

other Power than that of my sovereign State; and shall return to her with the purpose to sustain her action and to share her fortunes, for weal or woe.

Mr. DAVIS. I rise, Mr. President, for the purpose of announcing to the Senate that I have satisfactory evidence that the State of Mississippi, by a solemn ordinance of her people in convention assembled, has declared her separation from the United States. Under these circumstances, of course my functions are terminated here. It has seemed to me proper, however, that I should appear in the Senate to announce that fact to my associates, and I will say but very little more. The occasion does not invite me to go into argument; and my physical condition would not permit me to do so if it were otherwise; and yet it seems to become me to say something on the part of the State I here represent, on an occasion so solemn as this.

It is known to Senators who have served with me here, that I have for many years advocated, as an essential attribute of State sovereignty, the right of a State to secede from the Union. Therefore, if I had not believed there was justifiable cause; if I had thought that Mississippi was acting without sufficient provocation, or without an existing necessity, I should still, under my theory of the Government, because of my allegiance to the State of which I am a citizen, have been bound by her action. I, however, may be permitted to say that I do think she has justifiable cause, and I approve of her act. I conferred with her people before that act was taken, counseled them then that if the state of things which they apprehended should exist when the convention met, they should take the action which they have now adopted.

I hope none who hear me will confound this expression of mine with the advocacy of the right of a State to remain in the Union, and to disregard its constitutional obligations by the nullification of the law. Such is not my theory. Nullification and secession, so often confounded, are indeed antagonistic principles. Nullification is a remedy which it is sought to apply within the Union, and against the agent of the States. It is only to be justified when the agent has violated his constitutional obligation, and a State, assuming to judge for itself, denies the right of the agent thus to act, and appeals to the other States of the Union for a decision; but when the States themselves, and when the people of the States, have so acted as to convince us that they will not regard our constitutional rights, then, and then for the first time, arises the doctrine of secession in its practical application.

A great man who now reposes with his fathers, and who has been often arraigned for a want of fealty to the Union, advocated the doctrine of nullification, because it preserved the Union. It was because of his deep-seated attachment to the Union, his determination to find some remedy for existing ills short of a severance of the ties which bound South Carolina to the other States, that Mr. Calhoun advocated the doctrine of nullification, which he proclaimed to be peaceful, to be within the limits of State power, not to disturb the Union, but only to be a means of bringing the agent before the tribunal of the States for their judgment.

Secession belongs to a different class of remedies. It is to be justified upon the basis that the States are sovereign. There was a time when none denied it. I hope the time may come again, when a better comprehension of the theory of our Government, and the inalienable rights of the people of the States, will prevent any one from denying that each State is a sovereign, and thus may reclaim the grants which it has made to any agent whomsoever.

I therefore say I concur in the action of the people of Mississippi, believing it to be necessary and proper, and should have been bound by their action if my belief had been otherwise; and this brings me to the important point which I wish on this last occasion to present to the Senate. It is by this confounding of nullification and secession that the name of a great man, whose ashes now mingle with his mother earth, has been invoked to justify coercion against a seceded State. The phrase "to execute the laws," was an expression which General Jackson applied to the case of a State refusing to obey the laws while yet a member of the Union. That is not the case which is

now presented. The laws are to be executed over the United States, and upon the people of the United States. They have no relation to any foreign country. It is a perversion of terms, at least it is a great misapprehension of the case, which cites that expression for application to a State which has withdrawn from the Union. You may make war on a foreign State. If it be the purpose of gentlemen, they may make war against a State which has withdrawn from the Union; but there are no laws of the United States to be executed within the limits of a seceded State. A State finding herself in the condition in which Mississippi has judged she is, in which her safety requires that she should provide for the maintenance of her rights out of the Union, surrenders all the benefits, (and they are known to be many,) deprives herself of the advantages, (they are known to be great,) severs all the ties of affection, (and they are close and enduring,) which have bound her to the Union; and thus divesting herself of every benefit, taking upon herself every burden, she claims to be exempt from any power to execute the laws of the United States within her limits.

I well remember an occasion when Massachusetts was arraigned before the bar of the Senate, and when then the doctrine of coercion was rife and to be applied against her because of the rescue of a fugitive slave in Boston. My opinion then was the same that it is now. Not in a spirit of egotism, but to show that I am not influenced in my opinion because the case is my own, I refer to that time and that occasion as containing the opinion which I then entertained, and on which my present conduct is based. I then said, if Massachusetts, following her through a stated line of conduct, chooses to take the last step which separates her from the Union, it is her right to go, and I will neither vote one dollar nor one man to coerce her back; but will say to her, God speed, in memory of the kind associations which once existed between her and the other States.

It has been a conviction of pressing necessity, it has been a belief that we are to be deprived in the Union of the rights which our fathers bequeathed to us, which has brought Mississippi into her present decision. She has heard proclaimed the theory that all men are created free and equal, and this made the basis of an attack upon her social institutions; and the sacred Declaration of Independence has been invoked to maintain the position of the equality of the races. That Declaration of Independence is to be construed by the circumstances and purposes for which it was made. The communities were declaring their independence; the people of those communities were asserting that no man was born—to use the language of Mr. Jefferson—booted and spurred to ride over the rest of mankind; that men were created equal—meaning the men of the political community; that there was no divine right to rule; that no man inherited the right to govern; that that there were no classes by which power and place descended to families, but that all stations were equally within the grasp of each member of the body-politic. These were the great principles they announced; these were the purposes for which they made their declaration; these were the ends to which their enunciation was directed. They have no reference to the slave; else, how happened it that among the items of arraignment made against George III was that he endeavored to do just what the North has been endeavoring of late to do—to stir up insurrection among our slaves? Had the Declaration announced that the negroes were free and equal, how was the Prince to be arraigned for stirring up insurrection among them? And how was this to be enumerated among the high crimes which caused the colonies to sever their connection with the mother country? When our Constitution was formed, the same idea was rendered more palpable, for there we find provision made for that very class of persons as property; they were not put upon the footing of equality with white men—not even upon that of paupers and convicts; but, so far as representation was concerned, were discriminated against as a lower caste, only to be represented in the numerical proportion of three fifths.

Then, Senators, we recur to the compact which binds us together; we recur to the principles upon which our Government was founded; and when you deny them, and when you deny to us the

right to withdraw from a Government which thus perverted threatens to be destructive of our rights, we but tread in the path of our fathers when we proclaim our independence, and take the hazard. This is done not in hostility to others; not to injure any section of the country, not even for our own pecuniary benefit; but from the high and solemn motive of defending and protecting the rights we inherited, and which it is our sacred duty to transmit unshorn to our children.

I find in myself, perhaps, a type of the general feeling of my constituents towards yours. I am sure I feel no hostility to you; Senators from the North. I am sure there is not one of you, whatever sharp discussion there may have been between us, to whom I cannot now say, in the presence of my God, I wish you well; and such, I am sure, is the feeling of the people whom I represent towards those whom you represent. I therefore feel that I but express their desire when I say I hope, and they hope, for peaceful relations with you, though we must part. They may be mutually beneficial to us in the future, as they have been in the past, if you so will it. The reverse may bring disaster on every portion of the country; and if you will have it thus, we will invoke the God of our fathers, who delivered them from the power of the lion, to protect us from the ravages of the bear; and thus, putting our trust in God, and in our own firm hearts and strong arms, we will vindicate the right as best we may.

In the course of my service here, associated at different times with a great variety of Senators, I see now around me some with whom I have served long; there have been points of collision; but whatever of offense there has been to me, I leave here; I carry with me no hostile remembrance. Whatever offense I have given which has not been redressed, or for which satisfaction has not been demanded, I have, Senators, in this hour of our parting, to offer you my apology for any pain which, in heat of discussion, I have inflicted. I go hence unencumbered of the remembrance of any injury received, and having discharged the duty of making the only reparation in my power for any injury offered.

Mr. President, and Senators, having made the announcement which the occasion seemed to me to require, it only remains for me to bid you a final adieu.

ADMISSION OF KANSAS.

The VICE PRESIDENT. The special order fixed for one o'clock is the joint resolution of the Senator from Kentucky, (S. No. 54;) but the bill for the admission of Kansas being the unfinished business of Saturday, takes precedence.

Mr. SEWARD. I move that the Senate proceed to the consideration of the unfinished business.

The VICE PRESIDENT. It proceeds to do so without a motion.

Mr. SEWARD. Very well. The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 23) for the admission of Kansas into the Union; the pending question being on the amendment of Mr. GREEN, to add to the bill additional sections for the organization of the Territory of Jefferson.

Mr. GREEN. Mr. President, I had a fair hearing on Saturday of all the amendments I proposed, and I shall not renew them. I see it is the settled judgment of a majority of the Senate to pass this bill without amendment; but I must take this occasion to say that I moved these amendments in good faith; I thought they would improve the bill and better promote the public interests, and especially the interests of Kansas. They, however, failed; and while under the rules of the body I should have a right to renew them when we get out of the Committee of the Whole and get into the Senate, I shall not do so, for I am satisfied the judgment of a majority of the Senate is against them. I had intended, on Saturday, to make a general speech on the questions of the day. I will not now do that. I will postpone it to some other, perhaps more suitable, occasion; but I must be permitted to make this remark: that the only object I had on Saturday, in desiring a postponement, was to have a more full Senate, so as to give every Senator an opportunity to vote upon the question this morning. Now, as the bill comes up with the amendment pending, if the Senate will give me leave, I will with-

draw the amendment. ["Leave!" "Leave!"] I do not wish to prejudice the question itself. Jefferson Territory ought to be organized; but many of the Senators in favor of the bill advise me that they will, at the proper time, vote for it, if I bring it up as a separate measure. For that purpose, I withdraw the amendment, with the leave of the Senate.

The VICE PRESIDENT. The yeas and nays have not been ordered, nor has any amendment been moved to the amendment; and therefore the Senator has a right to withdraw it. If no amendment be offered, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. FITCH. I shall renew the amendment which I offered to this bill on Saturday. The vote was then too close to satisfy me that a majority of the Senate were determined not to adopt it. It is well known, Mr. President, that nearly all of our present lamentable sectional difficulties are connected with the disposition of our Territories, and particularly with two questions in relation to those Territories. One of these is the right of a Territorial Legislature to abolish slavery. Another, the existence or non-existence of that institution within the Territories, by virtue, as it has been claimed by some of the Representatives of the southern States, of the Constitution. Both of these questions are now pending before appropriate judicial tribunals; and unless the refusal upon the part of the members of the Senate on the opposite side of the Chamber to adopt the amendment which I have offered lets one of these questions fall, they will both be before the Supreme Court in a short time. Certainly, sir, it is desirable they should both be finally adjudicated; for, notwithstanding the declaration of Senators upon the opposite side of the Chamber that, in the Dred Scott case, these questions were not decided, and only an opinion—an *obiter dictum*—of the court given in relation to them, I can but hope those Senators are as willing they should be decided as are Senators upon this side, and will be equally loyal to the decision whenever it shall be made.

One of these points has been decided by a United States court in Kansas Territory, and I may be excused for feeling some interest in having that case decided in the highest court, because there is still another point involved in it which was the subject of colloquy during the last session between the Senator from Mississippi, who then sat on my right, [Mr. Brown,] and myself. That Senator, it will be remembered, asked for congressional protection of slavery in the Territories. In common with the Senator from Louisiana, [Mr. Benjamin,] I took the position that no such congressional protection was required; that if slavery existed, as he claimed, by virtue of the Constitution, in the Territories, the common law afforded all the remedies he ought to desire. The case in the Kansas territorial court was a suit at common law. The Territorial Legislature having prohibited slavery, a slave escaped from her owner, and was reclaimed upon a common law writ—a writ of replevin, as I think the legal profession calls it. The defense was, that the Territorial Legislature having abolished slavery, no such property existed within that Territory. The judgment of the court was, that the action of the Territorial Legislature was unconstitutional. If this case goes to the Supreme Court, then one of these controverted points which, at this moment, are shaking the Government to its foundation, will be finally decided one way or the other.

There is at this time, I am informed, in Chicago, another case in which is involved the question of the existence or non-existence, theoretically, of slavery in a common Territory by virtue of the Constitution, or of common ownership. There a fugitive has been rescued, and the defense is that she escaped from Nebraska, a Territory in which there was no local law recognizing or protecting slavery, and that therefore no such property existed within that Territory. The bill, of course, now before the Senate for the admission of Kansas, does not affect this latter case; but it does the former, and a very vital one.

Now, when Senators over the way see only on one side the wishes of a population as limited as that of Kansas, and upon the other a Union about to crumble to fragments, because, perhaps, of a want, mainly, of decision on these specific points,

will they hesitate? Which is of the most importance, to procure an early decision of this question, or to hurry the admission of Kansas two, three, or four days earlier, at the expense, perhaps, of preventing a decision altogether? This is what is involved in the amendment: on the one side, a prompt appeal to the Supreme Court, and an early decision of an important controverted point; on the other side, a delay in according the wishes of a limited population in a remote Territory—upon the one side, a mere bleeding Kansas; on the other, a bleeding Union. I have nothing further to say on this subject. I promised Saturday that I would not debate it.

Mr. DOUGLAS. I have only to remark that there is no such question involved as a delay in the settlement of this judicial question to which the Senator refers. No one proposes to do any act by which the suit pending shall be delayed. On both sides it is proposed that there shall be such legislation as shall preserve that case in its order. If the case shall continue in the United States court, there is no probability that it can be reached in one, two, or three years, in the due order of proceeding in that court; hence, all the arguments made about delay fall to the ground, for it does not involve a delay of one instant of time. It is only a question whether this bill shall be sent back to the House of Representatives by an amendment that will delay the admission of the State. I understand gentlemen on the other side of the Chamber to say that they intend to bring in a bill at once to establish the United States judiciary for that new State, and to make provision for the preservation of all the cases.

Mr. COLLAMER. That can be preserved.

Mr. DOUGLAS. All that can be preserved under the Constitution of the United States. I think we can trust those assurances, especially when they have as much interest in that line of policy, in my opinion, as any men in the world. They certainly do not desire to leave that State without a judiciary system for twelve months; and, unless they pass it, and have it approved before the 4th of March, there can be no judiciary system there until next winter.

Mr. COLLAMER. Of the United States cases.

Mr. DOUGLAS. Of the United States cases. I take it for granted there is no question of delaying the judicial decision; but the question is as to delaying the act of admission. For that reason I am utterly opposed to any amendment of the bill; but I renew the pledge I have heretofore made: bring up your bill to-morrow, or to-day, for establishing a judicial system, and I will vote to put it right through, without the slightest delay, and I shall think that gentlemen on the other side act very strangely after what they have said, if they do not vote so too.

Mr. SEWARD. Mr. President, I respond entirely to what has been said by the honorable Senator from Illinois. I want to meet this question of the admission of Kansas upon its merits; and I do not want to meet collateral or incidental questions any longer in connection with Kansas. If there is any community in this country which is entitled to any right at the hands of the Congress of the United States, it is the people of Kansas to be admitted into this Union now, and to be admitted after complying, as they have done, in good faith and fully, with all the customary requirements to which the people of the Territories are subjected when they apply to Congress to allow them to change their condition from a Territory to that of one of the States of the Union.

This proceeding is sought to be embarrassed by connecting with it a proposition to organize a judicial district in the State. It is unusual; it is unnecessary; it can be done separately and distinctly; and that is the prevailing custom which has been applied in such cases. If we depart now from that custom, and incorporate that provision into this bill, it sends Kansas back to the House of Representatives, after we have kept her waiting here one whole year for admission. A year ago the House of Representatives sent us a bill to admit Kansas. If we had conditions to annex; if we had incidents to take care of, it ought to have been done a year ago and not now.

The proposition to organize this judicial district is magnified by the circumstance that there are suits which may fall. Those suits practically have just exactly the value which every suit between individuals has in the Territories. Stand-

ing upon personal rights, it is our duty to save all that can be saved of judicial rights and remedies. I am prepared to do that. I am not prepared to make an exception from the customary practice for the purpose of sustaining this particular interest of a public nature, which is supposed to depend upon the result of private litigation in these cases. As the honorable Senator from Illinois has said, I respond, you may bring in your bill to-day for the organization of a judicial district in Kansas, and I will vote for it; and I will vote to save every remedy which can be saved, regardless of the consequences, whether the judgment which is to be pronounced be for or against the principles which I maintain in the administration of the Government.

Mr. FITCH. Mr. President, the Senator from New York says that any proposition—any extraneous one, as I believe he designates this—in connection with this bill, should have been brought in a year ago. The Senator's memory is very treacherous, unless he recollects that this was brought in a year ago, or whenever the bill came before the Senate, and has been pending from that hour to this. It was printed simultaneously with other amendments to the bill.

Mr. SEWARD. Mr. President, the honorable Senator from Indiana—

Mr. FITCH. I had not finished.

Mr. SEWARD. I beg pardon.

Mr. FITCH. I yield, of course.

Mr. SEWARD. The honorable Senator from Indiana misunderstands me, or else I fail to explain myself. I do not complain that this is a new proposition. What I say is, that Kansas was entitled to admission last year, and that all these questions ought to have been made last year, and disposed of, and not have delayed the whole question until this time, and now send the bill back to the House of Representatives for the purpose of securing conditions which ought to have been considered, together with the bill itself, upon its merits, and acted upon then.

Mr. FITCH. And, Mr. President, as to the other cause for opposition mentioned by the Senator from Illinois, that the amendment will delay the passage of the bill by rendering it necessary to send it back to the House of Representatives, do Senators distrust their own political associates in that wing of the Capitol, now in an overwhelming majority? With this amendment, the bill will not necessarily be delayed two days. The only question would be about bringing it up in the order of business. If Senators on the opposite side of the Chamber and the Senator from Illinois are so willing that a judicial district shall be created in Kansas, and pending suits kept alive, why not do it now, when we know the passage of this bill is beyond the possibility of doubt, and there is doubt about the passage of any separate judiciary bill? I do not doubt the sincerity of the Senator from Illinois or of the Senators on the other side of this Chamber in their expression of willingness to pass such bill; but they cannot pledge themselves for the action of the other House; and while they are unable to thus pledge themselves, they well know the importance attached to the early admission of Kansas by their political associates in that end of the Capitol is such that an amendment of this reasonable character will not delay its passage, as I have already said, beyond a day or two.

Then, if there is a willingness to keep the important suit to which I have alluded alive, that it may finally be decided in the Supreme Court, if there is that willingness to create a judicial district, why not evince that willingness by adopting the amendment? I certainly had a right to expect that the Senator from Illinois would assent to it; but I do not know that I have any right to expect that Senators on the opposite side of the Chamber will. They have manifested so little disposition of a conciliatory character in relation to our sectional troubles, that I have little expectation they will, by act or vote, keep alive a suit in which a great question, against which they have contended, is involved, and which is likely, through this amendment, to be decided contrary to their views.

Mr. GREEN. There is this other consideration: the trouble is in regard to the order of business in the House of Representatives. We know what their rules are; and we know the difficulty of bringing a question up for consideration. I

believe that a separate bill to organize that State into a judicial district would pass, if it could get a hearing, not only in this Chamber, but in the House of Representatives. We can get a hearing in this body; but there is great difficulty in getting a hearing in that body. You cannot move to suspend the rules, except on one day; and it takes two thirds to carry that suspension. If we pass the bill, it will never be reached in the House of Representatives; but if we put this amendment in this bill, it of necessity comes up as a disagreeing vote between the two Houses, and has to be passed upon by it; and thus it insures the passage of it, if it meets the concurrence of a majority there; whereas a judiciary bill cannot be passed, unless two thirds agree to suspend the rules for the purpose; and then only on Monday, when a motion to suspend the rules would be in order. There is, therefore, manifest propriety, as the thing itself is right, and as all concede it to be right, to put it on this bill; for that insures its consideration in the House of Representatives.

Again: it cannot possibly delay the bill. Talk about keeping Kansas out of the Union! It is not done to keep Kansas out of the Union. It is a total misapprehension of the design of the mover. Not a single amendment has been proposed for the purpose of keeping Kansas out of the Union. Suppose it shall delay it until to-morrow morning: how much harm will be done? We promote a great public good by providing means to enforce the laws; and then we may, with propriety, say, "the Union, the Constitution, and the enforcement of the laws."

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) Is the Senate ready for the question on the proposed amendment?

Mr. FITCH. I ask for the yeas and nays upon it.

The yeas and nays were ordered; and being taken, resulted—yeas 29, nays 28; as follows:

YEAS—Messrs. Bayard, Benjamin, Bigler, Bragg, Bright, Clingman, Fitch, Green, Gwin, Hemphill, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Kennedy, Lane, Latham, Mason, Nicholson, Pearce, Polk, Powell, Pugh, Rice, Saulsbury, Sebastian, Slidell, Thomson, and Wigfall—29.

NAYS—Messrs. Anthony, Baker, Bingham, Cameron, Chandler, Clark, Collamer, Crittenden, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Grimes, Hale, Harlan, King, Morrill, Seward, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson—28.

So the amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time. It was read the third time; and on the question, "Shall the bill pass?"

Mr. BINGHAM called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. KENNEDY. I wish to say, before the vote is announced, that I was desirous of explaining my vote on this bill. I do not rise to do so now. I only wish to say, as I voted against the admission of Kansas and Minnesota on the same ground that I object to this, it was on that point that I desired to make some remarks.

The result was then announced—yeas 36, nays 16; as follows:

YEAS—Messrs. Anthony, Baker, Bigler, Bingham, Bright, Cameron, Chandler, Clark, Collamer, Crittenden, Dixon, Doolittle, Douglas, Durkee, Fessenden, Fitch, Foot, Foster, Grimes, Hale, Harlan, Johnson of Tennessee, King, Latham, Morrill, Pugh, Rice, Seward, Simmons, Sumner, Ten Eyck, Thomson, Trumbull, Wade, Wilkinson, and Wilson—36.

NAYS—Messrs. Benjamin, Bragg, Clingman, Green, Hemphill, Hunter, Iverson, Johnson of Arkansas, Kennedy, Mason, Nicholson, Polk, Powell, Sebastian, Slidell, and Wigfall—16.

So the bill was passed.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. GLOSSBRENNER, his Secretary, announced that the President had approved and signed, on the 19th instant, the following bill and joint resolution:

A bill (S. No. 539) to continue in force an act therein mentioned relating to the port of Baltimore; and

A joint resolution (S. No. 57) authorizing the Secretary of the Treasury to permit the owners of the steamboat John C. Fremont to change the name of the same to that of Horizon.

SLAVERY QUESTION.

Mr. BIGLER. I desire to inquire what is the next special order?

The PRESIDING OFFICER. The next business before the Senate is the joint resolution (S. No. 54) proposing certain amendments to the Constitution of the United States, introduced by the Senator from Kentucky, [Mr. CRITTENDEN,] the question pending being on the amendment of the Senator from Pennsylvania [Mr. BIGLER] to the amendment of the Senator from New Hampshire, [Mr. CLARK.]

Mr. BIGLER. After the solemn scene presented here this morning, I confess I scarcely have the heart to approach the consideration of this subject. The solicitude—the universal and solemn solicitude, not to say alarm, that pervades the popular mind in my State, touching the present distracted and imperiled condition of the country, and the importunities which reach me daily on that absorbing topic, must plead my apology to the Senate for the expression of my opinions and feelings at this time. I shall probably never claim their attention again, and I shall be as brief as I properly can. It is mainly my purpose to deal with the eventful and inauspicious present, and, as far as that is possible, with the mysterious and gloomy future of our country and Government.

I shall not repeat at length the oft-told and familiar stories of the establishment of colonies on this continent; of their early history; their doings and sufferings, their progress and prosperity; of the means by which they were induced to embrace the institution now the subject of unhappy, if not fatal, controversy between the States of the Confederacy; nor how those colonies in the course of time threw off their allegiance to the mother country; how their representatives assembled at Independence Hall, at Philadelphia, in 1776, and absolved themselves from their former allegiance to Great Britain; how the people of all the States, north and south, made common cause in the privations and sufferings that followed; how, after a struggle of seven years, their independence was fully established; how they formed a Confederacy of States for the mutual benefit of all; how and why that Confederacy failed to answer the purposes for which it was designed; and how, in 1787, these thirteen separate and independent States, by their representatives, assembled in convention at Philadelphia, in order to "form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty;" nor how, in that work, Madison, Randolph, Pinckney, Rutledge, and others of the South, and Franklin, Sherman, Gerry, Paterson, and others of the North, sat side by side, day after day, in solemn conclave over the affairs of the nation; how the individuality of the States was preserved and distinguished; how each expressed its views, by a single vote, the smallest being equal to the greatest; and how it was agreed that when nine out of the thirteen should unite on conditions of a more perfect Union, that that Union should supersede the old form of Government, and be binding on those States only who might adopt it, leaving the opportunity for four of those independent parties to remain as separate States or sovereignties outside of the new Union.

Nor need I relate the history of the acceptance of those new conditions, or call attention to the extreme caution and qualification with which they were accepted by New York, Virginia, and other States, and how Rhode Island and North Carolina remained out of the new Confederacy for two years or more, and were noticed by Congress as separate and independent Powers; nor more than state the political problem about amending the Constitution, to show what care was taken to retain power in the States over the popular will of the whole mass of people of all the States, consisting in the fact that amendments to the Constitution can be defeated by the votes of one thirtieth of the electors of the United States, and at the same time that amendments can be carried against the will of the majority. This would beby the small States, to the number of one fourth, uniting against the large States, and by a close vote within each State; on the other hand, the united vote of one fourth of the largest States, cast together, would make more than a majority of all the votes, whilst the remaining three fourths would carry the amendment.

Nor, sir, need I tell the story of the subsequent career of our country under this new compact;

how it has grown, as it were, by magic, from thirteen feeble colonies, with three million inhabitants, to thirty-three independent sovereign States, embracing a population of over thirty-one million. Nor how all the members of the Confederacy, and the people, North and South, made common cause, in 1812, against a foreign foe, contributing, with unsurpassed zeal and generosity, money for the common Treasury, and men for the field of battle; and how those men stood or fell together. Nor how, at a later date in the history of the country, in the war with Mexico, northern and southern men rushed with unsurpassed zeal to the flag of the country, and followed it, and planted it wherever the rights and the honor of the nation required. Then there was no talk of North and South, of East and West; none of slaveocracy, and none of sectionalism. All was forgotten in the common cause of the country. Away down at Vera Cruz, beneath the rays of a tropical sun, were beheld the northern and the southern soldier and sailor in cordial fellowship and cooperation. And then, again, on the rugged highways toward the City of Mexico, was heard the steady tread of the Palmetto boy, and the Pennsylvania volunteer, side by side and shoulder to shoulder, moving against a foreign foe with unflinching zeal and courage. No thought of domestic feud or geographical distinctions disturbed that harmonious band. Their thoughts turned to the triumph and glory of the arms of a common country. Nor, sir, need I call to mind the distinguished heroes and patriots of the Revolution, and of the subsequent struggles, to show that the South equally with the North, and the North equally with the South, have contributed to establish our independence, and to build up our great country and Government.

Nor, Mr. President, is it my purpose to trace in minute and elaborate detail the inauspicious events of the last fifteen years, which have brought our once happy country to the very verge of civil war and its countless horrors and ravages. A glance at each of these is enough for my purpose. One after another they have followed so closely down the current of time that the popular mind has seldom had time to become composed, whilst it has often been so agitated and maddened that reason and judgment have yielded to passion and prejudice.

Nor, sir, shall I attempt to trace the history of these events with the view of fastening the responsibility on this party or on that, by an elaborate array of historical facts? I shall only look at these things so far as it may seem necessary to impress men with a sense of their full responsibilities to the country in the present critical epoch, and for this purpose only. On these points the popular judgment is too far matured to be disturbed by any argument of mine. Nor is it essential to my purpose to know what that judgment is. The Union must be saved, no matter whose measures and policy have endangered it. The country must be rescued from the disasters of civil war and anarchy, no matter whose folly and madness have produced the impending peril. History will take care of this. And as for the public men of the present day, it were wiser for them to think of what history is to say of them, than to indulge in dreamy anticipations about the White House, first class missions, and Cabinet places. They have a chance for glorious or inglorious history, but none, none, sir, to gain the great prize of American ambition. If the statesmen of the present day, the men of these presents, should prove themselves incapable of performing the great mission of preserving the institutions transmitted to them by the fathers, the sooner their names are forgotten the brighter will be their country's history.

The fundamental cause of the imperiled condition of the country is the institution of African servitude, or rather the unnecessary hostility to that institution on the part of those who have no connection with it, no duties to perform about it, and no responsibilities to bear as to the right or wrong of it. Each event, touching the extension, contraction, or control of this institution, as it has presented itself, has added to the mutual exasperation and strife between the North and the South, until men have become convinced that to have peace, as to all things else, the North and the South must be completely separated as to this institution of slavery. From 1820 to 1845 we had