, by a vote of one hundred eighteen to one hundred one.⁶³

In the Senate, the joint resolution was introduced by Mr. McDuffie of South Carolina.⁶⁴ Senator Benton introduced a bill of his own, providing that:

the State of Texas with boundaries fixed by herself, not exceeding in size the largest State, be admitted into the Union, the remainder of the annexed territory to be held by the United States and to be called the "Southwest Territory," provided that the existence of slavery should be forever prohibited in that part of the Territory west of 100 degrees of longitude, so to divide equally the whole annexed territory between the slaveholding and non-slaveholding States.⁶⁵

Most of the discussions in the Senate centered upon the Constitutional question of the power to admit new States other than by treaty. Rives, of Virginia, and Huntington, of Connecticut, contended that annexation by joint resolution

⁶²The Congressional Globe, 28 Cong., 2 sess., XIV, p. 182.

⁶³Ibid., p. 194.

⁶⁴Ibid., pp. 12-16.

⁶⁵Ibid., p. 17.

was unconstitutional.⁶⁶ Rufus Choate, of Massachusetts, argued that Texas could not be thus admitted:

if it would insure a thousand years of liberty to the Union, if, like the fabled garden of old, its rivers should run pearls and its trees bear imperial fruit of Gold,-- yet even then we could not admit her because it would sin against the Constitution.⁶⁷

Mr. Archer, of Virginia, declared:

a blow paricidal is now aimed against the Constitution of the United States.⁶⁸

Mr. Buchanan, who became Secretary of State under Polk, said that he would vote for the resolution.

I shall do it cheerfully, gladly, gloriously, because I believe my vote will confer blessings unnumerable on my fellowmen, now, henceforward, and forever.⁶⁹

The debate continued until February 27, 1845. It seemed doubtful that a vote could be had in the Senate before Congress adjourned. Then Senator Walker, of Mississippi, proposed amending the resolution passed by the House by tacking on Senator Benton's bill. The joint resolution thus amended was voted on, and passed by a vote of twenty-seven to twenty-five.⁷⁰ The resolution was then returned to the House in reference to the Senate amendment. The resolution passed that House without debate by a vote of

⁶⁶The Congressional Globe, 28 Cong., 2 sess., XIV, pp. 278, 323.

⁶⁷Ibid., pp. 303, 323.

⁶⁸Ibid., pp. 240, 271.

⁶⁹Ibid., pp. 361, 362.

⁷⁰Ibid., p. 135.

one hundred thirty-two to seventy-six.⁷¹ The resolution was signed by President Tyler, Saturday, March 1, 1845. Instructions were dispatched to Donelson, the American Representative in Texas, to give the Texans the proposals contained in the resolution as it came from the House of Representatives.⁷²

When Congress convened on December 1, 1845, The Ordinance of the Convention of Texas, of July 4, 1845, which Texas had been instructed to prepare, was presented to Congress, with the following provisions:

Article I

. . . (Here follows a statement of the purpose of the convention.)

2nd And be it further Resolved, That the foregoing consent of Congress is given upon the following conditions, and with the following guarantees, to wit:

1st. Said State to be formed, subject to the adjustments by this Government of all questions of boundary, that may arise with other Governments, and the Constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress, for its final action, on or before the first day of January, One thousand eight hundred and forty six.

Second, Said State when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy yards, docks, magazines, arms and armaments and all other property and means pertaining to the public

⁷¹Ibid., pp. 363, 372.

⁷²Sen. Doc. 1, 29 Cong., 1 sess., p. 32; Calhoun to Donelson, March 3, 1845.

defence belonging to the said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind which may belong to, be due & owing to the said Republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct, but in no event are said debts and liabilities to become a charge upon the Government of the United States.

Third. New States of convenient size not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said Territory lying South of thirty six degrees thirty minutes North latitude, commonly known as the Missouri Compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said Territory, North of said Missouri Compromise line, slavery or involuntary servitude (except for crime) shall be prohibited.⁷³

Some members of Congress, even at that late period, wanted to prohibit the annexation of Texas; but, after a short debate, Congress in Joint Resolution admitted the State of Texas to the Union, thus:⁷⁴

. . . And whereas the said Constitution, with the proper evidence of its adoption by the people of the Republic of Texas, has been transmitted to the President of the United States and laid before Congress, in conformity to the provisions of said Joint Resolution:

Therefore
Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

⁷³Miller, *op. cit.*, IV, pp. 693-694; Doc. 80-121; 1836-46. Contains entire provisions of the Constitution.

⁷⁴The Congressional Globe, 29 Cong., 1 sess., pp. 101-102.

That the State of Texas shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original states, in all respects whatever.

Section 2. And be it further resolved, That until representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the state of Texas shall be entitled to choose two representatives.

John W. Davis
Speaker of the House of Representatives

G. M. Dallas
President of the Senate

James K. Polk.

Approved December 29, 1845.

After a long struggle, Texas became a State of the Union late in the year 1845. As may be noted above in the Texas' Constitution, she left to the United States government, among other things, the adjustment of her boundaries with Mexico; handed over to the United States her ports and harbors, etc.; and agreed to the prohibition of slavery in that part of the state north of the Missouri Compromise line. Thus was closed another fateful link in a chain of events which culminated in secession and civil war.

With the annexation of Texas out of the way, Polk then turned his attention to the settlement of the Oregon boundary dispute. When the Democratic national convention of 1844 took up the question of Oregon, they had demanded the "re-occupation" of the whole of it, which included the country up to fifty-four degrees forty minutes. The cry of "the whole of Oregon or fight" tended to antagonize the British

feeling of dislike for us as the whole of Oregon was claimed by both countries. The American claim was based on the discovery of the Columbia River by Captain Grey in 1792; on the explorations of Lewis and Clarke, and on the actual settlements there. The English based their claim on the discoveries of Mackenzie and on the occupation of the country by the Hudson Bay Company. The Convention of 1818 provided for a joint occupation of Oregon by the United States and Great Britain.⁷⁵

Beginning in Adam's time, successive proposals had been made by the United States to divide Oregon by extending the forty-ninth parallel from the Rocky Mountains to the Pacific. At first glance the proposition to extend this line west to the Pacific seemed within reason, but, when examined more closely, it was found that such a division deprived the British of all participation in the trade of the Columbia River basin; of the navigation of Puget Sound; and of any control of the strait of Juan de Fuca. In 1823 and again in 1825, efforts had been made to extend the boundary.⁷⁶

⁷⁵American State Papers, Foreign Relations, IV, p. 381. ". . . that the country on the northwest coast, claimed by either party, should, without prejudice to the claims of either party and for a limited time be opened, for the purpose of trade, to the inhabitants of both countries." See also William Malloy, op. cit., l. p. 632 for full details of the treaty.

⁷⁶American State Papers, Foreign Relations, V, p. 557.

In 1827, a new agreement was made to extend the joint occupation, with the added provision that either party, after October 20, 1828, could abrogate the agreement by giving twelve months' notice.⁷⁷ By 1830 settlers in Oregon began petitioning Congress to extend the protection of the United States to that territory, but Congress could do nothing.⁷⁸ Webster had tried, in 1842, to aid the settlers but he did not remain long in Tyler's Cabinet; then, too, Tyler believed that the joint occupation should be continued. England was having domestic difficulties at home and Tyler thought that "time was on the side of the United States."⁷⁹ Then England proposed a new negotiation and something had to be done.⁸⁰ As much as Tyler and Calhoun preferred to let the Oregon question alone, they were unable to do so; for,

a clamor was raised in relation to the subject throughout the country, which was loudest in the West, and nothing seemed to remain but that negotiation should be attempted.⁸¹

Calhoun put the discussion off as long as possible because he wanted "to do nothing to excite attention" and "leave time to operate."⁸² When the conference with the English

⁷⁷Ibid., VI, pp. 650-671; 691, 696.

⁷⁸Sen. Doc. 1, 29 Cong., 1 sess., p. 140.

⁷⁹Amer. Hist. Assn. Rep., 1899, II, p. 1059.

⁸⁰Sen. Doc. 1, 29 Cong., 1 sess., p. 40.

⁸¹Amer. Hist. Assn. Rep., 1899, II, p. 1059; Tyler to Calhoun, Oct. 7, 1845.

⁸²Ibid., p. 660.

minister was held,⁸³ neither side gained an advantage other than making a restatement of claims.⁸⁴ By the time Polk went into office, many difficulties stood in the way of a compromise. England maintained a warlike attitude in regard to the matter; due, perhaps, to the general attitude taken by Congress and the people of the United States during the presidential election.⁸⁵

Polk's first move in the "re-occupation" of Oregon was an offer to settle on the old basis--the extension of the parallel of forty-nine degrees to the Pacific--but "any proposition less favourable than 49° he would promptly reject."⁸⁶ When the British minister declined to accept the offer, Buchanan promptly withdrew it and announced that the President would insist on "the whole of Oregon."⁸⁷ In his inaugural address Polk had maintained that:

Our title to the country of Oregon is 'clear and unquestionable' and already our people are preparing to perfect that title by occupying it.⁸⁸

England was angered by Polk's attitude. Aberdeen, in the House of Lords, answered thus:

⁸³Sen. Doc. 1, 29 Cong., 1 sess., pp. 143-145.

⁸⁴Ibid., pp. 146-161.

⁸⁵Rives, op. cit., I, p. 20 ff.

⁸⁶James K. Polk, Diary, I, pp. 1-6.

⁸⁷Sen. Doc. 1, 29 Cong., 1 sess., pp. 177-206.

⁸⁸Richardson, op. cit., IV, pp. 373-382.

We too, my lords, have rights which are 'clear and unquestionable' and these rights, with the blessing of God and your support, we are ready to maintain.⁸⁹

Calhoun was of the opinion that the United States should have remained quiet. Polk was assured, however, that,

the only way to treat John Bull was to look him straight in the eye; that I considered a bold and firm course on our part the pacific one; that if Congress faltered or hesitated in their course, John Bull would immediately become arrogant and more grasping in his demands; & that such had been the history of the British Nation in all their contests with other Powers for the last two hundred years.⁹⁰

In his annual message, December, 1845, Polk had asked Congress to take steps toward ending the joint occupancy.⁹¹ Congress was divided on the question. The Whigs wished to avoid war. The Northwestern members, who were for the whole of Oregon, suspected that the South, having acquired Texas to strengthen their slave interests, was willing to sacrifice Oregon. Congress wrangled over the matter until late in April, 1846 when both Houses voted the following resolution:

Whereas it has now become desirable that the respective claims of the United States and Great Britain should be definitely settled, and that said territory may no longer than need by remain subject to the evil consequences of the divided allegiance of its American and British population, and of the confusion and

⁸⁹Rives, op. cit., I, p. 20.

⁹⁰Polk's Diary, I, p. 155.

⁹¹Richardson, op. cit., IV, p. 417.

conflict of national jurisdiction, dangerous to the cherished peace and good understanding of the two countries.

.....

Resolved, That the President of the United States be, and he is hereby authorized, at his discretion, to give to the government of Great Britain the notice required by the second article of the said Convention of the 6th of August, 1827, for the abrogation of the same.⁹²

England had watched the proceedings closely. But did not wish to go to war over so trivial a matter, and suggested unofficially that the United States renew its former offer. Polk thought that beneath the national dignity and suggested that England should reopen the negotiations.⁹³ On June 6, 1846, England submitted a treaty accepting the forty-ninth parallel.⁹⁴ The Senate, by a majority of three to one, advised the President to accept.⁹⁵ The treaty was concluded promptly and ratified.⁹⁶

The people in the North were especially pleased with this new acquisition, for it balanced the recent extension of slavery territory through the admission of Texas. Much of the wranglings in Congress was over slavery in the territory. Even before the settlement of the dispute with Great Britain, Congress had attempted to establish a

⁹²United States Statute at Large, IX, p. 109.

⁹³Polk's Diary, I, pp. 451-452.

⁹⁴Ibid.

⁹⁵Congressional Globe, 29 Cong., 1 sess., pp. 1199-1200.

⁹⁶Malloy, op. cit., I, 656-688; for terms of the treaty.

government in Oregon, but, again, the two sections of the country displayed the same fear--each side afraid the other would gain an advantage. The people of Oregon, left for so long without a territorial organization, had established a provisional government in which slavery was forbidden; yet, in spite of the known wishes of the people of Oregon, Congress had attempted to force slavery upon them.⁹⁷

This brings us to the last of the four great measures of President Polk's administration--the matter relating to California and New Mexico, a large and sparsely populated possession of Mexico. The Oregon immigrants, as well as others, had already entered California, and Polk believed that the San Francisco harbor was necessary to the development of American power on the west coast. The acquisition of California was a prime consideration in Polk's policy from the first; if the country could be obtained without disturbing further our relations with Mexico.⁹⁸ Henry Wilson insists that Polk deliberately attacked Mexico so as to add more slave territory to the United States; that it was a scheme hatched by the South to counter-balance the free territory added to the North through the acquisition of Oregon.⁹⁹ Other eminent historians do not agree with Wilson. Rives says:

⁹⁷Wilson, op. cit., II, p. 49.

⁹⁸Polk's Diary, I, p. 34.

⁹⁹Wilson, op. cit., II, pp. 30-49.

Polk's announcement that he should endeavor to obtain California is sufficiently explained by his attempts to purchase it. When he determined to lay our grievances before Congress it is not certain that he expected war to result. He seemed to feel that a determined stand on our part might have brought Mexico to terms. And his promptly taking advantage of the rights conferred by the state of war to occupy the territory and bar out foreign interference counts for nothing as proof that he brought on the war for the alleged purpose.¹⁰⁰

Justin Smith thinks:

The conflict with Mexico came to pass as logically as a thunderstorm, Mexico would neither reason, nor hearken to reason, would not understand, and would not negotiate.¹⁰¹

In fact Smith says, "no other course would have been patriotic or even rational."¹⁰²

Polk, in his diary, tells of efforts to settle peacefully the difficulties with Mexico.

. . . after much consultation (with the Cabinet) it was agreed unanimously that it was expedient to reopen diplomatic relations with Mexico, but that it was to be kept a profound secret . . . it would, of course, be known to the British, French, & other Foreign Ministers at Washington, who might take measures to thwart or defeat the objects of the mission. The President, in consultation with the Cabinet, agreed that the Hon. John Slidell of New Orleans, who spoke the Spanish language and was otherwise well qualified, should be tendered the mission. . . . One great object of the Mission, as stated by the President, would be to adjust a permanent boundary between the United States, and Mexico, and that in doing this the minister would be instructed to purchase for a pecuniary consideration upper California and New Mexico. He

¹⁰⁰Rives, *op. cit.*, II, p. 69, note 21. See also Dr. H. Von Holst, *op. cit.*, III, p. 266.

¹⁰¹Smith, *op. cit.*, II, pp. 310-311.

¹⁰²*Ibid.*, I, p. 137.

said that a better boundary would be the Del Norte from its mouth to the Passo, in latitude about 42° North, and thence West to the Pacific Ocean. Mexico ceding to the United States all the country East and North of these lines. The President said that for such a boundary the amount of pecuniary consideration to be paid would be of small importance. In these views the Cabinet agreed with the President un-
 nanimously.¹⁰³

Buchanan, Secretary of State, in a letter to Mexico, informed them of the intention of the United States to send a minister, and asked whether Mexico would receive him.

information recently received at this department both from yourself and others, renders it probable that the Mexican government may now be willing to restore the diplomatic relations between the two countries. At the time of their suspension, was assured of the desire felt by the President to adjust amicably every cause of complaint between the governments, and to cultivate the kindest and most friendly relations. He still continues to be animated by the same sentiments. It was his duty to place the Country in a condition successfully to resist the threatened invasion of Texas by Mexico, and this has been accomplished. He desires . . . that differences should be terminated . . . by negotiation and not by the sword. He is anxious to preserve peace, although prepared for war. . . . would they receive an envoy, instructed with full power to adjust all the questions between the two governments.¹⁰⁴

After Mexico had replied that such an envoy would be received, Slidell was sent to Mexico, not only to purchase California, but to settle the boundary of Texas and to adjust the claims of American citizens. Slidell was

¹⁰³Polk's Diary, I, p. 34.

¹⁰⁴H. R. Doc. 60, 30 Cong., 1 sess., p. 12.

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 instructed to assume the Mexican claims; to pay \$20,000,000 for that part of California from and including San Francisco northward; while he might offer \$5,000,000 more for the part including Monterey; and for New Mexico, part of which Texas claimed, he might offer \$5,000,000; furthermore, he was to attempt to get Mexico to accept the Rio Grande for her Texas' boundary. Mexico, however, firmly refused to receive Slidell upon the pretext that the attitude of the United States in regard to Texas would not allow "Mexico such ignominy as to discuss a settlement", and, besides Slidell had been commissioned an "envoy extraordinary and minister Plenipotentiary" instead of as a "commissioner," to settle the question "relative to Texas."¹⁰⁶

Slidell reported his failure to the President, and immediately General Taylor was ordered to march his army to the Rio Grande. In reply to Slidell, Buchanan said:

The course you have determined to pursue is the proper one. . . . The President, in anticipation of the final refusal of the Mexican government to receive you, has ordered the Army of Texas to advance and take position on the left bank of the Rio Grande; and has directed that a strong fleet be assembled in the Gulf of Mexico. He will thus be prepared to act with vigor and promptness the moment that Congress shall give him the authority.¹⁰⁷

Slidell, after weeks of uncertainty and inaction, returned to the United States and urged the President to:

¹⁰⁵ Sen. Doc. 52, 30 Cong., 1 sess., pp. 71-80.

¹⁰⁶ H. R. Doc. 60, 30 Cong., 1 sess., pp. 37; 56-63.

¹⁰⁷ Ibid., p. 63; Buchanan to Slidell, Jan. 20, 1846.

take redress of the wrongs and injuries which we had so long borne from Mexico into our own hands, and to act with promptness and energy.¹⁰⁸

Mexico, likewise, had invited hostilities by placing an army at Matamoras, and the battles of Palo Alto and Resaca de la Palma had been fought. It was then, May 12, 1846, that the President sent his war message to Congress. He referred to the American claims against Mexico; next he described Slidell's arrival in Mexico City, and the refusal of the Mexican government to receive him; he concluded:

We have tried every effort at reconciliation. The cup of forbearance had been exhausted, even before the recent information from the frontier of the Del Norte. But now, after reiterated menaces, Mexico has passed the boundary of the United States, has invaded our territory, and shed American blood upon the American soil. She has proclaimed that hostilities have commenced, and that the two nations are now at war.

As war exists, and, notwithstanding all our efforts to avoid it, exists by the Act of Mexico herself, we are called upon . . . to vindicate, with decision, the honor, the rights, and the interests of our country. . . .

. . . I invoke the prompt action of Congress to recognize the existence of the war and to place at the disposition of the executive the means of prosecuting the war with vigor. . . . it is my anxious desire to terminate hostilities speedily . . . to bring all matters in dispute . . . to an early and amicable adjustment.¹⁰⁹

The nation was deeply excited. Congress declared that a state of war existed and authorized the enlistment of fifty thousand soldiers as well as appropriating \$10, 000,000 for

¹⁰⁸Polk's Diary, I, p. 382.

¹⁰⁹Ibid., I, pp. 387-390.

war expenses.¹¹⁰ Thus the Mexican War began, May, 1846.

As far as the United States was concerned, the war was of a sectional and a partisan character. As in the case of the annexation of Texas, the war with Mexico, a result of that annexation, was favored by the South, the pro-slavery people, and the Democratic party; while it was bitterly opposed by the North, the anti-slavery forces, and the Whigs.

In August, 1846, in a special session of Congress, the President asked for an appropriation of \$2,000,000 with which to negotiate a peace treaty with Mexico.¹¹¹ Then something happened which marked the beginning of the final struggle over slavery in the United States. Under the Mexican law, both California and New Mexico were "free territory." David Wilmot, a Democrat from Pennsylvania, introduced an amendment to the \$2,000,000 bill. It provided that:

as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States by virtue of any treaty to be negotiated between them, and to the use by the executive, of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall be first duly convicted.¹¹²

Although the bill passed the House by a vote of eighty-seven to sixty-four, it was defeated in the Senate.¹¹³ The members of both houses who had voted against the measure were

¹¹⁰The Congressional Globe, 29 Cong., 1 sess., XV, p. 795.

¹¹¹Ibid., pp. 875-984.

¹¹²Ibid., pp. 1214-1217.

¹¹³Ibid., p. 1218.

bitterly criticized. Stephen A. Douglas called them "hypocrites, traitors, and cowards." From that time on throughout the entire period of the war, the really vital debates in Congress centered over a discussion of the Wilmot Proviso.¹¹⁴

Polk foresaw the terrible dangers involved in the amendment offered by Wilmot. In a private interview with Wilmot, President Polk asked him not to bring up the subject again. Wilmot readily expressed his willingness to drop the subject. Polk says of the interview:

He expressed an entire willingness to vote for the appropriation without the restriction, and said he would not again move the restriction, but if it was moved by others he would feel constrained to vote for it. I told him I did not desire to extend slavery, that I would be satisfied to acquire by Treaty from Mexico the Provinces of New Mexico and the Californias, and that in these Provinces slavery could probably never exist, and the great probability was that the question would never arise in the future . . . in these territories. I told him that slavery was purely a domestic question, and to restrict the appropriation which had been asked for, so as to require the President to insert it in a Treaty with a Foreign Power, was not only inappropriate and out of place, but that if such a Treaty were made it must be opposed by every Senator from a slave-holding State. . . . I told him that with such a restriction I could not use the appropriation at all and would not do so.¹¹⁵

Contrary to his avowal to the President, Wilmot, in the session of Congress which met December, 1846, defined and defended his position. Disclaiming all sympathy for or

¹¹⁴Wilson, op. cit., II, pp. 7-30.

¹¹⁵Polk's Dairy, II, p. 350.

affiliation with Abolitionists, Mr. Wilmot said:

I stand by every Compromise of the Constitution. I was in favor of the annexation of Texas. The Democracy of the North was for it to a man, and is fighting the war cheerfully, not reluctantly for Texas and the South.¹¹⁶

He went on to say that he desired fresh territory, but it should be preserved from the aggressions of slavery. It was for that he was fighting, and:

When in God's name will it be the time for the North to speak out, if not now? If the war is not for slavery, then I do not embarrass the administration with my amendment.¹¹⁷

There were other examples of like resistance to the exacting demands of slavery extension. Among them was Bradford R. Wood, of New York, a Republican and, later, Minister to Denmark. He said that so far as he was concerned:

slavery should go no farther. Slavery, however, will go wherever man in his cupidity and lust of power can carry it.¹¹⁸

Mr. McClelland, a Democratic representative from Michigan, also advocated the Wilmot Proviso, announcing it :

folly to think that our Northern men will emigrate to the most inviting territory in the world where they know they will be compelled to labor side by side with the slave.¹¹⁹

¹¹⁶ The Congressional Globe, 29 Cong., 2 sess., XVI, pp. 353-355.

¹¹⁷ Ibid.

¹¹⁸ Appendix to the Congressional Globe, 29 Cong., 2 sess., XVI, p. 385.

¹¹⁹ Ibid., p. 438.

Thomas H. Bayly, a Democratic representative from Virginia, told the South that the boldness and strength of the abolitionists had increased with great rapidity. He warned that to grant,

further concessions to the Abolitionists would be alike dishonorable and fatal.¹²⁰

Mr. Dowdell, of Alabama, expressed surprise that the North was quibbling over slavery instead of furnishing the \$3,000,000 appropriation for carrying on the war. He said:

Discord reigns where union and harmony should prevail. What has produced this deplorable state of things? Who are the authors of the ill-starred agitation which has so much disturbed our deliberations? In every stage of the history of this proceeding the North has tended the issue, while the South has occupied the position of defendant. . . . True philanthropy would diffuse them (slaves), not congregate them into a narrow compass, or make them fixtures on the soil.¹²¹

Other Southern member of Congress assumed the same pretended attitude of innocence and complained about Northern aggression. The North complained about Southern stubbornness in its attempt to extend slavery.

The President complained that he could not execute the war properly because of the wranglings in Congress. On January 14, 1847, he wrote:

nearly half of the session has passed, and they are engaged in debates about slavery and party politics, and have passed none of the essential

¹²⁰ Ibid., pp. 389-391.

¹²¹ Wilson, op. cit., II, p. 33. See also Appendix to the Congressional Globe, 29 Cong., 2 sess., XVI.

measures which I have recommended as indispensable to the vigorous prosecution of the war. With a large nominal majority in both Houses, in practically in a minority. The several cliques and sections of the Democratic party are manifestly now more engaged in managing for their respective favourites in the next presidential election, than they are in supporting the Government in prosecuting the war, or in carrying out any of its great measures.¹²²

At another time Polk said:

I am perfectly disgusted with the want of patriotism which seems to control the votes. . . . I am resolved to do my duty to the country and if I am not sustained by Congress I will fearlessly appeal to the people.¹²³

Impatiently, he complained:

Even the question of slavery is thrown into Congress and agitated in the midst of a Foreign war for political purposes. It is brought forward at the North by a few ultra Northern members in advance . . . No sooner is it introduced than a few ultra Southern members are manifestly well satisfied that it has been brought forward, because, by seizing upon it they hope to array a Southern party in favour of their candidate for the Presidency. There is no patriotism on either side, it is a most wicked agitation that can end in no good and must produce infinite mischief.¹²⁴

Polk, in consultation with Crittenden of Kentucky, "who though differing from me in politics," says:

I told him I deprecated the agitation of the slavery question in Congress, and though a South-western man & from a slave-holding State was well as himself, I did not desire to acquire more Southern Territory than that which I had indicated, because I did not desire by doing so to give occasion for the agitation

¹²²Polk's Diary, II, p. 328.

¹²³Ibid.

¹²⁴Ibid.

of a question which might sever and endanger the Union itself. I told him the question of slavery would probably never be a practical one if we acquired New Mexico & California, because there would be but a narrow ribbon of territory South of the Missouri Compromise line of 36° 30' and in it slavery would probably never exist. He expressed himself highly gratified at these views.

At last, after a long, fierce struggle the appropriation for negotiating peace with Mexico passed both Houses, but without any restrictions as regards to slavery.¹²⁵ Polk immediately appointed Mr. Trist as commissioner to Mexico to sue further for peace.¹²⁶ The Mexican Government constantly refused any proposal of peace,¹²⁷ but, eventually, after much difficulty, Mr. Trist was able to negotiate a peace treaty embracing most of the terms of the instructions presented him by Buchanan.¹²⁸ By this treaty Upper California, New Mexico, and the country between the Nueces and Rio Grande were acquired; fifteen millions of dollars were to be paid to Mexico, and all American claims relinquished.

Briefly then, the annexation and the resultant war with Mexico had been regarded in every section of the Union as committing the nation to the support of slavery more

¹²⁵Polk's Diary, II, pp. 465-467.

¹²⁶Ibid.

¹²⁷Sen. Doc. I, 30 Cong., 1 sess., p. 37.

¹²⁸Sen. Doc. 52, 30 Cong., 1 sess., pp. 38-66.

¹²⁹Miller, op. cit., p. 468; for complete details of the terms of the treaty.

decisively than ever. The North felt that by the annexation of Texas the South had gained an enormous increase of power to which no new addition should have been made. Especially did the North demand that slavery be prohibited in California and New Mexico. On the other hand, the South insisted that all of Texas should be slave territory, and that New Mexico and California should be allowed to choose for themselves whether or not slavery should exist within their limits. The prospects that both California and New Mexico were to be closed against slavery naturally disappointed the South; while the North were greatly elated. This Southern disappointment and the corresponding Northern elation aggravated the strife between the two sections.

Although both sessions of the Thirtieth Congress had attempted to organize governments in California and New Mexico, President Polk left to his successor the unsolved problem of whether slavery should enter into or be excluded from the large acquisition of territory acquired as a result of the war with Mexico. Although both California and New Mexico had taken steps to form a government for themselves, it was evident that the Congress of 1849-1851 would be forced to deal with the problem of the organization of the new territory.

Scarcely had President Taylor been installed in office when the whole country turned to him for a solution of the momentous issue on which neither party had dared give expression in the campaign of 1848--that involved in the

Wilmot Proviso. California had asked for admission as a free state. The South was deeply stirred by the action. Everybody turned to the new President for a solution of the problem now confronting the country.

In his message to Congress in December, 1849, President Taylor said in regard to California:

No civil government having been provided by Congress for California, the people of that Territory, impelled by the necessities of their political condition, recently met in Convention, for the purpose of forming a constitution and State government, which the latest advices give me reason to suppose has been accomplished; and it is believed they will shortly apply for the admission of California into the Union as a sovereign State. Should such be the case, and should their constitution be conformable to the requisitions of the Constitution of the United States, I recommend their application to the favorable consideration of Congress.¹³⁰

Concerning the organization of a state government in the unorganized territory of New Mexico, he said:

The people of New Mexico will also, it is believed, at no very distant period present themselves for admission into the Union. Preparatory to the admission of California and New Mexico, the people of each will have instituted for themselves a republican form of government, 'laying its foundations in such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.'¹³¹

The president with a view of maintaining harmony and tranquillity, and to avoid all causes of uneasiness, asked

¹³⁰The Congressional Globe, 31 Cong., 1 sess., p. 71.

¹³¹Ibid.

Congress to abstain from the introduction of those exciting topics of a sectional character. In other words, President Taylor would favor admitting California and New Mexico even without slavery if the people of the territories desired it. He had nothing to say about defining the boundaries of Texas, the Fugitive Slave laws, and the question of slavery in the District of Columbia.

Despite President Taylor's advice not to quarrel about slavery, the Thirty-first Congress, which met in December, 1849, showed from the very beginning how tense the situation was; especially was the House hostile. Robert Toombs, of Georgia, sounded the keynote, when, in open Congress, he declared:

I do not, then, hesitate to avow before this House and the country, and in the presence of the living God, that if by your legislation you seek to drive us from the territories of California and New Mexico, purchased by the common blood and treasure of the whole people, and to abolish slavery in this District, . . . I am for disunion. ¹³²

The activities in the House from the very first day indicated how tightly the lines were drawn and the seriousness of the conflict that was to follow. Four ballots were taken on that day in an attempt to elect a Speaker. Howell Cobb, of Georgia, received one hundred three votes on the first ballot and one hundred two on each of the other three. Robert C. Winthrop, of Massachusetts, held his ninety-six

¹³²The Congressional Globe, 31 Cong., 1 sess., XXI, p. 28.

votes throughout the day. The other votes were scattered among other members. Two hundred twenty-one votes were necessary to win.¹³³ On the sixty-third and last ballot, nineteen days after the voting had begun, Mr. Cobb received one hundred two votes, one less than he got on the first ballot, and Mr. Winthrop had ninety-nine votes.¹³⁴ It was then that Mr. Edward Stanley, of North Carolina, offered a resolution:

Resolved, That the Honorable Howell Cobb, a representative from the State of Georgia, be declared duly elected Speaker of the House for the Thirty-first Congress.¹³⁵

A roll call indicated that one hundred forty-nine favored the resolution; while thirty-four opposed it. Mr. Cobb became Speaker.¹³⁶

The Senate had no difficulty getting organized but the members showed a very decided hostility toward any resolutions offered toward solving the great problems confronting the government; and many such resolutions were offered. For example, Mr. Upham, of Vermont, presented a resolution passed by the House of Representatives of the State of Vermont requesting the Senators and Representatives of the State to resist by all constitutional means the ex-

1 ¹³³Ibid., p. 2

¹³⁴Ibid., p. 66.

¹³⁵Ibid., p. 66.

¹³⁶Ibid.

tension of slavery, to exclude slavery from the District of Columbia, and to organize certain territorial governments with a proviso excluding slavery.

Resolved by the Senate and House of Representatives, That slavery is a crime against humanity, and a sore evil in the body politic, that was excused by the Framers of the Federal Constitution as a crime entailed upon the country by their predecessors, and tolerated solely as a thing of inexorable necessity.

Resolved, That the so-called "compromises of the Constitution" restrained the Federal Government from interfering with slavery only in the States in which it then existed, and from interference with the slave trade only for a limited time, which has long since expired; and that the powers conferred upon Congress by the Constitution to suppress the slave trade, to regulate commerce between the States, to govern the Territories, and to admit new States--powers conferred with an express intention "to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity"--may all rightfully be used so as to prevent the extension of slavery into territory now free, and to abolish slavery and the slave trade wherever either exists under the jurisdiction of Congress.

Resolved, That our Senators and Representatives in Congress be requested to resist by all and every constitutional means the extension of slavery in any manner, whether by the annexation to slaveholding Texas of territory now free, or by the admission to the Union of territory already acquired, or which may be hereafter acquired, without an express prohibition of slavery, either in the constitution of each new State asking admission, or in the act of Congress providing for such admission.

Resolved, further, That our Senators and Representatives in Congress be requested to support every just and prudent measure for the exclusion of slavery from the District of Columbia; for the entire suppression of the slave trade on the high seas, and wherever else Congress has jurisdiction; and generally to relieve the Federal Government from all responsibility for the existence, maintenance, or tolerance of slavery, or the traffic in slaves.

Resolved, further, That our Senators in Congress be instructed, and our Representatives requested, to

use their exertions for the speedy organization of a territorial government for New Mexico and California, with a provision forever excluding involuntary servitude, except for crime, therefrom.

Resolved, That the Governor be requested to furnish a copy of the foregoing resolutions to each of our Senators and Representatives in Congress, and to the Governor of each State in the Union.

Approved November 12, 1849.¹³⁷

The language of the resolution, as would be expected, produced resentment among the Southern leaders. The motion to print produced heated discussion between the leaders of the two sections of the country, and open threats of disunion from the South.

Mr. Mason, of Virginia, on the floor of the Senate, said:

I desire that if that great issue is forced upon us--that issue which all patriots and lovers of the Union should avoid--that it may be known to history what led to it, and under what circumstances it was tendered. . . .

If it leads to a dissolution of the Union, I would submit it to you, sir, or to any man who knows what it is to be a freeman, who would hesitate for one instant--hesitate when the choice is put to him between a dissolution of this Union and the submission to a government of unlimited power?¹³⁸

Mr. Phelps, of Vermont, said:

Would to God the discussion might be terminated today forever. But it can not be. The agitation and excitement in every part of the country forbid us to be silent.¹³⁹

¹³⁷The Congressional Globe, 31 Cong., 1 sess., pp. 119-120.

¹³⁸Ibid., pp. 121-122.

¹³⁹Ibid., p. 122.

Mr. Calhoun said:

I have long labored faithfully--faithfully--to repress the encroachment of the North. At the commencement I saw where it would end and must end; and I despair of ever seeing it arrested in Congress. It will go to its end; for gentlemen have already yielded to the current of the North, which they admit here that they can not resist. Sir, what the South will do is not for me to say. They will meet it, in my opinion, as it ought to be met.¹⁴⁰

Mr. Davis, of Mississippi, said:

I am ready to meet this issue face to face; and if the representatives of that people think proper to sow the seeds of dissention, and to inflame the passions and prejudices of one section, whilst they drive the other by every possible provocation to the point of civil war, then all I have to say is, that the representatives of the South, true to their constituency, are prepared to meet the issue here and now. If this is to be the hot-bed of civil war, if from this as a center the evil is to radiate throughout our country, here let the first battle be fought! If gentlemen come here constantly to press upon us, strip us of our rights, to move the people of one section of the nation to hostility against the other, I hope that those who have brought the country to this crisis will meet the first test.¹⁴¹

How the leaders of Congress met the crucial test which now faced them will be the subject of the next two chapters.

In the meantime President Taylor had sent a special message to Congress on January 21, 1850. He declared that he had favored prompt action by the people of the new territories, without attempting to influence their position on the question of slavery. He again urged as prompt as possible a disposition of the matter, in order to subdue the prevailing excitement.¹⁴²

¹⁴⁰Ibid., p. 123.

¹⁴¹Ibid., p. 137.

¹⁴²Ibid., p. 195.

CHAPTER III

CLAY'S RESOLUTIONS PROPOSED

Instead of allaying the excitement on the subject of slavery, the message of President Taylor rather increased it. The threats of disunion became so frequent and so loud that the Union seemed to be actually in immediate danger of disruption. It was against such a background that Clay introduced his "comprehensive scheme of adjustment" to the Senate on January 29, 1850.¹ Clay's sole object was to save the Union and his reasoning was along this line--The Union was threatened by the disunion spirit that was growing up in the South. That spirit sprang from the apprehension that slavery was not safe in the Union. The disunion spirit had to be quieted by concessions calculated to dispel that apprehension. These concessions had to be made, however, so as not to alarm the North. With this line of reasoning in mind and considering the demands of the radical leaders, both North and South, on the following questions, one can see what a difficult task Clay had undertaken. On the:

<u>Question of</u>	<u>The South Demanded</u>	<u>The North Demanded</u>
(1) California	:organization as a terri- :tory, admitting slavery. :	: immediate admission : as a free state. :

¹The Congressional Globe, 31 Cong., 1 sess., pp. 244-247.

<u>Question of</u>	<u>The South Demanded</u>	<u>The North Demanded</u>
(2) New Mexico	:legalization of slavery :by Congress (at least be- :low 36° 30')	: the application of : Wilmot Proviso :
(3) Texas	:the same boundaries as :the Texas republic :claimed in 1836 : :	: a reduction in the : size of Texas with- : out any money com- : pensation : :
(4) District of Columbia	:no interference with :slavery by Congress : :	: abolition of slave- : ry : :
(5) Fugitive slaves	:a strict law enforced by :national authority, with :no jury trial for negroes	: jury trial for every : negro claimed as a : fugitive slave ²

To meet these difficulties Clay proposed, in a set of resolutions to be followed by appropriate bills, a series of measures intended to compromise all conflicting interests and aspirations. Clay's resolutions as proposed on January 29, 1850, were:

It being desirable, for the peace, concord, and harmony of the Union of these States, to settle and adjust amicably all existing questions of controversy between them arising out of the institution of slavery upon a fair, equitable and just basis: therefore,

1. Resolved, That California, with suitable boundaries, ought, upon her application to be admitted as one of the States of this Union, without the imposition by Congress of any restriction in respect to the exclusion or introduction of slavery within those boundaries.

2. Resolved, That as slavery does not exist by law, and is not likely to be introduced into any of the territory acquired by the United States from the republic of Mexico, it is inexpedient for Congress to provide by law either for its introduction into, or

²The Congressional Globe, 31 Cong., 1 sess., XXI,
pt. 1.

exclusion from, any part of the said territory; and that appropriate territorial governments ought to be established by Congress in all of the said territory, not assigned as the boundaries of the proposed State of California, without the adoption of any restriction or condition on the subject of slavery.

3. Resolved, That the western boundary of the State of Texas ought to be fixed on the Rio del Norte, commencing one marine league from its mouth, and running up that river to the southern line of New Mexico; thence with that line eastwardly, and so continuing in the same direction to the line as established between the United States and Spain, excluding any portion of New Mexico, whether lying on the east or west of that river.

4. Resolved, That it be proposed to the State of Texas, that the United States will provide for the payment of all that portion of the legitimate and bona fide public debt of that State contracted prior to its annexation to the United States, and for which the duties on foreign imports were pledged by the said State to its creditors, not exceeding the sum of --- dollars, in consideration of the said duties so pledged having been no longer applicable to that object after the said annexation, but having thenceforward become payable to the United States; and upon the condition, also, that the said State of Texas shall, by some solemn and authentic act of her legislature or of a convention, relinquish to the United States any claim which it has to any part of New Mexico.

5. Resolved, That it is inexpedient to abolish slavery in the District of Columbia whilst that institution continues to exist in the State of Maryland, without the consent of that State, without the consent of the people of the District, and without just compensation to the owners of slaves within the District.

6. But, resolved, That it is expedient to prohibit, within the District, the slave trade in slaves brought into it from States or places beyond the limits of the District, either to be sold therein as merchandise, or to be transported to other markets without the District of Columbia.

7. Resolved, That more effectual provision ought to be made by law, according to the requirement of the constitution, for the restitution and delivery of persons bound to service or labor in any State, who may escape into any other State or Territory in the Union. And,

8. Resolved, That Congress has no power to prohibit or obstruct the trade in slaves between the slaveholding States; but that the admission or exclusion of slaves brought from one into another of them, depends exclusively upon their own particular laws.³

Such was Clay's plan of compromise. The admission of California was to be made acceptable to the South by giving slavery a chance in Utah and New Mexico, and by the enactment of a more efficient fugitive-slave law. The North was to be reconciled to the abandonment of the Wilmot Proviso as to Utah and New Mexico, and to a more efficient fugitive-slave law, by the admission of California as a free state, and by the abolition of the slave-trade in the District of Columbia. With the South, Clay said in his speech accompanying the introduction of his resolutions, the question was one of interest; with the North it was one of sentiment, and on neither side would there be any sacrifice of principle.

Clay did not approve of immediate debate. He admonished the Senators to consider his plan calmly before forming an opinion, but, almost immediately, there was a rain of objections and protests from Southern men, Whigs as well as Democrats. Jefferson Davis thought that the scheme conceded nothing to the South, and demanded, as a minimum the extension of the Missouri Compromise line to the Pacific, with a provision establishing slavery to the south of that

³The Congressional Globe, 31 Cong., 1 sess., pp. 246-247.

line.⁴ This demand brought forth a remarkable answer from Clay; he retorted:

Coming from a slave state, as I do, I owe it to myself, I owe it to truth, I owe it to the subject, to say that no earthly power could induce me to vote for a specific measure for the introduction of slavery where it had not before existed, either south or north of that line. Sir, while you reproach, and justly too, our British ancestors for the introduction of this institution upon the continent of America, I am, for one, unwilling that the posterity of the present inhabitants of California and New Mexico shall reproach us for doing just what we reproach Great Britain for doing to us.⁵

Clay was, no doubt, sincere in this declaration; yet, by his second resolution, he proposed to open the way for the introduction of slavery into Utah and New Mexico, where it did not exist. It was true that he did not expect slavery to go there, but, by providing for territorial governments without the exclusion of slavery, he gave it a chance--and that chance was to commend the acceptance of the compromise to the South.

Clay, nevertheless, was the most national of all the men in Congress at that time, and was the broadest in his sympathies. He had passed his seventy-second year, and his health was broken; but he had lost none of his eloquence of former days. On February 5, 1850, Clay supported his

⁴The Congressional Globe, 31 Cong., 1 sess., p. 249.

⁵Ibid.

plan of adjustment with a great speech.⁶ It was necessary for him to be helped to the Senate chamber, but, when a friend suggested that he was too ill to deliver his speech, he replied:

I consider our country in danger and if I can be the means in any measure of averting that danger, my health and life is of little consequence.

When he arose to speak he was greeted by cheers and applause from the large crowd that had gathered from various places over the nation to hear him. He began with a faltering voice, but gradually he recovered his strength until he was able to hold his audience enchanted, it would seem, throughout his two-day speech. His speech was filled with protestations of loyalty to the Union of the fathers; a union which he and every other old man present had seen born and develop through the preceding sixty years. It was an appeal to the North for concession, and to the South for peace. He appealed to the North to abandon the enactment of the Wilmot Proviso for the sake of harmony.⁷ Too, he reminded the South that all the great acquisitions of territory--Louisiana, Florida, and Texas--had "redounded to the benefit of the South," and pointed out the injustice of their "pressing matters to disastrous consequences," when the first attempt was made to introduce acquired territories without slavery. Clay denied

⁶Appendix to the Congressional Globe, 31 Cong., 1 sess., XXI, pp. 115-127.

⁷Ibid., p. 119.

the right of any state to secede from the Union. With keen foresight he told them of their isolation in case of war, in these words:

If the two portions of the confederacy should be involved in civil war, in which the effort on the other side would be to restrain the introduction of slavery into the new territories, and on the other side to force its introduction there, what a spectacle should we present to the contemplation of astonished mankind! An effort to propagate wrong! It would be a war in which we should have no sympathy, no good wishes, and in which all mankind would be against us, and in which our own history itself would be against us!⁸

He spoke with wonderful effect to the audience which filled every available foot of space in the Senate chamber.

The debates which followed called forth all the great men of the Senate. On March 4, 1850, Calhoun appeared, gaunt and haggard, too ill to speak but still full of that grim energy with which he had defended the interests of slavery for so many years, referring to them as the rights of the South. There were many other able champions of the slave power during the generation preceding the Civil War but Calhoun towers above them all. His foresight exceeded that of any of his contemporaries. He saw the gathering storm long before it assumed threatening proportions. He saw, too, that the Abolition societies of the North would eventually mold the conscience of millions; and he called for their suppression by legislation. Calhoun was right

⁸Ibid., p. 117.

in the belief that if the moral consciousness of the nation—opposed slavery, slavery must fall. But he made mistakes. He was wrong in believing that human legislation can govern the conscience of the people; wrong in predicting that the Union could not survive a bloody war; and strangest of all, he and all his brethren were wrong in their claim that social conditions in the South would be unendurable if the black man were given his freedom, as we have come to know from the history of this country since that great Emancipation Proclamation of January 1, 1863.

Calhoun was borne to his place in the Senate chamber, on that March day, where he sat too enfeebled by the ravages of consumption to deliver his carefully prepared speech; apparently alive only in the great deep eyes which still flashed beneath his heavy brows. His colleague, Senator Mason, read his speech. Calhoun's was a message of despair, as can be seen from the extract which follows:

. . . I have, Senators, believed from the first that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion. Entertaining this opinion, I have, on all proper occasions, endeavored to call the attention of each of the two great parties which divide the country to adopt some measures to prevent so great a disaster, but without success. The agitation has been permitted to proceed, with almost no attempt to resist it, until it has reached a period when it can no longer be disguised or denied that the Union is in danger. You have thus had forced upon you the greatest and the gravest question that can ever come under your consideration: How can the Union be preserved?

. . . The first question, then, presented for consideration, in the investigation I propose to make, in order to obtain such knowledge, is: What is it that has endangered the Union? . . .

One of the causes is, undoubtedly, to be traced to the long-continued agitation of the slave question on the part of the North, and the many aggressions which they have made on the rights of the South during the time. . . .

There is another, lying back of it, with which this is intimately connected, that may be regarded as the great and primary cause. That is to be found in the fact that the equilibrium between the two sections is the Government, as it stood when the constitution was ratified and the Government put in action, has been destroyed.

. . . To sum up the whole, the United States, since they declared their independence, having acquired 2,373,046 square miles of territory, from which the North will have excluded the South, if she could succeed in monopolizing the newly acquired territories, from about three-fourths of the whole, leaving to the South but about one-fourth.

Such is the first and great cause that has destroyed the equilibrium between the two sections in the Government.

The next is the system of revenue and disbursements which has been adopted by the government. . . .

But while these measures were destroying the equilibrium between the two sections, the action of the Government was leading to a radical change in its character, by concentrating all the power of the system in itself. . . .

That the Government claims, and practically maintains, the right to decide in the last resort as to the extent of its powers, will scarcely be denied by any one conversant with the political history of the country. . . . It . . . follows that the character of the Government has been changed, in consequence, from a Federal Republic, as it originally came from the hands of its framers, and that it has been changed into a great national consolidated Democracy. It has indeed, at present, all the characteristics of the latter, and not one of the former, although it still retains its outward form.

The result of the whole of these causes combined is, that the North has acquired a decided ascendancy over every department of this Government, and through it a control over all the powers of the system. . . .

As, then, the North has the absolute control over the Government, it is manifest that on all questions between it and the South, where there is a diversity of interests, the interests, the interests of the latter will be sacrificed to the former, however, oppressive the effects may be, as the South possesses no means by which it can resist through the action of the Government. But if there was no question of vital importance to the South, in reference to which there was a diversity of views between the two sections, this state of things might be endured without the hazard of destruction to the South. But such is not the fact. There is a question of vital importance to the southern section, in reference to which the views and feelings of the two sections are as opposite and hostile as they can possibly be.

I refer to the relation between the two races in the southern section, which constitutes a vital portion of her social organization. Every portion of the North entertains views and feelings more or less hostile to it. . . . On the contrary, the southern section regards the relation as one which cannot be destroyed without subjecting the two races to the greatest calamity, and the section to poverty, desolation, and wretchedness; and accordingly they feel bound by every consideration of interest and safety, to defend it.

This hostile feeling on the part of the North towards the social organization of the South long lay dormant, but it only required some cause to act on those who felt most intensely that they were responsible for its continuance, to call it into action. The increasing power of this Government, and of the control of the northern section over all its departments, furnished the cause. It was this which made an impression on the minds of many that there was little or no restraint to prevent the Government from doing whatever it might choose to do. This was sufficient of itself to put the most fanatical portion of the North in action for the purpose of destroying the existing relation between the two races in the South. . . .

Such is a brief history of the agitation, as far as it has yet advanced. Now, I ask, Senators, what is there to prevent its further progress, until it fulfills the ultimate end proposed, unless some decisive measure should be adopted to prevent it? Has any one of the causes, which has added to its increase from its original small and contemptible beginning until it has attained its present magnitude, diminished in force? Is the original cause of the movement, that slavery is a sin, and ought to be suppressed, weaker

now than at the commencement? Or is the Abolition party less numerous or influential, or have they less influence over, or control over the two great parties of the North in elections? Or has the South greater means of influencing or controlling the movements of this Government now than it had when the agitation commenced? To all these questions but one answer can be given: no, no, no! The very reverse is true. Instead of being weaker, all the elements in favor of agitation are stronger now than they were in 1835, when it first commenced, while all the elements of influence on the part of the South are weaker. Unless something decisive is done, I again ask what is to stop this agitation, before the great and final objection at which it aims--the abolition of slavery in the States--is consummated? Is it, then, not certain that if something decisive is not now done to arrest it, the South will be forced to choose between abolition and secession? . . .

. . . I return to the question with which I commenced, How can the Union be saved? There is but one way by which it can with any certainty; and that is, by a full and final settlement, on the principle of justice, of all the questions at issue between the two sections. The South asks for justice, simple justice, and less she ought not to take. She has no compromise to offer but the Constitution, and no concession or surrender to make. She has already surrendered so much that she has little left to surrender. Such a settlement would go to the root of the evil, and remove all cause of discontent, by satisfying the South she could remain honorably and safely in the Union, and thereby restore the harmony and fraternal feelings between the two sections which existed anterior to the Missouri agitation. Nothing else can, with any certainty, finally and forever settle the question at issue, terminate agitation, and save the Union.⁹

Then Calhoun tells how the situation may be remedied, near the close of his speech:

But can this be done? Yes, easily; not by the weaker party, for it can of itself do nothing--not even protect itself--but by the stronger. The North has only to will it to accomplish it--to do justice by conceding to the South as equal right in the acquired territory, and to do her duty by causing the stipulations relative to

⁹The Congressional Globe, 31 Cong., 1 sess., XXI, pp. 451-55, et passim.

fugitive slaves to be faithfully fulfilled--to cease the agitation of the slave question, and to provide for the insertion of a provision in the Constitution by an amendment, which will restore to the South in substance the power she possessed of protecting herself, before the equilibrium between the sections was destroyed by the action of this Government. There will be no difficulty in devising such a provision--one that will protect the South, and which at the same time will improve and strengthen the Government, instead of impairing and weakening it.

But will the North agree to do this? It is for her to answer this question. . . .

. . . If you remain silent, you will compel us to infer by your acts what you intend. In that case, California will become the test question. If you admit her, under all the difficulties that oppose her admission, you compel us to infer that you intend to exclude us from the whole of the acquired territories.¹⁰

Calhoun was an honest man, and this speech gave expression to the honest conviction of his soul. With this great speech the career of the great South Carolinian ended. It was his last word on the principle for which he had labored constantly during the second half of his political life: the principle that slavery, as the chief interest of the South, must advance. On the last day of the month he passed beyond all earthly strife.

Salmon P. Chase of Ohio, a Democrat and a member of Congress who had become converted to the Free-Soil doctrine--that the territories should be devoted to freedom and that the public lands should be distributed free to actual settlers--denounced Clay's compromise as a weak surrender to the slave-

¹⁰Ibid. pp. 451-455.

holders' interests. In answer to Calhoun he declared that not the North but the South had been the aggressor ever since the days when concessions to slavery had been forced upon the framers of the Constitution through threats and intimidation.

On March 7, 1850, Webster spoke. He, too, had seen the Union pass from its birth through a period of doubt to a splendid maturity. The best efforts of his life had been given to establish the ideals of union, and he was frankly dismayed at the prospect of disunion which Calhoun held up so firmly. Despite the infirmities of old age, Webster aroused himself for one powerful, final effort. The country was in deep agitation. The North had shown a greater tendency toward rebellion against the proposed Fugitive Slave Law than the South had against free California. All waited eagerly to hear from Webster, the greatest representative of the North. Webster, like many other cooler Northerners, had no enthusiasm for abolition. He did not believe slavery as undesirable as disunion and he now threw his whole soul into the task of calming the North. Instead his Seventh-of-March speech brought criticism upon him both from the North and the South. The speech he made on that day was one of the greatest of his life and excerpts therefrom are here given:

. . . I now say, sir, as the proposition upon which I stand this day, and upon the truth and firmness of which I intend to act until it is overthrown, that there is not, at this moment, within the United States, or any territory of the United States a single foot of

land, the character of which, in regard to its being free-soil territory or slave territory, is not fixed by some law, and some irrevocable law, beyond the power of the action of this Government. Now, is it not so with respect to Texas? Why, it is most manifestly so. . . .

But now that, under certain conditions, Texas is in with all her territories, as a slave State, with a solemn pledge that if she is divided into many States, those States may come in as Slave States south of 36° 30', how are we to deal with this subject? I know no way of honorable legislation, when the proper time comes for the enactment, but to carry into effect all that we have stipulated to do. . . .

Now, as to California and New Mexico, I hold slavery to be excluded from those territories by a law even superior to that which admits and sanctions it in Texas--I mean the law of nature--of physical geography--the law of the formation of the earth. That law settles forever, with a strength beyond all terms of human enactment, that slavery cannot exist in California or New Mexico . . . I look upon it, therefore, as a fixed fact, to use an expression current at this day, that both California and New Mexico are destined to be free, so far as they settled at all, which I believe, especially in regard to New Mexico, will be very little for a great length of time--free by the arrangement of things by the Power above us. I have therefore to say, in this respect also, that this country is fixed for freedom, to as many persons as shall ever live there, by as irrevocable and a more irrevocable law, than the law that attaches to the right of holding slaves in Texas; and I will say further, that if a resolution, or a law, were now before us, to provide a territorial government for New Mexico, I would not vote to put any prohibition into it whatever. The use of such a prohibition would be idle, as it respects any effect it would have upon the territory; and I would not take pains to reaffirm an ordinance of nature, nor to re-enact the will of God. And I would put in no Wilmot Proviso, for the purpose of a taunt or a reproach. I would put into it no evidence of the votes of superior power, to wound the pride, even whether a just pride, a rational pride, or an irrational pride--to wound the pride of the gentlemen who belong to the southern States . . .

Mr. President, in the excited times in which we live, there is found to exist a state of crimination and

recrimination between the North and the South. . . . I will state these complaints, especially one complaint of the South, which has in my opinion just foundation; and that is, that there has been found at the North, among individuals and among the Legislatures of the North, a disinclination to perform, fully, their constitutional duties, in regard to the return of persons bound to service, who have escaped into the free States. In that respect, it is my judgment that the South is right, and the North is wrong. Every member of every northern Legislature is bound, by oath, like every other officer in the country, to support the Constitution of the United States; and this article of the Constitution, which says to these States, they shall deliver up fugitives from service, is as binding in honor and conscience as any other article . . . I put it to all the sober and sound minds at the North, as a question of morals and a question of conscience, What right have they, in all their legislative capacity, or any other, to endeavor to get round this Constitution, to embarrass the free exercise of the rights secured by the Constitution, to the persons whose slaves escape from them? None at all--none at all. Neither in the forum of conscience, nor before the face of the Constitution, are they justified, in my opinion. Of course, it is a matter for their consideration. They probably, in the turmoil of the times, have not stopped to consider of this; they have followed what seemed to be the current of thought and of motives as the occasion arose, and neglected to investigate fully the real question, and to consider their constitutional obligations, as I am sure, if they did consider, they would fulfill them with alacrity. . . .

Then, sir, there are those abolition societies, of which I am unwilling to speak, but in regard to which I have very clear notions and opinions. I do not think them useful. I think their operations for the last twenty years have produced nothing good or valuable. At the same time, I know thousands of them are honest and good men; perfectly well-meaning men. They have excited feelings; they think they must do something for the cause of liberty; and in their sphere of action, they do not see what else they can do, than to contribute to an abolition press, or an abolition society, or to pay an abolition lecturer. I do not mean to impute gross motives even to the leaders of these societies, but I am not blind to the consequences. I cannot but see what mischiefs their interference with the South has produced . . . The bonds of the slaves were bound more firmly than before; their rivets were more strongly

fastened. Public opinion, which in Virginia had begun to be exhibited against slavery, and was opening out for the discussion of the question, drew back and shut itself up in its castle. . . . We all know the fact, and we all know the cause, and everything that this agitating people have done, has been not to enlarge, but to restrain, not to set free, but to bind faster, the slave population of the South. . . .

Now, sir, so far as any of these grievances have their foundation in matters of law, they can be redressed, and ought to be redressed; and so far as they have foundation in matters of opinion, in sentiment, in mutual crimination and recrimination, all that we can do is, to endeavor to allay the agitation, and cultivate a better feeling and more fraternal sentiments between the South and the North.

Mr. President, I should much prefer to have heard from every member on this floor, declarations of opinion that this Union should never be dissolved, than the declaration of opinion that in any case, under the pressure of any circumstances, such a dissolution was possible. I hear with pain and anguish, and distress, the word secession, especially when it falls from the lips of those who are eminently patriotic, and known to the country, and known all over the world, for their political services. Secession! Peaceable secession! Sir, your eyes and mine are never destined to see that miracle. The dismemberment of this vast country without convulsion! The breaking up of the fountains of the great deep without ruffling the surface! Who is so foolish--I beg everybody's pardon--as to expect to see such a thing? Sir, he who sees these States, now revolving in harmony around a common centre, and expects to see them quit their places and fly off without convulsion, may look the next hour to see the heavenly bodies rush from their spheres, . . . There can be no such thing as a peaceable secession. Peaceable secession is an utter impossibility. Is the great Constitution under which we live here--covering this whole country--is it to be thawed and melted away by secession, as the snows on the mountain melt under the influence of a vernal sun--disappear almost unobserved, and die off? No, sir! no, sir! I will not state what might produce the disruption of the States; but, sir, I see it as plainly as I see the sun in heaven--I see that disruption must produce such a war as I will not describe, in its twofold characters.¹¹

¹¹The Appendix to the Congressional Globe, 31 Cong., 1 sess., pp. 269-276.

Webster's oration created consternation throughout the North and brought the severest criticism upon the head of its author. Conservative Northerners approved the speech, but the verdict of the antislavery men was far otherwise. On the whole the speech was harmonious with Webster's earlier utterances; for the burden of his argument had always been "liberty and union." Because he considered a compromise necessary to the preservation of the Union, he was condemned on every side as a traitor to the cause of liberty. Giddings declared that the speech had struck a blow at freedom such as no southern arm could have given. Horace Mann said that Webster had played false to the North and that "Webster is a fallen star! Lucifer descending from heaven!" The abolition poet, Whittier, in his poem "Ichabod," mourned the fall of one in whom honor and faith were dead. These are his lines:

So fallen! so lost! the light withdrawn
Which once he wore!
The glory from his gray hairs gone
Forevermore!

Reville him not--the Tempter hath
A snare for all;
And pitying tears, not scorn and wrath,
Befit his fall!

Oh! dumb be passion's stormy rage,
When he who might
Have lighted up and led his age,
Falls back in night.

Scorn! would the angels laugh, to mark
A bright soul driven
Field-goaded, down the endless dark,
From hope and heaven!

Let not the land, once proud of him,
 Insult him now,
 Nor brand with deeper shame his dim,
 Dishonored brow.

But let its humbled sons, instead,
 From sea to lake,
 A long lament, as for the dead,
 In sadness make.

Of all we loved and honored, nought
 Save power remains--
 A fallen angel's pride of thought,
 Still strong in chains.

All else if gone; from those great eyes
 The soul has fled:
 When faith is lost, when honor dies,
 The man is dead!

Then pay the reverence of old days
 To his dead fame;
 Walk backward, with averted gaze,
 And hide the shame!

Never again did Webster regain the popularity that he lost on that fatal March day. It is difficult for us to understand how Webster's apparently moderate statements could have raised such a storm, but it must be remembered that the country was greatly excited over the all-absorbing slavery question.

Webster was answered, March 11, 1850, by William H. Seward, the new Whig senator from New York. Seward was against the compromise because he thought it surrendered principles. Even though the law might stand on the statute books, the conscience of the people would not tolerate it. The Constitution might tolerate slavery, but "there was a higher law than the Constitution"--the moral law. This

appeal to the "higher law" was practically the abolitionists' doctrine that the evil of slavery far outweighed all political or legal considerations. His speech, although far below Webster's in finish, made a profound impression upon the country; and from that moment he became the leader of Northern thought in regard to the great subject that disturbed the harmony between the two sections. His speech, however, was typical of the moderate Northern view; it attracted great attention; and the argument given in this extract made an appeal which voiced a stronger moral feeling than Seward probably intended:

. . . It is insisted that the admission of California shall be attended by a compromise of questions which have arisen out of slavery. I am opposed to any such compromise, in any and all the forms in which it has been proposed, because, while admitting the purity and the patriotism of all from whom it is my misfortune to differ, I think all legislative compromises radically wrong and essentially vicious. . . .

Nor would success attend any of the details of the compromise. And, first, I advert to the proposed alteration of the law concerning fugitives from service or labor . . .

We deem the principle of the law for the recapture of fugitives . . . unjust, unconstitutional, and immoral; and thus while patriotism withholds its approbation, the consciences of our people condemn it.

You will say that these convictions of ours are disloyal. Grant it for the sake of argument. They are, nevertheless, honest; and the law is to be executed among us, not among you; not by us, but by the Federal authority. Has any Government ever succeeded in changing the moral convictions of its subjects by force? But these convictions imply disloyalty. We reverence the Constitution, although we perceive this defect, just as we acknowledge the splendor and the power of the sun, although its surface is tarnished with here and there an opaque spot.

Your Constitution and laws convert hospitality to the refugee, from the most degrading oppression on earth, into a crime, but all mankind except you esteem that hospitality a virtue. The right of extradition of a fugitive from justice, is not admitted by the law of nature and of nations, but rests in voluntary compacts . . .

. . . The law of nations disavows such compacts; the law of nature, written on the hearts and consciences of freemen, repudiates them. Armed power could not enforce them, because there is no public conscience to sustain them. I know that there are laws of various sorts which regulate the conduct of men. There are constitutions and statutes, codes mercantile and codes civil; but when we are legislating for States, especially when we are founding States, all these laws must be brought to the standard of the laws of God, and must be tried by that standard, and must stand or fall by it. . . .

To conclude on this point: We are not slaveholders. We cannot, in our judgment, be either true Christians or real freemen, if we impose on another a chain that we defy all human power to fasten on ourselves. You believe and think otherwise, and doubtless with equal sincerity. We judge you not, and He alone who ordained the conscience of man and its laws of action, can judge us. Do we, then, in this conflict, demand of you an unreasonable thing in asking that, since you will have property that can and will exercise human powers to effect its escape, you shall be your own police, and in acting among us as such, you shall conform to principles indispensable to the security of admitted rights of freemen? If you will have this law executed, you must alleviate, not increase, its rigors. . . .

But there is yet another aspect in which this principle must be examined. It regards the domain only as a possession, to be enjoyed, either in common or by partition, by the citizens of the old States. It is true, indeed, that the national domain is ours; it is true, it was acquired by the valor and with the of the whole nation; but we hold, nevertheless, no arbitrary powers over it. We hold no arbitrary authority over anything, whether acquired lawfully, or seized by usurpation. The Constitution regulates our stewardship; the Constitution devotes the domain to union, to justice, to defence, to welfare, and to liberty.

But there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purpose. The territory is a part--no inconsiderable part--of the common heritage of mankind, bestowed upon them by the Creator of the universe. We are his stewards, and must so discharge our trust as to secure, in the highest attainable degree, their happiness. . . .

This is a State, and we are deliberating for it, just as our fathers deliberated in establishing the institutions we enjoy. Whatever superiority there is in our condition and hopes, over those of any other "kingdom" or "estate," is due to the fortunate circumstance that our ancestors did not leave things to "take their chance," but that they "added amplitude and greatness" to our commonwealth, "by introducing such ordinances, constitutions, and customs, as were wise." We in our turn, have succeeded to the same responsibilities; and we cannot approach the duty before us, wisely or justly, except we raise ourselves to the great consideration of how we can most certainly "sow greatness to our posterity and successors."

And now the simple, bold, and even awful question which presents itself to us, is this: Shall we, who are founding institutions, social and political, for countless millions--shall we, who know by experience the wise and the just, and are free to choose them, and to reject the erroneous and unjust--shall we establish human bondage, or permit it, by our sufferance, to be established? Sir, our forefathers would not have hesitated an hour. They found slavery existing here, and they left it only because they could not remove it. There is not only no free state which would now establish it, but there is no slave state, which, if it had had the free alternative, as we now have, would have founded slavery . . .¹²

By this speech Seward assumed the leadership that would have remained with Webster had the latter not taken a position at variance with the sentiment prevailing throughout the North. The South interpreted Seward's reference to "a higher law than the Constitution" to mean that the

¹²Ibid., pp. 262-265, et passim.

Constitution, which recognized slavery as existing, was set aside by this "law." The Democrats branded Seward as a traitor and many Northern Whigs shook their heads in alarm. Clay was indignant about Seward's dealing with his "comprehensive scheme of adjustment" in such a high-handed way. In a letter to a friend Clay mentioned the fact that Seward's "late abolition speech" as likely to cut him off from all intercourse with the administration, as it had "eradicated the respect of almost all men from him." Webster spoke of it sneeringly as Governor Seward's "great and glorious speech," and stated further that he thought no history showed "a case of such mischief arising from angry debates and disputes, both in the government and the country, on questions of so very little and real importance."

On February 13, 1850 President Taylor had laid before Congress the Constitution of California.¹³ The next day Foote, of Mississippi, had offered in the Senate a resolution to refer the case of California and all pending propositions concerning slavery, including Clay's resolutions and a similar set introduced by John Bell of Tennessee,¹⁴ to a committee of thirteen Senators who were to report a plan of settlement.¹⁵ After two months' debate it finally passed. — Thus Foote's resolution, embracing the whole slavery question, was adopted on April 18, 1850.

¹³The Congressional Globe, 31 Cong., 1 sess. XXI, p. 355.

¹⁴Ibid., p. 436.

¹⁵Ibid., p. 356.

Clay was elected chairman of the committee of thirteen, which had among its members the foremost men of the Senate, excluding, however, the leading representatives of the anti-slavery sentiment. Three members each were chosen from the Northern and Southern Whigs and Democrats. Clay's course with regard to the admission of California was very unsteady. At first he declared himself ready to vote for the admission of California immediately as a separate measure. Clay's position was gradually changed by the pressure that was brought to bear by the Southern members of the committee who contended that, if the admission of California were separated from the other measures, it would be highly offensive to the South and might even lead to the immediate dissolution of the Union. Eventually, Clay agreed to the coupling of the admission of California with provisions for territorial governments, and for the adjustment of the Texas boundary. He soon found that such a combination was necessary for both peace and harmony.

On May 8, 1850, the Committee of Thirteen submitted their report, which consisted of three bills and a declaration. An extract of the report is here given:

. . . The views and recommendations contained in this report may be recapitulated in a few words:

1. The admission of any new State or States formed out of Texas to be postponed until they shall hereafter present themselves to be received into the Union, when it will be the duty of Congress fairly and faithfully to execute the compact with Texas by admitting such new State or States;

2. The admission forthwith of California into the Union, with the boundaries which she has proposed;

3. The establishment of territorial governments, without the Wilmot proviso, for New Mexico and Utah, embracing all the territory recently acquired by the United States from Mexico not contained in the boundaries of California;

4. The combination of these two last-mentioned measures in the same bill;

5. The establishment of the western and northern boundary of Texas, and the exclusion from her jurisdiction of all New Mexico, with the grant to Texas of a pecuniary equivalent; and the section for that purpose to be incorporated in the bill admitting California and establishing territorial governments for Utah and New Mexico;

6. More effectual enactments of law to secure the prompt delivery of persons bound to service or labor in one State, under the laws thereof, who escape into another State; and,

7. Abstaining from abolishing slavery; but, under a heavy penalty, prohibiting the slave trade in the District of Columbia.¹⁶

There had been grave disagreements in the committee. Scarcely any member was fully satisfied with the report; but the accompanying argument promised that the adoption of the measures submitted would afford a method whereby a settlement of all the pending controversies could be worked out and "give a general satisfaction to an over-whelming majority of the people of the United States."

In speaking of the measures Clay said:

I believe that the crisis of the crisis has arrived; and the fate of the measures which have been reported by the committee will, in my humble judgment, determine the fate of the harmony or continued distraction of this country . . .

¹⁶Ibid., p. 946.

I think, if the President had at this time to make a recommendation to Congress, with all the lights that have been shed upon the subject since the commencement of the present session of Congress, nearly five months ago, he would not limit himself to a recommendation merely for the admission of California, leaving the territories to shift for themselves as they could or might. He tells us in one of these messages . . . that he had reason to believe that one of these territories, at least New Mexico, might possibly form a State government for herself, and might come here with an application for admission during the progress of this session. But we have no evidence that such an event is about to happen; and if it did, could New Mexico be admitted as a State?

. . . the committee recommends the union of these three measures . . . a bill for the admission of California; a bill establishing a territorial government in Utah; a bill establishing a territorial government for New Mexico; and what is indispensable, if we give her a government, a bill providing what shall be her boundary, provided Texas shall accede to the liberal proposal made to her? Is there anything, I ask, incongruous in all this. Where is it? What is the incongruity?

. . . Amongst other limitations, it declares 'that the territorial legislature shall have no power to pass any lay (law) in respect to African slavery.' . . . My opinion is, that the law of Mexico, in all the variety of forms in which legislation can take place--that is to say, by the edict of a dictator, by the constitution of the people of Mexico, by the act of the legislative authority of Mexico--by all these modes of legislation, slavery has been abolished there. I am aware that some other Senators entertain a different opinion; but . . . I feel authorized to say that the opinion of a vast majority of the people of the United States, of a vast majority of the jurists of the United States, is in coincidence with that which I entertain; that is to say, that at this moment, by law and in fact, there is no slavery there . . .

The next subject upon which the committee acted was that of fugitive slaves. The committee have proposed two amendments to be offered to the bill introduced by the Senator from Virginia, whenever that bill is taken up. The first of these amendments provides that the owner of a fugitive slave, when leaving his own State, and whenever it is practicable . . . shall carry with him a record from the State from which the fugitive has fled; which record shall contain an adjudication

of two facts, first, the fact of slavery, and secondly the fact of an elopment; and, in the third place, such a general description of the slave as the court shall be enabled to give upon such testimony as shall be brought before it . . .

. . . The other amendment provides, that when the owner of a slave shall arrest his property in a non-slave-holding State, and shall take him before the proper functionary to obtain a certificate to authorize the return of that property to the State from which he fled, if he (i.e. the fugitive) declares to that functionary at the time that he is a free man and not a slave, what does the provision require the officer to do? Why, to take a bond from the agent or owner, without surety, that he will carry the black person back to the county of the State from which he fled; and that the first court which may sit after his return, he (the alleged slave) shall be carried there, if he again assert the right to his freedom; the court shall afford, and the owner shall afford to him all the facilities which are requisite to enable him to establish his right to freedom. . . .¹⁷

No sooner was the first of the three bills before the Senate, than it turned out that the combination of different propositions in one measure, which was apparently necessary to give the bill the character of a compromise, was an element of weakness. There were some who would vote for the admission of California, but not for the territorial governments without the exclusion of slavery; there were those who would vote for the territorial governments, but not for the Texas boundary; and others who would not vote for the admission of California in any combination. It appeared probable that, while each of the different propositions might receive a majority of votes, the different

¹⁷Appendix to the Congressional Globe, 31 Cong., 1 sess., pt. 1, pp. 567-572.

majorities would be composed of different sets of men, and the combined measure would not receive a majority at all, due to the opposition of different men to different parts of it. Jefferson Davis, Butler, Mason, and Soule', leading the extreme pro-slavery men, would not accept the admission of California and demanded a positive recognition of the right of slaveholders to take their slave property into the territories. Rusk of Texas would not vote for any bill reducing the area claimed by Texas. Benton was opposed to the compromise because it yielded Texas too much of the territory belonging to New Mexico and because it made the admission of California dependent upon the passage of other measures. While Clay's plan was supported by such Northern men as Webster, Cass, Douglas, and Cooper and had the backing of such Southern Whigs as Badger and Bell, there were other Southern Whigs who took an attitude equally hostile as that taken by the Southern Democrats. If combined, the various elements of opposition threatened to prove more than strong enough to defeat the plan.

President Taylor openly opposed the measures as a whole. He thought that California had a right to demand prompt admission. When some of the Southerners told him that the South would not tolerate the admission of California as a free state but would break up the Union, he answered that, if it should become necessary in the course of law enforcement, he himself would take command of the army and put down

rebellion. He also thought that New Mexico might remain under the military government left by the war, until her people should be ready to do as the Californians had done. As to the boundary question, he did not think it his business to recognize or to deny the claims of Texas. He did consider it his duty, until Congress should have disposed of the matter, to keep things in status quo, and to maintain the public peace against any disturber. Seward's influence with the President was strong, and the administration would do nothing to favor the Compromise bill. His sympathies were evidently with the northern Whigs and the persistency of the southern Whigs only stiffened Taylor in his resistance. It remained for death to break the deadlock. On July 9, 1850 President Taylor succumbed to an attack of acute cholera morbus and was succeeded by Millard Fillmore of New York, who was a friend of the Compromise. Thus for the second time the unfortunate Whig party had lost its President by death.

CHAPTER IV

ADOPTION OF COMPROMISE MEASURES

The new president, Willard Fillmore, had, before his election, passed as a Wilmot Proviso Whig. He had served for several years in the Lower House of Congress. As a member of the House he was noted for his conservatism and for his painstaking industry. It was not until the honors of the presidency came to him that he became known as "a northern man with southern principles." Even then he was not a radical, and his favoring the Compromise measures, contrary to the Whig sentiment of his own section, was doubtless based on an honest desire to do the best in his power for his country. The President tendered the position of secretary of state to Webster, who accepted it; and this fact, since it was known that Webster favored the compromise, and the further fact that four of the six other members of the Cabinet were from the South, revealed to the country that the new president held different views on the great questions of the day from those held by his predecessor. The advice of Seward, who had been chief counsellor of President Taylor, was no longer sought. Seward's men were removed from office and their places were filled with conservative Whigs. It was plain that the administration intended to use the patronage wherever possible to unify the party on the compromise.

The great debates went on and soon the fruit of the long toil began to appear. On July 22, 1850, nearly six months after the introduction of his resolutions, and two and a half months after the Committee of Thirteen had presented its report, Clay made his closing speech. He had been on the floor almost daily ever since January 28, toiling on, answering objections and arguing and pleading for the Union; and for peace and harmony among all its people. He had thrown aside all sectional spirit. Time after time he had assured the Senate that he was not wedded to any plan of his own, and that he would be grateful indeed for the suggestion of measures more promising than those proposed by him for the preservation of peace and union.

After Clay's closing speech the voting began. Several Southern senators, who at first had been bitterly opposed to the plan, had gradually become persuaded. The Compromise was not to achieve its victory, however, until it had suffered a disheartening defeat. Amendments were offered in profusion. The Omnibus Bill, as the Compromise in its original form was called, was disfigured almost beyond recognition. Finally, after a series of confusing manipulations, Clay himself abandoned caution and accepted an amendment offered by a senator from Georgia, that, until a final settlement of the Texas boundary was effected with the assent of Texas, the territorial government of New Mexico should not go into operation east of the Rio Grande. Since this was virtually delivering New Mexico over to Texas, the whole provision concerning

New Mexico was struck out by the aid of friends of the compromise. When the bill was passed on August 1, 1850, there was nothing left in the "Omnibus" but the establishment of a territorial government for Utah.¹ The name of the bill was changed to read: A Bill To Establish the Territorial Government of the Territory of Utah. All the rest had been amended out of it. The compromise seemed to be lost.

Believing that his Compromise had been defeated, Clay defied the enemies of the Union to do their worst and proclaimed himself ready to fight, even against his own state if need be, to prevent the dissolution of the Union. Finally, on August 2, mortified, exhausted, and broken in health, he gave up his leadership and went to Newport to rest and recuperate. In his absence it proved true that measures which could not be adopted when grouped together, might be adopted separately. The Texas boundary bill passed the Senate first. On August 6, President Fillmore informed Congress that the governor of Texas had called the legislature together for the purpose of taking measures for the occupation of New Mexico east of the Rio Grande by force. Unless the national government came to a friendly understanding with Texas, that force would have to be repelled by force. With this in view the Senate made haste. A bill proposing to Texas a boundary cutting down New Mexico somewhat more than Clay had intended,

¹The Congressional Globe, 31 Cong., 1 sess., pt. II, pp. 1504-1505.

and offering the sum of ten million dollars for the surrender of the claim of Texas passed the Senate promptly. The monetary remuneration was the sum originally intended by Clay, but not mentioned in the Omnibus Bill because he feared it might cause specualtions in stock.

The bill to admit California came next. It was adopted in the Senate on August 13, 1850, by a vote of thirty-four to eighteen.² Ten senators--those from Virginia, South Carolina, and Florida, and one each from Tennessee, Louisiana, Mississippi, and Missouri--signed a protest setting forth that the admission of California as a free state destroyed the equal rights of the slave-holding states in the confederacy; that it was "contrary to former precedent, and to the spirit and intent of the Constitution;" that it was part of a policy "fatal to the peace and equality of the states" they represented which "must lead, if persisted in, to the dissolution of that confederacy, in which they will not be content to remain with less."³

The bill to establish a territorial government in New Mexico was passed by a vote of twenty-seven to ten on August 15.⁴ This provided that New Mexico, when ready to become a state, might enter the Union either with or without slavery,

²The Congressional Globe, 31 Cong., 1 sess., pt. II, p. 1850.

³Ibid., p. 1578.

⁴Ibid., p. 1589.

as her Constitution should then determine; and that in the meantime cases involving title to slaves in the territory should go to the Supreme Court of the United States for decision. On August 26 the Senate passed the fugitive-slave bill.⁵ This was in a form more unfavorable to the negro than in which it had been reported by the Committee of Thirteen; a provision giving the person captured as a fugitive slave the benefit of a trial by jury as to his status in the state in which the claimant resided, was struck out.

The Texas boundary bill created a great stir in the House of Representatives. As the prospect of such legislation with a grant of money in it grew brighter, Texas scrip rose in the market. About the middle of June it had gone up from ten per cent to fifty. In case the bill passed, the scrip was likely to rise to par. A large and active lobby gathered in Washington. It was reported that millions of Texas securities were in the hands of members of Congress and officers of the government. Fortunes could be made by the passage of the bill. On September 4 the bill was referred to the committee of the whole by a majority vote of one hundred one to ninety-nine.⁶ Its fate looked doubtful. A majority of forty-six refused the third reading.⁷ The defeat of the bill seemed certain. A reconsideration was moved, pending which the House adjourned. The next day the reconsideration was carried by a majority of

⁵Ibid., p. 1660.

⁶Ibid., p. 1748.

⁷Ibid., p. 1750.

fifty-six.⁸ An amendment adding to the bill a provision for a territorial government in New Mexico, which had been defeated the day before, was then adopted.⁹ But again the House refused the third reading by a majority of one hundred seven to ninety-nine.¹⁰ Again a reconsideration was moved, but was declared out of order by the Speaker. The next day, Friday, September 6, 1850, the Speaker elaborately defended his decision, only to be over-thrown by a majority of thirty-eight.¹¹ The floor of the House was swarming with lobby agents, and amid boisterous demonstrations of delight the third reading was ordered by a majority of one hundred eight to ninety-eight and the bill then passed.¹² The other bills sent down by the Senate passed easily.

When Clay returned to Washington the latter part of August, he found that the Senate had carried out the whole program laid down in his compromise resolutions seven months before, with the exception of the interdiction of the slave traffic in the District of Columbia. After a long debate, that bill, too, passed and became a law. The Compromise of 1850 was then substantially complete. In his first annual

⁸Ibid., p. 1752.

⁹Ibid., p. 1758.

¹⁰Ibid.

¹¹Ibid., p. 1763.

¹²Ibid., p. 1764.

message President Fillmore declared:

I believe those measures to have been required by the circumstances and condition of the country. I believe they were necessary to allay asperities and animosities that were rapidly alienating one section of the country from another and destroying those fraternal sentiments which are the strongest supports of the Constitution. They were adopted in the spirit of conciliation and for the purpose of conciliation. I believe that a great majority of our fellow-citizens sympathize in that spirit and that purpose, and in the main approve and are prepared in all respects to sustain these enactments. I can not doubt that the American people, bound together by kindred blood and common traditions, still cherish a paramount regard for the Union of their fathers, and that they are ready to rebuke any attempt to violate its integrity, to disturb the compromises on which it is based, or to resist the laws which have been enacted under its authority.

The series of measures to which I have alluded are regarded by me as a settlement in principle and substance--a final settlement of the dangerous and exciting subjects which they embraced. Most of these subjects, indeed, are beyond your reach, as the legislation which disposed of them was in its character final and irrevocable. It may be presumed from the opposition which they all encountered that none of those measures was free from imperfections, but in their mutual dependence and connection they formed a system of compromise the most conciliatory and best for the entire country that could be obtained from conflicting sectional interests and opinions.¹³

Another place in the same speech President Fillmore referred to the Compromise in these words:

By that adjustment we have been rescued from the wide and boundless agitation that surrounded us, and have a firm, distinct, and legal ground to rest upon. And the occasion, I trust, will justify me in exhorting my countrymen to rally upon and maintain that ground as the best, if not the only, means of restoring peace and quiet to the country and maintaining inviolate the integrity of the Union.¹⁴

¹³Richardson, Messages and Papers of the Presidents, VI, p. 2629.

¹⁴Ibid.

Since the founding of the American government there had seldom been a measure enacted into law of more far-reaching consequence than were some of the enactments of this Compromise of 1850. The measures were non-partisan; they were sectional. The Democrats and Whigs of the North joined in opposing the Fugitive Slave Act, while both parties at the South joined in opposing free California and the abolition of the slave trade in the District of Columbia. For some years the two great parties had grown nearer together until at that time their chief cause of rivalry was based on a desire for supremacy.

Two items in this mid-century legislation were of paramount interest to the nation. The first, the admission of California as a free state, though offensive to the South, was now written on the statutes, a permanent fact that could not be undone. The other, bearing the form of the Fugitive Slave Law, was equally offensive to the North. Where the first bore the mark of permanency, the latter law was but a temporary measure; its enforcement depended largely upon its individual reception by the people of the North. It worked irreparable injury to the slave power, as nothing else could have done, by awakening an antislavery sentiment in the North. The Fugitive Slave Law had been forced upon the North for other reasons than the desire to recover lost property. It was a significant fact that it had not been the border states but the cotton states of the far South, from which few slaves ever escaped that had been most instrumental in placing this

law upon the statutes. Their motive in so doing was to humble the North for having forced upon them free California. The Compromise of 1850 was perhaps the best that could be done under the circumstances to effect a temporary truce. But no compromise could have been designed that would have kept the antagonistic forces of freedom and slavery permanently at peace.

The Compromise Measures of 1850 were regarded by the vast majority of the people as a final settlement of the sectional disputes over the question of slavery. By the Missouri Compromise of 1820, the admission of Texas as a slave state in 1845, the erection of the free territory of Oregon in 1848, and the Compromise measures of 1850 the status of slavery had been determined in every square mile of our domain from the Mississippi to the west coast. Henry Clay was hailed as "the great Pacificator", and foremost statesman of both parties devoted their best talents to proving that the Compromise of 1850 was the just and sole basis on which the Union could be preserved. Finally the Southern leaders, with rare exceptions, came to this point of view: to accept the Compromise as a finality, on the one condition that the North would honestly enforce the Fugitive Slave Law. When Congress met in December, 1850, Clay secured the signatures of forty members to a paper declaring that they would support no man for public office who refused to abide by the Compromise. If only the North and the South would carry out the terms of the pact faithfully, there seemed to be no need for further trouble.

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