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THE MEXICAN WAR AND THE DISPOSITION
OF TERRITORIES IN THE THIRTIETH CONGRESS
1847-1849

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VERA S. REYNOLDS

Thesis for Master's Degree at University of Minnesota.

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TABLE OF CONTENTS.

	Page
Critical Bibliography	I
CH. I. INTRODUCTION	1-54
Importance of The Thirtieth Congress	1
Leaders in the Congress	1
The Wilmot Proviso	8
Democratic attitude toward acquisition of territory	8
Whig attitude toward acquisition of territory	13
Attitude of the South toward the Wilmot Proviso: the Calhoun doctrine	24
Attitude of the North toward the Wilmot Proviso	29
Sectional parties foreshadowed	30
Difference of opinion among the Whigs as to what should be the action of the Whig majority in Congress toward the war	33
The elections in the Fall of 1846	36
The 1847 elections	41
The Whig majority in Congress	43
Sectional majorities in Congress	45
The Senate committees	45
The election of speaker	47
The House committees	50
The time given in Congress to the discussion of the Mexican war and its attendant problems	52
CH. II. THE MEXICAN WAR AND THE TREATY	55-124
Time devoted to the Subject in the First Session	55

Nov 23 1967

	Page
President's message at the opening of the Thirtieth Congress	56
President's claim that the war was begun by Mexico	60
Bills on the subject in Congress	60
Points of agreement and disagreement between parties	63
Calhoun - the leader of the Opposition	64
Origin of the war	65
Conduct of the war	86
Democratic plans for the termination of the war	94
Whig plans for the termination of the war	104
Indemnity to be required from Mexico	107
The Ten Regiment Bill	108
The Loan Bill	110
Sectional parties foreshadowed	114
What was accomplished during the first four months of Congress	118
The treaty	119
CH. III. THE DISPOSITION OF TERRITORIES IN THE FIRST SESSION	125-180
The President's message on the organization of the territorial governments	125
The Oregon question early in the First Session	125
The new element in the slavery controversy	126
Oregon in relation to the Missouri Compromise	132
The argument that slavery would never be carried into Oregon	133

	Page
Southern claim that Southerners would be shut out of the Territories	135
Main objections of the North to the introduction of slavery into these Territories	137
Southern attitude toward the institution of slavery	138
Sectional jealousy of political power	140
The Calhoun doctrine	141
Northern denial of the Calhoun doctrine	144
Cause of the discussion of the Calhoun doctrine	146
Southern explanation of the Compromises of 1787 and 1820	147
Ideas of slaves as property in North and South	148
Southern complaint of northern aid given to fugitives	149
Prospect for legislation on the territorial question	150
The Douglas bill for Oregon	150
The five propositions made during the discussion of the Oregon bill	151
The effort to keep the Democracy together	155
President Polk in favor of the Missouri Compromise Line	156
The attitude of North and South toward the Missouri Compromise Line	157
Attitude toward popular sovereignty	158
The Clayton committee	160
Work of the Clayton committee	161
The President's approval of the Clayton Compromise	163
The advantages claimed for the Clayton Compromise	163

	Page
Opposition to the Clayton Compromise	165
Feeling throughout the country on the Clayton Compromise Bill	171
Passage of the Clayton Bill by the Senate	173
The Clayton Compromise lost in the House	174
The House Oregon Bill	175
Presidential action on the bill	177
The break down of old party lines	179
CH. IV. THE ELECTION OF 1848	181-214
Whig politicians at work early in Polk's Administration	181
Mention of Presidential candidate early in First Session	181
Campaign for General Taylor	184
Taylor's non-committal attitude	185
Whig sentiment toward Taylor	187
Other Whig candidates	188
Democratic candidates	190
Mr. Cass' position	192
Feeling against the National Nominating Convention	194
Gen. Taylor recommend by Native Americans	195
The Liberty Party	195
New York state democratic convention	195
Instructions to democratic delegates	196
Democratic National Convention	197
Instructions to Whig delegates	200
Whig National Convention	201

	Page
Free Soil Party	202
Other anti-slavery meetings	203
Van Buren and Adams nominated	204
Attitude of northern democrats toward Taylor and Van Buren	204
Whig support of Taylor	207
Election of Presidential Electors	209
Feeling of northern democrats about the election	213
CH. V. THE SECOND SESSION	214-277
The Second Session compared with the First Session	214
Freedom of debate on the slavery issue	214
The southern caucus	218
Greater union among Democrats and Whigs in the north	225
A question whether the Thirtieth Congress should legislate for the Mexican Territories	226
The President's message	227
The attitude of the People of New Mexico and California toward slavery	230
Uncompromising attitude of both North and South	232
Slavery with reference to the climate	236
The controversy as to whether slaves were property	237
Northern reasons for the organization of New Mexico and California as free Territories	238
Southern reasons for not organizing New Mexico and California as free Territories	241
Southern claims against the North	242

	Page
Northern claims against the South	243
Occasional conciliatory speeches	244
Attitude of President Polk toward the Wilmot Proviso	245
The suggestion that New Mexico and California be receded to New Mexico	246
The new plan for California	251
Other plans for organizing a government for New Mexico and California	262
The question of the Texas boundary	263
Senator Walker's plan	264
The amendment of Senator Baldwin	273
The House Bill	274
The Walker amendment in the House	275
The Senate recedes from the Walker Amendment	279
The revenue laws in the Senate	281
CH. VI. CONCLUSION	284-288
What was accomplished in the Thirtieth Congress bearing on the war and the disposition of Territories	284
What the Thirtieth Congress attempted in connection with the war and the Territories	284
The reason for the failure of the Thirtieth Congress to settle the slavery question in relation to the Territory acquired	285
Sectionalism in the Thirtieth Congress	287-288

REPORT
of
COMMITTEE ON THESIS

THE undersigned, acting as a committee of
the Graduate School, have read the accompanying
thesis submitted by Miss Vera S. Reynolds
for the degree of Master of Arts.

They approve it as a thesis meeting the require-
ments of the Graduate School of the University of
Minnesota, and recommend that it be accepted in
partial fulfillment of the requirements for the
degree of Master of Arts.

Franc Maloy Anderson
Chairman

A. B. White

M. N. Orfield

BIBLIOGRAPHY.

1. Congressional Globe for the Twenty-ninth and Thirtieth Congresses.

This was the official newspaper which published sketches of the debates and the record of the votes in the American Congresses. The Globe was the predecessor of the Congressional Record. Accompanying the Globe for each session is an Appendix containing many of the speeches in full. The three volumes of the Globe for the Thirtieth Congress has been, by far, the chief source used in the preparation of this thesis.

2. Debates of Congress vol.

This is an official publication which includes the debates in full.

3. Senate Documents vol. 509.

This is an official publication of such executive sessions of the Senate, during the consideration of the Mexican treaty, as have been released from the ban of secrecy.

4. Polk's Diary in 4 vol., ed. by M. M. Quaife.

This is the published Diary of James K. Polk, kept for every day of the four years of his Presidency and is a valuable aid in the discovery of private conversations, cabinet meetings, reports of committee and executive sessions. It throws much light upon the personal opinions of political leaders of that day.

5. Thomas Benton's Thirty Years View of the American Senate vol. II.

This is a record of the work of the Senate and of the Senators during the years in which Mr. Benton was a prominent figure in that body. The reader must guard against a tendency of the writer to exalt his own efforts and against a strong personal bias against Mr. Calhoun.

6. Niles Register vol. 70-75 published in Baltimore from 1811-49.

This has been the most valuable periodical source used in the preparation of this thesis. The volumes used cover the years from 1845 to 1849. The chief value of the periodical is in its record of documents of historical importance and in its collection of valuable items reprinted from contemporary newspapers and periodicals from all over the United States, which are inaccessible to most workers.

7. Democratic Review vol. 19-24, 1838-59.

This was an organ of the Democratic party, published in New York. It is valuable for setting forth the principles of the "stand pat" wing of the Northern Democracy.

8. The American Whig Review vol. 1-4 published in New York 1845-52.

This was an organ of the Whig party and, therefore, valuable for the light it throws upon the party principles and viewpoint.

9. The Cleveland Plain Dealer.

This newspaper, which is still the leading Democratic newspaper of Ohio, is valuable for the light it throws on the principles of the Democracy of the Western Reserve. It also reprinted items from many newspapers throughout the country.

10. The Cleveland Herald.

This newspaper has the same value for setting forth Whig principles as has the Plain Dealer for the principles of Democracy.

11. The National Intelligencer published in Washington 1820-1869.

This was a leading Whig organ and has the additional value of including extracts from many newspapers throughout the country.

12. The New York Weekly Tribune published in New York by Horace Greeley.

This was the leading periodical of the country in 1847-49. It was a Whig organ and published extracts from newspapers all over the country.

13. The Tribune Almanac vol. I

This is a publication put out by Horace Greeley of the New York Tribune. It was an authentic record of all election returns and included, also, platforms of political parties, election speeches, etc. The first number was issued in 1847.

14. Calhoun's Works, Craille ed. vol. I, IV, V.

This includes material in the way of speeches, reports, and letters, for the period covered by this thesis.

15. Webster's Works, Fletcher Webster ed. vol. V.

This vol. includes valuable letters mentioning events of this period.

16. Clay's Works, Colton ed. vol. III.

This volume includes valuable letters.

17. Private Correspondence of Henry Clay, Colton ed.

18. Life and speeches of Henry Clay, by Sargeant and Greeley.

This is a biography written by contemporaries of Mr. Clay and it includes some important letters and also authentic records of the actions of various parts of the country in favor of Mr. Clay in the Campaign of 1848.

19. Life of John A. Dix, by Morgan Dix.

The "Life" was written by the son of John A. Dix and, while biased, contains an authentic record of events in the politics of New York during this period. It also contains some of Senator Dix's correspondence.

20. Life of Alexander H. Stephens, by Johnstone & Brown

This biography contains some letters written by Mr. Stephens about this period, which are probably reliable as to the events described although not written contemporary with them.

21. Life of Horace Mann, by G. C. Eggleston.

22. Life of Giddings, by Julian.

This is a contemporary biography. Its chief value is in the letters which it contains.

23. Life of Chase, by Schuckers.

24. Life and Times of Samuel Bowles, by G.S. Merriman.

25. War Between the states, by Alex. H. Stephens, vol. II.

This vol. devotes some space to the events of the Thirtieth Congress. The book is written with a strong Southern Whig bias. It was written in 1868, after the war was over, but it is valuable.

26. Von Holst's Constitutional History of the United States, vol. II.

This includes a critical history of the Thirtieth Congress in which is quoted some source material not easily available elsewhere.

CHAPTER I
INTRODUCTION

1. Importance of the Thirtieth Congress

The Thirtieth Congress, 1847-1849, is of importance to the student of history because, in it, the sectional parties were forming themselves--old party lines were being broken down and the opposing sides in "The Great American Conflict" were organizing themselves for action. The sections were not conscious of the full import of this organization and it did not take place without a struggle to avert the threatened disintegration of parties but, nevertheless, the interests of North and South were definitely dividing and, in this study of beginnings, the student sees a decided foreshadowing of the inevitable end.

The Missouri Compromise in 1820 had been the first openly-taken step in the controversy over the extension of slavery; the annexation of Texas in 1845 had been the second; and now the Mexican War and the disposition of territories thus acquired by the United States was the third plainly discerned step in the progress toward disunion. Thus it is that a study of the Thirtieth Congress is a necessary foundation for a study of the Civil War.

2. The Leaders in the Congress.

The Thirtieth Congress was still in the days when the greatest statesmanship was to be found in the Senate, rather than in the House of Representatives.

However, there were some worthy statesmen in the Lower House. Oldest and most venerable was John Quincy Adams from Massachusetts, famous for his resistance to the "gag rule" in its operation against slavery petitions. His work was slight and his time short in the Thirtieth Congress. He was stricken with illness on the floor of the House and he passed away, on February 23, 1848, in the Speaker's room.¹

Of the Representative leaders who were active in the work of the Thirtieth Congress, perhaps none should be named before the Whig leaders from Georgia--Alexander H. Stephens and Robert Toombs. They represented the best influence to be found among Southern Whigs. They rallied the Whigs of their section to loyal party action on the subject of the Mexican War,² and after the war was over, they stood loyally against extreme sectionalism.³

Mr. Botts of Virginia had been hailed with applause because of his refusal before the election to pledge himself to vote against any Whig candidate for the presidency who had

¹ Cong. Globe, 30th Cong., 1st Sess. p. 384

² See the speeches of Feb. 2, 1848, App. to Cong. Globe, 30th Cong., 1st Sess. p. 94.

³ See Proceedings of the Southern Convention as reported in Niles Register 75:84

not avowed himself against the Wilmot Proviso.¹ He was strong in his condemnation of the war as an Administration war,² but he joined the Southern ranks on the question of slavery in New Mexico and California.³

From South Carolina came Isaac Holmes of the same mind and doctrine as Calhoun and following the lead of that conspicuous figure of the Upper House.⁴

Giddings of Ohio, Tuck of New Hampshire, and Palfrey of Massachusetts upheld the abolitionist banner in the House. The conservative Whigs disowned them, but they talked on, presenting resolutions and petitions, threatening slavery, and cursing slave owners in their uncompromising fight for freedom.⁵

One other name must be mentioned and that is the name of Abraham Lincoln from Illinois. Serving his first term in

¹ The New York Weekly Tribune for April 28, 1847, quotes Mr. Botts of Virginia as saying:- "My way to avoid all trouble concerning slavery in our conquered territory is to take no territory of Mexico, and I don't like the Wilmot Proviso. I pledge you that I will vote for any Whig against any Loco Foco candidate who may be nominated."

² See his resolutions introduced in Cong. Dec. 21, 1847, Cong. Globe, 1st Sess. p. 60.

³ See his speech of Aug. 5, 1848. Ibid p. 1045.

⁴ Cf. his resolutions, with Calhoun's resolutions, introduced on the same day. Cong. Globe, 30th Cong. 1st Sess. pp. 26 and 38.

⁵ See The Speeches of Jan. 19, 1848, App. to Cong. Globe, 1st Sess. 30th Cong. p. 81; Dec. 30, 1847, Cong. Globe, 30th Cong. 1st Sess. pp. 81 and 82; Dec. 21, Ibid p. 60.

Congress, there was little to warrant a prophecy of his illustrious future. Yet he spoke out boldly against war and slavery.¹ It was the beginning of a great national career.

First and foremost of the Senators were the veterans, Daniel Webster and John C. Calhoun, who, opponents in political creed from the first and now opponents in sectional allegiance, had for so many years served together in the work of legislation. Mr. Calhoun, though originally a Democrat, was no friend of the Polk administration and so, during the debates on the Mexican war, he stood as the leader of the Opposition and, on the prime issue, he and Mr. Webster stood side by side in their efforts to block the policy which would conquer more territory. And yet, they were not absolutely of one mind, even in this, for Mr. Calhoun, while vehemently opposed to the conquest of territory, thought that indemnity for past wrongs should be received in territory from Mexico,² while Mr. Webster stood firmly on the ground of "no acquisition of territory."³ When the question turned from the international one to that of sectional supremacy, Mr. Calhoun was still a leader, but this time the leader of South against North - an extremist among the Southerners, who, while yielding under pressure to compromise, would yield no inch of principle on the question of

¹ See his speech of Jan. 12th, Cong. Globe, 30th Cong. 1st Sess. p. 94.

² See the speech of Jan. 4th, App. to Cong. Globe, 30th Cong. 1st Sess. p. 49.

³ See his speech of Mar. 23rd, Ibid p. 530-1.

slavery in the Territories; he held that Congress could not legislate for the people of the Territories and slavery was constitutional in every Territory of the United States.¹

There was still another eminent Senator in this Thirtieth Congress whom we associate with Mr. Calhoun. This was Thomas Benton, a Democrat from Missouri, with years of Congressional experience behind him. There was always antagonism between him and Mr. Calhoun. When it was the question of the war with Mexico, Mr. Benton staunchly supported the President against the charge of violation of the Constitution,² and laid the blame of the war upon Mr. Calhoun. When it was the question of slavery in the Territories, he combated the Calhoun doctrine and was willing to organize Oregon with the Wilmot Proviso and claimed that the original Calhoun doctrine forbade the introduction of slaves into California and New Mexico.³ When it was a question of disunion, he called Mr. Calhoun's expedient unconstitutional.⁴

Then there was Lewis Cass, not so old in Congressional record, but old in the history of Michigan, and experienced in national diplomacy. A loyal supporter of President Polk, it was he who, with tireless effort, urged the passage of the

¹ See his speech of June 27th. App. to Cong. Globe, 30th Cong. 1st Sess. p. 871.

² See his speech of Feb. 20, 1848. Cong. Globe, 30th Cong. 1st Sess. p. 399.

³ See his speech of Aug. 2, 1848, Ibid p. 998.

⁴ See his speech of June 20, 1849. Cong. Globe, 2nd Sess. p. 550.

Ten Regiment Bill;¹ he sought to vindicate the past acts and present policies of the President and stood,² during the first part of the first session, a strong and influential personality in the work of the Senate, from which he went out in the summer of 1848³ to raise the Democratic standard in the hope of binding together the Northern and Southern wings of that dividing party.

From New York had come Daniel Dickinson and John A. Dix. Mr. Dickinson, a Hunker, was to be best known in this Congress because of his insistent work for the principle of popular sovereignty.⁴ Mr. Dix had been a leader of the Barnburners at home - a man who had served his state long and well.

Mr. Clayton, from Delaware, was of such standing that he was one of the candidates of the Whig party for the presidential nomination in 1848. His name has lived in this Congress because of his efforts, which were all but successful, in compromising the sections on the issue of slavery in the Territories of Oregon, New Mexico and California.⁵

¹ See the following speeches of Sen. Cass:- Mar. 17th, Cong. Globe, 30th Cong. 1st Sess. p. 489; Jan. 17th, Ibid p. 183.

² See his speech of Mar. 17th, Ibid p. 489.

³ Cass resigned from the Senate May 29, 1848, Ibid p. 792.

⁴ See his resolution introduced on Dec. 14. Ibid p. 21.

⁵ See his speeches July 12, 1848. Cong. Globe 30th Cong. 1st Sess. p. 927; and on Aug. 3, 1848, App. to Cong. Globe, 30th Cong. 1st Sess. p. 1204.

From Mississippi came Jefferson Davis, not yet a great figure, but with developing ability in statesmanship; and Henry S. Foote, whose efforts in the first session were to save the Democratic party,¹ but who, in the second session, became the uncompromising Southerner, working in close co-operation with Mr. Calhoun.²

Stephen A. Douglas, a Representative in the previous Congress, was just beginning his striking career in the Senate. No man stands more universally recognized as a part of this Congress than does he because of his unceasing work in behalf of Territorial Government, and in this work there seemed to be nothing which compromised his principles.³

It was an eminent company of able Americans who put the best efforts of mind and of political ability at work on the all absorbing question. They failed because it was a losing game at which they played. The question of slavery in the Union was to baffle the efforts of humans and was to be carried, through the intricacies of its own problem, into its own destruction.

¹ See his speech of June 1, Cong. Globe, 30th Cong. 1st Sess. p. 692.

² See his speech of Jan. 22, 1849, Cong. Globe, 30th Cong. 2nd Sess. p. 310.

³ See his bill of the 1st Sess. Cong. Globe, 30th Cong. 1st Sess. p. 10; and his bill of the 2nd Sess., Ibid 2nd Sess. p. 21. There are numerous concessions and proposals made throughout the Congress, by Senator Douglas, which need not be mentioned here, but which will be noted in the more detailed discussion of his work.

3. The Wilmot Proviso.

The proposal of the Wilmot Proviso in the Twenty-ninth Congress had been the signal for an undisguised discussion of the slavery question throughout the country and this subject held a prominent place in the campaigns of 1847.

There was settling over the country a fear that the Mexican war was being prosecuted by the administration for the purpose of conquering Mexico, which would lead to the acquisition of more territory.

4. Democratic attitude toward acquisition of territory.

In the ranks of the Democratic party were differing sentiments as to the question of the conquest of Mexico. Territorial expansion had been the policy of the Democratic party for years and there was little, if any, opposition to this

¹ On Aug. 8, 1846, Mr. Wilmot proposed his amendment to a bill appropriating money for the Mexican war. Cong. Globe, 29th Cong. 1st Sess. p. 1217. This bill passed the House but did not come to a vote in the Senate. On Feb. 8, 1847, Mr. Wilmot again proposed his proviso to the three million dollar bill. Cong. Globe, 29th Cong. 2nd Sess. p. 425. Again it passed the House, but not the Senate.

² For proof of this statement see the references cited below in support of Sec. V of this present chapter.

³ An editorial in the Democratic Review, published in New York, for Aug. 1846, declares:- "The task of the American people for the present century, is clearly to take and occupy the northern continent. XXXXXXXX To effect this object has been the policy of the Democratic party in opposition to a contrary policy of the Whig party. The latter have sought to prevent the

policy in 1847, but there was not a unanimity of party opinion as to the amount of territory to be acquired as the result of the war. Some radicals openly avowed their desire for the conquest of all Mexico;¹ others did not declare themselves for the conquest of all Mexico, but stood for the

occupation of territory; to cast without the pole of the Union him whose exigencies or enterprise carried him beyond an imaginary line as boundary. They have sought to give the monied-class, through the credit system, an undue proportion of the proceeds of the common industry; to confine the swelling population in a limited territory, and to force the industry of the whole into such channels as will throw the greatest profits into the hands of the few. The important acts of the present session of Congress, are peculiarly calculated to crush this latter policy, and give effect and permanency to the democratic view, which is that of the natural tendency of affairs on this continent." Dem. Rev. XIX:85-6. The same sentiment is expressed in other editorials of the Dem. Rev. Feb. 1847, XX:97; June 1847, XX:485. The acquisition of Florida, Louisiana, Oregon and Texas had all been the work of Democratic administrations.

¹ Prof. E. G. Bourne has an article on the Mexican war in the American Historical Review V:491, in which he discusses how the United States was saved from the annexation of all Mexico in 1847-8. In this discussion, he makes a detailed study of the Democratic sentiment in favor of the conquest of all Mexico. He has made use of Polk's Diary and, only in a few cases, are the references, cited below, in addition to the evidence which he has produced.

Representative Bedinger, Democrat from Va., said in the 29th Congress, on Jan. 6, 1847:- "Is this to be a war of conquest? I answer, yea! Trusting in Heaven, and the valor of our arms, this will be a war of conquest." Cong. Globe, 29th Cong. 2nd Sess. p. 126.

An editorial in the Dem. Rev. of June, 1847, states:- "That there is a party, and a strong and growing one, which is for retaining the whole of the conquered territory, and that, if the war continues, a party may spring up in favor of subjugating the whole of Mexico, can hardly be called in question. But the Administration is straining every nerve to oppose it." XX:485.

A writer in the Charleston Courier is quoted in Niles Reg., Dec. 1847, as affirming that "most of the leading Democratic papers openly advocated the conquest of all Mexico." 73:354.

In the "Address to the Democracy of New York," unanimously adopted by the Syracuse State Convention of Hunker Democrats, was printed the following opinion in reference to the annexation of Mexico:- "It is no more than the restoration of moral rights by legal means. XXXXX The field for such a work is opened to us by the conduct of Mexico, and such moral and legal means are offered for our use. Shall we occupy it? Shall we now run with manly vigor the race that is set before us? Or shall we yield to the suggestions of a sickly fanaticism, or sink into an enervating slumber? We feel no emotion but pity for those whose philanthropy, or patriotism, or religion, has led them to believe that they can prescribe a better course of duty than that of the God who made us all." Quoted in Niles Reg. 73:391.

Mr. Buchanan, who was President Polk's Secretary of State, during the year of 1847 underwent a change of attitude toward the acquisition of territory. There are two entries in Polk's Diary for June and July, 1846, which show plainly Mr. Buchanan's aversion to a large acquisition of Mexican territory; these entries also show the desire of Mr. Walker, the Secretary of the Treasury, for as much Mexican territory as possible. P.D. I:495-7. II:15-16. However, in Nov., 1847, Mr. Polk recorded in his diary changed opinion on the part of Mr. Buchanan. The entry of Nov. 20, 1847 recorded a Cabinet discussion on what should be the Administration policy in case peace could not be made with Mexico, apropos of a paragraph on the subject to be inserted in the President's message to Congress:- "In Mr. Buchanan's draft he stated in that event that "we must fulfill that destiny which Providence may have in store for both countries." P.D. III:226. Referring to the above mentioned draft on Nov. 23, 1847, Mr. Polk wrote:- "Mr. Buchanan still preferred his own draft, and so did Mr. Walker, the latter avowing as a reason that he was for taking the whole of Mexico, if necessary, and he thought the construction placed on Mr. Buchanan's draft by a large majority of the people would be that it looked to that object." Ibid p. 229.

At the beginning of the next year Senator Dickinson, a Democrat from New York, offered the following toast at a Jackson dinner, Jan. 8, 1848:- "A More Perfect Union Embracing the Entire American Continent." Niles Reg. 73:336. An entry in Polk's Diary for Feb. 28, 1848, includes this statement:- "Mr. Hannegan [Democratic Senator from Ind.] is for all of Mexico."

acquisition of some Mexican territory through the terms of
1
peace.

P.D. III:365. Mr. Hannegan's resolutions of Jan. 10th, 1848, in the 30th Cong., give substance to this statement. One of them was:- "That it may become necessary and proper as it is within the constitutional capacity of this government for the United States to hold Mexico as a territorial appendage." Cong. Globe, 30th Cong. 1st Sess. p. 136.

¹ The Dem. Rev. stood consistently for the acquisition of some territory from Mexico. A typical editorial on the subject was published in June 1847:- "As to the territory to be ceded to us by Mexico, we are of opinion that it will not comprise more than Upper California and New Mexico, and that our government will not insist, as a condition of peace, on the right of way across the Isthmus of Tehauntepec; but rather make this a subject for subsequent friendly negotiations between the two sister Republics." XX:486. Other editorials in the same vein may be found in the following numbers of the Rev.: Aug. 1846, XIX:85-86. Feb. 1847, XI:99.

The Union, the Administration organ in Washington, on Aug. 26, 1847, expressed this sentiment:- "To abandon indemnity for the past and security for the future, to throw away the money which has been spent upon the war and claims of our citizens to spoliations, to give up our conquests, would be disgraceful and would not bring permanent peace." This quotation was printed in Niles Reg. Sept. 4, 1847, 73:4.

The Baltimore American of Sept. 14, 1847, is quoted in Niles Reg. Sept. 18, 1847, as declaring that for the sake of geographic unity, California and New Mexico should be annexed. 73:47.

The resolutions of the Democratic convention of Ala., passed on May 8, 1847, included the following:- "8th. While it deprecates a war of conquest, expresses the conviction "that in adjusting the terms of a treaty with Mexico, no other mode of obtaining indemnity for the expenses of the war and for past injuries and aggressions will be available to the United States, except that of receiving from Mexico a portion of her territory contiguous to our own." These resolutions were published in the Montgomery Advertiser of May 8, 1847, and quoted in Niles Reg. May 22, 1847. 72:179.

Mr. Polk, in his diary, recorded a number of conversations with Democratic congressmen on the subject of the acquisition of territory from Mexico and they

President Polk disavowed any desire for the subjugation
¹ of Mexico, but he was determined that any treaty entered into
 with that country should ensure "indemnity for the past and
 security for the future." He held staunchly to the position
 that nothing less than New Mexico and California would afford
² such indemnity and security, and he seemed willing to acquire

all agreed that some territory should be ceded. Mr. Rhett, Representative from S.C., thought that New Mexico and the Californias should be held. Dec. 2, 1847, P.D. III:236. Senator Yulee of Florida was in favor of acquiring all of Upper California. Oct. 18, 1847, Ibid p. 194. 30th Cong. 1st Sess. p. 229-30.

¹ The entry in Polk's Diary for Nov. 23, 1847, included a Cabinet discussion of the President's Message to the 30th Cong. He wrote:- "I replied that I was not prepared to go to that extent; [the taking of all Mexico] and furthermore that I did not desire that anything I said in the message should be so obscure as to give rise to doubt or discussions as to what my true meaning was; that I had in my last message declared that I did not contemplate the conquest of Mexico, and that in another part of this paper I had said the same thing." Cong. Globe, 30th Cong. 1st Sess. pp.229-30.

² As early as Oct. 24, 1845, Mr. Polk entered in his diary a conversation with Col. Benton, in which he said:- "I had California and the fine bay of San Francisco as much in view as Oregon." P.D. I:71.

The entry for Mar. 28, 1845 included a discussion of the subject of the pending Slidell negotiation, in which the President said:- "That object as may be seen from Mr. Slidell's instructions, would be in adjusting a boundary to procure a cession of New Mexico and California, and if possible all North of latitude 30° from the Passo on the Del Norte and West to the Pacific ocean; or if that precise boundary cannot be obtained, then the next best boundary would be that which might be practicable so as at all events to include all the country East of the Del Norte and the Bay of San Francisco." Ibid 306-7.

There are a number of entries in the Diary, just before the opening of Congress, which show plainly that the President would, under no consideration, yield New Mexico and the Californias. Oct. 12, 1847, P.D. III:189-90 is a typical entry of this sort.

more,¹ though he had earlier declared his objection to more territory than this because of the slavery agitation which it would arouse; he had also contended that slavery would probably never exist in most of New Mexico and California.²

5. Whig attitude toward acquisition of territory.

There were Whigs from all parts of the country who were against the acquisition of territory.³ Territorial expan-

¹ The Entry for Nov. 9, 1847, in Polk's Diary included the following on the acquisition of territory from Mexico:- "If Mexico protracted the war, additional territory [more than the Californias and New Mexico] must be required as further indemnity, XXXXXX I am fixed in my course and I think all the cabinet except Mr. Buchanan will agree with me, and he may yet do so." III:218.

² The entry in Polk's Diary for Jan. 23, 1847, records a conversation with Senator Crittenden of Ky. Mr. Polk wrote:- "I told him I deprecated the agitation of the slavery question in Congress, and though a Southwestern man and from a slave holding State as well as himself, I did not desire to acquire more Southern Territory than that which I had indicated, [Californias and New Mexico] because I did not desire by doing so to give occasion for the agitation 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 and 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." P.D. II:349-50.

³ The following is quoted from the American Whig Rev., published in New York, of Oct. 1847:- "We believe if there is any one proposition on which the people of this country would rise in their might to sustain their faithful representatives, it is this - "That the war now existing with Mexico ought not to be prosecuted for the acquisition of territory to form new states to be added to this Union." We have not a doubt that the time has come when the people, in all sections of the Union, are ready to unite on

such a sentiment as this, with a strength which has not been exhibited on any other great public question, in the last quarter of a century. We want no more territory; we want no more accessions of new States from newly acquired territory; the country is ample enough; the people have room enough. There can be no mistakes, or danger of mistake, in asserting that this is becoming the common and prevalent sentiment of the reflecting portion of our people. Especially, and above all things, they are against acquiring more territory by war and conquest. Every man, at least every Whig, who loves his country, and his whole country, will rejoice that this noble sentiment against further territorial extension is one on which there may be, and will be, the most cordial agreement between the North and the South. Standing on this common ground, Northern Whigs and Southern Whigs will have but one opinion and one feeling between them. The unanimity has shown itself already on one important occasion. When the Senate was asked, at the last session, to appropriate three millions of dollars, in addition to other appropriations, to enable the President to bring the war with Mexico to a close, Mr. Berrien, of Georgia, introduced an amendment against the prosecution of the war for the acquisition by conquest of any Mexican territory. On this proposition - so significant and so just - the Whigs of the Senate rallied with singular unanimity. Twenty-four Senators voted for it, and of these eleven were from slave states. XXXX A reference to this example shows very plainly what may be expected from the unanimity and firmness of the Whigs at the approaching session of Congress. When, holding the power of the popular branch of the National Legislature, they shall be called on to adopt a measure to bring back to the country the smiles and the blessings of peace, and to save our Union from destruction." Am. Whig. Rev. VI:345.

A communication to the editors of the National Intelligencer, of Feb. 5, 1847, read as follows:- "The President in his Message at the commencement of the session, declared that the acquisition of Mexican territory by conquest was not our object. There is certainly some difficulty in reconciling the declaration with that made by Mr. Sevier in the Senate. The only mode of doing so is to suppose that the purposes of the Executive have changed since the time when his Message was written."

The Declaration of Whig Principles adopted at the Whig State Convention at Springfield, Mass., Sept. 29, 1847, included as the motto of Mass. Whigs:- "Peace

with Mexico without dismemberment - No addition of Mexican territory to the Union." Tribune Almanac 1848. I:33. The following Whig State conventions adopted resolutions against the acquisition of more territory from Mexico:-

Mass. at Springfield, Sept. 29, 1847, Tribune Almanac 1848. I:33.

Ver. at Montpelier, Oct. 21, 1847, Niles Reg. Nov. 6, 1847. 73:148.

N.J., Sept. 22, 1847, Niles Reg. Oct. 2, 1847. 73:71.

N.H., Niles Reg. Nov. 13, 1847. 73:172.

The following Whig mass meetings adopted resolutions against the acquisition of more territory from Mexico:- Whigs of Warren Co. at Lebanon, O. Aug. 28. Printed in the Cincinnati Atlas Aug. 30, 1847, and copied in Niles Reg. Sept. 18, 1847. 73:45.

Whig mass meeting at Lexington, Ky. Nov. 13, 1847. Niles Reg. Nov. 20, 1847. 73:190.

The State Journal of Columbus, Ohio, is quoted in Niles Reg. Aug. 28, 1847:- "We avow our opposition to any and all extension of territorial limits." 72:402.

The Richmond Whig of Va. is quoted in Niles Reg. Sept. 18, 1847:- "It is for every lover of the Union, for every true born American, to resist the introduction of more territory into the Union, and to submit to receive no gift which will bring its continuance into danger." 73:47.

The N.H. Patriot is quoted in Niles Reg. Sept. 18, 1847:- "Mr. Berrien of Georgia and Mr. Johnson of Maryland both declared in the Senate that they would oppose the acquisition of any territory, because they were satisfied that every acre of territory acquired must be free from slavery." 73:46.

A letter written by an Ohio Whig to the N.Y. Weekly Tribune was published in the issue of April 5, 1847:- "I understand the Whig policy to be forthwith to bring the army back to Corpus Christi - that is to Texas; to leave the Mexican territory unoccupied by our troops; to oppose all attempts to rob that government of its possessions; ~~XXXX~~ and to confine slavery in Texas to the precise limits within which it existed at the time of annexation. Such I am sure is the feeling of Whigs "here."

A letter from Alex. H. Stephens, Whig Representative from Ga., to his brother, written in 1869, is quoted in Johnstone & Brown's "Life of Stephens" pp. 210. He was writing of the 29th Congress:- "The Mexican war was in full blast and seemed as if it would carry everything before it. The Whigs, as a party,

sion had always been against their party principles - they doubted the adaptability of a republican form of government to so large a territory.¹ In the case of territory to be acquired from Mexico, they considered it un-

while opposed to the policy of the war, were afraid to do or say anything that would bring upon them what they thought to be the odium of an anti war party. KXXXX After the Whigs saw the effect of my Resolutions on the Democratic side, several who had dodged the vote at first came up and recorded their names for it. So that the motion received every Whig vote in the House and some Democratic votes. From this time on the Resolutions became the Whig platform on the war - north and south." The first of these Resolutions was:- "Whereas, It is no less desirable that the interests and honor of our country should be cordially sustained and defended so long as the present war with Mexico continues to exist, than that the conflict should not be unnecessarily prolonged, but should be terminated as soon as an honorable peace can be obtained, and whereas, it is believed that a diversity of opinion prevails to a considerable extent as to the ultimate aims and objects for which the war should be prosecuted, and it being proper that this matter should be settled by the clear expression of the legislative will solemnly proclaimed to the world: Be it therefore, Resolved by Senate and House of Representatives of the United States of America in Congress assembled, That the present war with Mexico is not waged with a view to conquest, or the dismemberment of that republic by the acquisition of any portion of her territory. Cong. Globe, 29th Cong. 1st Sess. p. 240.

¹ Mr. Webster said in his speech at the Whig State Convention held in Boston, Sept. 29, 1847:- "Even if new acquired territory should be free territory, I should deprecate any great extension of our dominions. I think we have a very large and ample domain. I think that thus far we have a sort of identity or similarity of character that holds us together pretty well, from the Penobscot to the Gulf of Mexico. I do not know how far we can preserve that feeling of common country if we extend it to California and for ought I know to the South pole. I apprehend that in a republican government you must have a great similar-

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democratic to acquire it by conquest, and unwise to try to

ity of character. It may not be so with despotic governments." Niles Reg. Oct. 16, 1847. 73:106.

Mr. Clay said at the Lexington meeting Nov. 13, 1847:- "Does any considerate man," he asked, "believe it possible that two such immense countries, with territories of nearly equal extent, with populations so incongruous, so different in race, in language, in religion, and in laws, could be blended together in one harmonious mass and happily governed by one common authority." Quoted in Life & Speeches of Henry Clay by Sargeant & Greeley, p. 285.

¹ The following resolution was adopted by a Whig mass meeting at Lexington, Ky., Nov. 13, 1847:- "Resolved, That we view with serious alarm, and are utterly opposed to any purpose of annexing Mexico to the United States, in any mode, and especially by conquest; ~~XXXXX~~ that such a union against the consent of the exasperated Mexican people, could only be effected and preserved by large standing armies and the constant application of military force; in other words, by despotic sway, exercised over the Mexican people in the first instance, but which there would be just cause to apprehend; might in process of time be extended over the people of the United States. That we deprecate, therefore, such a union as wholly incompatible with the genius of our government, and with the character of free and liberal institutions; and we anxiously hope that each nation shall be left in the undisturbed possession of its own laws, language, cherished religion, and territory, to pursue its own happiness according to what it may deem best for itself." Quoted in Life & Writings of Henry Clay by Sargeant & Greeley, p. 292.

An editorial in the Am. Whig. Rev. of July, 1846, expressed the following sentiment:- "We are "to conquer a peace in Mexico" - that is the phrase; and to do this, we are to march an army of 30,000 men, five-sixths of them militia, many hundreds of miles into the enemy's country - strictly an army of invasion, and of foreign conquest. Yes: we are to have an army of invasion and foreign conquest, composed, five to one, of militia; and by what authority? Certainly not by the authority of the constitution. No project or notion could be entertained more palpably in contempt of that instrument." II:2.

The following is an extract from an editorial in the N.Y. Weekly Tribune of April 12, 1847:- "Of course, we can ultimately, by sacrificing lives enough and money enough, bring Mexico to our terms, exorbitant

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amalgamate an inferior race.

They feared the slavery agitation which would attend
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 the organization of new territories and, deeper than the
 fear of agitation, many Northern Whigs feared the extension

as they may be. We can wrest from her Santa Fe and the left bank of the Rio Grande thruout, with a large slice of California, at all events. But can it be right? How can we as professing Republicans, chain the New Mexicans and Californians to our car of conquest, and constrain them to be citizens of this Republic, under penalty of death as traitors? Is not the very life of Democracy crushed out when we assert a right to do this, no matter upon what pretexts and under what provocation?"

1 The following is a quotation from a resolution adopted by the Whig State Convention of N.J., Sept. 22, 1847:- "The calling in of the unknown and half civilized states of New Mexico and the investing them with privileges equal to or superior to our own, is an infamous and almost intolerable insult and outrage." Niles Reg. Oct. 2, 1847, 73:71.

Mr. Clay in a speech in Lexington, Ky., Nov. 13, 1847, when speaking of the possibility of the annexation of Mexico to the United States, said:- "Unprepared as I fear her population yet is, for the practical enjoyment of self government, and of habits, customs, language, laws, and religion so totally different from our own, we should present the revolting spectacle of a confused, distracted, and motley Government." Tribune Almanac 1848, pp. 12.

2 The Cincinnati Atlas of Aug. 30, 1847, records a speech of Mr. Corwin at a large assembly of Whigs at Lebanon, Ohio, on Aug. 28:- "His speech was directed to a defense of his vote against war supplies; to the maintenance of the fundamental principle of free government, ~~XXXXXX~~ and to the consideration of the practical means of preserving the Union from the overthrow threatened by the agitation which would result from the acquisition of new territory in the prosecution of the Mexican war. On this last point he concurred with Mr. Schenck and the resolutions of the meeting that no safe plan of redemption remained but that of refusing to take any portion of Mexican territory." Quoted in Niles Reg. Sept. 18, 1847, 73:44. Mr. Schenck was returned by the Whigs of Ohio as a Representative to the 30th Cong.

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of slavery and some Whigs in the South feared that they would be prohibited from going with their slaves into the

The State Journal of Columbus, Ohio, said: "By excluding all further extension of our territory, we remove a bone of contention fraught with all the evils of Pandora's box from among the people of these states. By this course, we at once and effectually silence all wrangling and discussion among ourselves, as to whether territory which might be acquired shall be slave or free territory. We might, that question out of the way, continue to be an united people. Viewed in this aspect we regard this as far preferable to the Wilmot Proviso." Quoted in Niles Reg. Aug. 28, 1847. 72:408.

The Richmond Whig said:- "There is but one possible way to defeat the machinations of these men who bring up the question of slavery. It is for every lover of the Union - for every friend of his country; for every true born American to resist the introduction of more territory into the Union." Quoted in Niles Reg. Aug. 28, 1847. 72:408.

The Balt. Am. of Sept. 14, 1847, said:- "The question is, just now, very extensively discussed in the newspapers; and the main consideration, on the part of those who object to further territorial acquisitions, seems to resolve itself into a desire to avert the issue presented by the Wilmot Proviso." Quoted in Niles Reg. Sept. 18, 1847. 73:47.

1 An editorial in the Am. Whig Rev. Oct., 1847: "Will the North consent to a treaty bringing in territory subject to slavery? Will the South consent to a treaty bringing in territory from which slavery is excluded?" Thus said Mr. Webster. XXXXX Nor did he leave the subject without indicating clearly the course of policy, of wisdom, and of duty in the case. It was to let Mexican territory alone. XXXXXX This doctrine, and these sentiments, not belonging to Mr. Webster alone, but to the whole body of Whigs in the Senate, deliberately adopted and acted upon at the last session of Congress, are not likely to be forgotten or laid aside at the next session. VI:346.

The True Democrat of Ann Arbor, Mich. said in Oct. 1847:- "The North is strong enough to submit no longer like Southern slaves to the dictation of the South, especially when it is asked to extend slavery beyond its natural boundaries." Quoted in the National Era, Dec. 9, 1847.

The address of the Governor of Mass. to the State Leg. on Jan. 15, 1847, is quoted in N.Y. Weekly Tribune of Jan. 23:- He said - "Is it not time for the Free States to resolve calmly, but firmly, that they

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new territory.

There was a sectional jealousy between North and South that was manifest whenever a possibility arose of increased political power for either section.² Therefore, for opposite reasons, most Northern and some Southern Whigs were able to unite on the old Whig platform of "No extension of territory."

cannot consent to the farther extension of slavery, or to the admission of any new slave state into this Union?"

The National Era for Sept. 16, 1847, reported Whig Conventions in Cuyahoga and Trumbull counties in Ohio which resolved to "support no man unless he is openly pledged against any further annexation of territory or extension of slavery."

The Cleveland Plain Dealer - a Democratic paper - for June 1846, said:- "The West has but to say that no more slave ter. shall be annexed to this Union and the dark tide of slavery will be stayed. XXX It is time that the lovers of freedom should unite in opposing the common enemy by fixing bounds to its aggression."

¹ See Note 2, pp.20-21.

¹ Mr. Berrien, Whig Representative from Ga., said in a speech at Dahlonega, Ga., Oct. 27, 1847:- "If we acquired territory - either the Union would be shaken because of Northern contention for the Wilmot Proviso or the South would have to submit to a tier of free states around them. It would be far better to go with the Whigs of the North and acquire no territory." Niles Reg. Oct. 23, 1847. N.R. 73:125.

Mr. Botts, Whig Representative to the 30th Cong. from Va., is quoted in the N.Y. Weekly Tribune for Apr. 28, 1847, as follows:- "My way to avoid all trouble concerning Slavery in our conquered territory is to take no territory of Mexico."

² The Mass. State Whig Convention at Springfield, Sept. 29, 1847, resolved:- "That the acquisition of Mexican territory under the circumstances of the country, unless under adequate securities for the protection of human liberty - can have no other probable result than the ultimate advancement of the sectional supremacy of the slave power. Niles Reg. Oct. 9, 1847. 73:83. The same sentiment was expressed

However, the trend of the war and the sentiment of the Administration party made the acquisition of some territory from Mexico seem probable. It was this probability, along with an uncertainty in some quarters as to the attitude of the country toward the war and the acquisition of territory,¹

in the resolutions of the Whig State Convention of N.J. Niles Reg. Oct. 2, 1847. 73:71.

The Wash. Cor. for N.Y. Weekly Tribune has a letter in the Jan. 16, 1847 number of the periodical. He says:- "To extend the visitation of slavery, and, if possible, to perpetuate its existance, was the original cause of the war; to terminate it, we shall be compelled first to legalize the principle of Slavery, and then enlarge its political influence."

The National Era for Aug. 12, 1847 quoted from the Cincinnati Gazette of Oct. 7, 1847:- "We are against any new slave territory and against extending the constitutional inequality in favor of slave holders beyond the states already in the Union."

The N.Y. Weekly Tribune for March 17, 1847 quotes the report of a committee on resolutions of a Charleston meeting held in honor of Mr. Calhoun:- "To preserve this Institution of Slavery, your committee are well convinced that the slave holding states must jealously watch their rights under the Constitution--must insist upon proportionate influence, intended to be secured to them by the compromise of that compact--and, above all, must, at all hazards, and at all times maintain their Equality, full and complete with whatever other communities they hold connexion."

¹ The viewpoint of Northern radicals is well represented in a letter from Giddings to Sumner, Nov. 1, 1847, in which he said:- "I am fully of the opinion that we shall affix the Wilmot Proviso to the first appropriation bill that passes; for although I have hopes that the army may be recalled, yet I make all calculations that Southern Whigs are to go for supplies." Quoted in Julian's "Life of Giddings," p. 212.

One of the resolutions adopted by the Whig Convention of the Second Congressional District of La., in the summer of 1847, was:² "Resolved, That

which the Whigs took into consideration in the Summer and Fall preceding the opening of the Thirtieth Congress. It was because an acquisition of some territory seemed probable that an important issue before the people in the campaigns of 1847 was what should be the slavery arrangement¹ in such territory should it be acquired.

in the existing war with Mexico, the Whigs of this Congressional District yield to no portion of their fellow citizens, in their earnest prayers and ardent wishes for the success and glory of the American arms." Quoted in Niles Reg. Aug. 14, 1847. 72:375.

An article in the Feb. 1846 number of the Am. Whig Rev. showed the possibility that some Whigs might then be in favor of some acquisition of territory:- "Letters from Washington, on which we rely, render it probable that Mr. Slidell, our newly appointed Minister to Mexico, goes clothed with power to treat with that government for the cession of California to the United States. The intelligence is vague, but we trust it is true, and that the negotiation may prove successful. ~~XXXXXXXX~~ California, it may be fairly presumed, may now be purchased, at least nemine contradicente, for a sum which the country will deem small for so valuable an acquisition. For certainly, we do regard it as extremely desirable that California - a part, at least, of the province known by that name - should become the property and remain forever under the exclusive jurisdiction of the United States." II:44.

¹ The following references support the statement that an important issue in the campaigns of 1847 was what should be the disposition of territories, should territory be acquired:- See foot notes 2 on p. 18, 1 on p.19, & 1&2 on p.20; also see foot notes for VI & VII of this pres.ch.

The Cleveland American of May 26, 1847, reported that at a meeting in Ashtabula Co. a resolution was passed "that we will support no man ~~XXXX~~ who is not fully and publicly pledged vs. the extension of slavery."

The Prairie Orgus of Jacksonville, Ill. is quoted in the National Era of June 10, 1847:- "We will never consent to an extension of slavery over countries which we may acquire and in which it does not now exist."

The Kennebec Journal - a Whig paper - is quoted

in the N.Y. Weekly Tribune of Aug. 9, 1847:- "We are now, as we always have been, opposed to the war from beginning to end. We oppose taking any Mexican territory by force. XXXX but if it is done, let us declare now and forever that slavery shall never be extended over one inch of it."

The Chicago Democrat is quoted in the Nat'l. Era for Sept. 16, 1847:- "The acquisition of territory is unavoidable XXXX the question then must arise, shall the wide domain, which will be added to our country be given up to slavery?"

The Chicago correspondent to the N.Y. Weekly Tribune had a letter in the Tribune of Jan. 23, 1847, in which he said:- "It is doubtless well known to you that the Tariff question, altho no doubt of vital importance to the West, is not a question round which the enthusiasm of the country can be rallied, unconnected with any other great question of polity. A party now to be successful here must express more distinctly and emphatically the all absorbing topic of opposition to slavery, which has invaded all ranks almost indiscriminately."

The Wash. Correspondent to the N.Y. Weekly Tribune has a letter in the Tribune of Jan. 23, 1847:- He says:- "The Whig party has a brilliant future before it; a future that may be immediate, if no unfortunate influences intervene. But, better defeat, with all its lamentable consequences, than a victory at the expense of principle. XXXX The Whig party at the North and in the West, has but a common opinion on the slavery question; it holds slavery an evil and its extension a crime."

The Mississippian, a Democratic paper, is quoted in the N.Y. Weekly Tribune of Sept. 13, 1847:- "Does or can any one suppose that the South and West will succumb to the continued agitation of this question, or submit to a nominee who has the Wilmot leprosy upon him?" Resolutions expressing the same sentiments for Va. and for La. were passed by Democratic State Conventions in those states, and these resolutions were quoted from the Richmond Enquirer in the number of the Tribune quoted above.

The N.Y. Weekly Tribune for Mar. 24, 1847, in an editorial on the coming election in Conn., said:- "Men of Connecticut! What say you? Shall your Congressmen be advocates of peace or champions of aggressive war - the steadfast defenders of human Freedom; or the servile tools of expanding slavery?"

An editorial from the New York Journal of Commerce is copied in the N.Y. Weekly Tribune of Sept. 22, 1847. It includes the following:- "The prominent issue in this election was the conduct of the Administration in regard to the Mexican war."

6. Attitude of the South toward the Wilmot Proviso: The Calhoun Doctrine.

This discussion centered around the Wilmot Proviso. In the South, Whigs and Democrats alike rose up against this possible restriction of their rights, as they conceived¹ them.

When the Wilmot Proviso was proposed in the House during the Twenty-ninth Congress, Mr. Calhoun, in the Senate, had combated it with what has since been known as the² Calhoun doctrine. It was that Congress had no constitutional right to prohibit slavery in the Territories. He

¹ Before the opening of the 30th Cong., the following state conventions adopted resolutions against the principle embodied in the Wilmot Proviso:- Democratic Convention of Ga. Niles Reg. July 10, 1847, 72:293. Dem. Convention of Ala. The resolutions were published in the Charleston Mercury, May 13, 1847, and reprinted in Niles Reg. May 22, 1847, 72:179.

The Va. House of Delegates unanimously passed resolutions against the Proviso Mar. 8, 1847. Niles Reg. 72:178. Other state legislatures passed similar resolutions.

A gathering of citizens in Barnwell Co., S.C., met to consider the Wilmot Proviso, and adopted resolutions against it. Niles Reg. Oct. 23, 1847, 73:127.

Gov. Brown of Miss., a Whig, wrote to Gov. Smith of Va.:- "There is no division on the Wilmot Proviso." Quoted in Niles Reg. May, 1847, 72:178.

² On Feb. 19, 1847, he introduced the following resolutions into the Senate:- "Resolved, That the territories of the United States belong to the several States of the Union, and are held by them as their joint and common property. Resolved, That Congress, as the joint agent and representative of the State of the Union, has no right to make any discrimination between the States of this Union, by which any of them shall be deprived of its full and equal right in any territory of the United States acquired or to be acquired. Resolved, That the

based his doctrine upon the following argument. The Territories are the common property of each one of the states of the Union and, therefore, Congress could pass no law impairing the equal rights of any one of these States with regard to the Territories. He further argued that the Constitution protected the rights of property, belonging to the citizens of every State, in the Territories. He claimed slaves to be property without which Southerners could not move to the Territories and, if they were restricted from taking their slaves into the Territories, their rights in those Territories were impaired. He also argued that the clause in the Constitution which had always been held to give power to Congress to legislate for the Territories,¹ applied only to the land, and not at all to

enactment of any law which should directly or by its effects, deprive the citizens of any of the States of this Union from emigrating, with their property, into any of the territories of the United States, will make such discrimination, and would, therefore, be a violation of the Constitution, and the right of the States from which such citizens emigrated, and in derogation of that perfect equality which belongs to them as members of this Union, and would tend directly to subvert the Union itself." Cong. Globe, 29th Cong. 2nd Sess. p. 455.

¹ "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." Art. IV, Sec. III.

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the people of the Territories.

¹ See the speech of Calhoun, Feb. 19, 1847, Cong. Globe, 29th Cong. 2nd Sess. p. 454. This doctrine, as a whole, was a new one, but parts of it had been set forth by Southerners in the struggle over Missouri in the 16th Cong. Most of the arguments of that controversy were over the question of imposing restrictions upon Missouri before she was a state which would continue in effect after she was admitted into the Union. However, incidental to that discussion, the argument against the constitutionality of congressional restrictions being placed upon slavery in the Territories was advanced by Southerners. This argument was that Art. IV, Sec. III, which had been relied upon as giving the power to Congress to legislate on the subject of slavery in the Territories, had been misinterpreted and that no such power was given by the Constitution to Congress.

Senator Leake of Miss. said in a speech on the Missouri Bill on Jan. 19, 1820:- "Some honorable gentlemen seem to think that the power of Congress to impose this restriction on Missouri is derived from the 2nd clause of the 3rd section of the 4th article of the Constitution, which is in these words:- "The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice the claims of the United States, or of any particular state." Mr. President, so far as I am able to judge of the meaning of this clause of the Constitution, the needful rules and regulations which the Congress are, by it, authorized to make, relate to the territory itself, that is, the domain, the land, the actual soil belonging to the United States; and not the inhabitants of the territory. Sir, the Congress may dispose of - dispose of what? of the territory or other property; not the inhabitants of that territory. The Congress may make all needful rules and regulations respecting the territory, or other property of the United States. Sir, the word "territory" being immediately followed by the words, "or other property," proves, satisfactorily, to my mind that the word "territory" was there intended to mean, the domain, which the Congress may dispose of by sale or otherwise, and may make such needful regulations respecting its protection from waste or other injury, and to preserve their rights to it unimpaired. ~~XXXXXX~~ Sir, we have already seen that the Congress has a right to dispose of, by sale or otherwise, the

This doctrine was spreading throughout the South and there was an increasing number of Southern expressions of it in the months intervening between the Twenty-ninth and Thirtieth Congresses.¹

territory which is the land of the United States. But a sale cannot be effected without purchasers; no person will purchase unless he can be protected in his person and property. Hence, in order to effect a sale of the public lands, the Congress has the power "to make all laws which shall be necessary and proper" to protect the purchasers in the enjoyment of their lives, liberty, and property; and this can only be done by establishing a system of Government for them, until their numbers entitle them to a claim for admission into this Union, upon an equal footing, in all respects whatever, with the original States; after which, when the Congress deems it expedient to admit them as such, it is then no longer "necessary or proper" for the Congress to make laws for government, and of course the power of the Congress to make these laws ceases to exist." Cong. Globe, 16th Cong. 1st Sess. Vol. I, p. 131. See also the speeches of Senators Elliot of Ga., Jan. 17, Ibid p. 131; Mason of N.C., Jan. 20, Ibid p. 230; Smith of S.C., Jan. 26, Ibid, p. 262; Van Dyke of Del., Jan. 28, Ibid p. 307; Smyth of Va., Jan. 28, Ibid p. 1003; Representative McLane of Del., Feb. 7, Ibid p. 1160. There were other expressions of this same argument in the 16th Congress, but this will suffice to prove the point in question.

¹ The Dem. Rev. took up the doctrine very early. In Aug. 1846, there was a hint of it, though not a clear statement:- "All now agree, whether in the new or old states, that the lands are the common property of all the states, to be disposed of for their common benefit." XIX:86.

Again in Feb. 1847:- "The inevitable results of the war will be the acquisition of territories which will be common property of all the states."

In Sept. 1847 there was a long, full statement of the theory, not under the authorship of Calhoun, but stated as the principle upon which the Journal stood. XXI:203.

Another statement of the doctrine in the same Journal in Oct. 1847. XXI:292-3.

The Va. House of Delegates, in their resolutions of Mar. 8, 1847, against the Wilmot Proviso, accepted the Calhoun doctrine:- "Resolved, That the government of the United States has no control, directly or indirectly, mediately or immediately, over the institution of slavery, and that in taking any such control, it transcends the limits of its legitimate functions by destroying the internal organization of the sovereignties who created it. "Resolved unanimously, That under no circumstances will this body recognize as binding any enactment of the federal government which has for its object the prohibition of slavery in any territory to be acquired either by conquest or by treaty; holding it to be the natural and indefeasible right of each and every citizen of each and every state of the confederacy, to reside with his property, of whatever description in any territory which may be acquired by the armies of the United States, or yielded by treaty with any foreign power." Quoted in Niles Reg. Mar. 1847, 72:39 and May, 1847, 72:178.

The above resolutions were also adopted by a meeting of citizens of Charleston, Mar. 9, 1847. Niles Reg. Mar. 1847, 72:40.

A Whig meeting in Putnam Co., Ga., adopted resolutions embodying the doctrine. I have not found the resolutions, but Niles Reg. of July 24, 1847, has copied a letter from Calhoun in reply to these resolutions; this letter had been printed originally in the Milledgeville Recorder of July 13, 1847. The meeting had been held in Milledgeville. The following is an extract from Calhoun's letter:- "I am in receipt of your note of the 17th inst. covering the resolutions adopted by a meeting of the Whig party of Putnam Co. approving the resolutions introduced by me in the Senate of the United States during the last session, in opposition to the Wilmot Proviso, and tendering the thanks of the meeting for the stand I took in behalf of our rights.

A meeting on the Wilmot Proviso held in Barnwell District, S.C., resolved - "That the Wilmot Proviso is a violation of the constitution and in derogation of the equality of the slave holding state as members of our federal union." Niles Reg. Oct. 23, 1847. 73:127.

7. Attitude of the North toward the Wilmot Proviso.

The Whigs in the North were seemingly unitedly for the Wilmot Proviso should territory be acquired. No Northern Whig had voted against it in the Twenty-ninth Congress.¹ Ten state legislatures in the North had, before the meeting of Congress in 1847, passed resolutions approving the Proviso² and three of these went so far as to stand for the Proviso, not only in relation to the territory to be acquired from Mexico, but to all territory to be acquired in the future.³

In the election of 1844, the Democrats of New York State had been divided on the question of reform and slavery and the spirit of the Barnburners was spreading in the Democracy of the North. Many of the Northern Democrats were in favor of the Proviso.⁴

¹ See the Note Cong. Globe, 29th Cong. 2nd Sess. p. 495.

² N.Y., Pa., Mass., Ver., Ohio, Me., N.H., N.J., R.I., Mich. A statement regarding the passage of these resolutions was made in Niles Reg. Sept. 18, 1847. 73:44.

³ Ohio, N.H., and Ver. Ibid.

⁴ In Pa., Me., and N.H., there were Democratic majorities in the legislatures which passed the resolutions endorsing the Wilmot Proviso. See the Election Returns for 1847 in Tribune Almanac, Vol. I, 1848, p. 39-43.

In N.H., the Democratic governor endorsed the Wilmot Proviso in his inaugural June 2, 1847:- "The proposition contained in this proviso, embodying as it does the determined will and true principles of the American people, affords a pledge that these

but others were against it.¹

8. Sectional parties foreshadowed.

So before the Thirtieth Congress convened, the formation of two great sectional parties was foreshadowed, but not accomplished. There was an open advocacy from South Carolina, and an occasional suggestion from elsewhere, that the best method to employ in resisting the invasion of Southern rights, on the part of the North, would be to break down party considerations and to unite the slave

principles will be faithfully carried out in our national legislation which must give joy to every friend of the Union and national freedom." Niles Reg. June 19, 1847. 72:244.

The N.Y. Eve. Post, a Democratic paper, is quoted in Niles Reg. July 10, 1847:- "It should be mentioned that the Cincinnati Signal is a Democratic paper and a very zealous champion of the Wilmot Proviso." 72:294. The Barnburners Convention in N.Y. adopted a resolution endorsing the Wilmot Proviso. Niles Reg. Oct. 30, 1847. 73:144. The vote on the Wilmot Proviso in the 29th Cong. shows only 26 Northern Democratic votes against it. Cong. Globe, 29th Cong. 2nd Sess. p. 495 and 555.

In Polk's Diary, under the date of Dec. 23, 1846, is recorded a conversation between the President and Senators Sevier of Ark., Cass of Mich., and Atherton of N.H., on the propriety of incorporating the Wilmot Proviso in a treaty with Mexico. He wrote, "They agreed further that the slavery restriction would be improper in a Treaty, and all of them avowed their willingness to vote for the appropriation in its unrestricted form. They said they would report the Bill without the restriction, but that if it was moved in the Senate General Cass and Mr. Atherton would be in great peril with their constituents to vote against it." II:291.

¹ The second vote on the Wilmot Proviso in the 29th Cong. shows 21 Northern Democratic votes in the House and 5 in the Senate against the Proviso. Cong. Globe, 29th Cong. 2nd Sess. p. 495 and 555. The Hunker Convention in N.Y., "virtually voted down the Wilmot Proviso." Niles Reg. Oct. 9, 1847, 73:87; Oct. 30, 1847, 73:144.

holding states against it.¹ Occasionally the North would respond with a suggestion of a sectional party in the

¹ Calhoun said in a speech at a meeting of citizens of Charleston, Mar. 9, 1847:- "Henceforward, let all party distinction among us cease, so long as this aggression on our rights and honor shall continue, on the part of the non-slave holding states. Let us profit by the example of the abolition party, who, as small as they are, have acquired so much influence by the course they have pursued. As they make the destruction of our domestic institution the paramount question, so let us make on our part, its safety the paramount question. Let us regard every man as defence, and every one as against us, who does not, until aggression ceases. It is thus and thus only that we can defend our rights, maintain our honor, ensure our safety, and command respect. The opposite course, which would merge them in the temporary and mercenary party struggles of the day, would inevitably degrade and ruin us." Niles Reg. Apr. 3, 1847, 72:74.

This attitude was taken up pretty generally in S.C. and found expression in the resolutions passed by meetings and in the newspapers of the state:- Resolutions of a meeting in Charleston, Mar. 9, 1847, Niles Reg. Mar. 20, 1847, 72:39.

Report from the committee of twenty-five at a meeting of citizens in Barnwell District S.C. on the Wilmot Proviso, Oct. 4, 1847. Niles Reg., Oct. 23, 1847, 73:127.

Charleston Mercury May 13, 1847, quoted in Niles Reg. May 22, 72:179.

Camden, S.C. Journal quoted in Niles Reg. Sept. 25, 1847, 73:63.

The echo of these sentiments came from other states:- A letter from Gov. Brown of Miss. to Gov. Smith of Va. under the date of Apr. 15, 1847, is quoted in Niles Reg. of May 22, 1847:- "The movements in New York and Pennsylvania - in and out of Congress - the evident ponderings of presidential aspirants to the favor of abolition, has dissipated the first feeling of confident expectation that this, like other heresies, would expire of its own excesses, and the feeling of irritation has subsided into one of calm and dispassionate determination - first, to exhaust all the resources of reason and argument in exhorting our northern brethren to let us alone on this subject; and if these fail - if the spirit of abolition invade the councils of the nation - prompting the strong party to wrest from the weak the fruits of its toil - its property -

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non-slave holding states.

the peaceable possession of which was guaranteed by the constitution, then, deplorable as may be the consequences, we will feel prepared, having exhausted every fraternal remedy, to become enemies, and defend our rights with those means which God and nature have placed in our hands. If other men will force this sad catastrophe upon us, it is our duty to watch its approach and be prepared to meet it. The South must be united - The South will be united in the next presidential election, if this whole question is not unqualifiedly withdrawn from the contest by a pledge categorically made to abstain from all disturbance or interference on the question of slavery during the presidential term. No man who sympathizes with the sentiments put forth in the Wilmot Proviso ought to have, or in my opinion can get, a single electoral vote from the southern states. I know he cannot get a vote from Mississippi." 72:178.

A speech of Senator Benton from Mo., quoted in Niles Reg. May, 1847, includes this opinion of the result of the slavery propagandist resolutions introduced into the Senate at the close of the 29th Cong.:- "The next effect of these resolutions if adopted, in the non-slave holding states, would be to put an end to the present political divisions of parties, and to substitute a new party in the south, (with its antagonist in the north) bounded by geographical lines and founded on the sole principle of slavery propagandism." 72:223.

Stephens, a Whig Representative from Ga., said in a speech made in Congress on Feb. 12, 1847, that he feared that the North and the South would split on the question of slavery or no slavery in the territory that would be acquired. Cong. Globe, 29th Cong. 2nd Sess. p. 505.

¹ The Boston Atlas is quoted in Niles Reg., Aug. 21, 1847, as saying:- "If there should be a "union of all parties" in the South upon the principles contained in Calhoun's resolutions, nothing is more clear than that it would react upon the free states and knit them together in resistance to the powers of slavery." 72:389.

9. Difference of opinion among the Whigs as to what should be the action of the Whig majority in Congress toward the war.

But party spirit was still too vigorous and the spirit of nationalism was too strong in many hearts to make this alignment at once possible. For this reason, while a prominent issue in the minds of the people during this campaign was slavery and the Wilmot Proviso, there was a persistent hope and effort in many quarters that the issue of the disposition of territories need never be settled because no further territory should be acquired. And as the campaigns wore on, and it became certain that there would be a Whig majority in the House in the Thirtieth Congress, the greatest interest centered around the speculation as to what would be the action of the Whigs, in the approaching session, on the subject of the prosecution of the war.¹ If the war should be ended without acquisition of territory, the issue which was burning in the hearts of both North and South might be averted - at least, for another period.

The more radical among the Whigs were for the policy of refusing the demands of the president for more men and money

¹ The following references of editorials and letters show the outstanding importance of the question:- Niles Reg. Sept. 4, 1847, 73:3; N.Y. correspondent of the Union Aug. 26, quoted in Niles Reg. Sept. 4, 1847, 73:3; Baltimore Patriot, quoted in Niles Reg. Sept. 4, 1847, from a quotation in Wash. Union Aug. 26, Niles Reg. 73:3; Cincinnati Atlas and Ohio State Journal quoted in Niles Reg. Sept. 4, 1847, 73:4; Cincinnati Enquirer quoted in Niles Reg. Sept. 4, 1847, 73:4; National Intelligencer quoted in Niles Reg. Sept. 4, 1847, 73:4; N.Y. Tribune quoted in Niles Reg. Sept. 11, 1847, 73:20. Speech of Daniel Webster, Sept. 29, 1847, at State Whig Convention in Boston, quoted in Niles Reg. Oct. 16, 1847, 73:104.

for a vigorous prosecution of the war, which they feared might end in the subjugation of Mexico. But there were other Whigs who hesitated to stop the wheels of the government in its policy of pushing the war to the so-called honorable peace.

We can breathe the sentiment of these differing Whig opinions from the organs of the party. Foremost among the bold advisors of an action which would restrict the policy of the Administration to a defensive war was the New York Tribune and a few lesser papers followed its lead. On the other hand, the Baltimore Patriot and the National

¹ "We have never said nor intimated that we would have the Whigs in Congress resist all appropriations of men and money to carry on the war" unless our army shall first be withdrawn to the line of the Nueces." We have said nothing in this connection as to the line to be maintained by our troops. We said expressly that we would vote supplies for our army in Mexico so far as their comfortable subsistence and reasonable safety should seem to require, though not to strengthen them for and stimulate them to farther aggressions and conquests. Instead of refusing all supplies so long as our army shall remain in Mexico, we would readily vote five millions if necessary to bring them all safely and comfortably home out of Mexico. We would have them well fed, well armed, well supplied with everything necessary to repel attack and facilitate their marches. But if Mr. Polk wants the means of bombarding more cities to ruins, and tearing their women and children to pieces, we do trust they may not be accorded him by Whig votes." Quoted in Niles Reg. Sept. 11, 1847, 73:20.

² Cincinnati Atlas and Ohio State Journal quoted in Niles Reg. Sept. 4, 1847, from the N.Y. correspondent of the Wash. Union. 73:4.

³ "It is very certain that, let Congress meet when it may, either in a regular or an extra session, the administration will make heavy demands upon it for

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Intelligencer and others declared their confidence that the

money. - It will be for the House of Representatives, in which the Whigs will be the majority, to grant or withhold this money; and the effort of the loco foco press has recently been directed to produce an impression upon the public mind that the Whigs will withhold or refuse to vote supplies to carry on the war. No man in the country would have more cause to rejoice at such a proceeding on the part of the Whigs than Mr. Polk. It would give him a chance to escape from the dilemma in which he has been placed by the rashness which brought on the war, by giving him an excuse for abandoning it, which, as things stand now, there does not seem to be any other way of his getting clear of, without involving himself in personal contradictions, and his administration in disgrace. But the Whigs of Congress will do no such thing as the loco foco presses insinuate, and, we suspect, hope they will do. The responsibility of the war rests altogether upon Mr. Polk. He brought it on, and the constitution gives him the management of it. None of his responsibilities in these regards will be assumed by the House of Representatives. For supplies proper and necessary for the sustenance and success of our arms, the Whigs in Congress will vote at the next session. We run no risk in saying this. That they will use their influence to bring about an honorable peace is certain; but all their efforts in that regard will be direct and positive. They will not allow themselves, however much tempted by the wasteful extravagance of the administration and indecision of its councils, to seek by any indirection, such as withholding supplies to put a stop to the war." Quoted from Balt. Pat. in Niles Reg. Sept. 4, 1817, 73:3.

1 "Let no one understand us when exulting at the certainty of a Whig majority in the House of Representatives as expecting that majority to make any attempt to "stop the wheels of the government" by withholding either the necessary appropriations for the support of it, or refusing to provide the means for meeting any expenditures which have been authorized by law. Quite the contrary. Scrupulous regard for the public faith, and for the obligations of contracts generally, is a cardinal principle in the Whig creed. The Whigs will, we hope and trust, do everything they can to bring this odious war with Mexico to an honorable close." Quoted in Niles Reg. Sept. 4, 1847, from Wash. Union which quoted from National Intelligencer. 73:4.

2 The Courier and Albany Eve. Journal in New York.

the Whigs would not refuse supplies. Daniel Webster was the leading advocate of the principle that the acquisition of territory should be prevented by the refusal of Whig members in Congress to vote supplies,¹ and our further study of his course in the Senate will prove that he held to it consistently.

10. The elections in the Fall of 1846.

An examination of the state elections, especially the election of national representatives, gives some idea of the sentiment in the country, at the opening of the Thirtieth Congress, on the Mexican War and the questions which it involved.

It is necessary, however, to remember that nearly half of these elections had been held in 1846 - a year before the Congress met. This was true in the states of Maine, Vermont, Massachusetts, New York, New Jersey, Pennsylvania, Delaware, South Carolina, Georgia, Ohio,

Quoted in Niles Reg. Sept. 4, 1847, from the N.Y. correspondent of the Wash. Union. 73:3.

¹ "Unless it is shown in the next Congress - if the war is still in progress - that no purpose of acquisition of territory is involved in the war and that it is prosecuted for no purpose, not directly connected with the Union, then the Whigs ought not to grant any further supplies." From a speech of Daniel Webster, delivered at Whig State Convention in Boston, Sept. 29, 1847. Quoted in Niles Reg. Oct. 16, 1847. 73:104.

Illinois , Missouri, Arkansas, Michigan, and Florida. The Congressional returns from these states are an unsafe indication of the feeling in the country about the war at the opening of the Thirtieth Congress.

In three of these states the Democratic loss was considerable - New York, Ohio and Pennsylvania. In New York the Democratic Representatives decreased from nineteen to eleven; in Pennsylvania, from twelve to seven; in Ohio, from thirteen to ten. In the remaining nine states, there was little change in party strength.¹ This Democratic defeat could not be said to rest entirely upon the prosecution of the Mexican war, for the Whig policy, along other lines, was opposed to the Democratic principles; noticeable instances of this were the tariff and the Bank.² It seems reasonable,

¹ This comparison may be worked out from the election returns for the 1845 and 1847 Congresses to be found in the Tribune Almanac, Vol. I.

² Mr. Berrien, a Whig Senator from Ga., defined the Whig principles in a speech at Dahlonega, Ga., Oct. 9, 1847. The speech was reported in Niles Reg. Oct. 23, 1847. He said that the Whig principles were embodied in the word "conservatism" and then mentioned, particularly, the tariff, the bank, and the Mexican war, but placed, by far, the most importance upon the war. 73:125.

In a letter from the Ark. correspondent to the N.Y. Tribune, quoted in N.Y. Tribune of Jan. 6, 1847, we find this statement:- "A Protective Tariff is steadily gaining favor and it is generally manfully defended by Southern Whigs."

however, to believe that these issues were of less immediate influence than were the questions of the war and of the Proviso.

In New York, Pennsylvania, and Ohio, states which had made so decided a Whig gain, we can trace a decided abolition influence. Not that there was a large actual abolitionist vote, but the small leaven was working upon public sentiment. The result would naturally be of most advantage to the Whig party, for, because the Whig strength was in the North, and so slavery reform could be more reasonably expected from that party than from the Democrats.

In New York, the Democrats lost, not so much because of the increase in the Whig party, as because of the split in the Democratic party, but this split was largely over the slavery question.

In Ohio, there was Giddings, ready to make a final separation of the Federal government from all support of slavery,¹ and Chase, who had been a delegate in the Fall of 1847 to the National Liberty Convention at Buffalo.²

Giddings was reelected to the House and was its most

¹ In a letter from Giddings to Sumner, Nov. 8, 1847, he said:- "I had from some (in N.Y.) the promise that they will go for a total and perfect separation of the Federal government from all support of slavery. This I think is the line which we should draw and on which we should stand. Let us repeal all laws of Congress which now exist for the support of slavery, wash our hands entirely of it, and leave it altogether with the states in which it is situated." Quoted in Julian's Life of Giddings. p. 212.

² Life of Chase by Schuckers, p. 81.

radical member in the Thirtieth Congress, and Chase was
¹
 active in the campaign.

Democrats claimed that Ohio had more abolitionists in
²
 Congress than had any other state, and yet they all listed
 under the Whig standard.

Pennsylvania was the home of David Wilmot and he was
 reelected to the Thirtieth Congress. The Administration
 party sought to explain this on the ground of his tariff
³
 principles, but surely so important an item as his recent
 motion in Congress could not have been overlooked. Ten of
 the reelected members to Congress had voted for the Wilmot
 Proviso in August, 1846, ⁴ none had voted against it and only
⁵
 two had not voted at all.

¹ Life of Chase by Schuckers, p. 81.

² Theodore C. Smith in his Monograph on "The Liberty and Free Soil Parties" says, speaking of the elections of 1846 - "The Whigs of the Reserve were for all practical purposes abolitionists, and in case of an unsatisfactory Whig nomination there was nothing to prevent them from voting the Liberty ticket, except indeed the bitterness between the two organizations." p. 90.

Whig Representative Bayly from Va. said Apr. 11, 1848 - "Look to Ohio - a state which has more abolition representatives on this floor perhaps than any other." Cong. Globe, 30th Cong. 1st Sess. p. 612.

³ An editorial in the Dem.Rev. for Dec., 1846, states that only four of the Democratic representatives were reelected in the election of 1846 and of these David Wilmot was the only one reelected by an enhanced majority, but it goes on to say that he was the only one who had voted for the new tariff. XIX:421.

⁴ Levin, J. R. Ingersoll, McIlvaine, Strohm, Wilmot, Pollock, Stewart, Thompson, Hampton, Strong.

⁵ C. J. Ingersoll and Brodhead. These had been known in the 29th Cong. as "Calhoun Administration men." Niles Reg. Nov. 7, 1846. 71:151.

In South Carolina, Missouri, and Arkansas, traditionally strong Southern Democratic states, one would scarcely expect a Democratic loss and they returned their customary Democratic representations.¹

Illinois and Michigan were also traditionally Democratic states and their elections expressed loyalty to the old Democratic party.² Michigan was anti-slavery though its Democracy was for the most part loyal to the Polk war policy. Illinois was anti-slavery in its northern section but its southern part was of southern sympathies.

The Chicago correspondent to N. Y. Tribune was quoted in the Weekly Tribune of Jan. 23, 1847:- "It is doubtless well known to you that the Tariff question although no doubt of vital importance to the West, is not a question round which the enthusiasm of the country can be rallied, unconnected with any other great question of polity. A party now to be successful here must express more distinctly and emphatically the all absorbing topic of opposition to slavery, which has invaded all ranks almost indiscriminately."

Florida returned one Whig Representative and Georgia was equally divided between Democrats and Whigs as they

¹ S.C. returned seven Democrats, Missouri, five, and Arkansas, one. See Tribune Almanac for returns to 30th Congress.

² Illinois returned six Democrats and one Whig, and Michigan, three Democrats. See Tribune Almanac for returns to 30th Congress.

had been in ^{the} previous Congress.¹

Massachusetts, New Jersey, and Delaware were traditionally Whig states and showed little change from the previous election.²

11. The 1847 Elections.

The remaining fourteen states held their elections in the Fall of 1847. These states were New Hampshire, Rhode Island, Connecticut, Indiana and Iowa, Maryland, Virginia, North Carolina, Alabama, Mississippi, Louisiana, Tennessee, Kentucky and Texas.

In the Southern states of Virginia, Alabama, Mississippi, Louisiana, Tennessee and Texas, the Democrats continued to have a majority, although in Virginia and Tennessee, the Whigs now returned nearly half of the representatives of the state. The border state of Kentucky and North Carolina had changed to Whig majorities. Indiana remained Democratic but with a loss of three, and the new state of Iowa expressed that faith.³

¹ The comparison can be made by examining the election returns recorded in the Tribune Almanac.

² Mass. returned ten Whigs and Delaware one. New Jersey returned one Democrat and four Whigs. Ibid.

³ The Tribune Almanac was used in this comparison also.

In only three states, Rhode Island, New Jersey, and Missouri, was there a Whig loss in the elections of 1846 and 1847, and here it was slight, while in ten states - New York, Pennsylvania, Virginia, North Carolina, Kentucky, Tennessee, Ohio, Indiana, Mississippi, and Alabama - there was a Whig gain. This vote, in a number of instances, at least, must have bespoken a criticism of the war. Just how much of the increase in the Whig vote and how much of the decrease in the Democratic vote was due to disapproval of the acquisition of territory from Mexico, it is difficult to state, but it seems fair to assume that this influence may have had some part in the elections, at least, in Ohio, Kentucky, and New York, from whence came such decided Whig expressions against acquiring more territory.¹

It is still more difficult to know what part the Wilmot Proviso played in the party vote. Although individual states, for the most part, wanted to be sure that their interests would be protected by their representatives in Congress, the mind of the country had not yet been made up to sectional parties, and we cannot be sure that northern Democrats turned Whigs, nor that southern Whigs turned Democrats because of the attitude toward slavery of the members of their party in the opposite section.

The reelection of Wilmot Proviso men was certainly

¹ See foot notes 3 on p. 13, 1 on p. 16, 1 on p. 17, and 1 and 2 on p. 18.

significant. In the northern states, the Democrats returned thirteen representatives who had voted for the Wilmot Proviso on March 3, 1847, when the three million dollar bill was returned from the Senate; the Whigs from the North returned thirty-two such men, and the Native Americans, one; making, in all, forty-six northern Representatives returned, who had voted for the Proviso. The Democrats in the North returned eight representatives who had voted against the Proviso on March 3.¹ The remaining eighteen Northern Democrats who voted against the bill were not returned.

In the southern states the Democrats returned twenty-eight representatives who had voted against the Wilmot Proviso and the Whigs returned ten.

These returns portrayed the tendency toward sectional divisions and also the tendency of some northern Democrats to vote with the southern wing of the party.

12. The Whig Majority in Congress.

The one thing that we can be sure about in the party vote in 1847 was the feeling about the war. The Whig principles in regard to the war had been clearly defined during this campaign² and the election of Whig representa-

¹ Brodhead, Pa.; Teffler, Ia.; Morris, O.; Robt. Smith, Ill.; Sawyer, O.; Strong, Pa.; Jas. Thompson, Pa.; and Wick, Ind.

² The Whig State Convention in N.H. adopted a resolution, referred to above, that the Whigs should do all in their power to stop the war. Niles Reg. Nov. 6, 1847, 73:148.

tives expressed a sentiment against the war.¹

And so, before the Thirtieth Congress assembled, it was known that there would be a Whig majority in the House which represented disapprobation of the administration and particularly of the war. To be sure, this majority was not large - only seven; one hundred and seventeen Whigs and one hundred and two Democrats and one Native American,² who was to act with the Whigs. But the preceding Congress had numbered in its House one hundred and forty-two Democrats and but seventy-five Whigs. This gain for the Whigs was considerable and,

The Whig meeting at Lexington, Ky., referred to above, adopted resolutions against the war and the acquisition of territory. Tribune Almanac 1848, Vol. I, p. 15.

The Md. state legislature passed resolutions against the war - its origin and the manner in which it was being conducted. Niles Reg. May 29, 1847, 72:194.

See the attitude of the Whigs toward the tendencies of the war. (p.

¹ Prof. Bourne, in the Am. Hist. Rev. V:502 claims that the Whig control of the House in the Thirtieth Congress was due to the fact that the elections for Congress took place over a year before Congress convened, and therefore before the great military victories of 1847 had begun to undermine the first revulsion from a war of conquest. But this theory does not seem to be well supported by the expression of Whig meetings referred to above - the Whig opposition to the war and to acquisition of territory seems to have been as great at the opening of the Thirtieth Congress as it had been a year earlier. The Whig gain in the elections of 1847 in Virginia, Tennessee, North Carolina, Alabama, Mississippi, Kentucky, and Indiana surely did not signify favor toward the war.

² Levin from Pa.

though but a small majority, it was sufficient to thwart the Administration plans should the Whigs act together. The actual Whig majority, however, was difficult to ascertain, for some of the New England and Ohio Whigs were so strongly abolitionist as not always to be depended upon for Whig action.

The Senate remained Democratic by a majority of ten. There was one Abolitionist among their number - Mr. Hale of New Hampshire, the presidential candidate of the Liberty party.

13. Sectional majorities in Congress.

The South had a majority of one in the Senate and the North a majority of forty-eight in the House. There were in the Senate fourteen northern Whigs and twelve northern Democrats; nineteen southern Democrats and eight southern Whigs. In the House, there were eighty-one northern Whigs and fifty-six northern Democrats, and one Native American; fifty-four southern Democrats and thirty-six southern Whigs.

14. The Senate Committees.

The party majorities in Congress, of course, resulted in the committees of the Senate being predominantly Democratic and those of the House, predominantly Whig.

The Senate Committees of importance in regard to the question of the Mexican war and the accompanying problems were - Foreign Relations, Military Affairs, Finance, and

¹
Territories.

The Committee on Foreign Affairs had for its chairman
Mr. Sevier, a Democrat from Arkansas,² and was further com-
posed of Messrs. Benton from Missouri, Hannegan from Indiana,
both Democrats, and Messrs. Webster from Massachusetts and
Mangum from South Carolina, Whigs.

³
Mr. Cass, Democrat from Michigan, was chairman of the
committee on Military Affairs and his committee associates
were Messrs. Benton of Missouri, Davis of Mississippi, Dix
of New York, Rusk of Texas, all Democrats, and Messrs.
Badger of North Carolina and Crittenden of Kentucky, Whigs.

¹ The Senate Committees were appointed on Dec. 14.
Cong. Globe, 30th Cong. 1st Sess. p. 21.

² Mr. Sevier resigned his seat in Congress on Mar.
15, 1848. Cong. Globe, 30th Cong. 1st Sess. p. 466, in
order to accept the commission to go as Minister to
Mexico at the time that peace between Mexico and the
U.S. was negotiated. See the entry in P.D. for Mar.
12, 1848, III:380. On Mar. 14, Mr. Hannegan, Democrat
from Ind. was appointed chairman of the committee in
Mr. Sevier's place. Cong. Globe, 30th Cong. 1st Sess.
p. 462.

³ Mr. Cass resigned his seat in Congress on May
29, 1848, Ibid p. 792, after his nomination for the
presidency by the Democratic party on May 25 Proceed-
ings of Democratic National Convention reported in
Niles Reg. Aug. 2, 1848, 74:69. On May 29 Mr. Benton,
Democrat from Missouri, was appointed to fill the
vacancy in the chairmanship of this committee made
by Mr. Cass' resignation. Cong. Globe, 30th Cong. 1st
Sess. p. 793.

Mr. Atherton, Democratic member from New Hampshire, headed the Committee on Finance, and his colleagues were Democratic Senators Dickinson of New York, Hunter of Virginia, and Whig Senators Phelps of Vermont and Clayton of Delaware.

We associate Stephen A. Douglas with the Territorial Committees of Congress and it was in this Congress that this rising Democrat from Illinois began his work as chairman of this committee in the Senate. Other members of the committee were Messrs. Bright from Indiana and Butler from South Carolina, both Democrats, and Mr. Clayton of Delaware, Whig.

15. The Election of Speaker.

The House Committees, of course, depended largely upon the election of the Speaker. When, before the opening of Congress, it had been a certainty that the Whigs were to have the majority in the House, it was anticipated that, if they should act together, they could control the election of Speaker.

By the time that Congress opened, Whig sentiment was wavering between Robert C. Winthrop of Massachusetts and Samuel F. Vinton of Ohio.

In a letter from Mr. Stephens written April, 1869, and quoted in Johnston and Brown's "Life of Stephens," p. 117, he says of the sentiment on the speakership at the opening of Congress:- "Winthrop of Massachusetts and Vinton of Ohio were the contestants for the nomination. Vinton had nearly all the West and several of the Middle States and even some from New England."

It was clear that the Whig choice was to rest with the Southern wing of the party and they chose Robert C. Winthrop. He had won favor with the South when soon after Polk's election, the Whigs were in a furor over the result and over the annexation of Texas, he toasted:- "Our country however bounded, to be cherished in all our hearts and defended with all our arms."¹ Again at the Springfield meeting, September 29, 1847, he opposed the adoption of a resolution that the Whigs of Massachusetts would support no candidate for President or Vice-President who was not avowedly opposed to slavery extension² - thus leaving the way open for Gen. Taylor.

While winning his way with the moderates of both North and South, he had antagonized the radical members of the

¹ In the above quoted letter from Stephens, he wrote:- "The nominations depended upon the course of the Southern Whigs. I took ground boldly for Winthrop. XXXX He had given a toast in Boston on July 4, 1845, which won for him my esteem and admiration. It was while excitement still existed at the North about the admission of Texas and was, in substance - "The United States, our country; however bounded, to be cherished in all our hearts and defended with all our arms." This exposed him to many attacks from opponents at home. Toombs went with me as did every Southern Whig present, which secured his nomination. He was, of course, elected for the Whigs had the House."

² Life and Times of Sam. Bowles, p. 148.

North. Giddings of Ohio and Palfrey of Massachusetts, in particular, were eager that the committees should be so constituted that there should be no doubt about the stopping of the war and so that the "gag rule" might be no longer applied to slavery petitions.¹ When these two fearless anti-slavery men found that Winthrop would give no promises as to his conduct should he be elected to the speakership,²

¹ The following quotation is from a letter from Palfrey to Winthrop, written Dec. 5, 1847, and quoted in Niles Reg. Dec. 25, 1847, 73:258-9:- "It would give me pleasure to aid by my votes in placing you in the chair of the House of Representatives. But I have no personal hopes or fears to dictate my course in the matter, and the great consideration for me must be that of the policy which the Speaker will impress on the action of the House. Not to trouble you with suggestions as to subordinate points, there are some leading questions on which it may be presumed that you have a settled purpose. May I respectfully inquire, whether, if elected speaker, it is your intention; so to constitute the Committee of Foreign Relations and Ways and Means as to arrest the existing war; so to constitute the Committee on Territories as to obstruct the legal establishment of slavery within any territory; so to constitute the Committee on the Judiciary, as to favor the repeal of the law of Feb. 12, '99, which denies trial by jury to persons charged with being slaves; to give a fair and favorable consideration to the questions of the repeal of the Acts of Congress which now sustain slavery in this District, and to further such measures as may be in the power of Congress to remedy the grievances of which Massachusetts complains at the hands of South Carolina, in respect to the treatment of her citizens."

² In reply Winthrop wrote the following on Dec. 5, 1847:- "If I am to occupy that chair, I must go into it without pledges of any sort. I have not sought the place. I have solicited no man's vote. At a meeting of the Whig members of the House last evening, I was formally nominated as the Whig candidate for speaker, and I have accepted the nomination. But I have uniformly said to all who have inquired of

they determined to refuse to vote for him at any cost.

Tuck of New Hampshire also acted with the radicals. Because of this small coalition against Winthrop, it took three ballots to elect him, and then he won only one vote.

All the Whigs except five¹ voted for him on the first ballot.² Giddings and Tuck voted persistently for Wilson of New Hampshire throughout the three ballots and Palfrey, for Hudson of Massachusetts. After the first ballot Tompkins refrained from voting; but the decision was finally reached by Levin, the Native American, voting with the Whigs.³

For this vote, Giddings, Tuck, and Palfrey were dubbed by the National Whig, "mere putrid excrescences of the Whig party and abolitionists."⁴

15. The House Committees.

The important House Committees were Ways and Means,

me, that my policy in organizing the House must be sought for in my general conduct and character as a public man." Ibid.

¹ Giddings from O., Palfrey from Mass., Tuck from N.H., Pat. Tompkins from Miss. and Jno. W. Jones from Ga.

² Dec. 6, 1847, Cong. Globe, 30th Cong. 1st Sess. p. 2.

³ Ibid.

⁴ See the quotation of this editorial. Ibid p. 23.

Judiciary, Military Affairs, Territories, Foreign Affairs,
and they were filled as follows:¹

The Ways and Means Committee, Mr. Vinton, Whig from Ohio, Chairman, Messrs. Toombs from Georgia, Hudson from Massachusetts, Houston, from Delaware, Morehead from Kentucky, Pollock, from Pennsylvania, Hubbard, from Connecticut, all Whigs, and Messrs. McKay from North Carolina, and Nicoll from New York, Democrats.

Mr. J. R. Ingersoll, Whig from Pennsylvania, was made Chairman of the Judiciary Committee and other members were Whigs, Messrs. Ashman, from Massachusetts, Nathan K. Hall, from New York, Dixon, from Connecticut, Taylor, from Ohio, and Democrats, Messrs. Pettit, from Indiana, Lumpkin, from Georgia, French, from Kentucky, and Mead, from Virginia.

The Committee on Military Affairs was headed by Mr. Botts, Whig from Virginia, and there were associated with him Messrs. James Wilson, from New Hampshire, Dickey, from Pennsylvania, Marvin, from New York, Haskell, from Tennessee, Fisher, from Ohio, all Whigs, and Messrs. Burt, from South Carolina, Haralson, from Georgia, and Boyd, from Kentucky, Democrats.

Caleb Smith, Whig from Indiana, was Chairman of the Committee on Territories, and the other Whigs were Messrs. Cranston, from Rhode Island, Rockwell, from Massachusetts,

¹ Dec. 13, 1847, Cong. Globe, 30th Cong. 1st Sess. pp. 19-20.

Gott, from New York, Evans, from Maryland, beside the following Democrats: Messrs. Howell Cobb, from Georgia, James Thompson, from Pennsylvania, Moise, from Louisiana, and Pillsbury, from Texas.

The Committee on Foreign Affairs had for its Chairman Mr. Truman Smith, Whig from Connecticut, and other members were Messrs. Hilliard, from Alabama, Marsh, from Virginia, Pendleton, from Virginia, and Duer, from New York, Whigs, and Messrs. C. J. Ingersoll, from Pennsylvania, and Rhett, from South Carolina, Democrats.

With this combination of a Whig House and a Democratic President and Senate, the outlook was for a stormy session.

17. Time given in Congress to the discussion of the Mexican War and its attendant problems.

The importance of the Mexican war in the Thirtieth Congress is, in part, evidenced by the amount of time in the Congress devoted to its discussion and also by the emphasis given to it in the President's message.

The first session of the Congress opened on December 6, 1847, and closed on August 14, 1848. During these months, the Mexican war, with its attendant problems, was discussed in the Senate on ninety-one days; on twenty-three days, the discussion of this question excluded every other;¹ on fifty-

¹ Jan. 12, 17, 18, 19, 20, 25, 31. Feb. 3, 10, 11, 14, 16, 17, 23. Mar. 17, 23, 24. July 12, 19, 22, 24, 25, 26.

four days, it was discussed at considerable length;¹ and for the greater part of two weeks it was the subject of discussion in executive session while the treaty between the United States and Mexico was under consideration.²

The question was before the House, during the first session, on fifty-nine days; on nine days it was the only subject of debate³ and on the remaining fifty days it was an important matter of discussion.⁴

The second session opened on December 4, 1848, and closed on March 3, 1849. During these months, the question was prominent in the debates of the Senate on twenty-eight days,⁵ and of the House on twenty-four days.⁶

President Polk's message, at the opening of the first

¹ Dec. 15, 20, 30. Jan. 3, 4, 5, 6, 10, 11, 13, 24, 26, 27, 28. Feb. 1, 2, 4, 7, 8, 9, 15, 18, 24, 29. Mar. 14, 15, 16, 27, 28. Apr. 11, 20. May 16, 31. June 1, 2, 5, 23, 26, 27, 28, 29. July 6, 7, 8, 10, 11, 13, 18, 31. Aug. 3, 8, 10, 11, 12.

² See Sen. Doc. Vol. 809, p. 4-100.

³ Jan. 18, 26, 27. Feb. 1, 2, 3, 9. July 24. Aug. 1.

⁴ Dec. 15, 20, 21, 22, 28, 30. Jan. 3, 4, 12, 13, 17, 24, 25. Feb. 7, 8, 9, 14, 15, 16, 17, 21, 28. Mar. 1, 2, 4, 7, 14, 15, 22, 27. Apr. 3, 6, 10, 11, 17. May 4, 29, 31. July 1, 6, 10, 25, 27, 28, 31. Aug. 2, 7.

⁵ Dec. 4, 11, 13, 18, 20. Jan. 8, 9, 16, 22, 23, 29, Feb. 2, 5, 6, 10, 13, 16, 19, 20, 21, 22, 23, 24, 26, 27, 28. Mar. 1, 3.

⁶ Dec. 12, 13, 18, 20. Jan. 6, 17, 22, 23, 24, 25, Feb. 3, 5, 7, 8, 10, 12, 16, 17, 19, 22, 23, 26, 27, Mar. 2.

session was a long document, covering nearly eight pages of the closely printed Congressional Globe¹ and the first half of the message was given over to the subject of the Mexican war, and the conquered territories.

When the President's message to the second session was written, the treaty of peace between the United States and Mexico had been signed and the great question before the country was the disposition of the territory acquired thereby. Nearly half of the message was concerned with this² problem.

The deliberations of the Thirtieth Congress upon the subject of the Mexican war and the Territories may be divided into three approximate periods and under three heads. 1. From December to April of the first session. 2. From April to August of the first session. 3. The second session. In the first period, were discussed prosecution of the war and the terms of peace. In the second period, was discussed the disposition of the territories acquired from Mexico, but the discussion was a part of the discussion of the Territorial Government for Oregon. The Oregon government had been disposed of at the close of the first session and in the third period, the disposition of the Territories of New Mexico and California was of prime importance.

¹ Dec. 7, 1847, Cong. Globe, 1st Sess. p. 4-12.

² Dec. 5, 1848, Cong. Globe, 2nd Sess. p. 3-13.

CHAPTER II

THE MEXICAN WAR AND THE TREATY IN THE THIRTIETH CONGRESS

I. Time devoted to the subject in the first session

The Mexican War was the question of paramount interest to the members of the Thirtieth Congress when they assembled in Washington in December of 1847. This subject was formally introduced into the Senate on December 15th by a set of resolutions, composed and presented by Mr. Calhoun, Senator from South Carolina, against the conquest of Mexico and its incorporation into the Union.¹ Similar resolutions were presented to the House by Mr. Holmes, also of South Carolina.²

¹ "Resolved, That to conquer Mexico, and to hold it either as a province or to incorporate it in the Union, would be inconsistent with the avowed object for which the war has been prosecuted; a departure from the settled policy of the Government; in conflict with its character and genius; and, in the end, subversive of our free and popular institutions.

Resolved, That no line of policy in the further prosecution of the war should be adopted which may lead to consequences so disastrous." -- Congressional Globe, 30th Congress, 1st Session, p. 26. The subject of the war had been touched upon indirectly in the Senate one day earlier, when on December 14th, Mr. Dickinson, Democrat from New York, had introduced the following resolution:- "Resolved, That true policy requires the Government of the United States to strengthen its political and commercial relations upon this continent by the annexation of such contiguous territory as may conduce to that end, and can be justly obtained; etc." -- Cong. Globe, 30th Cong. 1st Sess., p 21

² "Be it resolved, That it is inexpedient for the United States Government so to use its conquests as to extinguish the national existence of Mexico, but

From this time on until the end of March, the Mexican War held the arena in debate to the exclusion of all else but the most pressing matters. After the failure to bring the Ten Regiment Bill up for discussion in the House and after the passage of the Loan Bill by both Houses--in the House of Representatives on February 17th,¹ and in the Senate on March 28th,²--the subject of the Mexican War, to a large extent, gave place to other matters.

2. President Polk's message.

President Polk's message at the opening of the Congress was, in its reference to the relations with Mexico, concise and unmistakable in its terms.³

On the past relations, he claimed that the Mexican violation of the rights and property of American citizens and

but so to avail itself of the victories it has achieved, as to establish by treaty stipulations a lasting peace with Mexico, upon the basis of an entire free trade between the two Republics, such as exist between the several states of this Union.

Resolved, That we agree to recede all the territory we have taken from Mexico beyond the Rio Grande, upon the condition that our citizens have free ingress and egress into New Mexico and Upper California."--
Cong. Globe 1st Sess. p. 38.

¹ Cong. Globe, 30th Cong., 1st Sess., p. 374.

² Ibid, p. 549

³ December 7. Ibid, p. 4

the repeated acts of bad faith on the part of Mexico regarding the payment of spoliation claims due American citizens would have justified war, but that the United States had endeavored to settle all difficulties amicably with the result that Mexico had, without warrant, rejected the American minister of peace, invaded Texas, and shed American blood on American soil. He recalled that upon the opening of hostilities he had communicated the facts to Congress and that Congress had, on May 13th, 1846, declared war to be in existence by the act of Mexico and had made provision for its prosecution to a "speedy and successful termination"; and he called attention to the fact that the act of Congress had been with only two negative votes in the Senate and fourteen in the House. According to his claim, the war had been prosecuted with vigor but also with a manifest willingness to terminate it by a just peace; but that Mexico had refused to accede to any just terms. Even after the victories of Buena Vista and Vera Cruz, Mexico had refused to receive the American commissioner, who had been known to be with the American army clothed with full powers to treat, until the very capitol of Mexico was within the power of the American army, and then no treaty had been concluded. The American terms offered to Mexico at that time had been;- 1. The boundary of the Rio Grande from its entrance into the Gulf to its intersection with the southern boundary of New Mexico in north latitude about 32°. 2. A cession to the United States of the provinces of New Mexico and the Californias. 3. The privilege of

right of way across the isthmus of Tehuantepec. 4. All other conquered provinces should be returned to Mexico and some pecuniary consideration given for New Mexico and the Californias. Mexico had demanded;- 1. The territory between the Nueces and the Rio Grande. 2. Indemnity to Mexican citizens for injuries they had sustained by American troops in the prosecution of the war. 3. The right to levy and to collect Mexican tariff of duties on goods imported into her ports while in American military occupation and the owners of which had paid to officers of the United States the military contributions which had been levied upon them. 4. The cession to the United States, for a pecuniary consideration, that part of Upper California lying north of 37° latitude. No promise was made to pay United States citizens who had claims against Mexico.

The President announced that the United States commissioner was, at the time of the convening of Congress, under orders to return to the United States and that the American Government would take no more initiative toward peace though it should be always open to reasonable proposals from Mexico.

Mr. Polk's plan for the future was that the United States should hold all the places in its possession and press forward her military operations, levying military contributions to defray future expenses of the war, confiscating the duties and internal revenues, and in every way make the people of Mexico, as well as the Government, feel the burden of the war, thus bringing them to reasonable terms of peace.

He advised Congress that, since the United States already held New Mexico and California, they should not wait for a treaty, but should organize territorial government there at once and that other Mexican provinces should be held temporarily as a means of coercing Mexico. The war was not, according to his statement, one of conquest, but he claimed that an honorable peace must include indemnity and that indemnity meant territory since Mexico could pay in no other way.

One justification of his position was, he claimed, that Congress must have meant to acquire territory when they appropriated three million dollars at the last session "to enable the President to conclude a treaty of peace, limits, and boundaries."

He suggested that if the factions in Mexico continued to make peace and stability impossible that it might be necessary to give assurance of protection to the friends of peace there in the establishment and maintenance of a free republican government of their own choice, and his advice was to let the friends of peace in Mexico know that the United States government was willing and able to secure peace which would be just to them, and, at the same time, would secure to the United States the indemnity demanded. He thought that Mexico had construed the forbearance of the United States to mean that American armies would be withdrawn; and also that she had taken advantage of the divisions between the parties in the United States about the war.

Therefore, in order to make possible a more vigorous prosecution of the war until Mexico should be forced to make an

honorable peace, he called for authority from Congress to raise an additional regular force to serve during the war with Mexico and to be discharged upon its conclusion, and also for authority to call for additional volunteers when the emergency should require. He also asked for authority to negotiate a loan for \$18,500,000.00 to meet the expenditure of the present and for the next fiscal year, ending on June 30th, 1849.

3. The President's claim that the war was begun by Mexico.

The President, in every message which he sent to Congress after the opening of the Mexican War, went into a labored discussion to prove that the war was begun by Mexico.¹

In this Congress, the Administration party sought to prove it in reply to the accusations of the Opposition.

4. Bills in Congress on the subject of the Mexican War.

The discussion centered around the two bills proposed in recognition of the suggestions of the President in his message--

¹ The President's message of May 11, 1846.-- Cong. Globe. 29th Cong. 1st Sess. p. 783; also his message of February 13, 1847.-- Cong. Globe, 29th Cong. 2nd Sess. p. 417; and his message of December 7, 1847, mentioned above on p. 82.

the Ten Regiment Bill¹ in the Senate, and the Loan Bill² in both Houses.

The first of these two bills was introduced and urged with the avowed purpose of making a more vigorous prosecution of the war possible in order to "conquer a peace" with Mexico. The second was proposed for the purpose of making a more vigorous prosecution of the war possible and of making up the deficit in the appropriation for the current year which had been occasioned by the conduct of the war.

The discussions in the two Houses--and especially in the Lower House--also centered about various resolutions introduced, dealing with the origin of the war³ and its future conduct⁴, and

1 This was a bill introduced into the Senate December 22nd in a report from the Committee on Military Affairs. It provided for raising ten additional regiments for use in the war with Mexico.-- Cong. Globe, 30th Cong. 1st Sess. p. 62.

2 This was a bill introduced into the House January 19, 1848, by Mr. Vinton in a report from the Committee of Ways and Means. It authorized a loan not to exceed the sum of \$18,500,000.00. -- Cong. Globe, 30th Cong. 1st Sess. p. 197.

3 There were many resolutions on the origin of the war introduced, but the two following were the only ones which were brought up for discussion;-- On December 20th, Richardson, Democrat from Illinois, introduced the following resolution:-- "Resolved, That the existing war with Mexico was just and necessary on our part, and has been prosecuted with the sole purpose of vindicating our national rights and honor, and of securing an honorable peace."-- Cong. Globe, 30th Cong. 1st Sess. p 59. On January 3rd, when resolutions of thanks to Gen. Taylor were before the House, Ashmun, Whig from Mass. moved an amendment which added the words:-- "in a war unnecessarily and unconstitutionally begun by the President".--Cong. Globe, 30th Cong. 1st Sess. p. 95.

4 The resolutions of Calhoun and Holmes cited above.

calling upon the President for information about the attempts at negotiations with Mexico¹, and about the communications between the State Department and the officers in the field;² also the resolution, in the House, of Vinton of Ohio on referring the President's message.³

¹ On December 20, Mr. Gentry, Whig from Tennessee, moved the following resolution in the House:-- "That the President of the United States be requested to communicate to this House the instructions given to John Slidell as Minister Plenipotentiary and Ambassador Extraordinary to the Government of Mexico."--Cong. Globe, 30th Cong. 1st Sess. p. 58.

² On December 20, Goggin, a Whig from Virginia, introduced into the House the following resolutions:-- "Resolved, That the President of the United States be requested to communicate to this House any instructions which may have been given to any of the officers of the army or navy of the United States, or other persons in regard to the return of President General Antonio Lopez de Santa Anna, or any other Mexican, to the Republic of Mexico, prior or subsequent to the order of the President or Secretary of War, issued in January, 1846, for the march of the army from the Nueces River across the 'stupendous deserts' which intervene to the Rio Grande; that the date of all such instructions, orders, and correspondence be set forth together with the instructions and orders issued to Mr. Slidell at any time, prior or subsequent to his departure for Mexico as Minister Plenipotentiary of the United States to that Republic."-- Ibid, p. 58.

On January 13, Mangum, Whig from North Carolina, submitted the following resolution in the Senate:-- "Resolved, That the President of the United States be requested to lay before the Senate all the plans, estimates, and calculations presented by General Scott, as in his opinion being best adapted to obtain the objects of the war; and his opinion touching means necessary to the military accomplishment of the objects of our Government, in any and all alternative views, that have been considered by the Executive or suggested by Scott to bring the war with Mexico to a close; if not inconsistent in the opinion of the President, with the public service."-- Ibid p. 131.

³ On December 22, Representative Vinton moved fifteen

5. Points of agreement and disagreement between parties.

All parties and factions were agreed that peace should be made as soon as possible, but the methods by which it was to be obtained and the terms to be exacted were questions of great division.

In working out these policies, senators and representatives were constantly harking back to the causes and origin of the war in order to decide what would be just terms of peace, and to the past experiences in the war to determine the most effectual means of obtaining that peace.

During these discussions, the party element was strong. There was a persistent union in the Whig party in their criticism of the President for bringing about the war and of his policies for its future conduct. On the other hand, the Democrats were, for the most part, as persistent in their support of him and of his policies. It is noticeable, however, that while the Whigs stood in debate unitedly against the prosecution of the war, except as a strictly defensive war, there was a lack of persistence on their part when it came to voting the loan for which the President asked.

resolutions on the reference of the President's message to the proper committees. The first four, the eighth, the fourteenth, and the fifteenth resolutions had reference to the Mexican War.--Cong. Globe, 30th Cong., 1st Sess. p. 65. From December 22nd to Feby. 3rd, the discussion in the House was in the Committee of the Whole on the President's message and these resolutions to refer it. On Feby. 3rd, the message was referred. Ibid, page 298.

There seemed to be a hesitancy on the part of most Whigs to assume the responsibility for stopping the war without the glories of a triumphant treaty. They could not, seemingly, forget the coming election when they hoped to see their party ride to victory on the fame of their victorious General in the Mexican War.

In spite of the occasional confusion of issues, the party antagonism was strong. The Whigs acted as accusers in the debates. In the House, where there was a Whig majority, the Democrats could do nothing but ^{to} attempt to answer Whig charges against the Democratic party and its President. In the Senate, where the Democrats were in the majority, they had to spend much time in answering their accusers, but they were strong enough to also urge the passage of the Ten Regiment Bill.

The ideas upon which the Whigs and Democrats parted may be divided into three groups. 1. The origin of the war. 2. The conduct of the war. 3. Plans for the termination of the war.

6. Calhoun--the leader of the Opposition.

Senator Calhoun had been elected upon the Democratic ticket, which was really an Independent ticket in South Carolina. The breach between him and the national Democratic party had never been healed and he was no friend of the present Administration. This lack of harmony was evident in the debates on the Mexican War in the 30th Congress. He may well be called the leader of the Opposition in the Senate and his leadership was early recognized in his speech upon his resolutions against the conquest

of Mexico on January 4th.¹

7. Origin of the war.

The Whigs claimed that, even though the United States had just cause for war against Mexico, which they considered doubtful, the war was unnecessarily and unjustly brought on by an unwise and illegal act of the President.²

The Democratic contention, made to refute this argument, was that the origin of the war was with Mexico when a party of her soldiers crossed the Rio Grande from Matamoras and killed six United States soldiers simply because the United States army under Taylor was defending Texan territory on its western boundary--the Rio Grande.³

¹ Appendix to Congressional Globe, 30th Congress, 1st Sess. p. 49.

² The amendment of Representative Ashmun, referred to above, (p.61) was adopted by a vote of 85 Whigs to 80 Democrats and 1 Whig, Moses Hampton, of Pennsylvania.-- Jany. 3, Cong. Globe, 30th Cong. 1st Sess. p. 95. When on Feby. 14, Representative Thompson, a Democrat from Pennsylvania, moved a resolution to expunge the Ashmun amendment from the Journal, the motion was laid on the table by the vote of 105 Whigs to 94 Democrats.-- Ibid,p. 344.

The opinion that the war was unconstitutionally begun by the President was expressed over and over again by Whigs in the debates of the session. A typical statement was one by Senator Underwood from Kentucky on Feby. 10th. He said,- "Sir, I arraign the President before his countrymen for the exercise of a power in making this war which did not belong to him. He sent an army to take possession of a country in the adverse possession of a people who were citizens of a foreign nation with which we were at peace, though there was no very good feeling toward us. That was an act of war. It was invasion. The President had no more right or constitutional authority to do it, than he has to

send the army to Quebec or Havana, and take possession of these cities and surround~~ing~~ country, without the sanction of a previous act of Congress.-- App. to Cong. Globe, 30th Cong. 1st Sess. p. 309.

Other expressions of a like opinion were made by the following Whig Senators:- Pearce of Md., Jany. 13, App. to Cong. Globe, 30th Cong. 1st Sess. p. 99; Badger of N. Ca. Jany. 18th, Ibid, p. 116; Miller of N. J., Feby. 8, Ibid p. 294; Upham of Ver., Feby. 15, Ibid p. 450; Webster of Mass., March 23, Cong. Globe, 30th Cong. 1st Sess. p. 530. The following Representatives also expressed this opinion:- Collamer of Ver., Feby. 1, App. to Cong. Globe, 30th Cong. 1st Sess. p. 218; Fisher of Ohio, Feby. 9, Ibid p. 300

³ A typical statement of the Democratic ground is that made by Representative Jamieson of Mo. on January 18, when he said:- "Although Mexico, finding that we had taken all these insults, and borne all these injuries, without any resentment on our part, except on paper, by long letters, protests, etc., and finding that she could not kick us into a war in this way, finally, in the spring of 1845 sent an army to our frontier, and crossed the boundary line-- the Rio Grande--attacked a small body of our men under the command of Capt. Thornton, killed several and took the balance prisoners, on territory claimed by us--thus commencing the war by striking the first blow and shedding the first blood--and that, too, on soil within our limits, and which we were bound to protect." Ibid p. 243.

Other Democratic expressions of the same ground may be found as follows:- Representative Stanton of Tenn., Jany. 10th, Cong. Globe, 30th Cong. 1st Sess. p. 135; Senator Douglas of Ill., Feby. 1, App. to Cong. Globe, 30th Cong. 1st Sess. p. 226.

Both parties claimed that the occasion for the war was in the opposing claims of Mexico and the United States for the same territory, but Whigs and Democrats did not agree on the amount of territory thus held in dispute.

The Whigs claimed that Mexico was fighting for the Territory between the Nueces and the Rio Grande.¹ The Democrats held that Mexico was fighting to reclaim all of Texas and not just the portion between the Nueces and the Rio Grande, and that, because the Rio Grande was the Texan boundary, it had been the duty of the President to defend it against Mexican invasion.²

To support the Democratic claim that the Rio Grande was the Texan boundary, they pointed to the so-called treaty between

¹ Senator Baldwin of Conn. stated the Whig claim in his characteristically direct style.-- "What, Sir, was the immediate origin of this war, and how did it commence? Unquestionably it was owing to the advance of General Taylor to the Rio Grande." --March 15, App. to Cong. Globe, 30th Cong. 1st Sess. p. 418.

Other statements of this claim were made by Senator Greene of R. I., Feby. 18th, Ibid p. 341; and by Representative Roman of Md. Jany. 25th, Ibid p. 214.

² Representative Brown of Miss. said, in a speech made Feby. 10th, after quoting from a letter from the Mexican minister resident in the United States at the time of the annexation of Texas in which he protested against such annexation and threatened war should it take place;--"Now, sir, what have we here? The Mexican protest against the annexation of Texas, 'the province of Texas, an integral portion of the Mexican territory'. The bold Mexican scorns to speak of a divided province or territories in dispute. ***** He went for the whole or none. And what was the threat distinctly put forth in the minister's protest? That Mexico will uphold her right to Texas at all times, and by every means which may be in her power. What means are here alluded to? She had threatened war if Texas was annexed.

The people of the United States spurned the threat; and after the annexation is consummated, Mexico says she will use all the means in her power 'to recover the province of which she sees herself unjustly despoiled'. These means were armies, equipped for action--they could be nothing else. After this petulant exhibition of the Mexican minister, he received his passports at his own request, and left the country; and what followed? Every gale that swept from the south bore upon its wings some note of preparation in Mexico to invade Texas."-- Cong. Globe, 30th Cong. 1st Sess. p. 334.

Senator Sevier of Ark. said on Feby. 4th:- "It is true that Mexico, during all this time, claimed not only the territory in controversy, but the whole of Texas, not to the Nueces, or the desert, which she never mentioned, but to the Sabine; and that she blustered and bullied and talked loudly of invasion, and blood, and thunder, and all that.***** Herrera on the 12th of March, dismissed Mr. Slidell and resolved, in the midst of our difficulties at home and abroad to invade Texas for the purpose of reconquering it." --App. to Cong. Globe, 30th Cong. 1st Sess. p. 258-9

Other Democratic expressions of this opinion were:- Senators Davis of Miss., Jany. 24, Cong. Globe, 30th Cong. 1st Sess. p. 233; Downs of La., Jany. 31, App. to Cong. Globe, 30th Cong. 1st Sess. p. 140-2; Douglas of Ill. Feby. 1, Ibid, p. 226; Turney of Tenn., Feby. 11, Ibid, p. 202; Breese of Ill., Feby. 14, Ibid p. 346; Rusk of Texas, Feby. 15, Ibid, par. 361; Johnston of Ga., March 16th, Ibid, p. 373; Cass of Mich., Mar. 17, Cong. Globe, 30th Cong. 1st Sess. p. 489; Representatives Jamieson of Mo., Jany. 18, Ibid, p. 425; Greene of Mo., Jany. 25, Ibid p. 239; McLane of Md., Jany. 19, Ibid p. 201; Morse of La., Feby. 1, App. to Cong. Globe, 30th Cong. 1st Sess. p. 150; Charles Brown of Pa. Feby. 2, Ibid p. 153; Featherstone of Miss., Jany. 24, Ibid, p. 175; Cobb of Ga., Feby. 2, Ibid p. 229; Strong of Pa., Mar. 4, Cong. Globe, 30th Cong., 1st Sess. p. 425.

Texas and Santa Anna,¹ the definition of the boundary by the Texan legislature,² that this act had been accepted by the

¹ Shortly after the capture of Santa Anna by the Texans in 1836 and while he was still a prisoner, a set of Articles of Agreement between Santa Anna, with his generals, and the Texan President, with his cabinet members, was drawn up. These articles may be found in Niles Register 50:336.

Some Democrats claimed this to be a valid treaty which settled the boundary line between Texas and Mexico as the Rio Grande River:- Senators, Douglas of Ill., Feb. 1, App. to Cong. Globe, 30th Cong., 1st Sess. p. 224; Rusk of Tex., Feby. 15, Ibid p. 360. Representatives:- Jamieson of Mo., Jany. 18, Ibid p. 244. Greene of Mo. held that, even though the treaty could be proved invalid because it was made by Santa Anna when he was a prisoner, or for other reasons, it at least proved one thing and that was that, "according to the understanding of the two parties, Texas and Mexico, the Rio Grande was considered the limit, dividing line, or line of demarcation; and that the bone of contention between them was the independence of Texas, including all the territory lying east of the Rio Grande." Jan. 25, App. to Cong. Globe, 30th Cong., 1st Sess. p. 145. Senator Johnson from Ga. claimed that, whatever charges might be brought against the validity of the treaty, "let it suffice here to remark, that from that time, down to the day of annexation, Texas successfully resisted every effort, on the part of Mexico, at reconquest, and expelled her forces beyond the Rio Grande." Mar. 16, App. to Cong. Globe, 30th Cong., 1st Sess. p. 373. Also Senator Sevier of Ark. Jany. 13, Ibid p. 98

² Representative Green of Mo. said on Jany. 25, "Shortly after the making of the treaty with Santa Anna, the Texan Congress passed a law describing her boundary, precisely as it is described in the above treaty, claiming to the Rio Grande on the west. And with this claim of boundary, in view of the success of the Texan arms against Mexico, and in view of the treaty just referred to, the United States, and the principal Powers of the world, acknowledged the independence of Texas, without any qualifications whatever." App. to Cong. Globe, 30th Cong. 1st Sess. p. 148.

Other claims of this sort were:- Representatives, Jamieson of Mo., Jany. 18, Ibid p. 245; Brown of Miss. Feb. 10, Ibid p. 334. Senators:- Sevier of Ark., Feby. 4, Ibid p.258; Breese of Ill., Feby. 14, Ibid p. 345-6

United States at the time of annexation,¹ and to the fact that the American Congress had exercised jurisdiction over territory west of the Nueces².

The Whigs argued that the territory between the Nueces and the Rio Grande was disputed territory and they supported their claim on the ground that this territory was not in the original boundary of Texas, but belonged to the districts of Coahuila

¹ Representative Jamieson of Mo. said on Jany. 18;- "When we received Texas we received her according to her own defined limits, as we received Ohio, Indiana, Illinois, Missouri, and other new states, into the Union--with a certain defined boundary, just as we received the other states mentioned. Her declared boundaries were just as well known when she was received as the others were; and the President, with his army, was as much bound to protect the integrity of the soil as of the other states mentioned, within their boundaries; and, therefore, he was bound, as he would be if the other states were about to be invaded, to send the army to the frontier--not put the army in the middle of the state, and let one half of it be over-run before they attempt to repel it." App. to Cong. Globe, 30th Cong. 1st Sess. p. 244. Representative McLain of Md. expressed the same view on Jany. 19, Ibid p. 102.

² Senator Johnson of Ga. said on Mar. 16;- "Was it not universally the determination of the people and leading statesmen of this country, as well as the Government, to insist upon the Rio Grande as our western boundary? Had not the President the right to infer this, from the legislation of Congress, by which the jurisdiction of the United States had been extended to that river, and a collection district established in the territory beyond the Nueces?" App. to Cong. Globe, 30th Cong. 1st Sess. p.374. See also the speeches of:- Representatives McLane of Md., Jany. 19, Ibid p. 102; and Brown of Miss., Feby. 10, Ibid p. 334; also of Senators Cass of Mich. Mar. 17, Cong. Globe, 30th Cong. 1st Sess. p. 489; and Sevier of Ark. Jany. 13, App. to Cong. Globe, 30th Cong. 1st Sess. p. 98.

and Tamaulipas and had never been really conquered by Texas, and that, therefore, Texas could not claim it absolutely.¹

They disregarded the Santa Anna treaty with Texas because Santa Anna was a prisoner at the time of the resolution of the treaty and so was not in a legal status to make a treaty.²

They disclaimed the right of Texas to define a boundary over disputed territory by a mere legislative act,³ they said that

¹ Senator Upham from Ver. said on Feby. 15:- "The united states of Texas and Coahuila ran across the Rio Grande, but the boundary of Texas proper never did; her limits stopped at Nueces.**** The ground I assume is, that the territory between the Nueces and the Rio Grande being disputable, and most of it in possession of Mexico, the President had not right to take forcible possession, even if it rightfully belonged to the State of Texas, without authority from Congress." App. to Cong. Globe, 30th Cong. 1st Sess. p. 450. See also the speech of Senator Cabell of Ga. on Mar. 4. Cong. Globe, 30th Cong. 1st Sess. p. 426.

² Senator Pearce from Md. said on Jany. 13:- "It was no treaty at all. Santa Anna was a prisoner; and if he had not been we all know that the Constitution of Mexico contains a provision that when the President of the Republic is at the head of the army his civil functions cease. He was in captivity and if he had not been, he would have had no authority to conclude a treaty under the Constitution of his country, which is like our own in that respect. It might have had a moral obligation as far as he himself was concerned, but it had not even a legal obligation upon himself, having been extorted by duress." App. to Cong. Globe, 30th Cong. 1st Sess. p. 96. See also speeches by:- Senator Upham of Ver. Feby. 15, Ibid p. 453; Representatives Lincoln of Ill. Jany. 12, Ibid, p. 904; and Roman of Md. Jany. 25, Ibid p. 214; and Thompson of Ind., Jany. 27, Ibid p. 216.

³ Senator Pearce of Md. said on Jany. 13:- "I should like to know how the mere act of Congress or Legislature of any country can authorize fixing their boundaries where they please to put them on paper; how the declarations of any Congress or Government can make a right or authorize a claim in such a case." Ibid p. 97. See also

the act which provided for the annexation of Texas to the United States left the decision about the boundary open to further negotiations between the United States and Mexico;¹ and that the United States Congress never exercised jurisdiction to the Rio Grande.²

the speeches of Senators Underwood of Ky. Feby. 10, App. to Cong. Globe, 30th Cong. 1st Sess. p. 310; and Upham of Ver. Feby. 15, Ibid p. 453; and Representative Lincoln of Ill. Jany. 12, Ibid p. 94.

¹ Representative Lincoln of Ill. said on Jany. 12:-
 "The President tells us, the Congress of United States understood the State of Texas they admitted into the Union to extend beyond the Nueces. Well, I suppose they did--I certainly so understood it--but how far beyond? That Congress did not understand it to extend clear to the Rio Grande, is quite certain by the fact of their joint resolutions for admission expressly leaving all questions to future adjustment." Ibid p. 94. See also the speeches of the following Representatives:- Dixon from Conn. Jany. 24, Ibid p. 166; Roman from Md. Jany. 29, Ibid p. 214; Thompson from Ind. Jany. 25, Ibid p. 264; Collamer from Ver. Feby. 1, Ibid p. 218; and also of Senator Hale of N. H., Jany. 16, Ibid p. 54.

² Representative Thompson of Ind. said on Jany. 27:-
 "I shall be much obliged if the gentleman will show me anywhere on our Statute book, a single act of the Congress of the United States which defines the Rio Grande as the western boundary of any collection district. Congress did pass an act on the 31st of December, 1845, establishing one revenue district in Texas. It declares: 'That the State of Texas shall be one collection district, and the City of Galveston the only port of entry, to which shall be annexed Sabine, Velasco, Matagorda, Cavilio, LaBaca, and Corpus Christi, as ports of delivery only.'
 *****The fact is, as appears from the acts from which I have read, that Corpus Christi was the extreme southwestern point of delivery, and nowhere beyond that point did either of these acts pretend to establish either a port of entry or of delivery." Ibid p. 264.

The majority of the Whigs held, therefore, that the country between the Nueces and the Rio Grande was disputed territory; a few of them held that Texas had no claim to this territory,¹ and some held a middle ground, that the boundary of Texas extended beyond the Nueces, but not to the Rio Grande,² but no Whig contended in Congress that the claim of Texas to the Rio Grande was absolutely valid. On this point Whigs and Democrats were directly opposed.

1 Senator Pearce of Maryland, said on January 13:-
 "The united states of Coahuila and Texas ran across the Rio Grande, but the boundary of Texas proper never did; her limits stopped at Nueces." App. to Cong. Globe 30th Cong. 1st Sess. p. 96. See also the speeches of the following Senators:- Underwood of Ky., Feby. 10, Ibid p. 311; Baldwin of Conn., March 15, Ibid p. 420; and of the following Representatives:- Goggin of Va. Feby. 1, Ibid p. 272; Marsh of Ver., Feby. 10, Ibid p. 337; Thompson of Ind., Jany. 27, Ibid p. 265.

2 Representative Cabell of Fla. said on March 4:-
 "'Texas revolutionized' extended beyond the Nueces. It embraced the valley of that river, both banks. And Mexicans, none but Mexicans, continued to occupy both banks of the Rio Grande." Cong. Globe, 30th Cong. 1st Sess. p. 426. Others who held this view were Representatives Fisher of Ohio, Feby. 9, App. to Cong. Globe, 30th Cong. 1st Sess. p. 301; Stephens of Ga. Feby. 2, Ibid p. 160; Lincoln of Ill., Jany. 12, Ibid p. 904; Dixon of Conn., Jany. 24, Ibid p. 171. The last gentleman claimed for Texas the "stupendous desert" as boundary.

Upon this question of the territory between the Nueces, and the Rio Grande, rested the decision as to whether the act of the President in ordering General Taylor from Corpus Christi to the Rio Grande was a necessary act.

The Democrats claimed that immediately upon the annexation of Texas to the United States Mexico had recalled her minister from the United States and stopped all diplomatic intercourse between the two countries and had begun threats of reclaiming all of Texas; that because of the threatened danger the President ordered General Taylor to Corpus Christi on the Nueces in order to be ready to defend Texas. At the same time, he sent Slidell to Mexico to negotiate with Herrera--then President of the Mexican Republic--and, the Democrats claimed, he had been rejected, giving proof that war was to be inevitable. They claimed that the President then sent Taylor to the Rio Grande because it was his duty to defend all of Texas, but that his orders to Taylor warned the General against interfering with the Mexican settlements west of the Rio Grande or blockading the river. So the Democrats claimed that, in ordering troops to the Rio Grande, the President was only executing his duty to defend United States territory, and that he had nothing to communicate to Congress until the Mexicans began the war.¹

¹ Extended arguments to prove this entire position were given by the following Senators:- Sevier of Ark. Feby. 4, App. to Cong. Globe, 30th Cong. 1st Sess. p. 259; Johnson of Ga. March 16, Ibid, p. 374; and Downs of La., Jany. 13, Cong. Globe, 30th Cong. 1st Sess. p.272.

The following Representatives gave voice to one or more of the above claims:- Jamieson of Mo., Jany. 18, App. to Cong. Globe, 30th Cong. 1st Sess. p. 254; Robinson of Ind., Jany. 18th, Ibid p. 194; Rhett of S. Car., Feby. 1, Ibid p. 241; Morse of La., Feby. 1, Ibid p. 151; Cobb of Ga., Feby. 2, Ibid p. 228-9; Brown of Pa., Feby. 2, Ibid p. 153; Brown of Tenn. Feby. 10, Ibid p. 334; Ficklin of Mich., March 2, Cong. Globe, 30th Cong. 1st Sess. p. 418; Inge of Ala. Mar. 22, Ibid p. 522.

The claim that, from the time the Mexican minister was recalled when Texas was annexed, Mexico threatened to reconquer all of Texas, was made by Representatives Robinson, Cobb, Brown of Pa., and Brown of Tenn., Ficklin and Inge.

The claim that because of these threats the President sent General Taylor to Corpus Christi was made by Representatives Robinson, Cobb, Brown of Tenn., Ficklin, Inge and Jamieson.

The claim that at the same time Slidell was sent to Mexico was made by Representatives Robinson, Cobb, Brown of Pa., and Brown of Tenn.

The claim that Slidell's rejection proved that the war was inevitable was set forth by Representatives Jamieson, Robinson, Rhett, Cobb, Brown of Pa., and Brown of Tenn.

The justification of the President's act in then sending Taylor to the Rio Grande because it was his duty to defend all Texas was made by Representatives Jamieson, Robinson, Rhett, Cobb, Brown of Tenn., and Ficklin.

The warning of the President to Taylor against interfering with Mexican settlements or blockading the river was mentioned by Representatives Robinson, Morse, and Brown of Tenn.

The statement that the President was only defending the United States was made by Representatives Jamieson, and Inge.

The claim that the President had nothing to communicate to Congress until Mexico began the war was made by Representative Jamieson.

Therefore, the Democrats, with the exception of some of the South Carolina members,¹ held that the war was begun by

¹ Calhoun stated on the floor of the Senate on Jany. 13th, that he had negotiated the treaty in reference to the admission of Texas which had been rejected by the Senate and this is what he said of the boundary:- "In making that treaty and entering into it, I by no means assumed that the Rio del Norte was the western boundary of Texas. On the contrary, I assumed that the boundary was an unsettled one between Mexico and Texas. No provisions were made in reference to it, because Texas, by the provision of that treaty, was to come into the Union as a Territory; and as such, the right of the government of the United States to settle the boundary was unquestionable--there was an express provision to that effect. It was different in reference to the resolutions under which Texas was actually admitted into the Union. They proposed to admit her as a State, not as a Territory; and coming in that character, it would have been necessary to have had the consent of Texas to establish a boundary between her and Mexico. Those resolutions to avoid the difficulties which might result, very properly contained a provision, which provided that the matter in dispute should be settled by the Government of the United States." App. Cong. Globe, 30th Cong. 1st Sess. p. 98.

In answer to a question propounded by Senator Davis as to whether the President did not have a right to order the army into any part of the United States, thus seeking to justify the President's order to General Taylor to move to the Rio Grande, Calhoun replied, "He has no right to order it into disputed territory." Cong. Globe, 30th Cong. 1st Sess. p. 498.

In the vote in the Senate on the Ten Regiment Bill, Calhoun voted against the bill. Ibid p 503.

Mr. Butler, Democratic Senator from South Carolina, considered the territory between Nueces and the Rio Grande disputed territory and considered that the order to General Taylor to move to the Rio Grande was ill advised, but, since Congress had declared in a legal act that American blood had been shed on American soil, he considered it the duty of Congress to maintain the rights of Texas up to the Rio Grande. Ibid p. 233. He voted for the Ten Regiment Bill because he felt satisfied that the President intended to continue his plan of invading Mexico whether the additional military force was granted him or not and, even though he did not concur with the President's method of ending the war, he did not think that a stubborn opposition to the President

Mexico and that the act of the President in sending Taylor from the Nueces to the Rio Grande was necessary and constitutional.

Senator Benton, a Democrat from Missouri, upheld the Administration in the origin and conduct of the war, but his inherent antagonism to Mr. Calhoun seemed to cause him to take a slightly different view, than did the majority of the Democratic Senators, toward the origin of the war. He charged Calhoun himself with being the author of the war. He had said in the previous Congress-- "I do not consider the march to the Rio Grande to have been the cause of the war, any more than I consider the British march upon Concord from Lexington to have been the cause of the American Revolution, or the crossing of the

would be effectual in bringing peace. However, if additional military force was to be granted, he thought it should be in the form of filling up the existing regiments rather than in creating new regiments calling for the appointment of new officers and when he gave his vote for the Ten Regiment Bill it was because he felt sure that if the bill for additional military forces should pass the House, it would be in the form which he had proposed. Cong. Globe, 30th Cong., 1st Sess. pp. 164, 186, 449.

Mr. Holmes, Democratic Representative from South Carolina, introduced a resolution that all territory beyond the Rio Grande that had been taken from Mexico should be receded. Dec. 15, Ibid p. 38.

In the vote in the House on the amendment censuring the President for beginning the war, only three of the South Carolina Representatives voted against it--Burt, Rhett and Sims--the other four did not vote. Ibid p. 95. Rhett, however, went into an extended argument at another time to prove that Congress is not the war making, but the war declaring power. Feby. 1, App. to Cong. Globe, 30th Cong., 1st Sess. p. 239.

Rubicon by Ceasar to have been the cause of the Civil War in Rome. In all the cases, I consider the causes of the war to be pre-existing, and the marches as only the effect of the causes." For the real cause of the war, he went away back to the cession of Texas to Spain in 1819 when Mr. Calhoun, as a member of President Monroe's cabinet was partly responsible for the cession. He then arrived at the more direct charge against Mr. Calhoun, when he said that the annexation of Texas brought on the war and that that annexation had been the work of Mr. Calhoun.¹

On the other hand, the Whigs claimed that, though Mexico had threatened war since the annexation of Texas, she did not make an actual move to begin the war until she learned of the President's order to Taylor to march into the disputed territory.² Since the Whigs held that this was disputed territory,

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² Senator Badger of North Carolina said on January 18:- "There is not the slightest reason to doubt, as I apprehend, that the movement of the troops upon the Rio Grande was the act which produced war. There had been, previously, threatenings on the part of Mexico. But there had been no war; and my conviction is clear that if our troops had remained quiet at Corpus Christi-- where they had a right to remain,****, there would have been no war." App. to Cong. Globe, 30th Cong. 1st Sess. p. 117.

Another Whig expression of the same opinion was made by Representative Roman of Maryland, Jany. 25, Ibid p. 213.

Senator Butler, a Democrat from South Carolina, expressed the same view in his speech on January 24, Cong. Globe, 30th Cong. 1st Sess. p. 233.

they claimed this act of the President to be an act of war and, therefore, illegal for only Congress had the power to declare war and Congress was then in session. They claimed also that it was an unnecessary act aside from its illegality, for they claimed that the order to Taylor had been sent before Slidell had been finally rejected by the Mexican Government;¹ moreover, some of them referred to the recent trouble with England over the Oregon boundary and to the fact that the United States had held as decidedly to her claim to the territory in dispute in that case as she ever had in the case of the question of dispute with Mexico and still the President had not thought it necessary to send an army to Oregon.²

¹ Representative Thompson of Indiana stated this claim plainly in a speech on January 27. He said--"Mr. Slidell was not received by the administration of Herrera, he then being in power. The refusal to receive him was communicated to this Government in a letter from Mr. Slidell, dated December 27, 1845, which was not received in Washington until January 23, 1846--ten days after the order to General Taylor to march to the Rio Grande was issued." App. to Cong. Globe, 30th Cong. 1st Sess. p. 226.

Other Whig statements of this view were made by Representatives Dixon of Conn., Jany. 24, Ibid p. 167; and Roman of Md., Jany. 25, Ibid p. 215.

² Senator Hale of N. H., with his driving sarcasm, made this acquittal in a speech on January 6:- "I cannot help remarking, in justice to him, that he has not shown a disposition to war in all cases. I think in the management of the Oregon treaty, he exhibited meekness to a surprising degree. But he did not inherit the blessing of the meek-- he did not get the land. ***** But, sir, the President is not so entirely warlike in his nature as his conduct with Mexico would indicate; he has other and milder qualities. And in the selection of an adversary, he has surely displayed great prudence, which is said to be the better part of valor. It is colder country at 54°40'." Ibid p. 56.

So the Whigs held that the war was begun by an unnecessary and illegal act of the President. Various motives were assigned to him for the act. It was suggested that he wished to retrieve himself from the ignominy into which he had fallen through his complete yielding to England in the Oregon boundary dispute after having so vehemently declared that he would yield nothing below $54^{\circ}40'$ ¹. Another suggestion was that the Democrats had in mind from the beginning a war of conquest in

Senator Pearce of Md. said the same thing in a milder way on Jan. 13:- "I am unwilling to place a nation in a lower scale than a private individual; neither have I one rule for Mexico and another for England." App. to Cong. Globe, 30th Cong., 1st Sess. p. 100. Representative King of Mass. said on Feb. 17th:- "The Executive did not dare to wage a war with ~~our~~ equal, Great Britain, but commenced a war with poor, feeble Mexico." Cong. Globe, 30th Cong., 1st Sess. p. 368. Similar conclusions were expressed by Representatives Dixon of Conn. Jan. 24, App. to Cong. Globe, 30th Cong., 1st Sess. p. 166-7. Senator Cabell of La. Mar. 4, Cong. Globe, 30th Cong. 1st Sess. p. 426.

¹ Representative Marsh of Ver. said on Feb. 10:- "The surrender of our claims to Northern Oregon had been predetermined. It was foreseen that this sacrifice of western interests, this mortification of western pride, would excite a feeling of indignation which must be appeased, and nothing seemed more likely to accomplish this end than a war with Mexico, which would furnish congenial occupation to the restless and adventurous spirits of the Mississippi valley, divert public attention from the unpopular policy of the Administration in respect to Oregon, and atone for the loss of the northern portion of that territory by new acquisition on its southern border." App. to Cong. Globe, 30th Cong., 1st Sess. p. 327. Representative Roman of Md. also set forth the probability of this motive, in a speech on Jan. 25. He said:- "Our President rode to power on the cry of the whole of Oregon and insisted on our title to $54^{\circ}54'$ as clear and unquestionable; but when the British Lion growled, he prudently advised with the Senate, and accepted the parallel of 49° , to the great displeasure of

Mexico¹, and Hale and Tuck held that it was to add more slave territory to the Union².

many of his friends; and it may be, that he supposed, if he could negotiate with a strong hand for a slice of Mexico, it would make up the loss and satisfy his friends; and if a little war ensued, it was no objection, as it might encircle his Administration with a blaze of military glory. I do not charge this upon the President, all I mean to say is, that his conduct was well adapted to promote a quarrel with Mexico, and certainly create a strong suspicion that he was not so desirous of a peace as he would have us believe." Ibid p. 216.

¹ Senator Webster said, Mar. 23:- "This war was begun, has been continued, and is now prosecuted, for the great and leading purpose of the acquisition of new territory, out of which to bring new States, with a Mexican population, into this our Union of the United States. If unavowed at first, this purpose did not remain unavowed long. However often it may be said that we did not go to war for conquest, yet the moment we get possession of the territory, it is said that we must retain it and make it our own. Now, I think the original object has not been changed." Cong. Globe, 30th Cong., 1st Sess. p. 530-1

See also the speeches of Senators:- Badger of N. C. Jan. 18. App. to Cong. Globe, 30th Cong. 1st Sess. p. 117; Senator Phelps of Ver. Jan. 29, Ibid p. 237; Representatives:- Thompson of Ind. Jan. 27, Ibid p. 267; Collamer of Ver. Feb. 1, Ibid p. 219; Fisher of Ohio, Feb. 9, Ibid p. 337; Duer of N. Y., Feb. 10, Ibid p. 316; Smith of Conn. Mar. 2, Cong. Globe, 30th Cong., 1st Sess. p. 416.

² Mr. Hale in the Senate said on Dec. 30:- "I believe the origin of the war lies in the avowed object of the American Government to perpetuate the institution of American slavery." Cong. Globe, 30th Cong., 1st Sess. p. 81. Mr. Tuck said in the House on Jan. 19:- "The annexation of Texas to this Union was the remote cause of the Mexican war; that object was sought and accomplished by our Government, for the purpose of the protection and extension of slavery. And the same consideration and motives now constitute so material a portion of the designs of our Government in prosecuting our conquests, that without those motives the war would cease immediately." App. to Cong. Globe, 30th Cong. 1st Sess. p. 210.

A resolution condemning the President for beginning the war passed the House on January 3rd.¹

One argument used by the supporters of the President in their defence of him against the accusation that he had unnecessarily and unconstitutionally begun the war was their assertion that Congress had almost unanimously declared war on May 16, 1846, when the President announced to them that blood had been shed. They referred to the vote, on the declaration of war and its preamble that the war had been begun by Mexico, which recorded but two negative votes in the Senate and but fourteen in the House.²

The Whigs, however, pointed out the fact that there had been, in the House, sixty seven negative votes on the question of the preamble and explained the final vote referred to by the Democrats

¹ A set of resolutions of thanks to Gen. Taylor for his part in the war, introduced by Mr. Houston, a Whig from Del., was before the House; Mr. Evans, a Whig from Md., had moved an amendment sanctioning the capitulation of Monterey, when Mr. Ashmun, Whig from Mass., moved to amend the amendment by adding the words "in a war unnecessarily and unconstitutionally begun by the President of the United States." The vote on the amendment was taken on the same day. For an analysis of the vote see above p. Cong. Globe, 30th Cong. 1st Sess. p. 95.

² President Polk had referred to this in his message. Cong. Globe. 30th Cong., 1st Sess. p. 5. Senator Douglas of Ill. said on Feb. 1:- "If it be a war of iniquity and injustice, you are the transgressors! If it be a war of robbery, you are the robbers! If it be a war against and in violation of the Constitution, yours is the treason! You voted for it under the solemnity of your oaths. You voted the men and the moeny. You voted to recognize the legal and constitutional existence of the war. You helped to pass the law, and made it the sworn duty of the President to see it faithfully executed." App. to Cong. Globe, 30th Cong., 1st Sess., p. 221.

on the ground that it had been impossible to get the vote for supplies for the army through the House without the preamble which stated that the war had been begun by an act of Mexico.

Representative Thomas of Tenn. said on Feb. 9:- "On the 11th of May, 1846, this House had under consideration a bill to provide forces in case of a war with Great Britain, when a message was received informing Congress that a state of war existed upon the Rio Grande. An amendment was proposed to this bill declaring, that by the act of Mexico a state of war existed, and a vote was taken to incorporate this amendment, with authority to raise men and money to prosecute the war, in this bill. This amendment was adopted and was voted for by a majority of the Whigs from Tennessee; and upon the final passage of the bill, declaring that by the act of Mexico, this state of war existed and placing ten millions of dollars and fifty thousand volunteers, and all the army and navy of the United States at the command of the President, 'to prosecute said war to a speedy and successful termination,' every member of the House but fourteen, and every member of the Senate but two, voted for it. It would seem that this would have settled the question of the origin of this war, at least as to those who voted for it. But these gentlemen of the opposition now declare that when they voted for the declaration that 'by the act of Mexico a state of war existed' they were compelled to vote thus or to vote against supplies.*****I am a friend and supporter of the Administration; yet I never have, and I trust never will, entertain so much respect, or rather servility to this or any other Administration, as to vote the army and navy, ten millions of dollars, and fifty thousand volunteers, 'to enable it to prosecute an unnecessary and unconstitutional war.'" Ibid p. 206.

Other Democrats, who, for the above reason, laid the responsibility of the war upon the Whigs, were:- Representatives:- Cobb of Ga. Feby. 2, Ibid p. 231; Sims of S. C. Feby. 14, Ibid p. 326; McClernand of Ill. Jany. 10, Ibid p. 80; Jamieson of Mo., Jany. 18, Ibid p. 246; Henley of Ind., Jany. 26, Ibid p. 248; Morse of La., Feby. 1, Ibid p. 150, and Senator Turney of Tenn., Feby. 11, Ibid. p. 204.

The Whigs claimed to have believed the American army in Mexico to be in danger and so, in order to relieve them, they had reluctantly voted the declaration of war with the preamble.¹

¹ Senator Upham of Ver., on Feb. 14, set forth the Whig version of the history of the war bill in the 29th Congress:- "The unanimity with which the bill was passed has been frequently referred to, as evidence to show that Congress was almost unanimously of the opinion that Mexico commenced the war. The President in his last annual message, referred to it for that purpose. He says, in substance, that Congress, by the act of the 13th of May, 1846, declared with great unanimity, that 'by the act of the Republic of Mexico, a state of war exists between that Government and the United States, there being but two negative votes in the Senate and fourteen in the House of Representatives.' Now, sir, I propose to present to the Senate and to the country all the facts connected with the passage of that bill. The bill originated in the House of Representatives. On the 27th of January, 1846, Mr. Haralson, from the Committee of Military Affairs, reported a bill to authorize the President of the United States, under certain circumstances therein mentioned, to accept the services of volunteers, and for other purposes. On the 11th of May, Mr. Brinkerhoff moved to amend the bill by inserting a new section, with a preamble in the words following: 'Whereas, by the act of the Republic of Mexico, a state of war exists between that Government and the United States,' The amendment was carried by a vote of 123 yeas to 67 nays; and, on the same day, the bill passed the House by a vote of 174 to 14. So it appears that 67 members of the House voted against the preamble to the bill.

Well, sir, what is the history of this bill in the Senate? On the 12th of May, it came up for consideration, and Mr. Huntington, then a Senator from Connecticut, since deceased, moved to amend it by striking out the preamble; and the Journal shows that the motion failed by a vote of 18 yeas to 28 nays. All the Senators on this side of the Chamber, with the exception of three, voted in the affirmative. A motion was then made by the honorable Senator from Kentucky (Mr. Crittenden) to take a vote upon the preamble alone; but the chair ruled that it could not be separated from the bill, and the motion was decided out of order. The bill was then pressed to a vote and passed--yeas 40, nays 2; Mr. Berrien, Mr. Evans, Mr. Huntington, and Mr. Calhoun, declining to vote, and 11 Senators on this side voting yea with a protest against the preamble to the bill.

Now, I ask, in all candor, what excuse can the President

Another Democratic vindication of the President's conduct in the beginning of the war was the claim that the President's order to Gen. Taylor to march to the Rio Grande was in compliance with advice from Gen. Taylor himself¹

render to the country for asserting in his message that both branches of Congress, with great unanimity, declared that the war existed by the act of Mexico, there being but 14 negative votes in the House of Representatives and 2 in the Senate? Sir, the Journal of the House shows 67 negative votes, and the Journal of the Senate shows 18--making in the whole, 85." App. to Cong. Globe, 30th Cong., 1st Sess. p. 447.

Other Whigs who made the same justification of their votes were:- Senator Clayton of Del., Feby. 14, Ibid p. 447; Representatives:- Lincoln of Ill., Jan. 17, Ibid p. 93; Barrow of Tenn., Jan. 24, Ibid, p. 157; Collamer of Ver., Feb. 1, Ibid, p. 218; Marsh of Ver., Feb. 10, Ibid p. 340; Duer of N. Y., Feb. 14, Ibid p. 315; Crozier of Tenn. Feb. 15, Cong. Globe, 30th Cong., 1st Sess. p. 351.

¹ Representative Robinson of Ind., said on Jany. 18:- "Gen. Taylor was down there on the Rio Grande, two thousand miles from the capitol; he had facilities for knowing how far Texas had occupied the country or exercised jurisdiction that Mr. Polk had not. Hence Mr. Polk had given him a carte blanche--had allowed him to use his own discretion in the premises. With this power and those instructions before him, he said: 'It is with great deference'--he seemed to be aware here that he was treading on ground that properly belonged to the Cabinet and not to the field--'that I make any suggestions on topics which may become matter of delicate negotiation; but if our Government, in settling the question of boundary, makes the line of the Rio Grande an ultimatum, I cannot doubt'--he could not doubt what? That to move an army would bring on war? That it would be an invasion of Mexico?--'I cannot doubt that the settlement would be greatly facilitated and hastened by our taking possession at once of one or two suitable points on or quite near that river.'" Cong. Globe, 30th Cong. 1st Sess. p. 194.

The following Democrats also took this ground:- Representatives: Green of Mo., Jan. 25, App. to Cong. Globe, 1st Sess. p. 147; Morse of La., Feb. 1, Ibid p. 151; Cobb of Ga., Feb. 2, Ibid p. 230; Brown of Pa. Feb. 2, Ibid p. 154; Thomas of Tenn. Feb. 9, Ibid p. 207-8; Brown of Miss. Feb. 10, Ibid p. 335; McLane of Md. Mar. 1, Cong. Globe, 30th Cong., 1st Sess. p. 409.

But the Whigs claimed that Gen. Taylor had not advised the march except in the case that the United States government was determined to make the Rio Grande the ultimatum in the settlement of the question of boundary with Mexico.¹ This, to the Whig view, would prove no vindication of President Polk's action, for Whigs claimed that the United States held no absolute claim to the territory on the banks of that river.

8. Conduct of the war.

The debate on the part of the Whigs resolved itself into bitter attacks upon the President. Aside from the accusation that he had unnecessarily and unconstitutionally begun the war, they attacked him for the way in which he had conducted the war since it had been declared.

It was claimed that he had not supplied the American generals in Mexico with sufficient troops and that their victories had been in spite of the aid given them by the President rather than

¹ Representative Roman of Md. quoted from Gen. Taylor's letter and said on Jan. 25:- "It is obvious from this correspondence, that Gen. Taylor never originated or advised this movement. He said nothing of it till months after he had been twice informed his ultimate destination was the Rio Grande; and even then he only concurs in the policy of such a movement, under the proviso of that river being made the ultimatum." App. to Cong. Globe, 30th Cong. 1st Sess., p. 216.

Other Whigs who took this ground were:- Representatives: Dixon of Conn., Jan. 24, Ibid p. 168; Thompson of Ind., Jan. 27, Ibid p. 266; Goggin of Va., Feb. 1, Ibid p. 271; Stephens of Ga. Feby. 2, Ibid p. 161

because of it.¹ Some Whigs claimed that the war had been prolonged because the small armies had not made it possible for the victories in Mexico to be followed up and that, although the President had assumed a vigorous prosecution of the war, it really had dragged on without adequate support from the government.² The most general Whig explanation of this was that the

¹ Representative Stephens of Ga., said on Feb. 2:-
 "It is akin to that spirit which kept him [Taylor] 'crippled' in the summer of 1846, on the Rio Grande, without the necessary means of transportation, and then found fault with his conduct at Monterey, where the victory is achieved, considering the circumstances in which he was placed, was almost a miracle in itself. It comes from the same spirit that sought to supplant him of his command by the appointment of a lieutenant general; that spirit that stripped him of the main body of his forces, and left him with a small handful of men, about five thousand only, and about five hundred of these regulars, the rest all volunteers, exposed on the frontier to an attack from Santa Anna, with twenty thousand of the chosen soldiers of Mexico. Why this was done, I know not. But I leave it for the country to determine whether it was not an act of great injustice to him and his men, to be placed thus, as it were 'in the forefront of a battle', where the odds against him were so great that retreat, if not defeat, seemed inevitable." App. to Cong. Globe, 30th Cong., 1st Sess., p. 162.
 See also the speech of Representative Duer of N. Y. on Feb. 10, Ibid p. 316.

² Representative Johnson of Md. said on Jan. 11:- "And yet there is no peace. My opinion is, and has been throughout, that the reason is to be referred exclusively to the want of vigor with which the war has been prosecuted. We have had an ostentatious and asserted vigor, but we have had nothing else, as far as the President is concerned.**** Each struggle has been at such fearful odds that the gallant officers in command have been unable to follow it up, or profit by the results." App. to Cong. Globe, 30th Cong. 1st Sess., p. 67.
 See also speeches by--Senator Cabell of Ga., Mar. 4, Cong. Globe, 30th Cong. 1st Sess., p. 427; Representative Haskell of Tenn., Mar. 21, Ibid p. 518.

President's desire for peace was only assumed, that he really wanted no peace until the whole of Mexico was conquered.¹

The Whigs claimed that Santa Anna--the only man, according to Whig judgment, who could rally the forces of Mexico--had been allowed, by the President, to return from exile into Mexico.²

They claimed that now the President sought to withhold the real object of the war from the country by keeping secret the plans of the generals and the government instructions to the generals and commissioners.³

¹ Representative Fisher of Ohio, said on Feb. 9:- "But the President has not desired peace; an apology for the conquest of the whole of Mexico has been sought and this will be the motto of the party in the next Presidential campaign, if peace is not made before." App. to Cong. Globe, 30th Cong., 1st Sess. -. 30.
See also the speeches of Representative Crozier of Tenn. on Feb. 15, and Clingman of N. C. on Feb. 15, and Mar. 21. Cong. Globe, 30th Cong., 1st Sess., p. 352 and 515.

² Senator Clayton of Del. said on Jan. 12,- "When the war was declared, the President of the United States issued his order to let pass the perjured assassin, Santa Anna, without let or hindrance, into Mexico.****He has rallied thousands and tens of thousands of Mexicans that no other man could have rallied against us." App. to Cong. Globe, 30th Cong., 1st Sess. p. 77.
See also speeches by,- Representatives:- Stephens of Ga., Feb. 2, Ibid p. 163; Marsh of Ver. Feb. 10, Ibid, p. 341; Tuck of N. H. Jan. 19, Ibid p. 209; Tompkins of Miss. Jan. 19, Ibid p. 488; Roman of Md., Jan. 25, Ibid p. 216; Goggin of Va., Feb. 1, Ibid p. 270.

³ Representative Tompkins of Miss. said on Jan. 19:- "We have asked him [the President] what was to be accomplished by the war, and how it is to be accomplished,**** He scouts the inquiry with the arrogance of a tyrant." App. to Cong. Globe, 30th Cong., 1st Sess. p. 487.
See also speeches by the following Whigs:- Representatives:- Fisher of Ohio, Jan. 19, Ibid p. 487; Barrow of Tenn. Feb. 9, Ibid 298; Goggin of Va., Feb. 1, Ibid p. 270; Stephens of Ga., Feb. 2, Ibid p. 163; Crozier of Tenn., Feb. 15, Cong. Globe, 30th Cong., 1st Sess. p. 353; Hudson of Mass. Feb. 15, Ibid p. 358; Clingman of N. C. Mar. 21, Ibid p. 514; Senator Crittenden of Ky. Jan. 20, Ibid p. 215.

They accused him also of attempting to deceive the people by making inadequate estimates of the expenses of the war, and that this under-estimation had occasioned the introduction of the Loan Bill into the Thirtieth Congress.¹

The Administration supporters answered the charge of the Opposition that Taylor and Scott had not been supplied with sufficient troops on the ground that during the first part of the war, the Oregon question had been unsettled and some troops had to be reserved if need should call them to Oregon; and that conditions on the Atlantic, Canadian, and Indian frontiers had required a part of the army; but that the President had given the generals in Texas full authority to call upon the Governors of Alabama, Mississippi, Tennessee, Kentucky, and Texas for more troops at any time.² They claimed that, instead of this being the cause

¹ The extracts from speeches illustrating this accusation are too long for quotation, but the suspicion, that the estimates of the war expenditures were made low and those of the income of the government made high in order to prevent any rise of feeling against the war because of the financial difficulty in supporting it, was voiced by Representatives:- Vinton, Chairman of the Ways and Means Committee, on Feb. 8, App. to Cong. Globe, 30th Cong., 1st Sess. p. 285-8; and Caleb Smith of Ind. on Feb. 3, Ibid, p. 321.

² Senator Sevier of Ark., Chairman of the Senate Committee of Foreign Relations, in a speech of vindication of the President against Whig attacks, said on this point:- "After all this proof it is still contended that the President is the cause of this war, because he did not supply Gen. Taylor with more troops. Our unsettled difficulty, which was then at its height, with England, required a portion at least of our small army in other quarters. The public exigencies at that time required a portion of our troops on the Atlantic, and on the Canadian and Indian frontiers. General

of the prolongation of the war, that cause lay in the lack of support of the war on the part of the Whigs. The Democrats held that the Whig criticism of the war, being well known to the Mexicans, encouraged them to obstinacy against making a reasonable peace.¹

In answer to the charge that the dangerous Santa Anna had been allowed to return, they said that the President and the officers in Mexico had felt sure that his return would bring about

Taylor was supplied with all the regulars that could be spared him. But the President gave him full authority, if he needed more troops, to repel the threatened invasion, to call for such force as he wanted, upon the Governors of Alabama, Louisiana, Mississippi, Tennessee, Kentucky, and Texas; and these Governors were notified to honor General Taylor's call for such numbers of troops as he required. If General Taylor, in whom the President placed full confidence, did not draw ~~for~~ these troops, the fault was in him and not in the President. Volunteers were sent to him by General Gaines without his order, and it was a special ground of complaint on the part of Gen. Taylor that those troops had been sent him, and Gen. Taylor, again and again, implored the department not to send him troops until he required them." App. to Cong. Globe, 30th Cong., 1st Sess. p. 259.

Representative Hall of Mo. said on Jan. 4th:- "Who does not know that the war has been prolonged by American pens and American speeches? It is futile to deny it; it is folly to attempt to conceal the fact that peace would long since have been established if we had all been as anxious for an honorable termination of hostilities as some of us have been to reach the places of power by overturning the Administration." App. to Cong. Globe, 30th Cong. 1st Sess. p. 108.

See also the speeches of the following Democrats:- Representatives:- Featherstone of Miss. Jan. 24, Ibid, p. 174. Hensley of Ind., Jan. 26, Ibid p. 250; Morse of La. Feb. 1, Ibid p. 151; Brown of Pa. Feb. 2, Ibid, p. 155; Senators: Turney of Tenn. Feb. 11, Ibid p. 201; Allen of Ohio, Dec. 30, Cong. Globe, 30th Cong., 1st Sess. p. 201.

Senator Niles of Conn. in a speech on Feb. 9, took the above view of the effect of the Whig opposition, but, though a

internal dissensions in Mexico, ^{and} that it ^{and} would operate to the advantage of the American cause in the war.¹

They defended the refusal of the President to disclose to Congress the communications between the government and its generals and commissioners on the ground that it was necessary to keep such information from the publicity which its communication to Congress would give it in order to keep Mexico ignorant of American plans.² In the case of the call of the House of

Democrat, he placed some of the blame upon that portion of the Administration party who gave expression to the design of subjugating all or much of Mexico and incorporating it with the United States. App. to Cong. Globe, 30th Cong. 1st Sess. p. 279.

¹ Representative Bedinger of Va. said on Jan. 25:- "The President gives us, in his annual message of 1846, the reasons, at length, which induced him not to plot the return of Santa Anna, but to suffer him to pass our fleet, in case he should voluntarily attempt to return. He says:- 'Our object was the restoration of peace, and, with this view, no reason was perceived why we should take part with Parades, and aid him by means of our blockade in preventing the return of his rival to Mexico. On the contrary, it was believed that the intestine division which ordinary sagacity could not but anticipate as the fruit of Santa Anna's return to Mexico, and his contest with Parades, might strongly tend to produce a disposition with both parties to restore and secure peace with the United States.***** Had Parades remained in power, it is morally certain that any pacific adjustment would have been helpless.'" App. to Cong. Globe, 30th Cong., 1st Sess., p. 132. See also the speeches of the following Democrats:- Representative Featherstone of Miss. Jan. 24, Ibid p. 174; Senator Douglas of Ill. Mar. 17, Cong. Globe, 30th Cong. 1st Sess. p. 500.

² Senator Cass, in discussing the refusal of the President to give this information to Congress on the ground that it would be disclosed beyond the halls of Congress, said:- "The gentleman has asked to whom the information is to be disclosed? Why to the Mexicans. I do not of course intend to say that this is his object, but that will be the effect

Representatives, for the Slidell instructions, which had been made without the usual clause- "if not contrary to the public welfare", the President refused on the ground of the principle that Congress had no right to make such an unqualified call, and he was sustained in his position by Democrats in Congress.¹

of the resolution."

See also the speeches of the following Democrats:- Senators, Cass of Mich. Chairman of Committee on Military Affairs, in the Senate, Jan. 17, Cong. Globe, 30th Cong., 1st Sess. p. 197; Allen of Ohio, Jan. 17, Ibid p. 184; Benton of Mo. Jan. 13, Ibid p. 169; Sevier of Ark. Jan. 18, Ibid p. 197. Representatives:- Holmes of S. C. Jan. 18, Ibid, p. 193; Robinson of Ind. Jan. 18, Ibid p. 193; Hall of Mo. Jan. 19, App. to Cong. Globe, 30th Cong., 1st Sess. p. 110.; Featherstone, Jan. 24, Ibid p. 175; Bedinger, Jan. 25, Ibid, p. 130.

¹ On Jan. 13, the President communicated with the House concerning their request for these instructions. He said:- "The customary and usual reservation contained in calls of either House of Congress upon the Executive for information relating to our intercourse with foreign nations has been omitted in the resolution before me. The call of the House is unconditional. It is, that the information requested be communicated, and thereby be made public, whether, in the opinion of the Executive, who is charged by the Constitution with the duty of conducting negotiations with foreign Powers, such information, when disclosed, would be prejudicial to the public interest or not." He cited the precedent of President Washington for refusing to comply with such a call. He also thought the making public of such instructions "could not fail to produce serious embarrassment in any future negotiation between the two countries." Cong. Globe, 30th Cong., 1st Sess. p. 166. Representative Thomas of Tenn., a Democrat, said on Feb. 9, "A call has been made upon the President at this session of Congress, for the instructions given in 1845 to Mr. Slidell, our minister to Mexico. The President, has refused to communicate these instructions, alleging as a reason for his refusal, that it would not be consistent with the public interest to make them public and citing this House to a precedent, where General Washington, in a much stronger case, refused to answer a similar call. This act of the President has been made the subject of attack, and the President charged with placing himself 'upon his royal prerogative' in withholding this information. Gentlemen surely forget

The Administration justification of the Loan Bill was that the deficit was due to necessarily unforeseen causes, such as the unusual importations of specie in exchange for American exports of breadstuffs, the large appropriations made by Congress, and unforeseen when the estimate was made, and the impossibility of making an accurate estimate of the expenses of an army one thousand miles away.¹

the practice of both Houses of Congress upon this subject, and the course adopted even by themselves; for, at this session of Congress, they have introduced and passed resolution after resolution, asking information of the President, 'if in his opinion it is not incompatible with the public interest to be communicated.' Why is this done now? and why has it always been done, if the President has no discretion, and has not a right to judge? This long practice at least shows that these are matters that it is not proper to make public. If this be so, shall we, who know not, or the President, who does know, what these instructions contain, determine upon the propriety of their publications?" App. to Cong. Globe, 30th Cong., 1st Sess. p. 205.

¹ Representative Houston of Ala., said Feb. 15:- "The Secretary, in his report to Congress, shows that the expenditures for the fiscal year ending June 30th, 1847, exceeded the estimates; that excess is very easily explained. In the first place, a larger number of troops were called into the service than were estimated for ***** The subsistence deficiency is explained in the same way--troops beyond the appropriation; the greatly increased cost of the ration; the increased expense attending the recruiting service; loss of articles of subsistence from decay; wrecks and captures by the enemy during transportation; wastage necessarily incident to the service, but more especially when at so great a distance from the points of service. Similar reasons explain very satisfactorily all of these deficiencies." App. to Cong. Globe, 30th Cong. 1st Sess., p. 320. See also the speech of Representative Nicoll of New York, on Feb. 15. Ibid p. 290.

8. Democratic plans for the termination of the war

But all of these arguments were incidental to the great decision to be made and that was what should be the next steps taken toward the termination of the war. The President's plan was to prosecute the war still more vigorously in order to "conquer a peace" which should give "indemnity for the past and security for the future."¹ In compliance with this desire, his supporters introduced into the Senate the Ten Regiment Bill² which was to provide fifty thousand additional regular soldiers for Mexico.

The Whigs had become suspicious that the President had in mind the subjugation of all Mexico--either to hold it as a "territorial appendage" or to incorporate it into the Union.³ Since

¹ See the President's message Cong. Globe, 30th Cong., 1st Sess. p. 7.

² This bill was introduced by Mr. Cass of Michigan, Chairman of the Senate Committee on Military Affairs, Dec. 22, Cong. Globe, 30th Cong., 1st Sess., p. 62.

³ Senator Mangum of N. C. said on Jan. 17:- "Sir, it cannot be disguised. The disguises are too thin. The veil is too transparent. All these disavowals that we have had, that the President does not entertain any purpose of conquest, come at last to this, that the Executive means to illustrate his Administration by absorbing the whole of Mexico if the sense of the country will sustain him". Cong. Globe, 30th Cong., 1st Sess., p. 183.

Senator Bell of Tenn. said on Feb. 2:- "Having, then, no confidence in any treaty the existing government of Mexico can make, as a "security for the future", what is the clear and inevitable conclusion upon this view of the matter? Why, that you neither expect nor desire a treaty with any existing government in Mexico; that the government, on which you rely to make such a treaty as shall afford the security you demand, is a government to be formed and nurtured into maturity and stability under your tuition and protection.

the Whigs were greatly opposed to this plan, they sought to discover the precise objects of the war, which the Democrats had in mind, before they should vote for any increase of the army in Mexico.¹ The President, in his message, recommended that the countries of California and New Mexico--already in possession of the United States--should be organized into territories without waiting for peace. This was proof positive that he did not intend

This may be regarded as a very bold assertion; but I re-assert that this Administration neither expects nor desires a treaty with any existing government in Mexico, and that the government with which they propose to treat is yet to be brought into existence." App. to Cong. Globe, 30th Cong. 1st Sess., p. 191.

Representative Barrow of Tenn. said, Jan. 24:- "We are called upon to 'swallow' eight or nine millions of people, to subjugate and annex a large territory to this.*****Gentlemen may assert that these are not the intentions of the Executive. But there is not a man of sense or observation in this House, who does not know that they are the intentions of the dominant party." Ibid p. 158.

Other Whig expressions of this suspicion were Senators:- Badger of N. C., July 18, Ibid p. 119; Miller of N. J., Feb. 8, Ibid p. 297; Upham of Ver., Feb. 15, Ibid p. 445; Greene of R. I. Feb. 18, Ibid p. 342; Underwood of Ky. Feb. 10, Ibid p. 307; Representatives,- Roman of Md., Jan. 25, Ibid p. 213; Crozier of Tenn. Feb. 15, Ibid p. 352; Senator Clayton of Del. Jan. 11, Ibid p. 75.

¹ Senator Bell of Tenn. said, Feb. 2, "I have already stated that to pass this bill would be to approve the policy of the Administration in the further prosecution of the war. ***I would earnestly inquire, what is the real policy of the Administration in the further prosecution of the war." App. to Cong. Globe, 30th Cong., 1st Sess. p. 190;

Other Whigs who asked this question were:- Senators,- Berrier of Ga., Dec. 30, Cong. Globe, 30th Cong., 1st Sess. p. 79; Mangum of N. C. Dec. 30, Ibid p. 80; Underwood of Ky., Feb. 10, App. to Cong. Globe, 30th Cong., 1st Sess. p. 307; Representative Tompkins of Miss., Jan. 19, Ibid p. 488.

the consequences which must necessarily result.*****It is true, the President again repeats to us that there is no design of conquest now. But what is asked and what is avowed? We are asked to grant large supplies of men and money, that our army may spread over all Mexico, carry the war into her vital parts, take possession of all her cities, divert all her national revenue, and keep her Congress or Government in a constant state of alarm and removal, allowing it no resting place. Her army is already destroyed, and her capital taken, Now, sir, I ask, is not this conquest?" Ibid p. 219

Representative Stephens of Ga. said, Feb. 2,- "But this war is now waged for conquest; the object can no longer be disguised. No man can be mistaken after sending the 'ultimatum' in the instructions to Mr. Trist. The President says it is waged for indemnity. Every man of sense knows it is waged for no such thing. The sine qua non for peace in the instructions to Mr. Trist was to take New Mexico and the Californias and pay \$15,000,00 or \$20,000,000. No man can be mistaken." Ibid p. 163.

Representative Cabell from Fla. said, Mar. 4,- "We are left to infer their designs from their acts; and every act is cumulative of the evidence that the acquisition or absorption of Mexico is their real object. Why do they send troops to California to be disbanded there? Why do they insist upon over running the whole country?" Cong. Globe, 30th Cong., 1st Sess. p.428.

Representative Smith of Ind. said, Feb. 3,- "And yet, he says, he entertains no design of conquest. Is it no conquest to take from Mexico her territory by force, when at the same time we admit we have no right to it? Does the offer of a "pecuniary consideration" change the character of the transaction, or render it any less a conquest? But, Mr. Speaker, I fear the designs of conquest, which are seriously entertained, are not limited to New Mexico and Upper California. The idea of incorporating the whole of Mexico into the American Union is more than hinted at from high quarters among the supporters of the Administration. Such a design will not be openly avowed, particularly before the Presidential election, lest the people shall take the alarm, and adopt effectual means to prevent the consummation of so fatal a measure". App. to Cong. Globe, 30th Cong., 1st Sess., p. 324. Senator Hale on Dec. 30th, quoted from the President's message, in which the Executive had said that if the United States should ultimately fail in its efforts to make an honorable peace, we must continue to occupy Mexican country with our troops, taking the full measure of indemnity into our own hands and must enforce the terms which American honor demands. Mr. Hale commented:- "He does not tell us how much it will take to fill his hands or satisfy his honor, but he tells us that we have

Some Democrats disavowed all desire for the subjugation of all Mexico but added that if Mexican folly should make such subjugation necessary there would be nothing to do but to accept the situation and to make plans accordingly.¹ Senator Cass also argued that reinforcements of the army in Mexico were necessary--not only to end the war, but also for the effect it would

possession of New Mexico and California now; but he fails to inform us how much more territory will be a satisfaction for the further and more vigorous prosecution of the war which he recommends." Cong. Globe, 30th Cong., 1st Sess. p. 81.

¹ Senator Downs of La., added in the Appendix to his speech of June 31, published in the App. to Cong. Globe, 30th Cong. 1st Sess. p. 143,- "If we are driven to take all Mexico, as is here charged, it will be by the folly of the rulers of that country, and the extraordinary encouragement they have received from some of our own public men and citizens. We do not desire to take all Mexico; but events may force it upon us." Other expressions of this sentiment were made by:- Senators: Foote of Miss. Jan. 19, Ibid, p. 127; Sevier of Ark., Feb. 4, Ibid, pp. 269 and 350; Rusk of Tex., Feb. 15, Ibid, p.363; Representatives,- Stanton of Tenn. Jan. 10, Ibid. p. 60; Henly of Ind., Jan. 26, Ibid, p. 251; Sims of S. C., Feb. 14, Ibid p. 326; On Dec. 20, Senator Cass, Chairman of the Committee on Military Affairs in the Senate, and the member who introduced and fathered the Ten Regiment Bill, said:- "There is no man in the nation in favor of the extinction of the nationality of Mexico." Cong. Globe, 30th Cong., 1st Sess. p. 54. On Mar. 17, he said:- "The sentiment prevailed then, and prevails yet, that we may be compelled to make it [the experiment of annexing all of Mexico] by the obstinate injustice of the Mexicans, and that, if we cannot terminate the war in any other way, we must terminate it by taking possession of their country, and holding it subject to our power, and with some kind of a government, to provide for its internal security." Ibid p. 486

have upon Mexico.¹

Some extreme Democrats openly avowed that the United States needed more territory² and that Mexico was not capable of self government,³ that it was American destiny to span the whole continent,⁴ and that if the United States did not assume some kind of control over Mexico, Great Britain or some other government would.⁵

¹ "The organization and maintainance of a larger force may be the means of rendering its employment unnecessary. It is much better to render opposition hopeless, by the display of strength, than to excite it into action, by the exhibition of weakness, and then to be compelled to resort to desperate struggles to remedy evils which ordinary prudence would have prevented." Jan. 3, Cong. Globe, 30th Cong., 1st Sess. p. 88.

² Senator Downs of La. said, Jan. 13:- "We want the territory for the spread of population, the increase of our commerce, and the extension of our liberties." App. to Cong. Globe, 30th Cong., 1st Sess. p. 138.

Senator Johnson of Ga. said, Mar. 16,- "Vast is the area of our surplus territory at present, few years will elapse, before we shall find more, not only to be convenient but necessary." Ibid, p. 379.

³ Senator Dickinson of N. Y. said, Jan. 12,- "A majority of her people belong to the fated aboriginal races, who can neither uphold government or be restrained by it; who flourish only amid the haunts of savage indolence, and perish under, if they do not recede before, the influence of civilization. Like their doomed brethern who were once spread over the several States of the Union, they are destined, by laws above human agency, to give way to a stronger race from this continent or another." App. to Cong. Globe, 1st Sess., p. 87.

⁴ Senator Dickinson of N. Y. said, in the speech quoted above:- "Nor have we yet fulfilled the destiny alloted us. New territory is spread out for us to subdue and fertilize; new races are presented for us to civilize, educate, and absorb; new triumphs for us to achieve in the cause of freedom."

Senators Foote of Miss. on Jan. 19, Ibid, p. 126; and Dix of N. Y. on Jan. 26, Ibid, p. 181, expressed this same view.

⁵ Senator Rusk of Tex. said, Feb. 15,- "To withdraw our

The Whigs objected to the President's plan of sending fifty thousand more regulars to Mexico on the ground that the conditions there did not warrant it--Mexico was already almost in a state of collapse and the Whigs were not after territory.¹ They feared that such a prosecution of the war as he advocated would necessarily lead to the taking over of the Mexican government or its protection for at least a few years,² and they feared

troops from Mexico altogether, the inevitable result would be that Mexico in her present exhausted condition, would immediately, in reality, if not in name, fall into the possession of some European Power." App. to Cong. Globe, 30th Cong., 1st Sess. p. 362.

Other Senators who said the same thing were, Dix of N. Y., Jan. 26, Ibid, p. 179, and Dickinson of N. Y., Jan. 12, Ibid. p. 87.

Senator Foote of Miss. said, Jan. 20,- "If we fall back to a defensive line, the military aristocrats will reorganize under the protection of Great Britain, or some other foreign government, and then we shall have a war on our hands which will be interminable." Ibid. -. 129.

¹ Senator Clarke of R. I. said, Jan. 25, - "I ask if it is not madness to impose upon it such heavy additional charges as thirty regiments of troops, or even as the ten regiments by the bill under discussion, must inevitably do; and those troops not needed for any purpose, except for the entire conquest of Mexico, and hardly for that." Cong. Globe, 30th Cong., 1st Sess. p. 244.

Another expression of this opinion was Senator Clayton of Del., Jan. 12, App. to Cong. Globe, 30th Cong., 1st Sess. p. 74.

² Senator Miller of N. J., in a speech on Feb. 8, said,- "But it is said that the Executive does not intend to prosecute the war to this fatal result. Whatever may be the intentions of the Executive, I know not; but I think I have already shown that the policy laid down in his late message, for the future prosecution of the war, must inevitably lead to the annihilation of Mexico." App. to Cong. Globe, 30th Cong., 1st Sess. p. 296.

Other Whigs who expressed the same view were:- Senators, Clayton of Del., Jan. 11, Cong. Globe, 30th Cong. 1st Sess. p. 151; Badger of N. C., Jan. 18, App. to Cong. Globe, 30th Cong. 1st Sess., p. 119; Bell of Tenn., Feb. 3, Ibid, p. 197; Clarke of R. I. Feb. 18, Ibid p. 344.

that at the end of that time there would have grown up on the part of the whites in Mexico such an attachment to the American government and, on the part of the revolutionary parties, such a hostility, that the whites, from attachment and from fear, would not allow the protection to be withdrawn. The Whigs also predicted that, by that time, many Americans would have settled there who would demand continued protection.¹ They objected to

Senator Calhoun took the same position in a speech made on Dec. 30; he said, "Now, whether this additional force shall be granted, will depend on the fact whether the mode recommended by the Executive to carry on this war will not, in its practical consequences, end in the extinction of the nationality of Mexico.***** He [Cass] may think that the policy recommended by the Administration will not end in the extinguishment of the nationality of Mexico; but I differ with him in that opinion; and until I am satisfied that he is correct, I am not prepared to vote in favor of the measure that is now proposed." Cong. Globe, 30th Cong., 1st Sess., p. 79.

Senator Butler, the colleague of Calhoun, said on Jan. 17:- "The President has told you in his message that it is not his design to carry on this war for the subjugation of all Mexico or for the destruction of her nationality. But I have seen enough, sir, to satisfy me that the current of consequences, is carrying the measures recommended by the Executive himself far beyond his control!*** ** But, if the President should be unable to control the tendency of his own measures, what difference will it make to the people whether the result arises from design, from ignorance, or from his ability to control the tendency of the measures which he himself proposes? The effect will be the same." Ibid p. 186.

¹ This view was set forth at length in a speech by Senator Bell of Tenn., Feb. 3, App. to Cong. Globe, 30th Cong., 1st Sess. p. 197.

Senator Clayton of Del. said, on Jan. 13,- "These adventurers who have gone down with your army, constituting, as they will, with the increased forces which you propose to send to Mexico, an armed emigration to take possession and colonize the country with the bayonet, will claim hereafter that you are bound to 'shelter and protect them'." Ibid. p. 75

such control over Mexico on the ground that it was un-American, in other words, unconstitutional, to conquer and to hold another country,¹ and that a republican government like that of the United States would not be successful if its states were extended

Representative Collamer of Ver., said, on Feb. 1,-
 "Any government set up in Mexico under the protection of our army, will of course fall whenever the army is removed." App. to Cong. Globe, 30th Cong., 1st Sess. p. 219.

¹ Senator Clayton of Del. said, on Jan. 12,- "These were not the objects for which the fathers of the republic met and established the American constitution, No, sir! no, sir! They have specified the objects for which they made that constitution, and among those which are enumerated, I do not find any such power, nor can I see how it can be pretended that the Government was formed for the purpose of acquiring territory by conquest." App. to Cong. Globe. 30th Cong., 1st Sess. p. 75.

Senator Baldwin of Conn. said on Mar. 15, "I hold a war of conquest, for the purpose of acquiring dominion over another people to be utterly inconsistent with the genius of our Government and the principles on which it is founded." Ibid, p. 421.

Representative Truman Smith of Conn. said on Mar. 2,-
 "In acquiring this territory, and forcing a large number-- probably 100,000 citizens of Mexico--to come under our jurisdiction, we would be violating a great fundamental principle of our own Government." Cong. Globe, 30th Cong., 1st Sess. p. 416.

Representative Fisher of Ohio said on Feb. 9, "The spirit that desires to compel Mexico to submit to our laws, against her will, is the basest despotism." App. to Cong. Globe, 30th Cong., 1st Sess., p. 301.

Representative Collamer of Ver. said, Feb. 1,- "My first objection to the extension of our country by conquest is, that it is a gross violation of the fundamental principle of our Government. We have declared to the world that every people have a right to the government of their own choice, and we have erected our Government on that principle. When we proceed by force to take any inhabited country, and hold it in possession, we compel those people to submit to a government which is not of their choice; and we take into our country and Government a people unacquainted with and unfriendly to our institutions, and show to the world that our conduct is utterly inconsistent with our professions." Ibid. p. 219.

over so large a territory.¹ They argued also that the cost of control over Mexico would be great because a military force and many civil and military officers would be necessary;² and that these officers would make presidential patronage dangerous.³

¹ Senator Pearce of Md. said on Jan. 13,- "If we go on in this way enlarging our boundaries, must we not eventually be broken into fragments? Must we not come at last to dissolution, like the circle in the water, which, 'by broad spreading id dispersed to naught'? The bonds which unite our country, if stretched so far, must inevitably snap." App. to Cong. Globe, 30th Cong. 1st Sess. p. 100.

Senator Baldwin of Conn. said on Nov. 15,- "Sir, the capacity of a government to administer justice to the people in its court of dernier resort furnishes a natural limit to its territory. Ours has already passed that limit." Ibid, p. 421.

² Senator Underwood of Ky. said, Feb. 10, "Sir, it is a mistake, a great mistake, to suppose that we shall strengthen ourselves by the extension of our jurisdiction over Mexico.***** It will certainly be attended with a vast expenditure of money for a long time to come--how long, no man can tell. We shall be compelled to keep large standing armies there, to prevent insurrections and rebellions. The money expended will be a great loss to us." App. to Cong. Globe, 30th Cong., 1st Sess., p. 307.

The same opinion was expressed by--Senator Bell of Tenn., Feb. 3, Ibid, p. 196. Representatives:- Tompkins of Miss., Jan. 19, Ibid, p. 448; Collamer of Ver., Feb. 1, Ibid p. 299.

³ Representative March of Ver., said,- Feb. 10., "With enlargement of territory comes increase of standing armies, of navies, and, especially of that which is more dangerous to liberty than either, of Executive patronage." App. to Cong. Globe, 30th Cong., 1st Sess., p. 339.

Also see speeches by- Senators:- Bell of Tenn., Feb. 3, App. to Cong. Globe, 30th Cong., 1st Sess., p. 198; Upham of Ver., Feb. 15, Ibid. p. 453.

They claimed that the Mexicans were an inferior race and could not be amalgamated with the Americans.¹ Another reason occasionally assigned in the Whig speeches for not extending the territory of the United States was fear for the integrity of the Union should the slave issue be brought up again.²

/B. Whig Plans for the termination of the war.

The Whigs were far more fruitful in their criticism of the Administration policy toward the war than in concrete plans for its termination. However, some Whigs did suggest definite steps

¹ Senator Clarke of R. I. said, on Jan. 25, - "To incorporate such a disjointed and degraded mass into even a limited participation of our social and political rights, would be fatally destructive to the institutions of our country." Cong. Globe, 30th Cong., 1st Sess. p. 244. See also the remarks of Representative Marsh of Ver. on this subject, Feb. 10, App. to Cong. Globe, 30th Cong., 1st Sess. p. 339.

Senator Butler of B. C., a Democrat, though not an Administration Democrat, also took this ground against the conquest of Mexico. On Jan. 17, he said, - "I would rather take no territory at all, than consent to carry out the magnificent schemes entertained by some gentlemen on this floor. Why infuse the lifeless blood of a ruined Republic into the healthy veins of this Confederacy? Are you not tainting your own, by attempting to communicate life to them?" Cong. Globe, 30th Cong., 1st Sess., p. 188.

² Senator Greene of R. I. said on Feb. 18, - "The annexation of any portion of Mexico to this Union is, in my opinion, to be deprecated, first and principally, because we can effect no annexation without raising a question which we cannot but consider the most dangerous that can possibly be agitated in this country. I refer to the question of slavery." App. to Cong. Globe, 30th Cong., 1st Sess. p. 343.

Others who expressed this fear were, Senators: - Berrien of Ga., Jan. 11, Ibid. p. 68; Baldwin of Conn. Mar. 15, Ibid. p. 421. Representatives: Marsh of Ver., Feb. 10, Ibid. p. 340; Cabell of Fla., Mar. 4, Cong. Globe, 30th Cong. 1st Sess., p. 428.

to be taken in attaining peace. These plans were three. 1. To withdraw the United States army from Mexico at once, giving up, if necessary, all that the United States had won.¹ 2. To withdraw the troops east of the Rio Grande, in other words, to stop fighting in Mexican territory, and then treat.² 3. To withdraw the armies to some defensive line that would include the territory

¹ The Whigs who spoke in favor of this plan were,- Senator Hale of N. H., Dec. 30. He did not designate whether the boundary should be the Nueces or the Rio Grande, but made it clear that he wanted "to bring the army home by the shortest route." Cong. Globe, 30th Cong., 1st Sess., p. 81.

The same was true of Representative Tuck of N. H. He said, on Jan. 19, "If, as I believe, the war was begun in error, here is the place to stop. Being found in a wrong, let us restore the nation's status ante bellum. Let us bring the army home by the cheapest route." App. to Cong. Globe, 30th Cong., 1st Sess., p. 212.

Representative Collamer of Ver. was also indefinite in his speech of Feb. 1, he said,- "The sooner we leave that prostrate nation, and the less we demand of her, the greater is our magnanimity." Ibid. p. 220.

Senator Miller said, on Feb. 8, "If in respect to such high principle as this, our victorious army should return from the field of its glory in Mexico, without bringing with it one ounce of gold, or one foot of territory, for indemnity and security, would it not, I ask, be a glorious termination of this war on our part?" Ibid. p. 297.

Senator Johnson of Md. in his speech on Jan. 11, said,- "I believe that they [the people of the United States] would be tomorrow contented by a treaty which would make the Rio Grande the boundary." He had previously stated that he did not believe that the people were determined on taking indemnity. Ibid p. 68

² Senator Bell of Tenn. said, Feb. 3, "Sir, if any should now desire to know my poor opinion upon the proper mode of terminating this war, I say to them, make the best treaty with any existing government you can. If you must have the territories of New Mexico and California, get a cession of them; if you cannot do that, come back to the Rio Grande--to the boundary you claim title to, and thus save your honor. My advice is, stop the war! Flee the

which the United States should decide upon for indemnity and fight only for the defence of that line.¹

The first two plans were based upon the belief that the war was unjust and that the United States could not make a right out of a wrong by continuing it; and also that if the American Government would offer just terms, Mexico would make peace. These two plans differed only in regard to the boundary line to

country as you would a city doomed to destruction by fire from Heaven." Cong. Globe, 30th Cong., 1st Sess., p. 429.

Representative Fisher of Ohio said on Feb. 9,- "Bring back the army to where it was when the President said 'it was on the western frontier of Texas and the eastern frontier of Mexico, and offer fair and just terms of peace, and you will have it." App. Cong. Globe, 30th Cong., 1st Sess. p. 301.

¹ This was Mr. Calhoun's plan and had been since the declaration of war in the 29th Congress. See his speech on Jan. 4, Ibid. p. 49.

Senator Underwood of Ky. also believed in this plan. In his speech on Feb. 10, he said,- "I would assume a defensive line, including such territory as would secure the claims of our citizens, and say to Mexico, this we intend to hold a reasonable time, to enable you to do us justice; and then if you will not, we shall permanently appropriate it." He designated the territory which he would thus hold-"the Bay of San Francisco and the country around it, and to our Oregon line." Ibid. p. 313.

Representative Cabell of Fla. said on Mar. 4,- "Mr. Polk has only to say, let there be peace, and there will be peace. Let him withdraw our troops from the interior of Mexico, and take a line, not of "defence"--for the idea of the necessity of defence against Mexico is absurd--it should rather be called a line of peace. Let us deal liberally with Mexico; let us claim only so much of her territory as will indemnify our Government for the assumption of the claims of our citizens upon the Government of Mexico." Cong. Globe, 30th Cong., 1st Sess. p.429.

On Jan. 17, Democratic Representative Chase of Tenn. offered the following resolution in the House,- "Resolved, That it is inexpedient to order our troops to retreat from the positions which they had gallantly won in Mexico, for the purpose of falling back upon a defensive line."

be maintained. Those belonging to the first group cared, first, about ending the war, and the terms on which it was to be ended were of secondary consideration. The second group wanted the terms of peace to be just to the United States, but they believed that if the United States were just to Mexico, there would be no difficulty in making a satisfactory peace.

The third plan was based upon the belief that the war was not a war of conquest and that the American government should fight for no more than a fair indemnity and that Mexico would not prolong her obstinacy if she could be convinced that the United States was not planning to annihilate her Government and plunder her territory.

10. Indemnity to be required from Mexico.

There was one other question involved in the discussion of the termination of the war and that was the amount of indemnity to be required from Mexico.

It would seem that the Democrats were unanimously agreed that the United States should have New Mexico and California and some of them believed that they should have more.¹

The Whigs claimed that no indemnity should be required except the claims due the American citizens before the war.²

Whig Representative Stephens of Ga. moved to lay the resolution on the table and the motion was carried by a vote of 96 to 89--all of those voting "yea" were Whigs and all voting "nay" were Democrats. Cong. Globe. 30th Cong. 1st Sess. p. 179.

¹ The following Democrats spoke in Congress for the conquest of all Mexico, providing that Mexico would not make

Senator Webster was committed to the policy of no territory either by conquest, or for indemnity. His ground for taking this position was the political inequality which would result in the Senate, and also the fact that there would result an "augmentation of the inequality in the representation of the people".¹

12. The Ten Regiment Bill

In spite of the vigorous opposition to the Ten Regiment Bill,² it was finally brought to a vote in the Senate and passed on Mar. 17, because of the stable Democratic majority there,³ but, in the House, there was never a success in the attempt to have it

an honorable peace. Senators:- Dickinson of N. Y., Jan. 12, App. to Cong. Globe., 30th Cong., 1st Sess., p. 87; Breese of Ill., Feb. 14, Ibid. p. 350; Representative McLane of Md. Jan. 19, Cong. Globe, 30th Cong., 1st Sess. p. 103.

² This ground was expressed by the following Whigs in Congress, and no Whigs spoke for more,- Representatives:- Cabell Smith of Ind., Feb. 3, App. to Cong. Globe, 30th Cong., 1st Sess. p. 325; Fisher of Ohio, Feb. 9, Ibid. p. 301; Marsh of Ver. Feb. 10, Ibid. p. 339; Cabell of Fla. Mar. 4, Cong. Globe, 30th Cong., 1st Sess. p. 429; Senators:- Phelps of Ver. Jan. 28, App. to Cong. Globe, 30th Cong., 1st Sess. p. 238; Baldwin of Conn. Mar. 15, Ibid, p. 420; Underwood of Ky. quoted above, p.

¹ See his speech in the Senate, Mar. 23, Ibid. p. 533. Other members of Cong. spoke against the acquisition of territory, but none with such unequivocal meaning as did Mr. Webster. See the speech of Representative Stephens of Ga. Feb. 2, App. to Cong. Globe, 30th Cong. 1st Sess. p. 163; also see the speech of Representative Smith of Ind., Feb. 3, Ibid. p. 324.

² All of the Whigs in the Senate spoke on the bill except Corwin of Ohio, Davis of Mass., Dayton of N. J., and Spruance of Del., and all who spoke on the bill, spoke against it-- except Johnson of Md. For Johnson's speech of Jan. 11, see Ibid. p. 68.

All of the Democrats who spoke on the bill were for unconditional, vigorous prosecution of the war--except Calhoun and Butler of South Carolina, Hunter of Virginia and Niles of Conn. Calhoun and Butler, who can scarcely be called Democrats, were for taking a defensive line. Hunter was against acquisition by conquest and looked with alarm upon the speeches of Cass and Sevier. He and Niles both thought it best to persevere in the present plan until all hope of negotiation was gone and then to take a defensive line. For Hunter's speech of Feb. 7, see Ibid, pp. 273-4. For Niles' Speech of Feb. 9, see Ibid. p. 282.

³ 29 Democrats voted for the bill. Calhoun was the only Democrat who voted against it. For Butler's reason for voting for the bill, see foot note on page above. The following Democrats did not vote,- Bright of Indiana, Fairfield of Maine, and Rusk of Texas.

18 Whigs and Calhoun voted against the bill. The following Whigs did not vote,- Spruance of Delaware, Pearce of Maryland, Miller of New Jersey, and Johnson of Maryland. As noted above, Spruance had never spoken on the bill and Johnson had spoken in favor of it. Pearce and Miller had both spoken against the bill during the session. For Pearce's speech of January 13, see Ibid. pp. 95-101. For Miller's speech of February 8, see Ibid. pp. 293-7. For the vote on the bill see Cong. Globe, 30th Cong., 1st Sess. p. 503.

reported from the Committee on Military Affairs where it was referred when sent to the House from the Senate.¹

13. The Loan Bill

Discussion on the Loan Bill began in the House on February 8th, when Mr. Vinton, Chairman of the Committee on Ways and Means, made his speech on that bill;² and, until February 17, when it was passed³, the discussion in the House was almost entirely upon that subject.

Mr. Vinton explained the call for this loan of \$18,500,000.⁴ At the beginning of the last session of Congress, the President had informed Congress that, if the war with Mexico should continue until July 1st, 1848, a loan of \$23,000,000.00 would carry

¹ On Mar. 27, Representative Boyd of Ky. moved that this bill be taken from the table and referred to the Committee on Military Affairs. 82 Democrats and 4 Whigs voted "yea" and 86 Whigs voted "nay". Cong. Globe. 30th Cong., 1st Sess. p. 537.

On April 3, Representative Houston of Ala. made the same motion. 82 Democrats and 8 Whigs voted "yea" and 82 Whigs and 1 Democrat voted "nay". The reason for more Whigs voting with the Democrats may have been that the motion was made so that three Senate bills should come before the House together--the other two bills were for thanks for Gen. Taylor and respecting contract for purchase of hemp. But the vote was lost again because it was not carried by two-thirds vote. Ibid. pp. 571-2.

On April 10, Representative Boyd of Ky. once more moved that the Senate Bills, which included the Ten Regiment Bill, should be taken from the table. This time, there were 88 Democrats and 5 Whigs who voted "yea" and 76 Whigs and 2 Democrats who voted "nay". Ibid. p. 598.

Finally, on May 4, the bill was referred, without division, to the Committee on Military Affairs. Ibid. p. 725.

² Ibid. p. 309

³ Ibid. p. 374

⁴ Ibid. p. 197

the Government to that date and leave a surplus of \$4,000,000 in the Treasury. The loan was made, and yet at the beginning of the Thirtieth Congress, this loan of \$18,500,000 had been called for to meet the expenses of the Government up to that same date--July 1, 1848. Shortly after this loan bill had been reported, the speaker of the House received a communication from the Acting Secretary of the Treasury, stating that an error had been discovered which would make so large a loan unnecessary and that \$12,000,000 would be sufficient. Still later another letter from the Treasury Department to the House conveyed the information that when the last letter had been written, it had not been known at the Treasury Department that the Secretary of War had asked for an appropriation of nearly \$4,000,000 to supply certain deficiencies in that branch of the Government. This extra appropriation would make it necessary that the loan be increased from \$12,000,000 to \$16,000,000. In accordance ~~with~~ this last information, Mr. Vinton moved that the loan be reduced from \$18,500,000 to \$16,000,000.

The question of liquidating this debt by direct taxation was brought before the House by Mr. Wilmot, a Democrat from Pennsylvania.¹ This question had two aspects--one a party consideration and the other a sectional consideration. Some Northern Whigs

¹ On Feb. 1, Mr. Wilmot moved the following amendment to a resolution put before the House by Mr. Vinton:- "And that said Committee be instructed to report a bill which shall provide for raising annually, during the continuance of the war with Mexico, and until the payment of the public

were in favor of such a tax because they did not believe that the country would sustain the war if it meant the burden of direct taxation.¹ A few Democrats were for direct taxation, but, with one exception, they were from the North where there was no slave property to be taxed². Mr. Vinton of Ohio, representing the great Western country, was strongly opposed to direct taxation because the amount of property from which the tax would have to be paid was so small compared with the population, which constituted the basis of such taxation.³

The vote taken upon Mr. Wilmot's amendment, as amended by Mr. Gentry, a Whig from Tenn., so as to provide for a Committee, which should inquire into the expediency of bringing in such a bill was lost, 143 to 44,⁴

debt, the sum of five millions of dollars to be assessed on personal property, stocks, and money at interest, and apportioned among the States as provided by the Constitution." Cong. Globe, 30th Cong., 1st Sess., p. 281.

¹ See the speeches of the following Representatives:- Mr. Caleb Smith of Ind., Feb. 3, App. to Cong. Globe, 30th Cong. p. 323; Mr. Marsh of Ver., Feb. 10, Ibid, p. 339-40; Mr. Hudson of Mass., Feb. 15, Ibid. pp. 356 and 359.

² See the speeches of the following Democratic Representatives:- Mr. Ligon of Md., Feb. 8, App. to Cong. Globe, 30th Cong., 1st Sess. p. 316; Mr. Nicoll of N. Y., Feb. 15, Ibid. p. 292.

See also the amendment of Mr. Wilmot, mentioned above.

³ See the speech of Mr. Vinton on Feb. 3, Cong. Globe, 30th Cong., 1st Sess., p. 297.

⁴ Feb. 3, Cong. Globe, 30th Cong., 1st Sess., p. 298.

The Loan Bill passed both Houses but with the Senate amendments which changed its original form. The bill, as passed, provided for a loan not to exceed \$15,000,000 at a rate of interest not exceeding six percent; and also that the faith of the United States should be pledged to provide for the regular payment of the interest and for the redemption of the loan.¹

Senator Webster held persistently to the belief that the passage of the Loan Bill was equivalent to the sanction by Congress of the Administration policy to vigorously prosecute the war with Mexico², and a few others followed his lead.³ But when the bill came to a vote, there were but fourteen negative votes in the House⁴

¹ Mar. 20, Cong. Globe, 30th Cong., 1st Sess. p. 562.

² On Mar. 16, at the close of the discussion of the Ten Regiment Bill in the Senate, Mr. Webster said, referring to the coming discussion on the Loan Bill,- "This measure is to raise men; that measure is to pay them. The object, therefore, of both is one--the further prosecution of the war with Mexico." App. to Cong. Globe, 30th Cong. 1st Sess. p. 485.

³ Whigs who declared their determination not to vote for the Loan Bill, and who voted accordingly, were,- Representatives:- Fisher of Ohio, Feb. 9, App. to Cong. Globe, 30th Cong., 1st Sess. p. 302; Giddings of Ohio, Feb. 28, Cong. Globe, 30th Cong. 1st Sess. p. 394; Representative Marsh of Ver. said on Feb. 10, "Let us refuse all supplies to armies equipped for conquest and proclaim to our sister republic that we are now ready to accept precisely the terms we ought to have offered before we commenced this unhappy war." App. to Cong. Globe, 30th Cong., 1st Sess. p. 340. Mr. Marsh voted for the Loan Bill on Feb. 17, See Cong. Globe, 30th Cong. 1st Sess. p. 374. Representative Van Dyke of N. J. also spoke against voting for the bill. Mar. 7, Ibid. p. 437. He did not cast any vote on the bill. Ibid. p. 374.

⁴ The bill passed Feb. 17. Those voting against it were,- Messrs. Ashmun, Hudson, Dan. P. King, Palfrey, Julius Rockwell, and Hale of Mass., Canby, Crowell, Fisher, Giddings, and Root of O., Hubbard and Truman Smith of Conn., and Wilson of N. H. Cong. Globe, 30th Cong., 1st Sess. p. 374.

and but two in the Senate.¹ The Whigs, for all their opposition to the war and the Administration policy concerning it, continued to vote supplies for it, as they had done in the previous session. One reason for this may have been the hesitancy to bring discredit upon the Government by a refusal to meet its debts, but the more likely theory is that the Whigs feared that by their refusal to grant supplies, their chances in the coming election would be hazarded.

13. Sectional parties foreshadowed.

So far as the ideas of the members of the Thirtieth Congress on the origin and conduct of the war was concerned, that Congress was divided along party lines. The Democratic party upheld the President in his policy of the past and supported his plans for the future vigorous prosecution of the war; while the Whigs criticized his past conduct and his future plans. The break up of parties on the great sectional issue was foreshadowed, however, in

¹ The Loan Bill did not come up for discussion in the Senate until the Ten Regiment Bill was disposed of and so the discussion on it lasted only from Mar. 22 to Mar. 28. There was not much discussion and but few objections were raised to it. The following Whigs voted against it:- Messrs. Hale of N. H. and Baldwin of Conn. The following Whigs did not vote:- Messrs. Badger of North Carolina, Clarke and Greene of Rhode Island; Clayton of Delaware, Crittenden of Kentucky, Johnson of La., Pearce of Maryland, Upham of Vermont, and Webster of Mass. Cong. Globe, 30th Cong., 1st Sess. p. 549.

the bold words of Giddings, Tuck and Palfrey in the House¹ and of Hale in the Senate;² also in occasional references to the subject from the South;³ in the votes on the slavery petitions which were presented to Congress;⁴ and in resolutions and

¹ For an instance of Giddings' reference to the disagreement of the North and the South, see his speech on Jan. 4, Cong. Globe, 30th Cong., 1st Sess. p. 102; for Tuck, see his speech on Jan. 19, App. to Cong. Globe, 30th Cong. 1st Sess. pp. 209-13; for Palfrey, see his speech on Jan. 26, Ibid. pp 133-7.

² See the speech of Mr. Hale on Jan. 6, App. to Cong. Globe, 30th Cong., 1st Sess. p. 54.

³ See the speech of Representative McLane of Md., on Jan. 19, App. to Cong. Globe, 30th Cong., 1st Sess. pp.103-4; also the speech of Representative Morse of Ala., which contained a letter written by him to the editor of New York Herald, Feb. 1, Ibid. p. 152. See the speech of Representative Clingman of N. C. on Dec. 22, App. to Cong. Globe, 30th Cong., 1st Sess. pp. 41-2. See the speech of Senator Yulee of Fla. on the Dickinson resolutions, Feb. 14, in which he upheld the Calhoun Doctrine. Ibid. pp 302-6

⁴ On Dec. 21, Representative Giddings presented the memorial of certain citizens of the District of Columbia asking for the abolition of the slave trade in the District. There was a motion to lay the memorial upon the table. The vote stood 97 to 97. All of the Southern votes were to lay upon the table except the votes of Mr. Green Adams, Whig from Ky., and Mr. Clingman, Whig from N. C. Mr. Clingman explained his vote thus:- "I voted against the rule excluding abolition petitions, not only because I regarded that rule as an infringement of the right of petition, but because I was well aware that most of the citizens of the northern States viewed it in that light; and I was not willing to do violence to the feelings of a large portion of the Union for the mere purpose of preserving a rule that was of no practical advantage of itself. I voted against the rule, because I saw that by its continuance we obliged the friends of the Constitution and of the South to fight the abolitionists at home, upon the weakest of all the issues that could be presented, so that we are losing ground, and the abolitionists gaining thereby. I saw clearly, that by this means these disorganizers had acquired a great show of strength by blending with themselves the friends of the right of petition.

discussions on the Wilmot Proviso.¹

They were thus, too, promoting the object they had in view, of getting up excitement and producing ill feeling between the North and the South. I saw, too, that our seeking this new defence implied that the Constitution and laws of our forefathers were insufficient barriers for our protection and that this seeming confession of weakness and fear on our part, had encouraged our adversaries, and stimulated them to fresh attacks." Dec. 22, App. to Cong. Globe, 30th Cong., 1st Sess., p. 41. 22 Northern Democratic votes were to lay upon the table and 23 Northern Democratic votes were against laying on the table. All the Northern Whig votes, except Mr. Nes of Pennsylvania, were against laying on the table. Cong. Globe, 30th Cong., 1st Sess., p. 60.

On Dec. 30th, Representative Tuck, a Whig from Ohio, presented a petition of certain citizens of Philadelphia, praying Congress to appropriate the proceeds of the public lands for the extinction of slavery in the United States. Mr. Gayle, a Whig from Alabama, moved that the petition be laid upon the table. The motion carried--86 to 70. All the Southerners voted "yea" except Mr. Green, Adams of Kentucky and Mr. Clingman of N. C. 27 Northern Democrats voted "yea" and 14 Northern Democrats voted "nay". All the Northern Whigs voted "nay". Ibid. p. 82.

On Dec. 28th, Representative Caleb Smith, a Whig of Indiana, presented a petition of certain persons of Ind., praying for the abolition of slavery and of the slave trade in the District of Columbia. Mr. Cabell, a Whig from Fla., moved to lay the petition upon the table. The vote carried 76 to 70. All of the South, except the two gentlemen mentioned above as voting against previous motions of this character, voted "yea". 19 Northern Democrats voted "yea". 14 Northern Democrats voted "nay". All of the Northern Whigs voted "nay."

On Dec. 22nd, Senator Hale, Whig from N. H. presented a petition from the Yearly Meeting of Anti-Slavery Friends of Ind., asking that the war be immediately terminated and that slavery be abolished. Mr. Berrien, Whig from Ga., moved that the petition be laid on the table and the vote was 33 yeas and 9 nays. All of the Southern members, except Underwood, Whig from Ky., voted "yea" and 12 Northern Democrats voted "yea". All Northern Whigs voted "nay", except Spruance of Del. and Webster of Mass., and Webster did not vote at all. Cong. Globe, 30th Cong., 1st Sess. p. 63.

¹ On Jan. 12, Mr. Hale introduced the Wilmot Proviso into the Senate through the following resolution,- "Resolved, That it should be one of the fundamental rules and conditions on which all territory should hereafter be acquired, by

purchase, conquest, or otherwise, that slavery and involuntary servitude except for the punishment of crime, whereof the party shall be duly convicted, shall be forever prohibited in said territory." Cong. Globe, 30th Cong., 1st Sess. p. 160.

On Jan. 25th, Senator Bagley of Ala., introduced the following resolutions,- "Resolved, That Congress has no constitutional power to abolish or to prohibit slavery in any State or Territory in this Union." "Resolved, That if territory is hereafter acquired by the United States, either by treaty or by conquest, it shall not be competent for the treaty making power, or Congress, to exclude slavery from such territory, either by treaty stipulation or by act of Congress; but such territory shall be equally free and open to the citizens of all the United States, without any limitations, prohibition, or restriction, in regard to slaves, or any other description of property whatever." Ibid. p. 241.

On Jan. 27th, he introduced an additional resolution,- "Resolved, That neither the people nor the Legislature of a Territory have any constitutional power to exclude slavery from such Territory; and that the people or Legislature of a Territory possess no other political power than such as is delegated to them by Congress in the act authorizing them to form a territorial government. And inasmuch as Congress has no power to exclude or prohibit slavery in any territory of the United States, they cannot delegate such a power to the Legislature of a Territory or the people thereof." Ibid. p. 261.

On Feb. 24th, Senator Baldwin of Conn. submitted the following resolutions,- "Resolved, That if any territory shall hereafter be acquired by the United States, or annexed thereto, the act by which said territory is acquired or annexed, whatever such act may be, should contain an unalterable fundamental article or provision whereby slavery or involuntary servitude, except as punishment for crime, shall be forever excluded from the territory acquired or annexed." "Resolved, That in any cession of territory that may be acquired as the result of the war with Mexico, the desire of that republic, expressed by her commissioners in their negotiations with Mr. Trist, to provide for the protection of the inhabitants of the ceded territory against the introduction of the system of human slavery therein, by a stipulation to that effect in any treaty that may be made, cannot, consistently with the rights of those inhabitants, or with the principles of justice and liberty which have been proclaimed to the world as the basis or denied." Ibid. p. 387.

Mr. Tuck of N. H. introduced the Wilmot Proviso into the House on Jan. 19, when he said,- "But as those who talk about our 'destiny' are determined to have territory, I go by all means for the reenactment of the Ordinance of 1787; otherwise for the Wilmot Proviso." App. to Cong. Globe, 30th Cong., 1st Sess. p. 213.

15. What was accomplished during the first four months of Congress.

During the first four months of debate, nothing was accomplished in connection with the war, except the voting of supplies. The new forces called for by the President for pressing the war into Mexico were not granted and the future progress of the war was undetermined. Troops and supplies, however, were to be unnecessary.

On Feb. 28th, Mr. Putnam of N.Y. moved the following resolution in the House,- "Whereas, in the settlement of difficulties pending between this country and Mexico, territory may be acquired in which slavery does not now exist; and whereas, Congress in the organization of a Territorial Government at an early period of our political history, established a principle worthy of imitation in all future time, forbidding the existence of slavery in free territory: Therefore, Resolved, That in any territory which may be acquired from Mexico, over which shall be established Territorial Governments, slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, should be forever prohibited; and that, in any act or resolution establishing such Governments, a fundamental provision ought to be inserted to that effect." This resolution was laid on the table by a vote of 105 to 92. 47 Southern Democrats and 31 Southern Whigs and 26 Northern Democrats voted to lay it on the table. 73 Northern Whigs and 21 Northern Democrats voted against laying it on the table.* The twenty-one Northern Democrats who voted against laying it on the table, were Bingham, McClelland, and Stuart from Michigan; Cummins, Faren, Freis, Lahm, and Morris from Ohio; Thompson and Wentworth from Ill., Leffler and Thompson from Ia., Collins, Jenkins, Sid Lawrence and Starkweather from N.Y., Hammour from Mex., Johnson and Peaslee from N.H., Thurston from R.I., Peck from Ver., Wilmot from Pa. All of the Democrats from N.H., R.I., Ver., Mich., and Ia., voted against the motion. The largest number of Democratic votes for the motion came from Me., N.Y., Pa., Ind., and Illinois. Cong. Globe, 30th Cong., 1st Sess. p. 391.

16. The Treaty

On February 2nd, 1848, a treaty of peace was signed with Mexico,¹ The American Commissioner, who negotiated the treaty, did it after having received instructions to return to the United States.

The treaty was within the instructions with which Mr. Trist had been sent out, except for the tenth article, which related to grants of land in Texas, New Mexico, and California.²

President Polk did not hesitate to declare that, were he beginning negotiations with Mexico at that time, he should insist upon more territory than he had made the ultimatum in Mr. Trist's instructions, and also that he considered Mr. Trist's conduct, in

¹ Sen. Doc., Vol. 509, pp. 38-66.

² "All grants of land made by the Mexican Government, or by the competent authorities, in territories previously appertaining to Mexico, and remaining for the future within the limits of the United States, shall be respected as valid if the said territories had remained within the limits of Mexico. But the grantees of lands in Texas, put in possession thereof, who, by reason of the circumstances of the country, since the beginning of the troubles between Texas and the Mexican government, may have been prevented from fulfilling all the conditions of their grants shall be under the obligation to fulfill the said conditions within the periods, limited within the same, respectively; such periods to be now counted from the date of the exchange of ratifications of this treaty; in default of which the said grants shall not be obligatory upon the State of Texas, in virtue of the stipulations contained within the article.

The foregoing stipulation in regard to grantees to land in the territories aforesaid, elsewhere than in Texas, put in possession under such grants; and default of the fulfillment of the conditions of any such grant within the new period which, as is above stipulated, begins with the day of the exchange of ratifications of this treaty, the same shall be null and void."Sen. Doc. vol. 509, p. 49.

remaining in Mexico after the issuance of his recall, reprehensible, and yet he was convinced that these were not sufficient reasons to justify him in the rejection of the treaty.¹

Some of his cabinet advisors, particularly the Secretary of State, advised strongly against the acceptance of the treaty,² but the President was firm in his determination to recommend its ratification to the Senate. For his decision he assigned the following reasons,-

"They were, briefly, that the treaty conformed on the main question of limits and boundary to the instructions given to Mr. Trist in April last; and though, if the treaty was now to be made, I should demand more territory, yet it was doubtful whether this could be ever obtained by the consent of Mexico.

¹ The entry in Polk's diary for February 19th, includes the following reference to the treaty,- "Mr. Trist has acted very badly, as I have heretofore noted in this diary, but notwithstanding this, if on further examination, the Treaty is one which can be accepted, it should not be rejected on account of his bad conduct." Polk's Diary III; 345. The entry for February 21st included,- "if the Treaty was now to be made, I should demand more territory, perhaps to make the Sierra Madre the line." Polk's Diary, III; 347.

² Mr. Polk's entry in his Diary for February 20th, was on the Trist Treaty. He wrote:- "Mr. Buchanan and Mr. Walker advised that I should reject it. Mr. Mason, Mr. Marcy, Mr. Johnson, and Mr. Clifford, advised that I should accept it and send it for ratification to the Senate." Polk's Diary III: 347.

In the entry for February 21st, he wrote,- "Mr. Buchanan repeated his objections to the Treaty. He wanted more territory and would not be content with less than the line of the Sierra Madre, in addition to the Provinces secured in this Treaty. He admitted that the fact that Mr. Trist had been recalled before he signed the Treaty, ought to have no influence upon the decision to be made." Polk's Diary III: 348.

I looked, too, to the consequences of its rejection. A majority of our branch of Congress is opposed to my administration; they have falsely charged that the war was brought on and is continued by me with a view to the conquest of Mexico; and if I were now to reject a Treaty, made upon my own terms, as authorized in April last, with the unanimous approbation of the Cabinet, the probability is that Congress would not grant either men or money to prosecute the war. Should this be the result, the army now in Mexico would be constantly wasting and diminishing in numbers, and I might at least be compelled to withdraw them, and thus lose the two Provinces of New Mexico and Upper California, which were ceded to the United States by this Treaty. Should the opponents of my administration succeed in carrying the next Presidential election, the great probability is that the country would lose all the advantages secured by this Treaty. I adverted to the immense value of Upper California; and concluded by saying that if I were now to reject my own terms, as offered in April last, I did not see how it was possible for my administration to be sustained."¹

And so the treaty of Gaudalupa Hidalgo was submitted to the Senate on February 23, with the recommendation that it be ratified with the omission of the tenth article.²

The progress of the treaty in the Senate was slow. It was opposed both by the Democrats who wanted more territory than it provided and by the Whigs who objected to the acquisition of any territory beyond the Rio Grande.³

¹ See the entry in Polk's Diary for Feb. 21. P. D. III; 347-8

² See entry in Polk's Diary for Feb. 23, P. D. III: 352.

³ The entry in Polk's Diary for Feb. 28, recorded a conversation with Senator Sevier, Chairman of the Committee on Foreign Affairs, to which the treaty had been referred. Mr. Sevier told of the opposition to the treaty in the Committee. Mr. Polk wrote, - "Sevier informed me that Mr. Webster said he wanted no territory beyond the Rio Grande, and that he said also that if he voted for this Treaty and Mexico should not ratify it, he would be bound to vote for men and money to carry on the war, a position which he did not wish to occupy. I do not wonder at his course, but I am surprised at that of Mr. Hamegan and Mr. Benton. Extremes

At last on March 10, after seventeen days of discussion, it was ratified by the Senate, with some modifications, by a vote of thirty-eight to fourteen.¹

Some Whigs had consented to vote for the treaty because of the fact that public opinion was then clamoring for peace and the voice of public opinion could not be disregarded at that hour.² They must have seen that a prolongation of the war would result from any other action and perhaps they feared the result in the election if they voted against it.

sometimes meet and act effectively for negative purposes, but never for affirmative purposes. They have done so in this instance. Mr. Webster is for no territory and Mr. Hamegan is for all Mexico, and for opposite reasons both will oppose the Treaty." Polk's Diary III: 363-6. The entry for Feb. 29, records concerning the treaty,—"From what I learn about a dozen Democratic Senators will oppose it, most of them because they wish to acquire more territory than the line of the Rio Grande and the Provinces of New Mexico and Upper California will secure.**** Mr. Webster's reason for opposing it is that it acquires too much territory." Polk's Diary III: 367.

The entry for Mar. 3 records, concerning the Treaty,—"Mr. Benton and Mr. Webster are its chief opponents. Eight or ten, perhaps twelve Democratic Senators, it is said, will act with Mr. Benton; and six or eight Whig Senators with Mr. Webster. Most of the Democratic Senators who will vote against the ratification will do so because they desire to secure more territory than the Treaty acquires; and most of the Whig Senators, perhaps all of them, who will vote against the ratification, will do so because they are opposed to acquiring any territory." Polk's Diary III:370.

¹ See entry for Mar. 10 in Polk's Diary III: 377-8.

² The Senate discussions on the treaty were in Executive session and hence not published, but we have the utterance of Senators on this subject in connection with the Ten Regiment Bill. Mr. Webster said,—"I believe, sir, that the press on all sides, with very few exceptions, uniting for once, have for the last three weeks pressed the Senate by their daily councils and advice, to take the treaty,

The ratifications were exchanged in Mexico, May 30, 1848, and the President notified Congress on July 6th.¹

The treaty, as ratified, provided for the cession to the United States of New Mexico and Upper California in return for \$15,000,000 and the assumption by the American Government of the claims of the American citizens against Mexico.²

This gave to the United States less than Democrats had claimed at various times during the war, but President Polk declared his satisfaction with it in his message to the House, submitted with the Treaty, on July 6th, in which he said, - "The extensive and valuable territories ceded by Mexico to the United States constitute indemnity for the past, and the brilliant achievement and signal successes of our arms will be a guarantee of security for the future, by convincing all nations that our rights must be respected."³

whatever it may be." Mar. 17, Cong. Globe, 30th Cong., 1st Sess., p. 484.

Mr. Calhoun said, - "But I have no fear, none in the world, that we shall ever return to a vigorous prosecution of the war. That day is gone. You cannot vitalize the policy. It is buried. The country would consider it the greatest misfortune that could befall us if we were to reopen and renew the Mexican war. The tide of public opinion is running with irresistible force against it." Ibid. p. 496.

¹ See President's message to the House of Representatives July 6th, Cong. Globe, 30th Cong., 1st Sess. p. 901

² Sen. Doc. vo. 509, p. 80.

³ See President's message of July 6th as referred to above.

The war was now over, and "with this the whole political energy of the nation was turned away from the international question to the internal questions involved in the organization of the vast territorial empire upon the Pacific, which had now been added to the United States by the treaties with Great Britain and Mexico."¹

¹ Burgess' "Middle Period", at the close of the chapter on the Mexican War, p. 339.

CHAPTER III

THE ACQUISITION OF TERRITORIES IN THE FIRST SESSION: THE
OREGON BILL1. The President's message on the organization of Territorial Government

After the negotiation of the treaty with Mexico, the problem of the disposition of the territories acquired was the question uppermost in the minds of Congressmen. The President, in his message at the commencement of the Thirtieth Congress, had referred to the long delay in organizing a Territorial Government for Oregon and had urged that such an organization might be effected during that Congress.¹ We have already, in the preceding chapter, referred to his recommendation that, should Congress concur with him in the belief that New Mexico and California ought to be held as indemnity from Mexico, they should establish Territorial Governments over them at an early date.²

2. The Oregon question early in the First Session.

Early in the first session, a memorial was presented from the Legislative Assembly of Oregon, praying that the Government and laws of the United States might be extended over them,³ and, so early as January 10, Mr. Douglas, Chairman of the Committee on Territories, brought into the Senate a bill to establish a

¹ Cong. Globe, 30th Cong., 1st Sess. p. 10

² Ibid. p. 7

³ On Dec. 8, such a memorial was laid before the Senate by the Vice President. Ibid. p. 12

territorial government for Oregon; this bill was referred to the Committee on Territories.¹ On February 9, Mr. Caleb Smith, Chairman of the Committee on Territories in the House, introduced a bill for the same purpose.²

Owing to the engrossing subject of the Mexican War, deliberation upon these bills was delayed. It was March 29th before the House Bill came up for discussion, and not until May 31 did the Senate enter upon a serious debate of their bill.

On May 29, the President laid before both Houses another memorial from the Legislative Assembly of Oregon territory, setting forth their distress caused by Indian dangers and begging once more that a Territorial Government might be established for them. A message from the President accompanied this memorial in which he recommended immediate action.³ From that time on, in both Houses, work on the bills moved with more rapidity.

3. The new element in the slavery controversy.

The slavery issue raised by the organization of the Oregon Territory - and the same applied to the territories acquired from Mexico - included a new element, one which had not been present in any previous controversy on the question. It was the fact that slavery, not only did not exist, but was by law positively prohibited, in these territories when the organization of Governments for them came before Congress.

¹ Cong. Globe, 30th Cong., 1st Sess. p. 136

² Ibid. p. 322

³ Ibid. pp788 and 792

In Oregon, the long delay on the part of Congress to organize a territorial government had resulted in the organization of a Provisional Government by the people of Oregon and one of the provisional laws of this Government was that slavery should be prohibited in the territory.

In New Mexico and California, slavery had been prohibited by Mexican law.¹

People, in both North and South, were becoming increasingly sensitive on the question of slavery in the Territories, but the fact that slavery was not then existent in this country under consideration gave the North an especial argument against any suggestion of allowing slave Territories to be organized out of it; and, more than once, Northern members in Congress laid down the principle that territory which was free when acquired by the United States should remain free, referring for emphasis to the slave territory which had been acquired and which had been allowed to remain slave.²

¹ Decrees of the Mexican Government V:149 and VIII:201 These were published, as submitted by Buchanan, in Niles Reg. Aug. 16, 1848, 74:180

² Representative Smith of Indiana, a Whig, said on July 31,- "Congress is now asked to take a new position, to adopt an entirely new course, and extend slavery into territory now free." App. to Cong. Globe, 30th Cong., 1st Sess. p. 1014.

Representative Miller, a Whig from New Jersey, said on July 24,- "If we consent that acquired slave territory shall remain subject to slavery, ought not you to agree that acquired free territory should continue free?" Ibid. p. 1152.

Senator Dix, a Democrat from New York, on June 26th, laid down three principles as, to his mind, the only

Aside from the moral consideration involved in forcing slavery upon a country which was free from it, the North and the South were at variance on a legal question. Northerners held that slavery could exist in any given locality except by positive law,¹ while some Southerners claimed this position to

practical and reasonable basis for the settlement of the question of slavery. One of these principles was:- "If territory is acquired by the United States, it should, in respect to slavery, be received as it is found. If slavery exists therein at the time of the acquisition, it should not be the subject of legislation by Congress. On the other hand, if slavery does not exist therein at the time of the acquisition while the territory continues to be governed as such." App. to Cong. Globe, 30th Cong., 1st Sess. p. 867

‡ Senator Upham, Whig from Vermont, clearly set forth this position on July 26th,- "Our territories are open alike to the North and the South; and the people of all the States are at liberty freely to emigrate into them, with whatever is regarded as property by the common law, or by the laws and usages of the civilized world. Slavery is a status unknown to the common law, contrary to the law of nature, and not recognized by the laws and usages of the civilized world. It can only exist by the force of positive law. The moment a slave passes, with the consent of his master, from the jurisdiction of the State by whose laws he is held in bondage, into a State or Territory where slavery is not tolerated, he becomes free; and if he were to return to his former residence, he could not again be reduced to slavery.****If slavery cannot exist in a State, but by the force of positive law, it cannot exist in the Territories of the United States without such law." App. to Cong. Globe, 30th Cong., 1st Sess. p. 1186.

Others who held this position were:- Representatives Murphy of N. Y., May 17, App. to Cong. Globe, 30th Cong. 1st Sess. p. 579; Crowell of Ohio, July 26, Ibid. p. 968.

No Northerner gave any sanction in the 30th Cong. to the view held by some Southerners that slavery could exist in the Territories without such positive law.

The following Southerners also held this view, though,

be false.¹ Especially in the cases of the Mexican provinces was this question much argued - the Northerners claiming that preexisting laws against slavery remained in force until changed by a legislative act,² and many Southerners claiming that

of course, they wanted the enactment of the positive law:- Representatives; Green Adams of Ky., July 28, App. to Cong. Globe, 30th Cong., 1st Sess. p. 1044; Donnell of N. C., July 29, Ibid. p. 1060; and Senator Benton of Mo., May 31, Cong. Globe, 30th Cong., 1st Sess. p. 805.

¹ Senator Berrien of Ga., said on July 26.- "It is not true, in point of fact, that slavery exists or has existed only by force of local statutes. The fact has been assumed in certain judicial decisions, and has been reiterated here, but it is contradicted in others, and is utterly at variance with the historic record of the original States. Whoever will consult this, will find that slavery existed in all the colonies before any law was passed to authorize it.**** In a case decided in Virginia, the court says:- "The slavery of the African has existed from the time of bringing them into the colony - in many States by express enactments declaring them slaves, in others by custom." App. to Cong. Globe, 30th Cong., 1st Sess. p. 1190.

Representative Bocoock of Va., expressed this same view in the House, June 30, Ibid. p. 736

² Representative Collins of N. Y. said on July 29:- "The general rule is, that the preexisting laws of a ceded or conquered country continue in force until altered by the legislature of the nation acquiring it.*****I shall assume then, that the institution does not exist in our late Mexican acquisitions but that it has been effectually prohibited." App. to Cong. Globe, 30th Cong., 1st Sess. p. 920.

Also see the speech of Representative Murphy of N. Y., on May 17, Ibid. p. 581.

Representative Stephens of Ga. held the Northern view of this question and so wanted the enactment of a positive law on the subject. In his speech of Aug. 7th, he said,- "From this I take it for granted that nobody will deny that slavery was abolished in California and New Mexico at the time of their conquest by our arms. If a slave at that time had brought an action for his freedom against his master before the courts of the country, does any man doubt but that the courts under the law then in force would have declared him to be free? And as our court has decided that in all

such cases the laws of the acquired territory in force at the time of the acquisition, shall remain in force at the law of the place until altered by competent authority, can any man doubt that they would decide the question just as the Mexican courts would have decided it at that time?" App. to Cong. Globe, 30th Cong., 1st Sess. p. 1106.

Senator Badger of N. C. held the same view in a speech on July 26. Ibid. p. 1175.

Senator Benton of Mo. held this attitude toward the question, but, in reality, his antagonism for Mr. Calhoun seems to have been, at least, party responsible for it. In his Thirty Years View, he wrote of the controversy in the Seventy-Ninth Congress over the Wilmot Proviso:- "It was a proposition not necessary for the purpose of excluding slavery, as the only territory to be acquired was that of New Mexico and California, where slavery was already prohibited by the Mexican laws and constitution; and where it could not be carried until these laws should be repealed, and a law for slavery passed. Many patriotic members were employed in resisting the proviso as a bona fide cause of breaking up the Union, if adopted; many amiable and gentle tempered members were employed in devising modes of adjusting and compromising it; a few, of whom Mr. Benton was one, produced the laws and the constitution of Mexico to show that New Mexico and California were free from slavery; and argued that neither party had anything to fear, or to hope - the free soil party nothing to fear, because the soil was now free; the slave soil party nothing to hope, because they could not take a step to make it slave soil, having just invented the dogma of "No power in Congress to legislate upon slavery in territories." Never were two parties so completely at loggerheads about nothing; never did two parties contend more furiously against the greatest possible evil. Close observers, who had been watching the progress of the slavery agitation since its inauguration in Congress in 1835, knew it to be a game played by the abolitionists on one side, and the disunionists on the other, to accomplish their own purpose.****It was while this contention was thus raging, that Mr. Calhoun wrote a confidential letter to a member of the Alabama legislature, hugging this proviso to his bosom as a fortunate event - as a means of "forcing the issue" between the North and the South; and deprecating any adjustment, compromise, or defeat of it, as a misfortune to the South; and which letter has since come to light.**** This issue to be forced was a separation of the slave and free States; the means, a commercial non-intercourse, in shutting the slave State sea ports against the vessels of the free States; the danger to be met was in the trial of this issue, by the means indicated; which were simply high treason when pursued to the overt act." Benton's "Thirty Years View" II:695. See the speech of Democratic Representative Murphy of N. Y., May. 17, App. to Cong. Globe, 30th Cong., 1st Sess. p. 581

the laws of a conquered country must give way to the laws of the conqueror.¹

¹ Typical of the reasoning of Southerners upon the question of the operation of the fundamental laws of the United States upon a conquered country, is the speech of Representative Harris of Ala., on July 25th. He said:- "The moment territory is acquired by us, our fundamental law necessarily supervenes, and the fundamental law of the conquered country ceases to operate. That fundamental law, the Constitution of the United States, wherever it is extended, whether in the States or in the Territories, recognizes the rightfulness of slavery, though it seeks not to enforce it.***Being thus recognized by the fundamental law as a species of property, which may or may not exist, according to the will of those who have the right to determine the question, it must necessarily exist of right in every State or Territory, till the competent power to prevent it shall so determine." App. to Cong. Globe. 30th Cong., 1st Sess. p. 953.

This same position is held by Representative Bocock of Va. in a speech on June 30th. Ibid. p. 736; Senators: Calhoun of S. C. in a speech on June 27. Ibid. p. 871; and Berrien of Ga., in a speech on July 26. Ibid. p. 1190.

Senator Johnson of Ga., in a speech of July 7, set forth the argument that slavery was a political institution. He said,- "Upon the cession of the territories of New Mexico and California, the Catholic religion ceased to be a State establishment. Under the constitution of that Republic, it is a political institution and, therefore, ceased as such, and the principle of free toleration, which is equally a political regulation of the Government, supervened; and any citizen of the United States removing into those territories, has the right to enjoy his own peculiar religious sentiments. So the prohibition of slavery by the Constitution of Mexico, 'may be denominated political' and was 'necessarily changed' upon the execution of the treaty of cession. In New Mexico and California, therefore, there is no law, either political or municipal, forbidding the existence of slavery. It is equally well settled, that the political law of the territory acquired, ceasing, the political laws of the country acquiring, supervene. Now, is not slavery in the United States a political as well as a municipal institution? It is municipal, in that its entire control and continuance belong to the State in which it exists; and it is political because it is recognized by the organic law of the Confederacy,

4 Oregon in relation to the Missouri Compromise.

In the controversy over Oregon, another consideration, aside from the prohibitory provisional laws, entered into the argument that it should be organized as a free Territory. Some Northerners claimed that slavery was already excluded from Oregon by the provisions of the Missouri Compromise and the resolutions which admitted Texas into the Union.¹ Other

and cannot be changed or altered by Congress, without an amendment of the Constitution; and because it is a fundamental law, that three fifths of the slaves are represented in the National Legislature. Being political, upon the execution of the treaty of cession with Mexico, it extended, eo instante, over the Territories of New Mexico and California." App. to Cong. Globe, 30th Cong., 1st Sess. p. 892.

Senator Davis of Miss. held that the Mexican laws, prohibiting slavery, were not municipal laws. In a speech on July 12, he said, - "To those who hold that municipal laws are to be held sacred, I recommend inquiry as to the character of the laws prohibiting slavery in Mexico. They are no municipal, but general laws; they were not passed by State Legislatures, but by the Central Government, and, I have been informed, in opposition to the wishes of the Northern and Eastern States of that Republic. The Central Government, against which we have waged war, from which as indemnity for long-continued flagrant wrongs we have taken territory, will surely not be permitted to leave its legislation over the country we have acquired, as a form on which its institutions are to be moulded." Ibid. p. 910.

¹ Representative Van Dyke of N. J., said on Aug. 1, "The Oregon Territory belonged to this Union when the Missouri Compromise was adopted, and its freedom from slavery they claim as a right, and also under the Missouri Compromise." Cong. Globe, 30th Cong., 1st Sess. p. 1022.

Other Northerners who held to this claim were Senators: Hannegan of Ind., in a speech, May 31, Ibid; p. 804; Baldwin of Conn. in a speech, July 22, App. to Cong. Globe 30th Cong., 1st Sess. p. 1144

Northerners were suspicious that this earlier legislation would not be safe ground on which to rest if they were to make sure of free territory in Oregon.¹ While some Southerners were cautious in their statements as to the application of these earlier compromises,² others stated in plain terms their opinion that Oregon was not a part of the Louisiana Purchase and that the only territory which had slavery excluded by the Missouri Compromise was that north of 36°30' and acquired by that Purchase.³

5. Argument that slavery would never be carried into Oregon.

There was an attempt on the part of some conciliatory members to induce the Northerners to believe that slaves would

¹ When Mr. Hannegan said that slavery was prohibited in Oregon by the Missouri Compromise, Mr. Hale, Senator from N. H., asked:- "Does it extend to the Pacific?" and then went on to say:- "The honorable Senator from Indiana, who sits next to me, has said that there is no sane man in the United States who can imagine the probability of the occurrence of the evil against which the amendment proposes to present a barrier. I can tell him that there is one man, sane or insane, who does apprehend that evil, I believe that this amendment is absolutely necessary." Cong. Globe. 30th Cong., 1st Sess. pp. 804 and 688

² Senator Houston of Texas said on June 2,- "I find it was a point conceded, established and laid down, that north of 36°30' slavery was clearly prohibited that brought Texas into the Union. Whether the principle recognized by that resolution, and by the Missouri Compromise, is to extend to Oregon, must be a matter of future adjudication." App. to Cong. Globe, 30th Cong., 1st Sess. p. 699.

³ Senator Westcott of Fla., said on May 31, "The Missouri Compromise only applied in terms to the country acquired by the United States under the Louisiana treaty and does not extend to Oregon." Ibid. p. 686

never be carried to Oregon because slave labor would be unprofitable there,¹ but most Northerners were too suspicious of the aggression of the slave power to be thus satisfied.² They felt that their only safety lay in an express prohibition of slavery by means of Congressional enactment.

The conciliatory argument held out to the South was that the matter of legislation in Oregon would not effect the practical working out of the slavery question there because of the impracticability of slave labor in that country, but to Southerners, it was a matter of principle. They were unwilling to

¹ Democratic Senator Benton of Mo. said on May 31:-
"The law of nature and the law of the people are opposed to the admission of slavery there. Who would think of carrying slaves through the Lake of the Woods?" Cong. Globe, 30th Cong., 1st Sess. p. 804.

Democratic Senator Hannegan of Indiana, expressed the same view May 31, Ibid. p. 688

² Senator Dix, Democrat from N. Y., said on July 26,-
"Our experience teaches us that slaves will be carried wherever they are permitted to go; that no soil will be free where they are not excluded by law." App. to Cong. Globe, 30th Cong., 1st Sess. p. 1181

Others who expressed this opinion, were,- Whig Representative Davis from Mass., July 8, Ibid. p. 896.
Democratic Representatives:- Collins from N. Y. July 28, Ibid. p. 922; Smart from Me., Mar. 28, Cong. Globe, 30th Cong., 1st Sess. p. 547.

Whig Representative Dayton of N. J. said on July 26,-
"No man pretends to believe that slavery can ever get into the Territory of Oregon; and I think very few believe that slavery can ever, to any considerable extent, fix itself in California.***** Still, I am not disposed - the North is not disposed - to take the chance. App. to Cong. Globe, 30th Cong., 1st Sess. p. 1184

so subjugate themselves to the North as to allow legislation which disregarded their rights to hold slave property in the national Territories. It was a matter of importance to them because they well recognized that any such legislation would be cherished by their Northern bretheren as a precedent in future struggles.¹

6. Southern claim that Southerners would be shut out of the Territory

The Southerners made the most of the fact that the Northerners were asking that Southerners be excluded from the Territories, because they claimed that slaveholders could not go where they could not take their slaves. Southerners set up their own fairness against Northern injustice, for they asked for no exclusion of Northerners but only for equal rights in the Territories.² There was an occasional claim on the part of Northern

¹ Representative Bayly of Va., said, May 16:- "No one ever expects to see slavery established in Oregon. It is too far north; its productions are not suited to slave labor, and if they were, it would cost more to take a slave there than he would be worth. But so far from this circumstance excusing the effort to prohibit slavery, it only exposes the reprehensible design of it. The effort is to establish a precedent, where it will be inoperative, to be followed in cases where it would produce effects." App. to Cong. Globe, 30th Cong., 1st Sess. p. 578.

Others who stated this ground were,- Representative Donnell of N. C., July 24, Ibid. p. 1061; Senators:- Butler of S. C., June 2, Ibid. p. 696; Westcott of Fla., May 31, Ibid. p. 687; Johnson of Ga., July 7, Ibid. p. 893.

² Representative Bayly of Va., said, May 16:- "Prohibit slavery in a Territory, and in what position do you place a slaveholder who desires to emigrate? Before he goes, he must either sell his slaves or emancipate them.*****"

members that the introduction of slaves into the Territories, would as surely exclude Northern laborers as would the exclusion of slaves exclude Southern slaveholders.¹ Representative Smart of Maine also claimed that the South would receive as much benefit from the Territory if it was free as would the North, for it would be an asylum for free white men of the South where they might labor with their hands, free from slave association.²

But, although many - not all, I admit,- of the citizens of the slave States would be excluded by a slavery prohibition in the Territories; yet in leaving them open you would not exclude any emigrants from the non-slave holding States." App. to Cong. Globe, 30th Cong., 1st Sess. pp. 578-9

Other expressions of the claim were,- Representative Hilliard of Ala. Mar. 30, Cong. Globe. 30th Cong., p. 565; Senators:- Calhoun of S. C., June 27, App. to Cong. Globe, 30th Cong., 1st Sess. p. 868; and Berrien of Ga., June 28, Ibid. p. 873.

Representative Collins of N. Y. said, on July 28:- "Where slaves are free laborers will not go. Ninetenths of our foreign immigrants settle in the free States and Territories. Introduce a few thousands of slaves into the Territory, and a barrier is erected against the entrance of the free laboring men more effectual than would be the Chinese Wall." Ibid. p. 921.

See also the speech of Senator Bradbury of Maine, July 26, Ibid. p. 1192.

In his speech of Mar. 28, he said:- "Upon the 'Northwest Territory', may be found at this moment an immense population that originated in the slave holding States. The free States formed out of the 'Northwest Territory' are an asylum for the free white men of the South, who have gone there to earn their bread by the labor of their hands.*****I have undertaken, sir, to prove satisfactorily that should you preserve the territory you receive from Mexico free, the South would enjoy the benefit of that territory to an extent equally great with the North." Cong. Globe, 30th Cong., 1st Sess. p. 547

7. Main objections of the North to the introduction of slavery into these Territories.

The main objections of Northerners to the introduction of slaves into these Territories were that slavery was a moral wrong,¹ that the people of the Territories did not want it,² and that the Southern States were gaining too much political power.³

¹ Representative Mann of Mass. said, June 30, - "The institution of slavery is against natural right.**** Slavery is the most compact, and concentrated, and condensed system of wrong which the depravity of man has ever invented.***** It is proposed not only to continue this institution where it now exists, but to extend it to the Pacific Ocean. If there is any ingredient of wrong in this institution, we ought not to adopt it, or to permit it, even though it should pour wealth in golden showers over our land." App. to Cong. Globe, 30th Cong., 1st Sess. p. 839.

Equally strong expressions were used by Representatives:- Crowell of O., July 26, Ibid. p. 958, and Collins of N. Y., July 29, Ibid. p. 920.

² Representative Dunn of Ind. said on July 28, - "It is known that the people of Oregon, in the most solemn form in which they can speak, through such legislation as they have, have avowed their opposition to slavery. And yet it is proposed to disregard their known wishes, to say nothing of the decided feeling of a large portion of the people of the States of this Union on the subject." App. to Cong. Globe. 30th Cong., 1st Sess. p. 969

³ Whig Representative Schenck of O. said on Aug. 1, - "This much we do know in the free States, if we know nothing else: that a man at the South with his hundred slaves counts sixty one in his weight and influence on this floor, while the man at the North with his hundred farms counts but one. Sir, we want no more of that; and with the help of God and our own firm purpose, we will have no more of it. Therefore, above all, it is that we want no more slave territory. That is a sufficient and conclusive reason, if there were no other; and it might as well be distinctly understood first as last." Cong. Globe, 30th Cong., 1st Sess. p. 1023.

8. Southern attitude toward the institution of slavery.

Southerners, especially from the border States, when they mentioned the moral aspects of slavery, often admitted that they would willingly be rid of the institution,¹ but they claimed that immediate abolition was inexpedient² and that the penning

Equally strong expressions of this aspect of the question were made by:- Senator Niles, Democrat from Conn., June 2, App. to Cong. Globe, 30th Cong., 1st Sess. p. 698; Senator Upham, Whig from Ver., July 26, Ibid. p. 1187; Representatives: Davis from Mass. July 8, Ibid. p. 896; Collins, Democrat from N. Y., July 28, Ibid. p. 923.

¹ Representative Green Adams of Ky., said on July 28:- "Now, sir, I cannot help having my sympathies and predictions for the institution of slavery, whilst I admit much evil attends it, and I would be glad to get rid of it entirely" App. to Cong. Globe, 30th Cong., 1st Sess. p.1046.

Van Holst in his Constitutional History of the United States Vo. III, quotes from the Independent of Feb. 8, 1849: "It is said by papers of St. Louis that thousands of citizens endeavor to prove to the man who objects to coming to their State an account of slavery, that the system is doomed, and some say that the next Legislature will be called upon to consider the great question of its overthrow." Foot note on p. 431.

He also quotes from the Richmond Southerner,- "It is not generally known, yet it is nevertheless true, that two thirds of the people of Virginia are open and undisguised advocates of ridding the State of slavery; and after the year, 1850, when the census is taken, their views will be embodied in such form as to startle the South. We speak understandingly. We have in the last two years, conversed with more than five hundred slaveholders in the State; and four hundred and fifty of them expressed themselves ready to unite on any gradual plan to abolish slavery, upon almost any terms. Abolition fanaticism at the North has not produced this, but the annexation of Texas, and the acquisition of territory have done it. Virginia may be put down as no longer reliable on this question. When she goes, the District of Columbia is free territory; then Delaware and Md. will ^{be} also, and N. C. and Ky. will follow suit. Foot Note on p. 433.

² Senator Badger of N. C., said on July 26,- "Slavery

up of slaves in the present slave States would not aid a gradual abolition, moreover, they considered this restriction of the slaves to the area which they then occupied as inhumanity toward the slaves.¹ There were others who defended the institution with Biblical arguments and claimed that it was the arrangement conducive to the best interests of the negroes².

may be an evil. It may be proper that it should be removed. But the time when, and the manner how, must be determined by wise and temperate considerations of expediency, lest, in a rash attempt to remove one evil, we introduce greater and more unmanageable ones in its place." App. to Cong. Globe, 30th Cong., 1st Sess. p. 1177.

¹ Senator Badger of N. C. said, July 26:- "I was, I confess, deeply hurt when I heard gentlemen say that they wished to confine this institution within the present bounds until it should become intolerable.***Sir, the expansion of the slave population is of the highest importance to the welfare and improvement of the slaves." Ibid. p. 1176.

See also speeches by Senators:- Underwood of Ky., June 3, Ibid. p. 701, and Mason of Va., July 6, Cong. Globe. 30th Cong., 1st Sess. p. 903.

² Representative Harris from Ala., in a speech on July 25, gave the Biblical justification of slavery. Ibid. p. 953.

This defense was also made by Representative Boccock of Va., in a speech on June 30. Ibid. p. 736

Senator Calhoun, in a speech made on June 27, combated the theory that all men are born free and equal and presented the theory that "Instead of all men having the same right to liberty and equality, as is claimed by those who hold that they are all born free and equal, liberty is the noble and highest reward bestowed on mental and moral development, combined with favorable circumstance." Ibid. p. 873

Senator Berrien of La., on June 28, "descanted on the character and condition of the slave - on the protection which legal and moral codes draw around him - on the attachment which existed between the master and his slave -

9. Sectional jealousy of political power.

Arguments on both sides, clearly showed that jealousy of sectional political power held an important place in the thought of both North and South. Southerners pointed to the greater representation of the Northern States in the Lower House,¹ but passed lightly over the sectional division in the Senate. Senator Underwood of Kentucky set forth an ingenious answer to the Northern plea for a lessening of the political power of the North when he argued that should abolition prevail, Southern whites would be the gainers because the free negroes would count equally with the whites in representation instead of in the proportion of three to five as under the slave regime, and still would gain nothing thereby for themselves, for, said he, "Do you suppose, sir, that if this scheme of the Northern Abolitionist prevails, that we are going to extend the right of suffrage to our black emancipated popu-

on the affections of the white child for the black nurse, and to the colored boys with which it has sported in the sunny hours of infancy." Cong. Globe. p. 897

¹ Whig Senator Underwood of Ky. said on June 3,- "Gentlemen at the North speak of the preponderance of the slave power, when physically and numerically the North has the advantage. Look at the greater number of representatives from the free States in the other end of the Capitol. Look at the disparity here when Iowa and Wisconsin shall be represented, for Delaware can no longer be classed with the slave holding States. This institution of slavery operates against a dense population, so that the South may never become so populous as the free States at the North. Look also at the greater number of square miles of territory lying north of 36°30' - the Missouri Compromise line - yet to be settled and formed

lation?"¹ Mr. Webster gave voice to the ^{Northern} sensitiveness on the question of sectional political power.²

10. The Calhoun Doctrine

The Southerners, however, spent but little time in discussing the moral and political aspects of the question. Mr. Calhoun was still the expounder of the famous doctrine of the last Congress in which he based the strength of his argument on what he denominated the constitutional question. His argument had changed somewhat, at least in its emphasis since he had promulgated the doctrine in the Twenty-ninth Congress. Then he had held that Congress had no right to prohibit slavery in the Territories because it had no constitutional right to make rules and regulations for the people of the Territories, only for the land; and, even if it had, it was bound to protect

into free States. Where, then, is the foundation of your supposed danger?" App. to Cong. Globe, 30th Cong. 1st Sess. p. 702.

See also the speech of Representative Wallace of S. C. on July 26, Ibid. p. 956.

¹ See his speech on June 3, App. to Cong. Globe, 30th Cong., 1st Sess. p. 701

² He said in his speech of Aug. 12:- "I am not willing to extend the area of slavery, or to increase the slave representation in the other House. I think enough has been yielded when twenty representatives from slave States, elected by three-fifths, are in the House of Representatives." Cong. Globe, 1st Sess. p. 1077

Also see the speech of Senator Davis of Mass. on July 8. Ibid. p. 910

the property of citizens of the United States in the Territories because the States were co-equal owners of those Territories.¹ By the time that the question arose for serious debate in the Thirtieth Congress, a new situation had arisen. New Mexico and California had been added to the Union and the North was claiming that they were already free in legal theory. Northerners held that there must be an enactment of positive law by Congress before slavery could exist there. Calhoun's Doctrine of the previous Congress had denied the right of Congress to legislate on the subject of slavery in the Territories and this would apply equally to the admission and exclusion of slavery. To meet this contention, Mr. Calhoun now laid the emphasis upon the latter part of his argument - that Congress must protect the property of the citizens of all States in the Territories and, to make strong this argument, he claimed that wherever the Constitution of the United States went, there slavery was recognized unless, in the case of the States, it was prohibited by State law. In other words, the Constitution protected slavery in the Territories from prohibitory laws to be passed either by the Congress or the people of the Territories.² Senator Benton

1 See the reference to Calhoun's resolutions and speech given above on p.

2 In his speech of June 27, in which he set forth his whole doctrine, he said:- "We are next told that the laws of Mexico preclude slavery; and assuming that they will remain in force until repealed, it is contended, that until Congress passes an act for their repeal, the citizens of the South cannot emigrate with their property

of Missouri charged Mr. Calhoun with having invented this new dogma to fit the new emergency.¹

The Calhoun Doctrine had gained many followers in less than a year and a half since it had been announced in the Wil-
mot Proviso controversy in the Twenty-ninth Congress; and in
the discussions over Territorial Governments in the first sess-
ion of the Thirtieth Congress, many Southerners defended South-
ern rights by means of it.² A few Southern members still

into the territory acquired from her. I admit, the laws of Mexico prohibit, not slavery, but slavery in the form it exists with us. The Puros are as much slaves as our negroes, and are less intelligent and well treated. But I deny that the laws of Mexico can have the effect attributed to them. As soon as the treaty between the two countries is ratified, the sovereignty and authority of Mexico in the territory acquired by it becomes extinct, and that of the United States is substituted in its place, carrying with it the Constitution, with its overriding control over all the laws and institutions of Mexico inconsistent with it. It is true, the municipal laws of the territory not inconsistent with the condition and the nature of our political system would, according to the writers on the laws of nations, remain, until changed, not as a matter of right, but merely of sufferance, and as between inhabitants of territory, in order to avoid a state of anarchy, before they can be brought under our laws. This is the utmost limit to which sufferance goes. Under it, the peon system would continue; but not to the exclusion of such of our citizens as many choose to emigrate with their slaves or other property that may be excluded by the laws of Mexico." App. to Cong. Globe, 30th Cong., 1st Sess. p. 871

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² Those who stated the doctrine as it had been stated in the Twenty-ninth Congress were:- Senator Bagley of Ala., June 1, App. to Cong. Globe, 30th Cong., 1st Sess. p. 691; Representatives:-Gayle of Ala. Mar. 28, Cong. Globe, 30th Cong., 1st Sess. pp. 543-4; Bayly of Va., May 17, Ibid. p. 774; Wallace of S. C., July 26, App. to Cong. Globe, 30th Cong. 1st Sess. pp. 954-5 Venable of N. C., July 29, Ibid. p.

denied the doctrine.¹

10. Northern denial of Calhoun Doctrine.

Of course Northerners combated this doctrine which stated that it was unconstitutional for Congress to legislate for the people of the Territories; it seemed an absurdity after sixty years of such legislation and after two express instances of the prohibition of slavery in Territories of the United States.²

1064. The following held that Congress had power to legislate for the Territories, derived from the power to acquire territory, but that this power was limited by the constitutional equality of the States so that Congress could not prohibit slavery there:- Senators:- Johnson of Ga., July 11, Ibid. pp. 888-9; Hunter of Va., July 11, Ibid. pp. 902-9. The following held the whole of the doctrine as Calhoun stated it in the session and put emphasis upon the fact that the Constitution recognized and protected slavery in the Territories; Senators:- Berrien of Ga., June 28, Ibid. pp. 873-78; Davis of Miss., July 12, Ibid. pp. 907-8; Representatives:- Harris of Ala., July 25, Ibid. pp. 951-53; Bocock of Va., June 30, Ibid. pp. 736-7

¹ Senator Underwood of Ky. in a speech on July 25, held that Congress had the power to legislate on the subject of slavery in the Territories, and that the Constitution recognized slavery only in States where it existed by municipal law, and in other States and in the Territories, only to the extent of the right of the slaveholder to recover his fugitive slaves. But he held that it was the duty of Congress to see that the just and equal rights of the South were secured by all necessary legislation. App. to Cong. Globe, 30th Cong., 1st Sess. p. 1165. The same view was held by Representative Stephens of Ga., in a speech delivered on Aug. 7, Ibid. p. 1106; and by Senators:- Badger of N. C., in a speech made July 26, Ibid. p. 1175, and Turney of Tenn., June 2, Ibid. p. 695; also by Representatives:- Donnell of N. C., July 29, Ibid. p. 1061, and Green Adams of Ky., July 28, Ibid. p. 1044.

² The Ordinance of 1787 and the Missouri Compromise in 1820.

Northerners based their right to legislate for the people of the Territories on the clause in the United States Constitution which stated plainly that "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territories and other property belonging to the United States,"¹ and also upon the power which they claimed must be incident to the acquisition of territory - if the United States could acquire territory, it must make rules for its government, not only in the disposition of the "naked soil", but in respect to the classes of persons who were to occupy it and the conditions of such occupation. Precedent was also on the Northern side and Northerners pointed to every act organizing Territorial Governments from the acceptance of the Ordinance of 1787 by the first Congress under the Constitution, down to the organization of the Iowa Territorial Government in 1838. They also referred to Supreme Court decisions to prove the constitutionality of their claim.² Senator Dix of New York said in concluding his

¹ Art. IV, Sect. III.

² Senator Dix of N. Y., in his speech of June 26, used all of these arguments. App. to Cong. Globe, 30th Cong., 1st Sess. p. 865; as also did Senator Upham of Ver., July 26, Ibid. p. 1186; Representatives:- Murphy of N. Y., May 17, Ibid. pp. 579-80; Conger of N. Y., July 25, Ibid. pp. 947-9; Smith of Ind., July 31, Ibid. p. 1070; and Bingham of Mich., Aug. 7, Ibid. p. 1108

The following Northern gentlemen used the argument that the Constitution gave to Congress the power to legislate for the people of the Territories and the argument of precedent:-Senators:- Baldwin of Conn., June 3, Ibid. pp. 702-4; Davis of Mass., July 8, Ibid. pp. 894-5; Bradbury of Me., July 26, Ibid. p. 1193; Representatives:- Mann of Mass., June 30, Ibid. pp. 832-5; Dunn of N. Y., July 28, Ibid. p. 974; and Duer of N. Y., July 29, Ibid. p. 1047.

argument,- "In short, it is believed that no power exercised under the Constitution of such magnitude as that of governing the Territories belonging to the United States has been more uniformly acquiesced in from the formation of the Government to the present day, and in all its departments, legislative, executive and judicial."¹

1. Cause of the discussions of the Calhoun Doctrine.

Of course, the crux of the whole matter was the question of allowing the extension of slavery into the Territories. So far as we know, no one had expressed a doubt as to the power of Congress to legislate for the people of the Territories until the sentiment in the North against the extension of slavery in the Territories became so pronounced. Then it was that this doctrine was proclaimed which was to be fought over until the question was silenced, if not settled, on the battle fields of the Civil War.

The following used the argument that the Constitution gave to Congress the power above mentioned and the argument of the Supreme Court decisions,- Senator Hamlin of Me., July 22, Ibid. pp. 1145-6, and Representative Collins of N. Y., July 28, Ibid. p. 920.

Representative Crowell of O., used the argument of the power given to Congress in the Constitution, July 26, Ibid. p. 958; and Representative Lahm of O., used the argument of precedent Mar. 29, Cong. Globe, 30th Cong., p. 552.

¹ See his speech made on June 26, App. to Cong. Globe, 30th Cong., 1st Sess. p. 865

Senator Dix went to some pains to prove on the floor of Congress that even Calhoun had given his sanction of constitutionality to this very legislation which he now condemned.¹ Mr. Dix produced the fac simile of a letter in President Monroe's handwriting in which the President had stated that, before signing the Missouri Compromise bill, he had taken the opinion in writing of every member of his cabinet as to the constitutionality of excluding slavery from the Territories, and that these opinions were explicit in favor of it.² The Senator also produced extracts from the diary of Jno. Q. Adams, who was a member of President Monroe's cabinet, which confirmed the unanimity of opinion on the subject in the cabinet, of which Mr. Calhoun was a member.³ That gentleman, however, denied any remembrance of the occurrence.⁴

18. Southern explanation of the Compromises of 1787 and 1820.

Southern exponents of the doctrine combated the charge of inconsistency thrown at them in regard to the Ordinance of 1787, and more especially in regard to the Missouri Compromise, on the ground that they were both compromises and that, as such, they proved that the South did not yield the point of unconstitution-

¹ See his speech of July 26, App. to Cong. Globe, 1st Sess. p. 1179.

² See Monroe's Works.

³ Memoirs of John Q. Adams, V:5

⁴ Speech of July 26, App. to Cong. Globe, 30th Cong., 1st Sess. pp. 1178-9

ality when they cooperated in former legislation on the subject, but that"being unable to agree upon the right, both parties consented to stand on middle ground for the sake of the Union".¹

17. Northern and Southern ideas of slaves as property.

Southerners either said, "You have no constitutional right", or else, "You have no moral right to keep us, co-sovereigns with you over the Territories, out of them with our property while you have free access to them with no property restrictions". Northerners replied that the property laws of every State in the Union could not be incorporated into the Government of the Territories² and they claimed that "property in slaves" was on a different footing from other property because slave property

¹ Senator Johnson of Ga., said on July 7, "The act of 1820, and the resolution by which Texas was annexed, have been quoted as instances in which Congress exercised legislative jurisdiction over the subject of slavery.**** It is true, that upon the face of these enactments, it does appear, that Congress did legislate on the subject of slavery, and prohibited its existance within certain limits. But who does not know, that both these were compromises? Being compromises, they cannot justly be considered as favoring the construction of the Constitution now claimed. So far from this, they prove that such construction was not yielded by the South, now peremptorily insisted on by the North. But, being unable to agree upon the right, both parties consented to stand on middle ground for the sake of the Union". App. to Cong. Globe, 30th Cong., 1st Sess.p.890

See also the speeches of Representatives Bayly of Va., May 16, Ibid. p. 576; and Harris of Ala., July 25, Ibid.p. 952.

² Representative Duer of N. Y. said on July 29, "There are fifteen slave-holding States in the Union, and, consequently, fifteen different systems of slavery, which, though generally similar, have many points in difference. In the absence of express legislation, are all these

was "the mere creation of municipal law."¹

14. The Southern complaint of the Northern aid given to fugitive slaves.

But the South had a grievance against the North equal to that of Northern desire to exclude slavery from the Territories. It was that the Northern States were refusing to return fugitive slaves, according to constitutional compromise.²

systems carried into the Territories?" App. to Cong. Globe, 30th Cong., 1st Sess. p. 1047.

See also the speech of Representative Dunn of Ind., made on July 28, Ibid. p. 975.

¹ Representative Collins of N. Y. said on July 28, - "If the framers of the Constitution regarded the right of property in slaves as absolute and general, why was the provision inserted for the surrender of fugitives? Why not have left the master to his right of action in the courts of the State where the slaves had taken refuge, as in the case of other property?" App. to Cong. Globe, 30th Cong., 1st Sess. p. 921.

See also the claims of the following gentlemen that property in slaves was different from other property:- Representatives:- Congen of N. Y., July 25, Ibid. p. 947; Duer of N. Y., July 29, Ibid. p. 1047; Donnell of N. C., July 29, Ibid. p. 1060; Smith of Ind., July 31, Ibid. p. 1071; Senators:- Hale of N. H., June 1, Ibid. p. 692; Phelps of Ver., June 29, Ibid. p. 881.

² Senator Underwood of Ky., said on June 3, - "Formerly when a fugitive slave or a fugitive from justice, no matter for what indicted, escaped from any of our slaveholding States to a free State, he was delivered up and sent back without any difficulty; but let a man now, from New Hampshire, for instance, go to the South, kidnap a slave and bring him into one of the free States of the North, no matter what kind of application may be made to the Governor, or authorities of the State, he will not be surrendered and returned for trial to the State where he committed the offence." App. to Cong. Globe, 30th Cong., 1st Sess. p. 702.

See also the speeches of Senator Mason, July 6, Ibid. p. 884; and of Representative Iverson of Ga., July 26, Ibid. p. 962.

16. The prospect for Legislation on the Territorial question.

It was with these antipodal ideas and antagonistic feelings, dominating Northern and Southern leaders, that they set about the organization of Territorial Governments - first for Oregon and than, later in the session, for the acquired Mexican provinces as well.

17. The Douglas Bill for Oregon.

The Senate Bill, as reported by Mr. Douglas, provided that laws which had been made by the settlers of Oregon in their provisional government, should remain in force, in so far as they were not incompatible with the constitutions and laws of the United States, until they should be changed by the Territorial Legislature.¹ Slavery had already been prohibited by this provisional government. In Mr. Douglas' bill, we see the germ of his doctrine of popular sovereignty.²

Discussion on Mr. Douglas' bill opened on May 31, and lasted through June 3, when for three weeks it was dropped, being resumed on the 23rd for one week.

¹ This bill is printed in full in the Debates of Congress XVI:211

² Mr. Dickinson's resolutions, introduced into the Senate on Dec. 14, 1847, also expressed the doctrine. See. Cong. Globe, 30th Cong., 1st Sess. p. 21. Mr. Cass had set forth the same doctrine in his Nicholson letter of Dec. 24, 1847. See the published letter in Niles Reg. Jan. 8, 1848, 73:293. Representative Leake of Va. had set forth this principle as early as Feb. 15, 1847, in the 29th Cong., Cong. Globe, 29th Cong., 2nd Sess. p. 444. I cannot say when this principle was first announced, but it was never developed until the time of the Thirtieth Congress.

During these discussions, no agreement was reached. At the very outset of the debate, Mr. Hale, the Abolitionist Senator from New Hampshire, moved an amendment to the bill by introducing the twelfth section of the Senate Bill of the previous session.¹ This section expressly prohibited slavery in the Territory. Senator Westcott of Florida, followed closely with an amendment which substituted the House Bill of the previous session as amended by the Senate Judiciary Committee.² This bill expressly provided that citizens of no State should be restricted from emigrating to the Territory with their property, and that such property should be protected in the Territory.

Here were presented, on the first day of debate upon the Oregon bill, the two extremes of sentiment on the organization of the Territories; all attempts at conciliation or the occupation of middle ground were futile.

18. The five propositions made during the discussion of the Oregon Bill.

Five propositions were made, two of them including the organization of the Territories of New Mexico and California in the same bill with Oregon. In fact, it must have been clear to every one, before the debate had progressed very far, that it was not

¹ Cong. Globe, 30th Cong., 1st Sess. p. 804

² Ibid. p. 805

Oregon, where slavery was never likely to be of much consequence, that was at stake, but New Mexico and California, and, more than that, all future acquisitions of territory.

The five propositions were,-

1. To leave the question of slavery to be decided by the Territorial Legislature.¹

¹ The Douglas Bill, as presented, was really equivalent to this plan because it left the laws of the Provisional Territorial Legislature as they were on the subject. Those Senators who were in favor of passing the bill as it was, were,- Badger, Whig from N. C., June 2, App. to Cong. Globe, 30th Cong., 1st Sess. p. 695 and 861; Hamegon, Democrat from Ind., May 31, Cong. Globe, 30th Cong., 1st Sess., p. 804; Benton, Democrat from Mo., Ibid. For the two last named the reasons for voting for this bill were, first, that Oregon was so desperately in need of a Government, and, second, that slavery would never be carried there anyway. Mr. Niles, Democrat from Conn., in a speech made on June 2, expressed his willingness to vote for the bill as it was presented, but he preferred a bill which should contain, without qualification or restriction, the principle of the Ordinance of 1787. App. to Cong. Globe, 30th Cong., 1st Sess. p. 699.

Some were in favor of passing a bill with no reference to slavery in it. Some of these plainly stated that their reason for wishing this sort of a bill was that the matter of slavery legislation might be left to the people of the Territory with no restriction:- Underwood, Whig from Ky., June 3, Ibid. p. 701; Turney, Democrat from Tenn., June 2, Ibid. pp. 694-5; Dickinson, Democrat from N. Y., June 1, Ibid. p. 691; Bright, Democrat from Ind., June 1, Ibid. p. 690. Others wanted to leave the matter in abeyance for the present and be relieved of sanctioning any direct legislation on the subject:- Butler, Democrat from S. C., June 1, Ibid. p. 689; Foote, Democrat from Miss., June 1, p. 692; Rusk, Democrat from Tex., June 2, Ibid. p. 696. It will be noted that all of this last class were Southern Democrats. Those of the above named gentlemen who believed that the power to legislate for the Territories belonged to Congress, but thought that Congress should delegate the power to the Territories themselves, were:- Turney, June 2, Ibid. p. 695; Butler, June 2, Ibid. p. 696; Badger, June 23, Ibid. p. 861

2. To prohibit any legislation by Congress or by the Territorial Legislature on the ^{Subject.} ~~ground~~ of slavery.¹

Mr. Dickinson of N. Y. claimed that the people of the Territories had an inherent right to legislate for themselves, Dec. 14, Cong. Globe, 30th Cong., 1st Sess. p. 24.

The following members of the House of Representatives also held that this right belonged to the Territorial Legislatures,- Jones, Democrat from Tenn., July 29, Ibid. p. 1048; Birdsall, Democrat from N. Y., Aug. 1, Cong. Globe, 30th Cong., 1st Sess. p. 1021; Sawyer, Democrat from O., Aug. 1, Ibid. p. 1021. Messrs. Bayly and Iverson did not attempt to say whether or not the legislation to prohibit slavery was included within the powers of the Territorial Legislature, but they were willing to leave that for future adjudication. For Bayly's speech of May 16, see Cong. Globe, 30th Cong., 1st Sess., p. 574; for Iverson's speech of July 26, see Ibid. p. 966.

¹ Senator Westcott's amendment above noted on p. (260) proposed this plan. Others who adopted this suggestion, - were,- Senators:- Bagly, Democrat from Ala., June 1, Cong. Globe, 30th Cong., 1st Sess. p. 809; Berrien, Whig from Ga., June 28, Ibid. pp. 873-5; Mason, Democrat from Va., July 6, Ibid. p. 903; Johnson, Democrat from Ga., July 7, Ibid. p. 906; Hunter, Democrat from Va., July 11, Ibid. p. 921; Davis, Democrat from Miss., July 12, Ibid. p. 812. It will be noted that all the above mentioned Senators were followers of Calhoun in his doctrine regarding slavery in the Territories. In fact it was on this bill for the Territorial Government for Oregon that Calhoun made trial of this doctrine. He spoke fully in favor of this plan for Oregon on June 1, and in his characteristic way analysed the situation. He said,- "There are three questions involved in this entangled affair. The first is, the power of Congress to legislate upon this subject, so as to prevent the slaveholding portions of this Union from emigrating with their property into any territory; the next question is, the right of the inhabitants of a Territory to make a law excluding the citizens of these States from emigrating thither with their property; and the third question, is the power of Congress to vest the people of a Territory with that right. All these questions come up and cannot be avoided. I regret it exceedingly. The short cut is the one proposed by the Senators from Florida. As I understand, the Judiciary Committee of last session, after a good deal of deliberation, reported a bill, providing an amendment to meet this

3. To extend the Missouri Compromise line through the Mexican cession to the Pacific.¹

4. To amend the proposition of the Missouri line by providing specifically that slavery should exist south of that line independent of any legislation by Congress and the Territories.²

case, precisely upon the constitutional compromises - that the territory is open to all the citizens of the United States; that it must remain open, and cannot be closed, but by the people of the Territory when they come to form their own constitutions and then they can do as they please." App. to Cong. Globe, 30th Cong., 1st Sess. p. 690.

¹ On June 27, Democratic Senator Bright of Ind. moved the following amendment to the Oregon Bill, which he said was "bottomed on the Missouri Compromise":- "And be it further enacted, That in all the Territories owned by the United States, including Oregon, New Mexico and Upper California, which lies north of 36°30', north latitude, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the parties shall have been duly convicted, shall be and is hereby forever prohibited: Provided, always, that any person escaping into the same whose labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid." Cong. Globe, 30th Cong., 1st Sess. p. 895. Whig Senator Phelps of Ver. also spoke for the Missouri Compromise line on June 29, Ibid. p. 883. The following Representatives spoke for this solution of the problem also:- Bowdon, Democrat from Ala., July 29, Ibid. p. 1056; McClelland, Democrat from Ill., July 31, Ibid. p. 1015; Duncan, Democrat from Ohio, Cong. Globe, 30th Cong., 1st Sess. p. 1023; Whig Representative Stephens of Ga., was for adopting some compromise line. Aug. 7, App. to Cong. Globe, 30th Cong., 1st Sess. p. 1107.

² Whig Senator Underwood of Ky. moved an amendment to the Missouri Compromise amendment, providing specifically that slavery should be protected in the Territories south of 36°30'. June 28, App. to Cong. Globe, 30th Cong., 1st Sess. p. 880

5. To organize a Territorial Government in Oregon with an express prohibition of slavery.¹

The proposal to leave the question to the decision of the people of the Territories and the two Missouri Compromise proposals were very evident attempts at conciliation and harmony by evading the issue; but the proposal to organize the Territory of Oregon with an express prohibition of slavery and the proposal to restrict both Congress and the Territorial Legislature from legislating on the subject of slavery, were the expressions of the extremists in both the North and the South.

17. The effort to keep the Democracy together.

There was an earnest movement on the part of certain Democrats to allay the agitation on the slavery question and to keep the Democracy together in view of the next election.²

¹ Hale's amendment, noted above on p. 151, proposed this plan. It was also insisted upon by the following Senators:- Dix, Democrat from N. Y., June 26, App. to Cong. Globe, 30th Cong., 1st Sess. p. 867; Upham, Whig from Ver., July 26, Ibid. p. 1188. The following Representatives spoke in the House for this same plan:- Schenck, Whig from O., Aug. 1, Cong. Globe, 30th Cong., 1st Sess. p. 1023; Lahm, Whig from O., Aug. 1, Ibid. p. 1022; Smart, Democrat from Me., Mar. 28, Ibid. p. 547; Collins, Democrat from N. Y., July 28, App. to Cong. Globe, 30th Cong., 1st Sess. p. 924.

² Democratic Senator Foote of Miss. said on June 1,- "I will avow that one motive with me in keeping down excitement is to prevent the enfeeblement of the great Democratic party." App. to Cong. Globe, 30th Cong., 1st Sess. p. 692.
See also the speeches of Democratic Senators:- Turney of Tenn., June 2, Ibid. pp. 694-5; Downs of La., June 2, Cong. Globe, 30th Cong., 1st Sess. p. 812; Representative Lahn of O., Mar. 29, Ibid. p. 553

29. President Polk in favor of the Missouri Compromise.

President Polk realized the necessity of having the dispute over slavery in the Territories to be organized, settled before the coming election,¹ and throughout the time the bill was pending, he urged the adoption of the Missouri Compromise line and its extension to the Pacific.²

¹ President Polk wrote in his diary under the date of June 24, - "The necessity for settling the question is greater since the convention of Burnburners, held at Utica, New York, on the 22nd instant, have bolted from the regular Democratic nominations made by the Baltimore convention in May last; and have nominated Martin Van Buren for President and Henry Dodge of Wisconsin for Vice-president distinctly upon the ground of Wilmot Proviso. This is a most dangerous attempt to organize Geographical parties upon the slave question. It is more threatening to the Union than anything that has occurred since the meeting of the Hartford Convention in 1814. Mr. Van Buren's course is selfish, unpatriotic, and wholly inexcusable. The effect of the movement of the seceding and discontented Democrats of New York will be effectually counteracted if the slave question can be settled by adopting the Missouri Compromise line as applied to Oregon, New Mexico and Upper California at the Present Session of Congress. If the question can be thus settled, harmony will be restored to the Union and the danger of forming geographical parties be avoided." Polk's Diary, III:502.

² Mr. Bright's bill of June 27, noted above on p. 154, was, according to the entry for that date in Polk's Diary, formed with the sanction, if not through the influence of the President. He recorded:- "Several persons called before the meeting of the cabinet this morning. Among others Senators Bright of Indiana, and Foote of Mississippi called and held a conversation with me. They concurred with me in opinion that the only practicable mode of settling the slavery question was to adopt the Missouri Compromise line. An amendment to be offered to the Oregon Territory Bill, now pending before the Senate was written at my table, first by Mr. Foote as I dictated it to him, and was then copied by Mr. Bright." Polk's Diary, III:504. The entry for June 24, included the record of an interview with Senator Hannegon on the Territorial question. He wrote, - "I advised him as

20. The attitude of the North and the South toward the Missouri Compromise Line.

This solution of the problem was opposed by Northerners and Southerners, but for opposing reasons. Most Northerners opposed it simply because they did not want slavery to be further extended. Some Southerners claimed that, in the aggregate, there would be more free territory north of the line than there would be slave territory south of it,¹ and many Southerners did not want to give up the principle for which they were fighting.²

I had previously, to bring forward and press the adoption of the Missouri Compromise line and press it to the Pacific." Polk's Diary, p. 501. On the same day he wrote of this plan,—"I am using my influence with members of Congress to have it effected." Ibid. p. 502. Other recorded instances of this use of Presidential influence to secure this settlement are, July 16, Ibid. IV:20; July 10, Ibid. IV:12; July 11, Ibid. IV:14; July 14, Ibid. IV:17.

¹ In a speech of Mr. Clayton's on July 22, he set forth a reason why the Missouri Compromise line was voted down in the Compromise Committee. The Southern members, except Mr. Atchinson, who proposed it, objected to it because it made an unequal division of free and slave territory; there were 1,599,240 sq. mi. lying north of 36°30' and only 262,729 sq. mi. lying south of the line. Cong. Globe, 30th Cong., 1st Sess. p. 988.

² Instances of the South being unwilling to give up the principle for which they contended, have been noted above on (p. 234). The feeling of a majority of the Southern members was expressed by Democratic Senator Bayly of Ala., on June 1. He said,—"I had not the honor to be in public life when the Missouri Compromise, as it is called, was adopted. If I had been, I should have voted against it for two reasons: first, because there was no right to compromise any of the provisions of the Constitution; and, second, because it was no compromise at all. It was an arrangement by which the fire which then burned and smothered for a time, only to break out upon us continually ever since, and which, I fear may eventually destroy the Constitution. It was a

While Southerners did not hesitate to say that they had, unwillingly and against their own interests, entered into the Missouri Compromise, they accused the non-slaveholding States of having repudiated that Compromise in this Congress.¹

The other proposal for conciliation, that the decision as to the introduction or exclusion of slavery should be left to the Territorial Legislature, was opposed, especially in the South, almost as strenuously as were the extreme proposals. It

concession by one party, whilst the other folded its arms, determined at a future day to ask for more. Never can I consent to have this principle again ingrafted upon any bill." App. to Cong. Globe, 30th Cong., 1st Sess. p. 691

¹ Democratic Representative Bayly of Va., said on May 16, - "I regard the Wilmot Proviso as designed to repudiate the Missouri Compromise. If that Compromise is to operate, it is unnecessary; and gentlemen, in insisting upon it, repudiate the Missouri Compromise. And gentlemen must excuse me for saying that I consider this bad faith upon the part of the non-slaveholding States.*****I do not admit that the Missouri Compromise does not extend to territory which we did not hold at the time of its adoption.*** We could not vote for it, but we acquiesced. Notwithstanding all this, in less than two years, gentlemen who voted to extend the Missouri Compromise to Texas, come forward and insist that the Missouri Compromise has no application to territory which we did not possess at the time of its adoption." App. to Cong. Globe, 30th Cong., 1st Sess. p.578. See also speeches of Democratic Representatives: Iverson of Ga., July 26, Ibid. p. 962; Kaufman of Texas, July 31, Ibid. p. 1068, and Brown of Miss., June 3, Ibid. p. 647. In writing in 1868 on the recession of the Senate from the Missouri Compromise amendment to the Oregon Bill in the first session of the Thirtieth Congress, Alex. H. Stephens said, - "This was a complete and total abandonment of the Missouri Compromise, so-called, by both Houses of Congress. It met its final doom on the 12th of August, 1848. On that day it fell and was buried in the Senate, where it had originated twenty-eight years before, but had never quieted the Abolitionists a day. It fell, too, not by Southern, but by Northern hands." Stephens "War Between the States" II:173

was contended that the people of a Territory formed an unorganized community, from a political standpoint, and hence could possess no political power,¹ and Southerners who rallied around the Calhoun doctrine added that Congress could not delegate powers which it did not possess.² Representative Rhett of S. C.

¹ Senator Bagley of Ala., said on June 1,- "An unorganized community cannot possess any political power; if they did, why call on Congress to authorize them to form a Territorial Government? Inherent rights attach to men as individuals, but not as communities. The effect of the doctrine contended for would be to give to these unorganized aggregations of individuals the same political power as is possessed by the largest and oldest States in the Union." App. to Cong. Globe, 30th Cong., 1st Sess. p. 691.

Others who held this view in the Senate, were:- Senators:- Niles of Conn., June 2, Ibid. p. 697; Calhoun of S. C., June 27, Ibid. p. 871; The following Representatives took this same position in the House:- Woodward of S. C., May 17, Cong. Globe, 30th Cong., 1st Sess. p. 775; Harris of Ala., July 25, App. to Cong. Globe, 30th Cong., 1st Sess. p. 953; the following gentlemen held that Congress had the right to delegate the power in question to the Territorial Legislature but combated the idea that the power was inherent in the Territorial Legislature,-Senators: Butler of S. C., June 2, App. to Cong. Globe, 30th Cong., 1st Sess. p. 696, and Badger of N. C. Ibid.

² Senator Berrien of Ga., said on June 28,- "I cannot by any effort of imagination conceive of a greater bundle of absurdities than is involved in such a proposition. It assumes that Congress has no original power over the subject, but that it belongs to the Territorial Legislature. Yet all the powers that are exercised by the Legislature are to be derived from Congress,- and thus Congress is made to confer a power which it does not possess - and then, though it had no original power over the subject, it may still negative and render invalid the act of the Territorial Legislature." App. to Cong. Globe, 30th Cong., 1st Sess. p. 875.

This view was also held by Senator Johnson of Ga., July 7, Ibid. p. 891, and Representative Collins of N. Y., July 28, Ibid. p. 922.

put it forcibly, in these words,-

"If we are to submit to inferiority; if we are to surrender the co-equality of the States in our territory, let us bow to those with whose time honored sovereignty we have long acted in the organization and conduct of this government; but to be ejected from our rights by our own dependency - a weak, temporary dependency - which we protect while we are excluded, and support whilst we are scorned, this is rather too hard to bear."¹

Other Southerners keenly pointed out that the operation of this doctrine would be the same as would that of the hated Wilmot Proviso because the stream of Northern emigration would always be much greater than that from the South.²

22. The Clayton Committee.

The strongest attempt at a settlement of the question was made by Mr. Clayton, a Whig Senator from Delaware. On July 12, he moved that the Senate choose a Committee to which might be referred the bill for the organization of Oregon, and if the Committee should report that, in its judgment, nothing could be effected at the present session, the matter should be dropped.³

The motion was carried with the modification that so much of the President's message as related to New Mexico and California should also be referred to the Committee.⁴ Fourteen Northern Senators,

¹ App. to Cong. Globe, 30th Cong., p. 658

² See the speeches of Representatives: Venable of N. C., on June 1, App. to Cong. Globe, 30th Cong., 1st Sess., p. 652; and Rhett of S. C. Cong. Globe, 31st Cong., 1st Sess., p. 658

³ Cong. Globe, 30th Cong., 1st Sess. p. 927

⁴ Ibid. p. 928

who were opposed to any form of compromise, voted against the bill.¹

On July 13, this Committee was chosen in the Senate by ballot, and, in accordance with Mr. Clayton's motion, the party and the sectional interests were all represented. The Chairman was Mr. Clayton, and the Committee consisted of eight members, four of whom were Southerners, and four, Northerners; four were Democrats and four were Whigs.²

23. Work of the Clayton Committee

For a time after the Clayton Committee had been chosen, it seemed as though it were not going to be able to report a bill.³ In spite of the efforts of the President they were unable to agree upon the Missouri Compromise line as a settlement for the organization of these Territories.⁴

¹ Whigs:- Baldwin of Conn; Clarke and Green of R. I., Corwin of O., Davis of Mass., Hale of N. H., Miller of N. J., Upham of Ver., and Walker of Wis. Democrats:- Bradbury and Hamlin of Me., Dix of N. Y., Fitzgerald of Mich., and Niles of Conn.

² Clayton, Whig from Del., Calhoun, Democrat from S. C., Atchison, Democrat from Mo., Underwood, Whig from Ky., Clarke, Whig from R. I., Phelps, Whig from N. Y., Bright, Democrat from Ind., Dickinson, Democrat from N. Y. Cong. Globe, 30th Cong., 1st Sess. p. 932.

³ See the report of a conversation between the President and Mr. Calhoun on July 17, recorded in Polk's Diary, IV:21-2.

⁴ Mr. Polk recorded in his diary, under the date of July 16, a conversation with Mr. Calhoun in which Mr. Calhoun told him of the meetings in the Committee, "they had been unable to agree either upon the Missouri or Texas

However, on July 18, a bill was reported to the Senate which recommended the so-called Clayton Compromise. It provided that in Oregon the existing land laws, which prohibited slavery, should be left in force for three months and after that they should be subject to change by the Territorial Legislature; and that in California and New Mexico the legislative power should be vested in the Governor, Secretary and three Judges, but that they should be restrained by Congress from legislating on the subject of slavery, leaving that question, if it should arise, to the Territorial Judiciary with an appeal to the Supreme Court of the United States.¹

Compromise." Polk's Diary, IV:20.
See also Mr. Clayton's speech in presenting the bill to the Senate, July 18, Cong. Globe, 30th Cong., 1st Sess. p. 950.

¹ Cong. Globe, 30th Cong., 1st Sess., p. 950. During the time that the bill was under discussion in the Committee, Mr. Calhoun twice conferred on the subject with President Polk and these conferences are recorded in Polk's Diary under the entries for July 16 and 17. Polk's Diary IV: 20. 22. These records show that the compromise was reached in the Committee as the result of a modification of Mr. Dickinson's plan of leaving the question of slavery to be decided by the people of the Territories. These entries in Polk's Diary show that the compromise plan was agreed to with difficulty because the Southern members of the Committee were loathe to provide for appeal on the subject of slavery from the Territorial Judiciary to the United States Supreme Court because the Southerners had hoped to be able to control the decisions of the Territorial Judiciary through the appointments of the Judges. However, the Northerners refused to agree to the Compromise unless the appeal was provided for and so, the Southern members finally yielded the point; two of the Committee, however, refused to the last to agree to the plan—these were Clarke, Whig from R.I.; See Cong. Globe, pp. 992, July 24, and Underwood, Whig from Ky., See Cong. Globe, p. 950

The practical working out of this plan would be that the slaveholders might take their slaves into California and New Mexico, and then if any one should object to the slaves thus brought into the Territory, action might be brought into the Territorial courts with the right of appeal to the Supreme Court.

This was indeed a new aspect of the question - to consider it as one to be settled by the courts instead of by Congress - and yet it was in line with the Calhoun Doctrine which claimed for the question a constitutional rather than a political character. The bill was clearly another evasion of the issue, so far as an immediate settlement of the question was concerned. It left the issue at stake to be settled later.

24. The President's approval of the Clayton Compromise.

The President expressed himself as satisfied with this bill, though he would have preferred the Missouri Compromise settlement.¹

25. The advantages claimed for the Clayton Compromise.

The most comprehensive speech in favor of the bill and answering the objections to it was made in the Senate by Mr. Clayton on August 3, after it had passed that body.² All of the

¹ Polk's Diary IV: 21 and 24.

² App. to Cong. Globe, 30th Cong., 1st Sess. pp. 1204-1209

Committee, except Messrs. Clarke and Underwood,¹ supported the measure and a majority of the Southern members voted for it.²

The chief advantage claimed for the bill was that it was a compromise in that it neither affirmed or denied the power of Congress to legislate on the subject of slavery in the Territories.³

¹ Mr. Clayton said on July 18, when he reported the bill, "Finally, the proposition was agreed upon - all the members of the Committee agreeing to make the report and but two of them disapproving it." Cong. Globe, 30th Cong., 1st Sess. p. 950.

² The following Senators spoke in favor of the bill,- Johnson, Whig from Md., on July 26, App. to Cong. Globe, 30th Cong., 1st Sess. p. 1172; and Berrien, Whig from Ga., on the same day. Ibid. p. 1189. Mr. Clayton in his speech on Aug. 3, above referred to, said, "Four members in this, and eight in the other House, constitute the whole apparent Southern opposition to it." Ibid. p. 1208. The following four Southern Senators spoke against the bill,- Badger, Whig from N. C., July 26, Ibid. p. 1173-6; Foote, Democrat from Miss., July 25, Ibid. p. 998; Underwood, Whig from Ky., July 25, Ibid. p. 1164. When the vote was taken on the bill, Mr. Foote voted in the affirmative, but Messrs. Badger of N. C., Underwood of Ky., Bell, Whig from Tenn., and Metcalf from Ky., voted negatively. Cong. Globe, 30th Cong., 1st Sess. p. 1002. The following Representatives spoke against the bill,- Stephens, Whig from Ga., July 28, Ibid. p. 1007; Green Adams, Whig from Ky., July 28, Ibid. p. 1045; Hilliard, Whig from Ala., July 29, App. to Cong. Globe, 30th Cong., 1st Sess. p. 1056; Donnell, Whig from N. C., July 29, Ibid. p. 1061. In the vote in the House to lay the bill on the table, the following Southerners, all Whigs, voted yea:- Adams of Ky., Baydon of N. C., Buckner of N. C., Pendleton of Va., Stephens of Ga. Mr. Hilliard of Ala. voted for the bill.

³ See speeches by the following gentlemen in the Senate,- Clayton, July 22, App. to Cong. Globe, 30th Cong., 1st Sess. p. 1140; Dickinson, July 22, Ibid. p. 1141; Berrien, July 26, Ibid. p. 1189. The following Representatives also emphasized that feature of the bill:- Bayly, Democrat from Va., July 29, Ibid. p. 1048; Bowdon, Democrat from Ala., July 29,

Other advantages claimed for it were, that it would preserve the Union,¹ that the people of California and New Mexico were unfit for self-government,² and that the question of slavery in the Territories was a constitutional question any way and should be decided by the courts.³

26. The opposition to the Clayton Compromise.

The opposition to the bill from the North was forceful and almost unanimous.

The Northern objection formed itself around ten points.

1. That it was not a compromise because it yielded the whole claim which the advocates of slavery had put forward - that Congress could not prohibit slavery in the Territories.⁴
2. That it would not quite the agitation of the

Ibid. p. 1056; Boyd, Democrat from Va., July 28, Cong. Globe, 30th Cong., 1st Sess. p. 1006.

¹ See speeches by the following gentlemen: Senator Clayton, July 22, App. to Cong. Globe, 30th Cong., 1st Sess. p. 1140; Senator Johnson of Md., July 26, Ibid. p. 1172; Senator Berrien of Ga., July 26, Ibid p. 1189.

² See Mr. Clayton's speech on Aug. 3, App. to Cong. Globe, 30th Cong., p. 1208.

³ See the speeches of Senator Phelps of Ver., July 24, App. to Cong. Globe, 30th Cong., 1st Sess. p. 1155. Representatives: Bayly of Va., July 29, Ibid p. 1048; Bowdon of Ala., July 29, Ibid. p. 1056.

⁴ Democratic Representative Collins of N.Y., said July 28, - "The Senate Bill upon our table*****is denominated a 'compromise bill'; but, it appears to me that the Senate Special Committee of eight, who are its authors, should more appropriately have entitled it, 'A bill for the extension of slavery to the free Territories of New Mexico and California.'" App. to Cong. Globe, 30th Cong. 1st Sess. p. 924.

slavery question.¹ 3. That the Supreme Court was biased in favor of the South.² 4. That the question was a political,

See also the speeches of the following Congressmen,- Representatives:- Smith, Whig from Ind., July 29, Ibid. p. 1072; Senators:- Niles, Democrat from Conn., July 26, Ibid. p. 1197; Miller, Whig from N. J., July 24, Ibid. p. 1150; Dix, Democrat from N. Y., July 26, Ibid. p. 1181; Dayton, Whig from N. J., July 26, Ibid. p. 1185; Hamlin, Democrat from Me., July 22, Ibid. p. 1145; Upham, Whig from Ver., July 26, Ibid. p. 1188; Whig Senator Underwood from Ky., shared this Northern view in a speech given in the Senate on July 25. App. to Cong. Globe, 30th Cong., 1st Sess. p. 1169.

¹ Whig Representative Smith of Ind. said, July 28,- "If that bill should become the law of the land, so far from settling the agitation which prevails through the country, and calming the troubled waters, it would only add to the existing agitation and increase the difficulties by which it was surrounded." Cong. Globe, 30th Cong., 1st Sess. p. 1007.

The following Senators expressed the same opinion,- Dix, Democrat from N. Y., July 26, Ibid. p. 1182; Bradbury, Democrat from Me., July 26, App. p. 1191; Miller, Whig from N. J., July 24, Ibid. p. 1161.

The following Southern Whig Representatives shared this opinion:- Stephens from Ga., July 28, Cong. Globe, 30th Cong., 2nd Sess. p. 1007; Green Adams from Ky., July 28, App. to Cong. Globe, 30th Cong., 1st Sess. p. 1045; Hilliard from Ala., July 29, Ibid. p. 1056.

² Democratic Representative Collins of N. Y. said on July 28,- "The framers of this bill well understood into what hands they were committing this momentous question. Five of the nine judges were appointed from slave holding States, where they now reside. Of the remaining four, who were appointed from free States, the name of one was presented by the delegation from Alabama to the late Baltimore Convention as a candidate for the Presidency, whose views upon the greatest question of the day, were entirely satisfactory to the South." App. to Cong. Globe, 30th Cong., 1st Sess. p. 924.

Senators who expressed the suspicion were,- Baldwin, Whig from Conn., July 26, Ibid. p. 1195; Dayton, Whig from N. J., July 26, Ibid. p. 1185; Hale, Whig from N. H., July 22, Cong. Globe, 30th Cong., 1st Sess. p. 988. Senator Upham of Ver., in a speech on July 26, also

not a constitutional question.¹ 5. That the cases might still fail of settlement in the Supreme Court because they might not involve enough money, or it might be impossible to make the valuation accurately.² 6. That it would be next

also expressed a suspicion of the Territorial Judges who would be appointed. He said, "They will undoubtedly be Southern men, and probably slave holders. Sir, there is every reason in the world to believe that they will adopt the Southern view of the subject and sanction slavery in the Territories." App. to Cong. Globe, 30th Cong., 1st Sess., p. 1188.

¹ Whig Senator Miller of N. J., said, July 24, - "I am altogether opposed to throwing this question upon the Supreme Court because I consider it more of a political than a judicial question." App. to Cong. Globe, 30th Cong., 1st Sess. p. 1154. Other Senators who expressed this view, were, - Baldwin, Whig from Conn., July 26, Ibid. p. 1195; Hamlin, Democrat from Me., Ibid; p1147; Bradbury, Democrat from Me., July 26, Ibid. p. 1191.

² Whig Senator Corwin of O., said on July 22, "I believe that in the law which regulates the circuit courts of the United States to the Supreme Court, it is provided that the value of the thing in controversy must be at least \$2000. exclusive of costs.***** How is the value of a slave to be ascertained?***** If then, the value of the slave does not reach \$2000, his fate is decided by this judge appointed by the President of the United States, who sits in his court fifteen hundred miles from Washington city. This is the final judgment." App. to Cong. Globe, 30th Cong., 1st Sess. p. 1143. Democratic Senator Hamlin of Me., July 22, Ibid. p. 1148, also expressed this objection.

Senator Berrien of Ga., answered this objection on July 26, - "If Senators will examine the case mentioned by the Senator from S. C. (Butler) they will see that this difficulty is altogether imaginary. In that case, the Supreme Court decided that when, in a petition for freedom, the appeal was taken by the petitioner, the requisition as to value did not apply, because, there, the question of freedom was the ground of the appeal, and that could not be appreciated by money; but where the defendant was the appellant, as his right of property was the matter in controversy, it would be of the money value required by the act." Ibid. p. 1189.

to impossible for a slave to carry his case to the Supreme Court.¹ 7. That it did not establish a republican government in California and New Mexico.² 8. That the time was not ripe for the establishment of Territorial Governments for New Mexico and California.³ 9. That it provided a color

¹ Whig Senator Upham of Ver. said, On July 26, "How can a slave, without money, without friends, and subject to the control and dominion of his master, pray out his writ of error, and travel two thousand miles to Washington to try his case in the Supreme Court of the United States?" App. to Cong. Globe, 30th Cong., 1st Sess. p. 1188. Whig Representative Smith of Ind., said, on July 29, "You tell the slave that he is free; and in order to test the question, he can bring his case before the court. How is the slave to get his case there? Who is to stand by him as his friend, and furnish him the means to litigate with his master?" Ibid. p. 1072. Democratic Senator Hamlin of Me., July 22, Ibid. p. 1147, raised both of the above objections; as also did Whig Senator Miller of N. J., July 24, Ibid. p. 1151.

² Democratic Senator Hamlin of Me., said on July 22, - "What good reason there may be for intrusting full power and sovereignty to the people of Oregon, while you wholly deny it to California, I do not understand.***** Senators know that at this day there are some five or six thousand American citizens there, and they are ruthlessly excluded. Is their capacity for free government to be mistrusted? Is it not rather from the fact that they would set up a free government that they are deprived of all power?" App. to Cong. Globe, 30th Cong., 1st Sess. p. 1147. Others who raised this objection were, - Whig Senator Corwin of O., July 22, Ibid. p. 1143. Whig Senator Baldwin of Conn. July 26, Ibid. p. 1194.

³ Whig Senator Dayton of N. J. said, July 26, "We know little or nothing of the population of New Mexico or California or of the boundaries of either.***** And yet, we are called upon to organize these Territories - while there is nothing in the nature of the subject, or in the position of the Territories, which demand action now." App. to Cong. Globe, 30th Cong., 1st Sess. p. 1185. Whig Senator Miller of N. J. expressed this same opinion, July 24, Ibid. p. 1150.

qualification for electors in Oregon.¹ 10. That there was no guarantee that slavery would be prohibited in Oregon longer than three months after the passage of the bill.²

Southern opponents to the bill claimed that it involved an absolute surrender on the part of the South³ and that the

¹ This point was raised by Whig Senator Baldwin of Conn. in his speech of July 26. He said, - "Why are they thus excluded from their accustomed privilege? Why are the free colored citizens of the New England States prevented from going into the Territory on an equal footing with the other inhabitants? Is the principle of equality of rights only in force between the white inhabitants of the slave holding and non-slave holding States, or does it apply equally to all the citizens between whom the Constitution of the United States makes no invidious distinction? A colored citizen of Massachusetts enjoys in that State a perfect equality of political rights, and is eligible equally with every other citizen, to the highest positions in the State and national governments. On what principle, then, can Congress undertake to exclude him from voting in Oregon? He would probably be less likely than a white man from a slave State to concur in a repeal of the law, prohibiting slavery in the Territory. But this surely can furnish no ground of exclusion." App. to Cong. Globe, 30th Cong., 1st Sess. p. 1194.

² Democratic Senator Dix of N. Y. said, July 26, - "The provisions of this bill leave the whole of New Mexico and California open to the introduction of slavery, and prohibit the Territorial Governments from legislating on the subject. Even if disposed to legislate for their exclusion, and, in consideration of this abandonment of all the territory we have acquired from Mexico to slavery, we have received from the hands of the Committee the boon of freedom for three months in Oregon". App. to Cong. Globe, 30th Cong., 1st Sess. p. 1181. Others who raised this objection to the bill were, - Whig Senators: - Miller of N. J., July 24, Ibid. p. 1150; Clark from R. I., July 24, Ibid. p. 1149; Democratic Senator Bradbury from Me., July 26, Ibid. p. 1194.

³ Whig Representative Stephens of Ga., said on Aug. 7, - "So far from being a compromise, that bill proposed nothing

attitude of the officers in the Mexican Territories would, according to this bill, depend upon the President who should appoint them;¹ some of them feared that the courts would not sustain the Southern position,² and they objected to the uncertainty to which slave holders would be subjected in moving into these Territories with their slaves.³

short of an abandonment of the position of the South, and a surrender of the just right of the people to an equal participation in the new acquisitions of territory. The surrender was covert, but it was no less complete and absolute." App. to Cong. Globe, 30th Cong. 1st Sess. p. 1194.

See also speeches by Whig Representative Hilliard of Ala., on July 29, Ibid. p. 1056; Whig Senators: Underwood of Ky., on July 25, Ibid. p. 1169; Badger of N. C., on July 26, Ibid. p. 1173.

¹ Democratic Senator Foote of Miss., said on July 25, - "I object to the compromise because it does not establish a Republican Government in California and New Mexico.**** The power is vested in a few persons.**** Suppose the President should appoint slave holders to these offices, there would be more uproar in that Wilmot Proviso Bedlam - the North - than had ever been heard before. Suppose he should appoint a majority of these officers from north of Mason and Dixon line, then we are gone." Ibid. p. 998

² Whig Representative Donnell of N. C., after showing that slavery can only exist by the enactment of positive law, said, on July 29, "How, then, can I doubt that the courts, in the present state of the question, and without some action of Congress, would decide, that in California and New Mexico, slavery could not exist? Entertaining these views honestly and conscientiously whether they be right or wrong, how could I have voted for the bill?" App. to Cong. Globe, 30th Cong., 1st Sess. p. 1061. See also the speech by Whig Senator Badger of N. C., July 26, Ibid. p. 1176

³ Whig Senator Underwood of Ky. said, July 25, - "I am unwilling to return home, and when I am asked by my constituents whether they can emigrate with and hold their slaves in New Mexico and California, to answer, 'You may

27. Feeling throughout the country on the Clayton Compromise Bill.

How well the action of members of Congress on the big effort of the session to provide Territorial Governments for Oregon, California and New Mexico, corresponded with the feeling throughout the country, is partially evidenced by the press of the day.

We should expect to find the New York Tribune strongly opposed to this evasion of the slavery issue and we are not mistaken. When the Compromise Committee was first appointed, the New York Weekly Tribune referred to it as follows:-

"Here are four Senators of each party, taken equally from the Free and Slave States. The semblance of fairness is thus preserved, but the substance is wanting. Bright was chosen from Indiana, but is a slaveholder in Kentucky and has thus far represented his live stock much more faithfully than his constituents. Dickinson got in from New York, but nobody would have suspected it from his votes. He is a natural born Dough-face and could do much dirtier work than has yet been imposed upon him without any sacrifice of principle, dignity nor inclination. Add these to the three slaveholders, Calhoun, Underwood and Atchison, and the Committee will stand five in favor of legalizing slavery in the new Territories to three (Clayton, Phelps, and Clarke) against it.¹

Again we recognize the caustic pen of Horace Greeley in the opening sentence of the editorial in his paper on this bill after the Committee had reported,- "Shirk, dodge, palter, shuffle- such is the latest game of the slavery extensionists in view of the arousing spirit of the free North with regard to free or

do so at your own peril, and at the risk of having your slaves manumitted by the decisions of the courts". App. to Cong. Globe, 30th Cong., 1st Sess. p. 1169. See also the speech by Democratic Senator Foote of Miss. July 25, Ibid. p. 998

¹ Jan. 17, 1848.

slave soil."¹ The New York Evening post was not less strongly opposed to it.² We are also not surprised to find the Ohio State Journal antagonistic toward any attempt at compromise from the time of the appointment of the Committee.³ The Cleveland Herald, at first expressed favor toward the bill,⁴ but upon closer examination, it rejected it as impossible.⁵

The Utica Daily Gazette was open-minded, but, as the "ins and outs" of the bill were discussed, it condemned it as "surrender" upon the part of the North.⁶

The Buffalo Express⁷ and the Buffalo Commercial Advertiser⁸ gave moderate approval and the Delaware Journal was loyal to the Delaware Senator who was the leader of the Compromise, and expressed great approval of the bill.⁹ The Oneida Herald could

¹ Editorial of July 20, 1848, quoted in Niles Reg. July 5, 1848, N. R. 74:56

² Editorial quoted in Niles Reg., July 2, 1848: N. R., 74:55

³ Editorial quoted in Niles Reg., Aug. 5, 1848; N. R., 74:108

⁴ Editorial July 25, 1848.

⁵ Editorial, Aug. 1, 1848.

⁶ Editorial quoted in Niles Reg., Aug. 15, 1848; N. R. 74:108

⁷ Editorial quoted in Niles Reg., Aug. 6, 1848; N. R. 74:108

⁸ Editorial quoted in Cleveland Herald, July 22, 1848.

⁹ Editorial quoted in Niles Reg., Aug. 16, 1848; N. R. 74:107

see no reason why any bias of the Supreme Court would be more to be feared in this case than should it pass on the Wilmot Proviso.¹

The Baltimore American was enthusiastic in its approval of the compromise,² as was also the Charleston Courier³; while the Richmond Whig condemned it "in toto", as a complete surrender of Southern rights.⁴

And so, as nearly as we can judge from this limited examination of periodicals, the action of Senators and Representatives tallied well with the sentiments of their respective constituencies.

27. Passage of the Clayton Bill by the Senate.

After a week's discussion of this bill, it passed the Senate at 8 o'clock on the morning of July 27, after a continuous session of twenty-one hours.⁵

¹ Editorial quoted in Cleveland Herald, July 28, 1848.

² Editorial quoted in Niles Reg., Aug. 16, 1848, N. R. 74:107

³ Editorial quoted in Niles Reg., Aug. 16, 1848, N. R. 74:107

⁴ Editorial quoted in Niles Reg., Aug. 16, 1848, N. R. 74:107

⁵ Cong. Globe, 30th Cong., 1st Sess. p. 1002.

The vote stood thirty-three to twenty-two and the Democratic vote carried the bill - twenty-six Democrats casting affirmative votes and, with them, seven Whigs. The negative votes were cast by thirteen Whigs and nine Democrats. The affirmative vote came largely from the South, numbering nineteen Southern Democrats and four Southern Whigs. No Southern Democrats voted against the bill and but five Southern Whigs. From the North came seven Democratic and three Whig votes in favor of the bill; nine Northern Democrats and nine Northern Whigs voted against it.¹

29. The Clayton Compromise last in the House.

On July 28, the Clayton Bill was taken up by the House,² but it refused to consider the new Territories of California and New Mexico in the same bill with the organization of Oregon, and the Clayton Compromise was the same day laid on the table.³ It was the boast of Northern Whigs that "every Northern Whig in the

¹ The four Southern Whigs who voted against the bill were Badger from N. C., Bell from Tenn., Davis from Miss, Metcalfe and Underwood from Ky. The three Northern Whig votes for the bill were cast by Clayton from Del., Phelps from Ver., and Spruance from Del. The first two were members of the Committee which reported the bill. Cong. Globe, 30th Cong., 1st Sess. p. 1002.

² Cong. Globe, 30th Cong., 1st Sess. p. 1006.

³ Cong. Globe, 30th Cong., 1st Sess. p. 1007. The vote was one hundred and twelve to ninety-seven. Ninety-nine Northerners and thirteen Southerners voted in the affirmative; fifty-one Southern Democrats, twenty-five Southern Whigs; and twenty-one Northern Democrats voted in the negative.

House put his foot on 'a compromise' whose effects would hardly distinguish it from surrender."¹ The Whigs were, very evidently, afraid that slavery in New Mexico and California would result from the operations of this bill. The Democratic effort to avoid a break on the sectional issue was still striking.

29. House Oregon Bill

The House then continued their debate on the Oregon Bill, which was finally passed on August 2.² It provided that a Territorial Government for Oregon should be organized and that the Ordinance of 1787 should be extended over the territory - thus continuing it as a free territory. The section, embracing this provision was carried by the Northern members of the House.³

On August 3, this House Bill was taken up by the Senate and on August 10,⁴ it was passed, with an amendment, embracing the Missouri Compromise, not only for Oregon, but for all future territory to be organized.⁵ The 21 votes against the Missouri

¹ Editorial in Utica Daily Gazette, quoted in Niles Reg., Aug. 16, 1848. N. R. 74:107

² Cong. Globe, 30th Cong., 1st Sess. p. 1027

³ 50 Southern Democrats, 27 Southern Whigs and 11 Northern Democrats voted against the section, 69 Northern Whigs, 42 Northern Democrats and 1 Southern Whig, Green Adams of N. C., voted for the section.

⁴ Cong. Globe, 30th Cong., 1st Sess. p. 1031

⁵ Ibid. p. 1061

Compromise amendment were cast by Northern members,¹ because they were unwilling that slavery should be prohibited in Oregon simply because it was north of the Missouri line; for that would prove¹ the way for the organization of New Mexico and California as slave Territories. In the vote against the bill as a whole, there was the same negative vote from the north and, in addition, the vote of Calhoun.²

On August 11, the House once more took up the bill to act upon the Senate amendments³ and the amendment embracing the Missouri Compromise was negatived by a Northern vote of 121 to 82.⁴

On August 12, the returned House Bill was taken up by the Senate and on the motion of Mr. Benton,⁵ it voted to recede from all amendments. The vote to recede from the Missouri Compromise amendment was carried by a majority of four;⁶ this majority was accomplished by the changing of votes on the part of all Northerners who had previously voted for the Compromise,⁷ and also of two

¹ Cong. Globe, 30th Cong. 1st Sess. p. 1061

² Ibid.

³ Cong. Globe, 30th Cong., 1st Sess. p. 1062

⁴ 51 Southern Democrats, 27 Southern Whigs and 4 Northern Democrats voted for the compromise; 74 Northern Whigs and 47 Northern Democrats voted against it. The 4 Northern Democrats who voted affirmatively were, - Birdsall of N. Y., Brodhead, Chas. Brown and Chas. J. Ingersoll of Pa.

⁵ Cong. Globe, 30th Cong., 1st Sess. p. 1074

⁶ Ibid. p. 1078

⁷ Bright, Cameron, Dickinson, Douglas, Fitzgerald, Hannegan and Spruance. Sturgeon of Pa. did not vote on receding.

Southerners who were anxious for the organization of Oregon.¹ The final vote, then, on the Missouri Compromise stood as follows: Seventeen Democrats, twelve Whigs voted affirmatively; and fifteen Democrats and eight Whigs voted negatively; so it could scarcely be called a party division. Two Southern Democrats, but no Southern Whigs, voted for the bill; and seventeen Southern Democrats and eight Southern Whigs voted against it. Fifteen Northern Democrats and twelve Northern Whigs voted for the bill, while no Northerners voted against it.

And so, at last, On August 12, the bill for the organization of Oregon was passed, providing that the people of the Territory should enjoy all the "rights, privileges, and advantages" granted to the people of the Territory northwest of the Ohio River by the Ordinance of 1787, and that the laws made by the provisional government should remain in force, "so far as not incompatible with the Constitution of the United States and the principle and provisions of this act", but they were to be subject to change by the Legislative Assembly of the Territory.² Therefore, slavery was debarred from Oregon unless it should be admitted by the Oregon Legislature.

31. Presidential action on the Bill

Calhoun brought great pressure to bear upon the President

¹ Benton of Mo. and Houston of Texas.

² Cong. Globe, 30th Cong., 1st Sess. p. 1079. See Sec. 9 of bill.

to induce him to veto this bill,¹ but Polk signed it and returned it to Congress on the last day of the session, accompanying it, however, with a message, in which he gave as his reason for signing it the fact that it was north of the Missouri Compromise line.² He did not wish to have any precedent for his action upon the bills for the organization of New Mexico and California implied from his signature of this bill for the Territorial Government for Oregon.³

¹ The entry in Polk's Diary for August 13, 1848, contains the following about this bill,- "Mr. Calhoun expressed the opinion that I should veto the Bill. I told him I had made up my mind to sign it, though I should do it reluctantly.****He still insisted that I ought to veto it on constitutional grounds." Polk's Diary IV: 72. In the above entry, Mr. Polk also records the following of Senator Hannegan of Ind.- "Senator Hannegan said aside *****that if I vetoed the Bill, though he had voted for it, he would sustain me. He told me if his vote could have changed the result, he would have voted against it." Ibid.

² "It is because the provisions of this bill are not inconsistent with the terms of the Missouri Compromise, if extended from the Rio Grande to the Pacific, that I have not felt at liberty to withhold my sanction. Had it embraced territories south of that compromise, the question presented for my consideration would have been of a far different character, and my action upon it must have corresponded with my convictions." Message to Congress, Aug. 14, Cong. Globe, 30th Cong., 1st Sess. p. 1082.

³ On Aug. 12, Mr. Polk recorded in his Diary, the proceedings of a cabinet meeting. He said, "I expressed the opinion that if I approved and signed the bill without assigning my reasons, my opinion in regard to California and New Mexico would not be understood, and that it might be inferred that I had yielded the question in regard to the Territory south, as well as North, of the Missouri Compromise line, which would not be true." Polk's Diary, IV: 67-8

31. The break-down of old party lines.

Nothing resulted from these weeks of discussion so far as the disposal of the Mexican territories was concerned, but much had resulted in the crystallization of sentiment and in the definition of sectional lines.

There was a recognition in the closing months of this first session of the Thirtieth Congress that party lines were, at least temporarily, broken down.¹ There was but little trace of the old party divisions in the debate on the disposition of the Territories. To be sure, there was an attempt at party loyalty on the part of certain Northern Democrats indicated in the votes on the Clayton Compromise and on the Oregon Bill, but these votes were in the minority of the Northern Democratic votes cast, and the Northern Whigs stood practically unanimously arrayed against the Southern members of their party. There were no guide posts among the old party principles to point man's way through this struggle. It was the interests of one section in direct antagonism to the interest and principles of another section, and,

¹ Democratic Representative Iverson of Ga., said on July 26,- "Now what do we behold? Large masses of both political parties at the north, disregarding old associations, breaking up old political ties and party organizations, led on and headed by able and eminent men, boldly avowing this as the only element of the approaching Presidential election, and the only foundation for political preferment." App. to Cong. Globe, 30th Cong., 1st Sess. p. 962.

See also the following references to this party break-down, Democratic Representative Rhett of S. C., on June 1, Ibid. p. 656. Whig Representative Hudson of Mass., June 20, Ibid. p. 667; Democratic Senator Mason of Va., July 6, Cong. Globe, 30th Cong., 1st Sess. p. 903

when the Oregon Bill with the slavery prohibition was passed through the concessions of a few men, it is impossible to believe that all men were deceived as to the final outcome of the struggle.

CHAPTER IV.

THE ELECTION OF 1848.

1. Whig Politicians at work early in Polk's Administration.

The question of the Whig presidential candidate for 1848 was prominent in some sections in the 1847 elections. The Massachusetts Whig State Convention at Springfield proclaimed itself for Daniel Webster and General Taylor¹ was prominently mentioned in various states.²

2. Mention of Presidential candidates early in first session of Thirtieth Congress.

Early in the first session of the Thirtieth Congress General Taylor's candidacy was boldly spoken of in the halls of Congress;³ as was also the candidacy of Mr.

¹ Tribune Almanac I:33

² Ga. Whig State Convention in Apr. 1847. Niles Reg. July 10, 1847, 72:294. Whig Co. meeting in Greene Co. Pa. in Sept. 1847, Niles Reg. Sept. 25, 1847, 73:62.

Pres. Polk partly explained the defeat of the Democratic party in Tenn. on the ground that the Democratic party had been afraid to meet the Taylor feeling boldly. See the entry in P.D. for Aug. 16, 1847. III:119-20.

³ See the speeches of the following Whig Representatives: Stewart, from Pa., Jan. 11, Cong. Globe, 30th Cong. 1st Sess. p. 111; Roman, from Md., Jan. 25, App. to Cong. Globe, 30th Cong. 1st Sess. p. 216; Duer, from N.Y., Feb. 28, Cong. Globe, 30th Cong. 1st Sess. p. 397; Giddings, from Ohio, Feb. 28, Ibid p. 395.

¹ Buchanan, ² Mr. Cass, and ³ Mr. Van Buren.

Mr. Polk, throughout the Thirtieth Congress, complained that business was neglected and that the affairs of the nation were suffering because members of Congress were more interested in the business of President making than in the work of legislation. ⁴ Much of the action and many of the positions of Congressmen was attributed to politics and to political ambitions in the next campaign. Mr. Calhoun was accused of having seized upon the sectional question as a ⁵ means of lifting himself into line for the Presidency.

¹ See the speeches of Democratic Representatives: Wilnot, from Pa., Feb. 7, Cong. Globe, 30th Cong. 1st Sess. p. 306-7; Thompson, from Pa., Feb. 7, Ibid p.307.

² See the speeches of Whig Representatives: Duer of N.Y. on Feb. 28, 1848, Ibid p. 397; and Stewart of Pa., June 26, 1848, App. to Cong. Globe, 30th Cong. 1st Sess. p. 779.

³ See the speech of Democratic Representative Birdsall of N.Y., July 24, 1848, App. to Cong. Globe, 30th Cong. 2nd Sess. p. 798.

⁴ Polk's Diary for May 11, 1848, has this record - "The members of all parties seem to be more occupied in making a President than in attending to the public business." III:447.

⁵ Mr. Polk recorded in his Diary of April 6, 1847, a conversation with Judge Mason. He wrote:- "I remarked to Mr. Mason that Mr. Calhoun had become perfectly desperate in his aspirations to the Presidency, and had seized upon this sectional question as the only means of sustaining himself in his present fallen condition, and that such an agitation of the slavery question was not only unpatriotic and mischievous, but wicked." II:458.

The Democrats accused the Whigs of having only in mind the Presidential election when they adopted their policy toward the war. They said that Whigs did not wish the Democratic administration to effect a peace with Mexico because they looked to the war as the grand instrument of their success in the election.¹

Even in Mr. Polk's own cabinet, there was an aspirant for the Presidential honors. Mr. Buchanan was an active candidate for nomination by the Democratic party and his unreliability on Administration policies was a source of great annoyance to the President.²

¹ Mr. Polk wrote in his Diary on July 28, 1848:-- "If no Presidential election had been pending, I cannot doubt that the Compromise Bill (Clayton Compromise) would have passed the House. ~~XXXXX~~ The body of the Whig party desire to adjourn without adjusting the slavery question by compromise, and to leave the Territories of Oregon, California, and New Mexico without Territorial Governments, doubtless in the expectation that in the chain of accidents growing out of the excitement and agitation which must follow, that they may stand some chance to elect a Whig President." IV:34.

Again on Mar. 3, 1848, he wrote, "My suspicion is that if the Whig party in the Senate shall ascertain that a sufficient number of Democratic Senators will vote against the Treaty to constitute a majority of the nineteen required to reject, Whig Senators enough will join with him, and then attempt to cast the responsibility of the rejection upon the Democratic party. ~~XXXX~~ If the Democratic party were united in favor of the Treaty, I doubt whether a single Whig would vote against it." III:370.

Representative Rhett of S.C. said on Feb. 1, 1848:-- "A peace if effected tomorrow would be to the Whigs very far from grateful news. They look to the war as the grand instrument of their success at the next presidential election." App. to Cong. Globe, 1st Sess. p. 242.

² In Polk's Diary, under the date of Mar. 22, 1846,

3. Campaign for General Taylor.

As has been mentioned, the action in favor of General Taylor began early in 1847. He was nominated by Whig State Conventions, by Whig mass meetings, by Whig caucuses of State Legislatures, by Democratic mass meetings, by independent

is found the following:- "Within a few days past it is pretty manifest to me, that Mr. Buchanan has a disposition to be warlike. His object, I think, is to supersede General Cass before the country, and to this motive I attribute his change of tone and the warlike character of his draft of my proposed message. I think he is governed by his own views of his chances for the Presidency. It is a great misfortune that a member of the Cabinet should be an aspirant for the Presidency, because I cannot rely upon his honest and disinterested advice. I:297. See reference to Buchanan's change of opinion on the war, p. 1046-72

¹ Ga., held at Milledgeville, July 1, 1847. Niles Reg. July 10, 1847, 72:294. Md., held at Baltimore, July 28, 1847, Niles Reg. Nov. 13, 1847, 73:172. Niles Reg. for Jan. 29, 1848, states that ten state legislatures nominated Taylor. 73:339.

² A large meeting of the Whigs of the State of Ia. met at the capital on Apr. 22, 1847, and formally nominated Gen. Taylor. Quoted in Niles Reg. Apr. 17, 1847, from a letter from Ia. Cy. to the "Pennsylvania Inquirer." 72:97.

³ Ga., Dec. 22, 1847, Niles Reg. Jan. 1, 1848, 73:288.

⁴ "A "democratic" meeting at Harrisburg, Pa., recently nominated Gen. Taylor for the presidency." Niles Reg., Oct. 23, 1847, 73:126.

mass meetings,¹ and by state Legislatures.²

4. Taylor's non-committal attitude.

General Taylor's principles were a matter of great speculation. He was a soldier, not a politician, he had never taken part in politics and his position on the questions of political principle were unknown. This was one of the great Whig reasons for elevating him to the candidacy instead of Mr. Clay.³

¹ "The Raleigh Register publishes a letter of July 5, 1847 to Taylor enclosing resolutions adopted by a meeting "of the people" held on July 3 in which they nominated him for president." Niles Reg. Oct. 2, 1847, 73:79.

"The Louisville Journal says of a meeting held at Harrodsburg, Kentucky:- "it was remarkable as being a spontaneous movement of the people, in which the leaders and masses of both political parties met and united." Resolutions were passed at this meeting nominating Gen. Taylor. Niles Reg. Oct. 2, 1847, 73:79.

An "Independent meeting of the friends of General Taylor" was held in N.Y. city on Feb. 15, 1848. The resolution nominating him was as follows:- "We do, therefore, nominate Zachary Taylor, the hero of Buena Vista, as our candidate for the presidency; and we call upon the independent electors of all parties, upon all who regard the good of the country paramount to all schemes for party success, to join the ranks of the people's party, and to rally to the support of the people's candidate." Niles Reg. Feb. 19, 1848, 73:391.

² The Tenn. State Legislature nominated Gen. Taylor, Dec. 31, 1847. Niles Reg. Jan. 15, 1848, 73:320, and Jan. 29, 1848, 73:339.

³ Niles Reg. for Sept. 11, 1847 quotes an editorial of Sept. 6, 1847 from the Courier and Enquirer, published in N.Y. In it is found the following:- "But so far as a judgment upon the subject can be formed at the present time, the Whigs with Mr. Clay

General Taylor did not actively seek the nomination and so held himself aloof from any political pledges. Democrats seemed especially eager to learn where he stood on the issues of the day, but his invariable answer was "I am a Whig, but not an ultra partisan Whig, but a decided Whig."¹ In one letter, written in reply to inquiries as to his political beliefs, he said: "Should I ever occupy the White House, it must be by the spontaneous move of the people, and by no act of mine, so that I could go into the office untrammelled and be the chief magistrate of the nation and not of the party."²

as a candidate, would not have the remotest chance of success. His nomination would throw us at once upon the naked issues of 1844, and would call again into active operation all the party bitterness of which he has been the occasion and the object for the last twenty years. ~~XXXX~~ if party organizations are to be broken up,- if the great mass of the people are to be rallied to the support of one man,-it must be some man whose name has not been for years the watchword of party divisions:- who commands, by his character, and his acts, the respect and admiration of the whole country: and whom all men and all parties can support, without giving the lie to their past conduct and their past lives. If there is any such man in this country at present, it is General Taylor. That he could do it, fully and entirely, we do not venture to assert. But if he could not, no one can."

¹ See the substance of a letter written to J. R. Ingersoll of Phila., Aug. 3, 1847, in Niles Reg. Oct. 23, 1847. The editor of Niles Reg. states that he has been unable to get an exact copy of the letter. 73:126.

See the reply of Gen. Taylor to a letter of inquiry as to his principles written him in accordance with a resolution of the State Democratic Convention of Tennessee in June, 1847. Copied from Clarksville Jeffersonian in Niles Reg., Sept. 25, 1847, 73:62.

² A letter of June 9, 1847, from Gen. Taylor to Dr. Deloney of Clinton, Fla. was published in the Floridian of Aug. 7, 1847, and reprinted in Niles

But the letter from General Taylor which was accepted by the Whigs as embodying his political creed and adopted by them as containing their platform of principles was the so-called "Allison letter," written from Baton Rouge on April 22, 1848, to Capt. J. S. Allison.¹ In this letter, he declared his intention, if elected, to act independently of party domination; and according to the constitution; he also declared his belief that the veto power should be exercised by the President only in clear cases of the violation of the Constitution or in cases of manifest haste and lack of consideration upon the part of Congress.

4. Whig sentiment toward General Taylor.

There was a division on the part of Whigs as to General Taylor and his fitness for the nomination. The majority approved his non-committal attitude. They were willing to break down party lines and to ask only "Is he honest?" "Is he capable?" They hoped from this position to draw support from both parties, and they were satisfied if their candidate filled these requirements and was sound on the question of the Presidential veto.²

Reg. Aug. 21, 1847, 72:389.

¹ The letter is published in full in Niles Reg. July 5, 1848, 74:8.

² See the following editorials on Gen. Taylor's position:- Cincinnati Signal of Apr. 13, 1847, quoted in Niles Reg. July 10, 1847, 72:295; N.O. Bulletin, quoted in Niles Reg. July 10, 1847, 72:294; the Courier and Enquirer of July 6, 1847,

There were Whigs, however, who wanted nothing less than an open Whig.¹ As the New York Tribune expressed it: "A man anything short of that is sure to come out a loco loco. We want a clean Whig administration, or a loco loco rule."²

5. Other Whig candidates.

These Whigs, suspicious of General Taylor, were not agreed upon any other candidate. There were still those who endorsed Mr. Clay,³ and others who were agreed upon

quoted in Niles Reg. Sept. 11, 1847, 73:20; Baltimore American, July 16, 1847, quoted in Niles Reg. July 24, 1847, 72:335; Louisville Courier quoted in Baltimore American of July 16, 1847 and then in Niles Reg. July 24, 1847, 72:335. See the following resolutions adopted by Whig meetings:- Chester, Orange Co., N.Y., July 5, quoted in Niles Reg. July 24, 1847, 72:334; Second Congressional Dist. of La., Niles Reg. Aug. 14, 1847, 72:375.

¹ The Richmond Times said, after the publication of the Allison letter, "He states without equivocation that in no case can he permit himself to be the candidate of any party. If General Taylor adheres to this resolution, we are constrained to express an opinion, that the Whig party cannot be expected to surrender their organization and their principles, for the purpose of elevating him to the presidency." Quoted in Niles Reg. July 10, 1848, 72:294.

² Quoted in Niles Reg. Sept. 25, 1847, 73:63

³ The Democratic Whig Young Men's General Committee of N.Y., nominated Mr. Clay. Niles Reg. Sept. 25, 1847, 73:62. A Clay meeting was held at New Brunswick, N.J., Feb. 8, 1848, at which Mr. Clay was nominated. Life and Writings of Henry Clay by Sargeant & Greeley, p. 292. A large Clay meeting in Castle Garden, N.Y., on Feb. 17, 1848, nominated Mr. Clay. Ibid. A letter to the Louisville Journal, giving an account of the Whig State Convention at Indianapolis on Jan. 12, 1848, referred to the "vociferous cheering"

General Scott;¹ Mr. Webster was supported in New England,²
 and John McLean of Ohio and Senator Clayton of Delaware³⁴
 had their followers. Never had there been a campaign in
 which so many names were seriously mentioned for the
⁵
 candidacy.

whenever the name of Clay was mentioned. Niles Reg.
 Jan. 29, 1848, 73:338.

¹ A Whig meeting held on Dec. 20, 1847, at Lebanon,
 O., nominated Gen. Scott. Niles Reg. Jan. 15, 1848,
 73:320.

The letter about the Indianapolis convention,
 referred to above, mentioned the following of Gen.
 Scott,

A Whig meeting held at Harrisburg, Pa., on Jan.
 18, 1848, passed resolutions in favor of General
 Scott. Niles Reg. Jan. 29, 1848, 73:339.

² The Whig State Convention of N.H. nominated him.
 Niles Reg. Nov. 13, 1847, 73:172. He was nominated by
 the State Convention of Mass. at Springfield in Sept.
 1847. Tribune Almanac, 1848. 1:33.

³ A letter printed in the editorial correspondence
 of the Cleveland Herald for Aug. 21, 1848, favored
 him.

⁴ Mention was made of his candidacy in the National
 Intelligencer of August 5, 1848.

⁵ An editorial in Niles Reg. Jan. 15, 1848, states
 that, "Never were there half so many candidates at
 the same time before the people for the station of
 Presidential candidate. Never before were there half
 so many contradictory issues to divide and distract
 the people. The war and the object for which it shall
 be continued, the extent to which supplies shall be
 voted, the terms on which peace shall be concluded,
 the indemnity to be demanded, the future disposition
 of territory acquired, if retained, the application of
 the Wilmot Proviso, of the Missouri Compromise, the
 "no additional territory" party on one hand, the
 "whole of Mexico" party on the other, and the
 "defensible line" party, half way between. And then

6. Democratic Candidates.

The Democrats were no more agreed upon their candidate than were the Whigs. Mr. Polk had announced immediately after his election that he would not be a candidate for a second term. There had been times throughout his administration when he had been approached by Democrats upon the question of allowing himself to be renominated, but he was consistent, so far as we know, in his replies.¹ However, there seems to have been no time when his renomination was very probable. Pennsylvania was for her "favorite son,"² Buchanan, Calhoun had his supporters though he was not

again the internal improvement question, the river and harbor bill. On all these topics the great political parties of the country are divided and subdivided, and each contradictory section contrives to have a candidate representing their view, for the presidency." 73:320.

¹ See the report of an interview with Benton and Calhoun, Dec. 24, 1845, P.D. I:42; also an interview between the President and Col. R. M. Johnson of Ky. on Mar. 12, 1846, Ibid. p. 394.

² "Alleghany, Clarion, Armstrong, and Green Counties of Pa., have all elected delegates to the administration state convention that are in favor of James Buchanan, Esq. for the presidency. It is asserted that said convention will be decidedly in favor of Mr. Buchanan, and that he will receive the vote of Pa., in the national convention. A meeting to nominate Mr. Buchanan has been called at Pittsburg, signed by 1600 names." Niles Reg. Jan. 15, 1848, 73:320. "A meeting of "most of" the democratic members of the legislature of Pennsylvania took place at Harrisburg on the eve of February 2. At an adjourned meeting on the 8th, an address to the people of the United States was unanimously adopted. It is exclusively devoted to the subject of the selection of a candidate for the presidency and of

avowedly "in the race."¹ Dallas of Pa.,² Van Buren of N.Y.,³
 Benton of Missouri,⁴ and even Sam Houston of Texas,⁵ were
 mentioned.

the claim that Pennsylvania now has a long deferred pretension to have a Pennsylvania president and in recommendation of James Buchanan, "the favorite son of Pennsylvania." Niles Reg. Feb. 19, 1848, 73:393.

¹ See an editorial in the Charleston Courier of July 20, 1848, in which it was mentioned that he might draw support from certain quarters if he would consent to become a nominee for the election. Niles Reg. Mar. 20, 1847, 73:490.

² "The Phil. Sun says that the delegates, already elected to the Administration State Convention which meets at Harrisburg on the 4th of March next, stand as follows on the presidential question,--Buchanan 31; Dallas, 23; Van Buren, 2; Cass, 2." Niles Reg. Feb. 19, 1848, 73:394.

³ Ibid.

⁴ In Niles Reg. for June 12, 1847 is published a letter from W. M. Jackson to Benton notifying him of his nomination to the presidency by a democratic meeting of Howard County, Mo. on Dec. 2, 1846. Benton's reply is also given in which he declined on the ground that the nominee should be a northerner, since there had been but one northern president and he wanted to guard against sectional parties at this critical time. 72:225.

⁵ Niles Reg. Jan. 15, 1848, stated that meetings were taking place in Texas in favor of Houston for president. 73:320.

President Polk was discreet in his attitude toward all candidates, but his choice seemed to lean toward General Cass of Michigan.¹

General Cass was not nominated by any meeting until early in 1848, when the Ohio Democratic State Convention formally put him into the field.² From this time on, he was a prominent candidate of the Democratic party.

7. Mr. Cass' position.

Mr. Cass was in an extremely delicate situation. He was a Northern man, a man from the Northwest territory where slavery had never existed, and yet he was a Democrat, and in order to win the Democratic nomination must receive the sanction of the Democrats in the slave holding states of the South. He had voted against the Wilmot Proviso in the Twenty-ninth Congress and he had promised President Polk to work against its attachment to a treaty of peace with Mexico.³ This attitude was consistent with his popular sovereignty doctrine. This doctrine gave him middle ground upon which to stand in his attempt to retain the union between northern and southern Democrats.

¹ He wrote in his Diary, Feb. 10, 1848:- "The truth is that Gen'l. Cass has given to my administration an honest and hearty support, and if he is the nominee I will support him with great pleasure. There is no other whom I would support with more pleasure." III:354.

² See an editorial in Niles Reg. Jan. 15, 1848, 73:320.

³ See the entry for Dec. 23, 1846 in P.D. II:297.

This position was openly avowed in his so-called Nicholson letter, written on January 8, 1848, to Mr. Nicholson of Nashville, Tennessee.¹ In this letter, written before the peace with Mexico, he held, as he did in Congress, that Mexico should give territorial indemnity to the United States. He threw the burden of decision as to the extent of this indemnity upon the President,^{and he concurred with the President} in his view that the surest and speediest means of peace were in the vigorous prosecution of the war. He leaned toward the Calhoun doctrine in the matter of Congressional legislation for the people of the Territories and expressed his sentiment as to the subject of slavery in the Territories, thus:- "I am in favor of leaving it to the people of any territory, which may hereafter be acquired, the right to regulate it themselves, under the general principles of the Constitution." He also expressed the Southern view that the extension of slavery would not increase, but only diffuse the slaves. And then he set forth the opinion that slavery would never be profitable in New Mexico and California and would never become seated there. This letter was clearly an unequivocal one and yet because of the unsettled state of mind which existed in the country at the time, no candidate who did not in some way straddle the issue could hope to win.

¹ This letter was published in Niles Reg. Jan. 8, 1848, 73:293.

8. Feeling against the National Nominating Convention.

During the early months of the campaign of 1848, there was a rebellion against the National Nominating Convention. There was dissatisfaction in some quarters with the work of past conventions; then there was a fear to subject the question which was the one foremost in the public mind, the sectional question - to political conventions. An additional reason, given by Whigs, for not wanting a convention was that it was unnecessary because General Taylor was already nominated in the minds of the people.

However, on January 24, 1848, the Democratic members of Congress met to consider the question and adopted a resolution that it be recommended to Democrats throughout the Union that such a convention be held May 4, at Baltimore.

On February 3, a like meeting of the Whigs of Congress was held for the same purpose and it was decided to recommend to the Whigs throughout the country that a National Whig nominating convention be held on June 7, in Independence Hall, Philadelphia.

¹ See the editorial in the N.Y. Mirror quoted in Niles Reg. Oct. 2, 1847, 73:79. See also the resolutions of the citizens of Plaquemine, La. Jan. 8, 1848, Niles Reg. Jan. 28, 1848, 73:338.

² See a Washington letter in the N.Y. Journal of Commerce, quoted in Niles Reg. Nov. 13, 1847, 73:173.

³ See the Washington letter above referred to. Also the resolutions of a meeting held in Chester, Orange Co., N.Y., Niles Reg. July 24, 1847, 72:334.

⁴ See a notice of this meeting in Niles Reg. Jan. 29, 1848, 73:339.

⁵ See a notice of this meeting in Niles Reg. Feb. 12, 1848, 73:384.

9. General Taylor Recommended by Native Americans

The first National Convention held in the campaign of 1848 was that of the Native Americans, held as early as September, 1847, in Philadelphia. This convention nominated General Henry Dearborn of Massachusetts for Vice-President and recommended, though it did not formally nominate, General Taylor for President.¹

10. Liberty Party.

The Convention of the Liberty Party met in November of the same year at New York.² The Liberty Party was the same as the Abolition Party, distinct,³ of course, from the Garrisonian party of non-voters.

11. New York State Democratic Convention.

The most important state election of delegates to the National Democratic Convention took place in New York.

In the State Convention of September, 1847, a split was made in the party over the Wilmot Proviso. The Barnburners withdrew and decided to hold a convention of their own in February.⁴

On January 26, 1848, the Hunkers held a convention at

¹ See a report of this convention in Niles Reg. Sept. 25, 1847, 73:62.

² Editorial in July number of "Young America," the National organ of the National Reform Association, quoted in Niles Reg. July 10, 1847, 72:295.

³ An article explaining the difference was quoted from "Young America," in Niles Reg. July 10, 1847.

⁴ Life of Silas Wright by Jenkins, p. 191.

Albany, at which they appointed a full delegation to represent the Democracy of New York at Baltimore in May.¹

On February 16, the Barnburners held their convention at Utica and they also elected a full delegation to the National Convention.²

12. Instructions to Democratic Delegates.³

The Democratic State Conventions of Ohio, Michigan,⁴ Indiana,⁵ instructed their delegates for General Cass. Many states left their delegates uninstructed.

The State Convention of Pennsylvania instructed its delegates to vote for Mr. Buchanan, but named as its second choice General Cass.⁶ This was a pretty good indication of their lack of faith in the success of their favorite son. When the convention assembled, while Mr.

1 Life of Silas Wright by Jenkins, p. 191.

2 Ibid

3 Niles Reg. Jan. 15, 1848, 73:320.

4 Ibid Feb. 19, 1848, 73:393

5 Ibid Jan. 29, 1848, 73:338

6 Ibid Feb. 12, 1848, 74:10

Cass seemed to have good chances for the nomination, the outcome was by no means certain.

13. The Democratic National Convention.

The Democratic Convention met on May 22, instead of
May 4, as originally called, at Baltimore.¹

The first work to come before the Convention was the decision as to how New York with her two sets of delegates should be represented on the credential committee and it was decided that she should not be represented, but that the Committee should make investigation as to the validity of the claims of legitimacy of both delegations. It was finally decided to admit both delegations with the privileges of full participation in the proceedings of the Convention and that they should be authorized to cast seventy-two votes - the whole number of delegates claiming seats-and that the vote of every other state be relatively increased, but both delegations declined to vote under this arrangement.

Mr. Polk sent a letter to the Convention, at the opening of its sessions, declaring himself not to be a candidate for renomination.

It was the fourth day of the convention when nominations for President took place. On the first ballot,

¹ See the Proceedings of the Democratic National Convention as reported for the Washington Union, given in Niles Reg. Aug. 2, 1848, 74:67, and Nov. 22, 1848, p. 324.

General Cass received one hundred and twenty-five votes, Mr. Buchanan, fifty-five, Mr. Woodbury, fifty-three, Mr. Dallas, three, Mr. Worth, six, Mr. Calhoun, nine. On the second ballot, Mr. Calhoun dropped out, and on the third, Mr. Dallas' name was also dropped. On the fourth and final ballot, Mr. Cass received one hundred and seventy-nine votes, Mr. Buchanan, thirty-three, Mr. Woodbury, thirty-eight, Mr. Worth, one, and Mr. Butler of Kentucky, three. All of the nominees were opposed to the Wilmot Proviso and all but Messrs. Worth, Calhoun, and Butler were Northerners, so there was little choice except on personal grounds.

On the evening of the fourth day, Mr. Forman of Georgia, offered resolutions that the Hunker delegates from New York be received as the legitimate representatives of the Democracy of New York and that the Convention repudiate the Wilmot Proviso, but these resolutions were not adopted.

On May 25, the fifth and last day of the Convention, the platform was adopted. This platform was practically the same as the Democratic platform in 1844 with some additions. It expressed a trust in the "intelligence, patriotism, and the discriminating justice of the American people." It expressed disapproval of internal improvement and the Bank on the grounds of unconstitutionality. It expressed approval of the President's conduct in relation to Mexico and the war and gave praise for the administration of Mr. Polk in general. The only mention of slavery in the

whole platform was the plank brought over from the last campaign, which expressed the belief that Congress had no Constitutional right to interfere with slavery in the states where it existed.

Mr. Yancy of Alabama offered a resolution that an additional plank be added to the platform expressing the sentiment of the Convention to be in favor of non-interference with the rights of property of any portion of the people of the United States, whether, in the States or in the Territories; but this resolution was rejected by a vote of thirty-six to two hundred and sixteen. All of the affirmative votes were from southern states, but a majority of the southern delegates voted against it. Some of them explained their negative votes on the ground that the resolution was unnecessary, but, of course, the reason for the negative votes was the desire to avoid the sectional issue.

¹ The words of Democratic Representative Lahm of Ohio in the first session of the 30th Cong. is expressive of the hopes of most Democrats. He said:-
 "And now I tell the Democracy of the South, and the Democracy of the North, that if the convention, which is soon to assemble, will avoid all interference with the subject of slavery, either by resolution or address, there will be no difficulty in the Democratic party; and, whether the nominee be a proviso or anti-proviso man, the Democracy of the West, at least, I have full confidence, will present an unbroken front to his support." Mar. 29, Cong. Globe, 30th Cong. 1st Sess. p. 553.

Democratic Senator Johnson from Ga., in a speech in Congress on July 7, quoted from speeches in the Baltimore convention by the following

14. Instructions to Whig Delegates.

The following Whig State Conventions either instructed their delegates to their National Convention in Philadelphia to vote for Gen. Taylor, or else adopted enthusiastic resolutions favoring him:- Pennsylvania,¹ Georgia,² Louisiana,³ Iowa,⁴ Indiana, Alabama,⁴ New Hampshire and Massachusetts⁵ delegates were instructed for Webster, and many states which did not formally instruct their delegates had, in one

delegates: Moore of Ala. and Strange of N.C., to prove that the 7th plank in the Democratic platform - that relating to non-interference of Congress with slavery in the states and declaring that "all efforts of the abolitionists or others, made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most dangerous and alarming consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by a friend of our political institutions" - committed the Democratic party to a policy of non-interference by Congress with the subject of slavery in any form. App. to Cong. Globe, 30th Cong. 1st Sess. p. 891.

¹ See the report of the convention in Niles Reg. Apr. 17, 1847, 72:112.

² See the report of the state convention in Niles Reg. July 10, 1847, 72:294.

³ See the report of the State Convention in Niles Reg. Feb. 19, 1848, 73:394.

⁴ See the reports of these conventions in Niles Reg. Jan. 29, 1848, 73:338.

⁵ See foot note 2 on this subject above on p.189

way and another,¹ given expression to their approval of General Taylor. It did seem certain, at the assembling of the Philadelphia Convention, that Gen. Taylor would receive the nomination.

15. Whig National Convention.

The Whig National Convention met in Philadelphia on June 7, as called.² Delegates were present from all the states except Texas and the Louisiana delegates were instructed to vote for them. The vote in the convention on allowing the Louisiana delegates to thus vote was a test of General Taylor's strength in the Convention because it was known that the Louisiana delegates were strong Taylor men. When it came to a vote the request of Texas was granted without a division.

Balloting for presidential candidates began on the second day. On the first ballot General Taylor received one hundred and eleven votes, Mr. Clay, ninety-seven; General Scott, forty-three; Mr. Webster, twenty-two, Mr. McLean, two; and Mr. Clayton, four. On the second ballot, Mr. McLean's name was dropped and on the last ballot, Mr. Clayton's. Four ballots were necessary to nominate General Taylor. On the first ballot, however, General

¹ See the footnotes 1,2,3,4 on p.184 and 1, 2 on p.185.

² See the Proceedings of the National Whig Convention as reported in Niles Reg. Nov. 29, 1848.

Taylor had some votes from every state except eight and these were mostly the New England States, who supported Mr. Webster and Mr. Clay. On the fourth ballot, he received at least one vote from every state. Milliard Fillmore of New York received the nomination of Vice-President on the first ballot. The nominations were both made unanimous. The Whigs adopted no party platform.

Both of the great political parties got through their National Conventions without a split because they ignored the subject of slavery in the Territories. The non-committal attitude was also expressed in the nominations of each party. The Democratic nominee, having taken an equivocal position upon the question, and the Whig nominee having maintained a discreet silence.

This is an indication of the growth of sectionalism and the attempt to avert its work in the disintegration of parties; but it is an equally strong indication that sectional parties had not yet been formed. The public mind was not yet made up; the sections were not yet divided by a definite line; else it would not have been possible for the parties to avoid taking a stand upon this all important question. See above.

16. The Free Soil Party.

But there was to be a third party in the field which was to be unafraid of the sectional issue. On June 22nd and 23rd, the Barnburners of New York whose representatives had withdrawn from the Baltimore ^{convention} held a state convention

at Utica. Delegates from Connecticut, Ohio, Massachusetts and Wisconsin also joined in this convention and Martin Van Buren of New York and Henry Dodge of Wisconsin were nominated, for the Presidency and Vice-Presidency.¹ Mr. Dodge declined the nomination and supported Mr. Cass.²

The platform of this Convention was long and unmistakable in its attitude toward the question of slavery in the Territories.³ It stood for Congressional prohibition of slavery in all Territories and it denounced the Clayton Compromise as a surrender to the South. It inscribed on its banner - "Free Soil, Free Speech, Free Labor, and Free Men." This was the birth of the Free Soil party.

17. Other Anti-Slavery meetings.

The month of June saw other anti-slavery meetings. On June 2, the Liberty League held a convention at Rochester, New York, which nominated Gerrit Smith of New York for president and Rev. Charles Foote of Michigan for vice-president.⁴ There was also a Free Territory mass convention held at Columbus, Ohio, which recommended that a national

¹ Life of John A. Dix by Morgan Dix. p. 108.

² See the card published by him, announcing his declination, in the Washington Union and reprinted in Niles Reg. July 5, 1848, 74:19.

³ To be found quoted in Goodell's "Slavery and Anti-Slavery, p. 100.

⁴ See a report of the meeting in Niles Reg. July 5, 1848, 74:8.

convention be called at Buffalo for August 9 to nominate candidates for the presidency and vice-presidency. This convention pledged itself to support no candidate for any state or national office who was not pledged to support the Wilmot Proviso.¹

18. Van Buren and Adams Nominated.

On August 9, the Buffalo convention met. It was composed of all elements hostile to the extension of slavery. There were delegates from every free state and also from Maryland, Virginia and the District of Columbia, representing those who wanted a peaceful and gradual extinction of slavery. This convention nominated Martin Van Buren for president and Charles Francis Adams for vice-president.²

19. Attitude of northern Democrats toward Taylor and Van Buren.

Northern Democrats attacked both General Taylor and Mr. Van Buren. They claimed that the former was a mere automaton in the hands of the Whig politicians, they saw clearly through the nomination of him instead of Mr. Clay whose Whig doctrines were well known and they felt sure that the non-slave holding interests had nothing to hope from him.³

¹ See a report of the meeting in Niles Reg. July 5, 1848, 74:8.

² See a report of the meeting in Niles Reg. Aug. 16, 1848, 74:109.

³ The following is from an editorial in the Cleveland Plain Dealer for Aug. 9, 1848:- "The Whigs are going for Martin Van Buren as the surest means of defeating Cass. XXX They do not expect to elect Mr. Van Buren. Not at all! And rather than Cass should be elected they will

They claimed that Mr. Van Buren was only a disgruntled Democrat who, because he had not been recognized by that party had set out to ruin it.¹ They had no faith in his

vote for Taylor, or what amounts to the same thing in their opinion, nominate Van Buren, and draw off so much of the Democratic vote on him as to make Taylor's election sure. They had rather the next election would be in Southern hands than not, for every such Administration builds up more rapidly than by any other means, this great Northern party of which they are to be the acknowledged leaders. "Old Zack they know, if elected, will be entirely in the hands of Southern men. His administration would be in defiance of the Northern movement and it will use its entire power and patronage to put down this free sentiment of the North."

See also the editorial in the Plain Dealer of Aug. 16:- "It appears then that northern Whigs are to depend entirely on the non-use of the veto power by Gen. Taylor, to carry these northern measure, the Wilmot Proviso and such like. The South are supporting him on precisely opposite grounds. Somebody is to be taken in most woefully. Which stands the best chance, North or South?"

See also the editorial for Nov. 1848 in Dem. Rev. 28:382.

¹ "In the anti-Taylor Whig convention resolutions complimenting Martin Van Buren, Jno. P. Hale, and Joshua R. Giddings, were adopted! There's a beautiful trio! Martin Van Buren, whom the Whigs have so often denounced as a northern man with Southern principles, the supporter and successor of the man they have so often denounced as a military chieftain, Jno. P. Hale, the abolition candidate for the Presidency, and Giddings a ranting fanatic! Mr. Van Buren's bitter personal resentments and grudges have procured him some delightful associates - another step will throw him into the open arms of Garrison, Abbey Kelley & Co." The above is an editorial in the Plain Dealer, July 7, 1848.

See also the editorial in the Dem. Rev. mentioned above. Also the editorial for Sept. 1848, Ibid 22:93.

See also a speech of Democratic Representative Birdsall of New York, on July 24, 1848. App. to Cong. Globe, 30th Cong. 1st Sess. p. 798.

1
anti-slavery principles.

They accepted Mr. Cass' non-interference doctrine as
2
their political creed and appealed to northern Democrats to
leave any decision as to constitutionality to the Supreme
3
Court and to foresake Free Soil.

But southern Democrats waivered between a northern
4
Democrat and a southern Whig. It was hard to foresee which
would best consider the slave interests of the South. Some
northern Democrats, feeling this uncertainty, worked zealous-
ly for southern support of their candidate. They prophesied

1 An editorial in the July 11, 1848, Plain Dealer under the caption:- "Why we cannot vote for Mr. Van Buren" - quotes the declaration made by Mr. Van Buren in 1836 that he would never give his constitutional sanction to any bill abolishing slavery in the District of Columbia against the wishes of the slave-holding states. The Plain Dealer feared that this vow would still hold good.

See editorial in the Worcester, Mass. Paladium, a Democratic paper, in which Van Buren is greatly suspicioned for his change of principles. Quoted in the Plain Dealer of July 12, 1848.

2 Writing of the agitation in Congress in favor of the Missouri Compromise, the editor of the Plain Dealer said:- "The South are foolish to persist in this measure now. It is heaping up wrath vs. the day of wrath for them. Its tendency is to blend all parties in the North vs. them; and should the measure pass at this session, there would be no resisting the tide that would overwhelm them in the next Congress. Every Representative from a free State would be pledged to Repeal!"

Again, such a law, besides its injustice and inexpediency, would be clearly uncautious according to Gen. Cass' doctrine. ~~XXXXX~~ Gen. Cass we believe contends that there is sovereignty enough in Territorial Government to abolish Slavery, and this is all the difference between his views and those of the Judge on this subject." July 10, 1848. See also the editorial in Dem. Rev. for Nov. 1848, 23:403.

3 See the above editorial for Nov. in Dem. Rev.

4 "Yancey of Ala. in a card in the Charleston

that General Taylor would have to be a Whig on the principles of Free Soil and that, if he was, his patronage would be exerted against all slave-holding interests. They also rang the changes on the support which northern Democrats had given the southern wing of the party and now appealed to them for an equal good faith.¹ Other northern Democrats did not seek the support of the southern wing of the party so much as the support of all northerners. They emphasized the fact that Cass would not make concessions to slave-holders.²

20. Whig support of Taylor.

A majority of the Whigs loyally supported the candidates of their party, but there were a few who felt that General Taylor's candidacy was a cowardly act on the part of the Whig party. Mr. Clay could not be reconciled to support this "no-

Mercury, bases his opposition to Gen. Cass upon his unreliaiblenss on the slavery extension doctrine, upon which he, Yancey would insist even to the ultimate of dissolution. This is his great ground of dislike. He also states as an objection of force generally at the south, that the Gen. is "now an advocate of a corrupting system of internal improvement." Plain Dealer, July 7, 1848.

¹ See the November 1848 editorial in the Democratic Rev. 23:390.

² An editorial in the Plain Dealer for Aug. 22, 1848, read thus:- "Every day brings us new subscribers from the South. XXXXXX From a friend we learned the character of these southern subscribers. They are Taylor Whigs who want to show to their democratic friends the free soil articles in this paper, by way of convincing them that Gen. Cass is a Free Soil man. Well now, gentlemen subscribers of the south, you who will read this very article; let us say to you in all candor and frankness, if you want to support a slavery propagandist - vote for Gen. Taylor, Gen. Cass is not your man! Were he so, the Plain Dealer would not support him." P.D.Aug.22,1848.

The St. Louis Union (Dem.) is quoted in the Plain Dealer for Aug. 8, 1848:- "There are not many men in this country who do not deprecate the existence of slavery, in principle. With such men the south has no quarrel nor complaint. It is with those fanatics who seek unjustly, unconstitutionally, forcibly, and without regard to expediency to assail the institutions of the South, and with those who oppose state equality, that all friends of the Union have to contend. Gen. Cass, like most men in this country, would prefer, perhaps, that the slave institution had never existed here; but as it is here, he thinks it should be treated as a practical subject, guaranteed by the constitution and resting with the states where it exists - to do with it as they please, without interference from the Federal Government, or from non-slave holding states. He stands on the constitution and its compromises, opposed to all assaults upon either of them. He has dared to meet the question as a patriot - boldly and plainly. Not so has Gen. Taylor done. He continues to dodge the question."

party"¹ candidate, and from some northern quarters came this same complaint and consequently the Free Soil ^{and Democratic} party received the support of some northern Whigs. Many Massachusetts and New York Whigs were among this number.²

21. Election of Presidential electors.

This was the first year when all the states voted on the same day for Presidential electors³ and all but South Carolina

¹ Letter from Clay to Jas. Harlan of Aug. 5, 1848, said:- "It is mortifying to behold that once great party (Whig) descending from its lofty position of principles known, avowed, and proclaimed principle, and leading itself to the creation of a mere personal party with a virtual abandonment of its old principles." Clay's Works ed. by Colton. III:91.

In a letter from Mr. Clay to the Louisville Committee, June 26, 1848, he refused to endorse Gen. Taylor's nomination. Clay's Works III:90. See also a letter from Mr. Clay to Nicholas Deane, written Aug. 24, 1848. Private cor. of Henry Clay ed. by Colton, p. 572.

² The following resolution was passed by a Whig meeting in Natick, Mass.:- "Resolved, That the Whigs of Natick are not so far degraded as to give the lie to all our past professions; to acknowledge ourselves ~~knives~~ hypocrites and slaves and fools for the sake of a Whig victory; and we do therefore repudiate the nomination of Zachary Taylor and will do our utmost to defeat his election." Quoted in Plain Dealer July 7, 1848.

A letter from Thos. B. Stevenson of N.Y. to Thos. Corwin, of O., on June 29, 1848 said:- "If Whig principles be not an issue, at least the question of excluding slavery from new territory is a present, practical, living issue, paramount to Whig principles, even if they were not dead or dormant; and why, then, in such a state of facts, should we not go for Van Buren, an affirmative representative of this living, imminent, paramount, practical question, in preference to one who, in the best view we can take of him, is only less exceptional than Cass." Clay's Works III:475.

A letter from Willis Hall of N.Y. to Mr. Clay, written on June, 1848, said: "The Whigs in this quarter everywhere are joining the Barnburners, ready to make the slave question the great issue in the future. The next Presidential election will turn upon that point. A Barnburner will be elected. The Whig party, as such, is dead." Private Cor. of Henry Clay, p. 563.

The Seneca Co. N.Y. Courier (Whig) is quoted in the Plain Dealer of July 7, 1848:- "We shall not support Gen. Taylor, 1st. Because his nomination is not binding upon the Whigs of the north. He never agreed to abide by the decision of the convention, and, therefore, can claim no such submission from others. 2nd. He is not a Whig. He has pretended to be so unacquainted with political matters as to be unable to form opinions upon the great questions that have agitated the public mind. He accepted nominations from the Native American and Locofoco conventions, with evident satisfaction; and refused to promise his support to the nominee of the Whig convention. 3rd. The convention which nominated him, rejected a resolution declaring that no one but a Whig, who would pledge himself to carry out Whig principles, should be nominated. 4th. Because that convention virtually voted down the resolution declaring opposition to the extension of slavery to be a Whig principle. 5th. Because, Gen. Taylor was nominated on account of his loyalty to the interests of slavery."

"At a recent democratic 'flag raising' in Trenton, N.J., among the speakers was Geo. C. Collins of Phil., heretofore an active and prominent Clay Whig, who openly renounced Taylorism. Mr. Collins is an adopted citizen and around that he could not support any man identified as the Whig candidate was, with nativism - nor any party which entertained such a contempt for the popular intelligence as he saw exhibited at Phil." Quoted from Detroit Free Press, in Plain Dealer for July 13, 1848.

The N.Y. Tribune printed a list of fifty Whig journals which hesitated or flatly refused to give support to Taylor. This list was copied in the Albany Argus and from that paper in the Plain Dealer July, 1848.

³ Niles Reg. Sept. 27, 1848, 74:206.

voted directly for the electors. South Carolina still chose hers through her State Legislature.¹ The election took place on Nov. 7.

General Taylor received a plurality of 139,555 votes. His pluralities came from the following states: Massachusetts, Connecticut, Rhode Island, Vermont, New Jersey, Delaware, New York and Pennsylvania, in the north, and Georgia, Kentucky, Louisiana, Maryland, North Carolina, Tennessee² and Florida, in the south.

Gen. Cass' pluralities came from Illinois, Indiana, Iowa, Maine, Michigan, New Hampshire, Ohio, and Wisconsin, in the

¹ Niles Reg. Sept. 27, 1848, 74:206.

² In Georgia 51½% of the votes cast went for Taylor; the other 48½% went for Cass. In the election of 1844 the Whig vote had been only 49% of the votes cast.

In Kentucky, Taylor received 57½% of the votes cast and Cass received 42½%. This was an increase of 2½% over the Whig vote for Henry Clay four years before.

In Louisiana, the Whig vote was 54% of the total votes, as against 49% in the previous presidential election.

Maryland gave the same percentage of Whig votes - 52% - to Taylor, as she had given to Polk.

In North Carolina the Whigs had a gain of 2% over the 1844 election; they polled 54% of the votes cast in 1848.

In Tennessee the 1844 Whig vote had been 50% and in 1848, it was 52½%.

Florida had been admitted since the last presidential vote had been cast, but she gave 63% of her small vote to Gen. Taylor.

North, and Alabama, Arkansas, Mississippi, Missouri, Texas,
and Virginia in the South.¹

The total vote for Taylor in the South was 428,221;
for Cass, 404,086.

In 1844 Clay had received 345,422 Southern votes and
Polk had received 405,178.

More Southern votes went for Taylor, the slave-holder,
than for Cass, the "northern man with southern principles."
The reason was unmistakable - the majority of the slave-
holders hoped for favor from the man who shared their
interests; and since the Whig party was not bound by an
anti-slavery platform, it is not strange that southerners
felt that the greatest safety for them lay in the presidency
of Taylor.²

¹ Of course, Texas had been admitted since the
election of 1844, her vote for Cass was large - 70%
of the total vote cast.

The other southern states that gave Cass
pluralities were traditional Democratic states, but,
in every instance, the Democratic vote was less than
it had been in 1844, as the following table will
show:-

	1844	1848
Ala.	59%	50-2/3%
Ark.	64%	55%
Miss.	56-2/3%	50-2/3%
Mo.	57%	55%
Va.	53%	50%

These percentages as well as those for Taylor
have been worked out from Stanwood's History of the
Presidency.

² The Alabama Journal - the Taylor Whig organ at
Montgomery - thus announces the action of the Whig
national convention:- "Glorious News - the Union
Preserved,- Repudiation of the Wilmot Proviso by the
Whig Convention. - The friends of the South, as well
as the friends of the Union, will learn with inex-

22. Feeling of northern Democrats about the election.

Northern Democrats could not forgive the southern Democracy for their desertion in this election. Sectionalism received a great impetus from Taylor's victory. Northern Democrats felt that the South would never support a northern candidate and the South had already had more than its share¹ of presidents.

pressible satisfaction that the Whig convention Promptly Met The Question Of The Wilmot Proviso And Repudiated A Resolution Adopting That Doctrine At Once By An Overwhelming Majority. It Would Not Touch The Unclean Thing. XXXX They Dared To Stand Up And Meet This Firebrand Of Unprincipled Factionists, boldly - to cast it out of their convention in the teeth of those infuriated fanatics - and declared that it was no part and should be no part of the Whig creed. We congratulate the Southern Whigs, who have never appealed to the fidelity, honor, patriotism, and generosity of their northern Whig brethren in vain."
Quoted in Plain Dealer, July 8, 1848.

¹ The following is an editorial from the Plain Dealer of Nov. 17, 1848:- "The sixteenth presidential election is over and the democratic party are beaten, badly beaten. Of the sixteen presidential terms, the Whigs have had four, the Democrats twelve - of the sixteen presidential administrations the south have had thirteen, the north three. XXXX Only one northern Democrat was ever elected to the office of president. Only one northern democratic administration against ten southern. Such selfishness in the South is without excuse. XXX the Democratic party north have helped the Democratic party south to ten administrations. The Democratic party south have helped the democratic party north to but one administration - Mr. Van Buren's; and if he had not been endorsed by a southern president (Old Hickory) as a good enough southern man the Democratic party north would never have had a president at all."

CHAPTER V
THE SECOND SESSION

1. The Second Session of the Thirtieth Congress compared with the First Session.

When Congress reassembled on December 4, 1848, there were no changes in its composition, but there was a great change in the circumstances under which it met. There were many things of importance to come before it, but the question still considered to be of greatest importance was the one bequeathed from the last session--the disposition of the Territories acquired from Mexico. One great element in the discussion which was present in the first session was absent in the second, and this was the Presidential campaign. The result upon the Presidential election no longer had to be considered in the debates by either Party.

2. Freedom of debate on the Slavery Issue.

The absence of this consideration was in nothing more noticeable than in the discussion of the slavery issue. In the previous session, while the discussion had been frank, there had been a constant effort in certain quarters to conciliate the sections and to disguise the issue so as to avert the break-up of parties. In the second session, there was little of this; while there was an occasional plea for caution in order to put off the crisis,¹ there was a general sentiment, especially in the

¹ Democratic Senator Yulee of Fla., said on Jan. 22,-

South, and particularly among Democrats, in favor of a free discussion of the subject in order that each section might know the worst about the other.¹ This sentiment came out particularly

"Any attempt to introduce language of insult, of reproach, and of indignity into the communications which may be made by sovereign States should be met and repulsed at once, and that, too, because it may lead to equally recriminative missives in return from the assaulted States. A prompt denial of admission to such language is the only means of diverting consequences which can only precipitate the crisis to which all men must fear we are but too rapidly approaching." Cong. Globe, 30th Cong., 2nd Sess. p. 313.

When Democratic Senator Walker of Wis. introduced his plan for extending the Constitution of the United States over the Territories acquired from Mexico on Feb. 20th, he said, - "There are questions which have heretofore been agitated, and there may be others which may arise in this discussion. But, sir, if my voice can have any weight--if my opinions are worthy to be heard, I would speak in terms of admonition to those who are disposed to agitate these subjects. I would suggest to them at least to be modestly silent, and, if possible, give the amendment their support." Ibid. p. 561.

Democratic Senator Downs of La., when giving his minority report in favor of the Douglas bill on Jan. 9, said, - "I cannot give up all hopes of conciliation and harmony. But I have strong, serious forebodings of evil, that are every day increasing. I see the danger afar off. I see the position which my section of the country must take when that event shall come. But I believe that we should use every means and put forth every exertion to avert the crisis. While I am thus situated, I wish my position, and the position of my section of the country to be understood. I wish it not to be left in doubt, but to be so plain that it may be read on the heavens, so that when that crisis, with its dreadful consequences, shall come, no one can say that every means of conciliation was not exhausted which could prevent it. I shall not be partial to this or to any scheme of compromise. I have concurred cheerfully in two others heretofore, and I will concur in a dozen others, if they are all reasonable, fair, and proper." Cong. Globe, 30th Cong. 2nd Sess. p. 194.

¹ Democratic Senator Mason of Va., expressed the typical Southern attitude on the subject at the 2nd session, when he said on Jan. 22, - "I desire that these resolutions and all others of a kindred stock, which came from States where slavery now no longer exists, should be reported to the Southern States in the language in which they are uttered. It is

in the discussions over the printing of resolutions from various State Legislatures in the North, instructing their Senators and requesting their Representatives in Congress, to work for the organization of Territorial Government in New Mexico

time that we understood each other.**** This question is thickening upon us every day. We can shut our eyes to it no longer." Cong. Globe, 30th Cong., 2nd Sess. pp. 311-12.

Democratic Senator Foote of Miss. said on the same day,- "I think it better that we should enable our constituents to know the worst, and to provide for it." Ibid. p. 310. Senator Foote had worked in the previous session to arrest the agitation of the subject, and that with the avowed purpose of keeping the Democratic Party intact. See speech on June 1, 1848, App. to Cong. Globe, 30th Cong., 1st sess. p. 692. Others who expressed the same sentiment were,- Senators:- Underwood, Whig from Ky., Jan. 10, Ibid. p. 206; King, Democrat from Ala., Jan. 22, Ibid. p. 313; Butler, Democrat from S. C., Ibid; Berrien of Ga., Ibid; Democratic Representative Robinson of Ind., on Dec. 18, after having said that, on the ground of expediency, he had, in the last session and in the election, gone for non-interference on the subject of slavery, and having referred to the action of the South in the last election, said,- "What course, then, remains for the Northern Democracy--those who have taken the ground of non-interference? They could not, if they would--and, for one, I would not, if I could--now keep this question out of these Halls; and, it being here, legislation being inevitable, and there being no retreat, you cannot expect us to go otherwise than for the non-extension of slavery, even, if you please, to the supererogation of putting the ordinance of 1787 into any bill that may be brought forward to organize the territories." Cong. Globe, 30th Cong. 2nd, Sess. p. 53. Democratic Representative Venable of N. C. said on Feb. 26, "It ought to be discussed, however, it may agitate, because it lies at the bottom of all the deeply fearful matters which now fester in the hearts, and alienate the affections of our people." App. to Cong. Globe, 2nd Sess. p. 161. Democratic Representative Turner of Ill. expressed a growing sentiment among Northern members also, on Feb. 23,- "But have we offended in discussing this question? Why, the Constitution expressly guarantees the right of speech and the liberty of the press. I understand it to be an inherent right of American citizenship to assemble together, to discuss, to

and California, in which slavery should be prohibited.¹

Another evidence of the sentiment in favor of free discussion was the oft repeated threat of disunion which came from Southern Congressmen,² and sometimes in allusions made by

argue, to publish, to do everything to disseminate truth, and even falsehood." Cong.Globe,30th Cong.,2nd Sess. p.589.

¹ Such resolutions were presented from the Legislature of New York on Jan. 22, Cong.Globe,30th Cong.,2nd Sess. p.309; of Wis. on February 26,Ibid.p.594;New Hampshire on January 22nd, Ibid.p.320;Mich. on Feb.3, Ibid.p.438; R.I. on Mar. 1, Ibid.p.624; resolutions upholding the Calhoun doctrine, passed by the State Legislature of Va., S.C. and N.C. were presented in the Senate;Va.Feb. 5, Ibid.p.440;S.C., Feb. 6, Ibid.p.456; N.C.Mar.1, Ibid, p.624.

² The following references will indicate the many allusions made by Southerners to the dissolution of the Union. See the speeches made by the following:-Senators,- Downs, Democrat from La., Jan. 22, Cong. Globe, 30th Cong., 2nd Sess.p.315; Foote, Democrat from Tenn., Feb. 23, App. to Cong. Globe, p. 263; Mason, Democrat from Va., Jan. 22, Cong. Globe,30th Cong.,2nd Sess. p. 316; Rusk, Democrat from Tex.,Jan. 22, Ibid. p. 312; Yulee, Democrat from Fla., Jan. 22, Ibid. p. 313; Westcott, Democrat from Fla., Jan. 19, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 175. The following Representatives threatened disunion:- Hilliard, Whig from Ala., Jan. 24, Cong. Globe, 30th Cong., 2nd Sess., p. 350; Wallace, Democrat from S.C., Feb. 12, Ibid. p. 520; Turner, Democrat from Ill.,Feb. 23, Ibid. p. 588; Houston, Democrat from Ala.,Feb. 26, App. to Cong. Globe,30th Cong.1st Sess. p. 179; Venable, Democrat from N.C.,Feb. 26, Ibid. p. 163; Democratic Senator Downs expressed fully the attitude of Southern members in debate on this subject of dissolution, in a speech, made on Jan. 22. He said,- "I only wish to state that there is danger of this Union; that its foundations are shaken; and that they may probably fall, and I believe they certainly will fall, if the people who have been dealing these blows so fast so heavily do not cease the agitation of this subject. We ask nothing on our part. XXXX If it is a fact that slavery is so odious that the people of the north cannot longer remain with us, as true men, as men of honor, let them say so at once, and separate peaceably, and pursue their ways quietly and unmolested, and not remain with us, reaping nearly all the advantages of the institution and bestowing on us all the blame. We should suffer greatly no doubt, by the separation, but we should go on as well as we could." Cong.Globe,1st Sess.pp.315-16.

members from the Northern States.¹ As a rule, however, the North looked with no concern upon these threats, but held the Union to be of too firm a character to be dissolved even by this struggle.²

3. The Southern caucus.

In January, there was an alarming expression of this sentiment for free discussion among the Southerners. On December 21, the House of Representatives passed a resolution offered by Mr. Gott of New York³, instructing the Committee on the District of

¹ Whig Representative Wilson from N. H. said on Feb. 16, "I would sooner see, not only the dissolution of the Union, but the dissolution of the universe as well, than to see slavery extended one sixteenth part of an inch further." App. to Cong. Globe, 30th Cong., 2nd Sess. p. 196. Democratic Senator Walker of Wis. said on Feb. 24,- "I must confess I am pained when I turn my eyes to the North and see the City of Boston now becoming the nurse of that black demon Fanaticism, which would hurl it, scathed and mangled, into the abyss to ruin.***** I believe, if there is danger of dissolution, it is at the North." Ibid. p. 269.

² The Northern attitude was well expressed by Senator Douglas of Ill. on Jan. 22. He said,- "I do not believe this question endangers this Union. I believe this Union is too strong to be endangered by the mere expression of an opinion, rash and violent though it may be, either from the North or from the South." Cong. Globe, 30th Cong., 2nd Sess. p. 314. See also the following speeches:- Senators,- Niles of Conn., Jan. 22, Ibid. p. 317; Dayton of N. J., Feb. 23, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 257; Representatives,- Thompson of Ky., Feb. 17, Ibid. p. 96; Root of Ohio, Jan. 24, Cong. Globe, 30th Cong., 2nd Sess., p. 350; Palfrey from Mass., Feb. App. to Cong. Globe, 30th Cong., 2nd Sess. p. 317.

³ The following resolution was offered by Mr. Gott on Dec. 21;- "Whereas, the traffic now prosecuted in this metropolis of the Republic in human beings, as chattels, is

Columbia to report a bill prohibiting the slave trade in that District.¹ This vote caused great excitement among the Southern members of Congress, and a caucus of Southern members was called for December 23 to determine upon the proper action to be taken. In compliance with this call, sixty-nine members met in the Senate Chamber on the evening of the twenty-third. Through the efforts of Representative Stephens of Georgia, no action was taken at this meeting except the appointment of a Committee of one from each State to report upon the whole subject at an adjourned meeting to be held on January 15th. The Committee, as appointed, was composed of Calhoun of S. C., Clayton of Delaware, King of Alabama, Foote of Mississippi, Downs of Louisiana, Atchison of Missouri, Rusk of Texas and Borland of Arkansas; and of the following Representatives:- Stephens of Georgia, Chapman of Maryland, Bayly of Virginia, Venable of North Carolina, Morehead

contrary to natural justice and the fundamental principles of our political system, and is notoriously a reproach to our country throughout Christendom, and a serious hindrance to the progress of republican liberty among the nations of the earth: Therefore, Resolved, That the Committee for the District of Columbia be instructed to report a bill, as soon as practicable, prohibiting the slave trade in said District." Cong. Globe, 30th Cong., 2nd Sess. p. 83. This resolution was carried by the vote of 66 Northern Whigs and 35 Northern Democrats, as against 43 Southern Democrats, 32 Southern Whigs, 12 Northern Democrats and 1 Northern Whig.

¹ Cong. Globe, 30th Cong., 2nd Sess. p. 84. The House decided, on January 10th, to reconsider this vote. Ibid. p. 216.

of Kentucky, Gentry of Tennessee, and Cabell of Florida.¹ Mr. Stephens was afterwards made Chairman of the Committee.²

Mr. Calhoun was a moving spirit in this action.³ President Polk heartily disapproved of the whole movement⁴ and he was aided by many Southerners in his attempt to break it up⁵, but with

¹ Niles Register, Dec. 27, 1848. N. R. 74: 410 and Ibid. Jan. 24, 1849, Ibid 75: 49.

² The official report of the proceedings of the Southern Convention published in Niles Reg. Feb. 7, 1849, N. R. 75:84. No reports were allowed at the meetings of the caucus, but this report was given out by the Secretary.

³ He was the Chairman of the Special Committee of five which prepared the address.

⁴ The entry in Polk's Diary for Jan. 17, 1849, includes the following:- "I told Mr. Calhoun that I was for preserving the Union and its harmony and opposed to any movement, in Congress or out of it, which might tend to disturb it; and that I thought members of Congress had better exert their energies to settle it in Congress, than to agitate the slavery question in caucus out of Congress. I expressed to him the opinion that if Southern members would unite, it might be settled at the present session upon the plan suggested by Mr. Douglas." Polk's Diary, IV: 289.

⁵ The entry in Polk's Diary for Jan. 15, 1849, records a conversation with Representative Thomas of Tenn., and Post Master General Johnson. He wrote,- "I expressed to (them) my opinion that such a meeting could result in no good, and advised Mr. Thomas not to unite in signing any address, as I had advised the three referred to who called on me last night (Messrs. Houston of Ala., and Cobb and Lumpkin of Ga.) Both Mr. Johnson and Mr. Thomas concurred with me in my views.**** I remarked that I thought the sober minded democrats, such as the gentlemen who called on me last night, and Mr. Thomas, might attend to-night in order to prevent mischief from being done. I advised that no address of any kind be signed. In these views, after I had presented them, Mr. Johnson and Mr. Thomas concurred. They left me, Mr. Johnson saying that he would visit the Capitol today for the purpose of seeing some of our prudent Southern Democratic friends with a view to induce them to take the course I had advised.**** Mr. McLane declared his resolution

no success. Between the first*meeting on December 23, and the final adoption of the Address to Southerners on January 13, there were seven recorded meetings of the Committees and of the caucus,¹ and Mr. Benton referred to them as "nightly meetings

to sign no address.**** He announced his intention to attend the meeting tonight for the purpose of making known his views and giving his reasons for declining to sign any address." Polk's Diary IV: 283. In a meeting of the General Committee of the caucus on Jan. 13, when the address was under consideration, Representative Chapman of Md. offered the following resolution,- "Resolved, That, in the opinion of this Committee, it is inexpedient at this time for any address to be published by the representations of the slave-holding States, or that any action should be adopted apart from that of our proceedings in the respective Houses of Congress." Those who voted affirmatively on this resolution were, Messrs. Cabell, Clayton Chapman, Morehead, Gentry, Rusk, and Stephens. The Official Report of the Proceedings of the Southern Convention published in Niles Register, Feb. 7, 1849, N. R. 75:84.

In the caucus of Jan. 15, Mr. Clayton moved to lay the whole matter on the table. Ibid. Whig Representative Donnell of N. C. gave his reason for not joining in this movement, in a speech in Congress on Feb. 19, he said,- "I am proud to be able to say that I never fraternized with, or took 'lot or part' in the recent movement known as the Southern Convention. It is due to my constituents that I should state briefly my reasons.**** I had been an admirer and an enthusiastic supporter of General Taylor for the Presidency. Believing that the present Administration had involved us in our present difficulties by the blind pursuit of its own aggrandizement, and that General Taylor was the 'man for the times', I had devoted whatever humble ability I had to his election. I had represented to my constituents my conviction that he was imbued with national principles; that his heart was as true to his country as was his own tried blade; and that under his administration, I believed the interests and the honor of the whole country would be safe. I could not be so untrue now to myself as to announce to my constituents upon the eve of his inauguration, that their rights were in danger, and I did not believe it". App. to Cong. Globe, 30th Cong., 2nd Sess. p. 239.

¹ ~~See~~ the report of the convention published in Niles Reg. Feb. 7, 1849. 75:84

of large numbers from the slave States."¹ The result of all this was the adoption in this caucus on Jan. 13, 1849, of an Address to The People of the United States.²

This address may be found in Niles Register;³ it was long and comprehensive of the so-called Northern aggressions against the South,⁴ covering three pages of that periodical.

When the address was adopted by the caucus, it was left with the Secretary of the caucus for those to sign who wished to do so.⁵

¹ Benton's "Thirty Years View" II: 733. Benton would naturally make it out as badly as possible for the caucus, since Calhoun was its leader.

² The address was originally for Southerners. See the address as reported from the Special Committee in the Official Report, Niles Reg. 75: 84. In the meeting of the Committee on Jan. 18, Mr. Berrien moved to change the title to address it to the people of the United States from the individuals signing it. Ibid. p. 86.

³ Niles Register, February 7, 1849, N. R. 75:84.

⁴ The purpose of the address was given as a sort of preamble to the document, in the following words,- "The object of this address is to give you a clear, correct, but brief account of the whole series of aggression and encroachment upon your rights, with a statement of the dangers which expose you. Our object in making it is not to cause excitement, but to put you in full possession of all the facts and circumstances necessary to a full and just conception of a deep seated disease, which threatens great danger to you and the whole body politic. We act on the impression that, in a popular government like ours, a true conception of the actual character and state of a disease is indispensable to effecting a cure."

⁵ Official Proceedings published in Niles Reg., Feby. 7, 1849. N. R. 75:86.

Only forty-eight out of the one hundred and seventeen Southerners, members in Congress, signed;¹ of these but two² were Whigs, that party choosing to await the developments of the new administration.³

¹ Va. Hunter, Mason, Atkinson, Bayly, Beale, Bedinger, Bocoock, Brown, Meade, Thompson; N. C. Daniel, Venable; La. Downs, Harmonson, LeSere, Morse; Texas. Pillsbury, Kaufman; Ark. Borland, Sebastian, Johnson; Tenn. Turney, Stanton; S. C. Butler, Calhoun, Burt, I. E. Holmes, Rhett, Simpson, Wallace, Woodward; Ga. Johnson, Iverson, Haralson; Fla. Yulee; Mo. Atchison; Ala. King, Fitzpatrick, Gayle, Bowdon, Harris, Inge; Miss. Jefferson Davis, Foote, Tompkins, Brown, Featherstone, Jacob Thompson. Calhoun's Works, Craille Ed. VI: 312

² Gayle of Alabama and Tompkins of Mississippi.

³ On Jan. 22, Representative Toombs of Georgia wrote to Crittenden, about the caucus, thus:- "We have completely failed Calhoun in his miserable attempt to form a Southern party. We found a large number of our friends would go into the wretched contrivance and then determined it was best to go into ourselves and control the movement if possible. We had a regular flare-up at the last meeting, and at the call of Calhoun, I told them briefly what we were at. I told him that the union of the South was neither possible nor desirable until we were ready to dissolve the Union. That we certainly did not intend to advise the people now to look any where else than to their own government for the prevention of apprehended evils. That we did not expect an Administration which we had brought into power would do an act, or permit an act done, which it would become necessary for our safety to rebel at; and we thought the Southern opposition would not be sustained by their own friends in acting on such an hypothesis. That we intended to stand by the Government until it committed an overt act of aggression upon our rights, which neither we nor the country ever expected to see. We then, by a vote of forty-two to forty-four, voted to recommit his report. (We had before tried to kill it directly but failed) We are opposed to any address whatever, but the Democrats will probably outvote us tonight and put forth the one reported, but it will have but two or three Whig names." Coleman's "Life of J. J. Crittenden" I: 335, 336. Quoted in Foot Note in Von Holst II: 421

Northerners were greatly excited over this action on the part of the Southerners. Horace Mann, Whig Representative from Massachusetts, wrote from Washington on January 15,- "There is great commotion here in political matters. Tonight the Southern Convention, called to see what measures the South will take on the subject of slavery, is to meet. An address has been prepared by Mr. Calhoun which is said to be in the highest degree inflammatory. It is thought here, by many of the most intelligent men, that Mr. Calhoun is resolved on a dissolution of the Union."¹

Supporters of the caucus and its Address claimed that there was no treasonable motive in the promotion and no traitorous words spoken in the meetings.² They justified its work by its result, which they claimed was to bring some Northern members to moderation.³ However this may be, it was an ominous sign--this blotting out of parties in the elevation of sectionalism in which one half of the country was raised in antagonism against the other half.

¹ Life of Horace Mann, p. 273.

² See the speech of Senator Foote of Miss. in Congress on Feb. 23. App. to Cong. Globe, 30th Cong. 2nd Sess., p. 264.

³ Mr. Polk recorded in his Diary on Jan. 25, 1849, a conversation with Representative Rhett of S. C. He wrote,- "He said the meeting of Southern members had already made some of the Northern members begin to back." Polk's Diary, IV: 309.

4. Greater union among Democrats and Whigs at the North.

Another result of the absence of the influence of the Presidential election was the slightly greater union of Northern Democrats with Northern Whigs in the votes on the sectional question.¹ This betrayed a disappointment on the part of Northern Democrats at the large Southern vote for General Taylor in the last election. They felt that the Southern Democrats had played them false.²

¹ In the 1st session the prominent sectional votes had been on the Clayton Compromise, the Missouri Compromise, and the Oregon Bill, including the Wilmot Proviso. In the Senate, on the Clayton Compromise, there were seven Northern Democrats who voted with the Southern Democrats. Cong. Globe, 1st Sess. p. 1002. On the Mo. Compromise amendment in the Senate seven Northern Democrats voted in the affirmative. Ibid. p. 1061. On the Clayton Compromise in the House, twenty-one Northern Democrats voted with a majority of the Southerners against laying it on the table. Ibid. p. 1007. On the Oregon Bill, there were eleven Northern Democrats in the House who voted, with the Southerners, against it. Ibid. p. 1006. On the Missouri Compromise amendment made by the Senate to the House Oregon Bill, there were four Northern Democrats in the House who voted for it. Ibid. p. 1062. In the 2nd. Sess. the prominent sectional votes were on the Walker amendment and the House Bill for California, including the Wilmot Proviso. In the Senate, on the Walker amendment, there were six Northern Democrats who voted with the Southerners for the bill. Cong. Globe, 2nd Sess. p. 595. And in the House, eight Northern Democrats. Ibid. p. 662. On the House Territorial Bill, there were seven Northern Democrats who voted against it in the House. Ibid. p. 609.

² See the question from Representative Robinson given under foot note 2, p.216.

Representative Stuart of Mich., said on Dec. 27,-
 "I beg leave to state my position on this subject. In doing so, I do not assume to state what the position of the North is; but I can state what I believe it to be--and that

5-A. Question whether the Thirtieth Congress should legislate for the Mexican Territories.

It was a question at the opening of the session whether the Thirtieth Congress should deal with the organization of Territorial Government for California and New Mexico, or whether that duty should be left over for the new President and Congress to deal with. The attitude of Taylor toward the question of slavery in these Territories was a matter of speculation, but it was the opinion in certain Democratic quarters that he should deal with the question and also that the sense of the people

is, a fixed and unalterable determination to preserve the territories of the United States, so far as related to the institution of slavery, in the same condition in which we received them.**** This is the public sentiment of the North, and this is the extent of that sentiment.**** But I would ask, how has this sentiment on the part of the Democratic party of the North been responded to? The returns of the late elections showed that twelve Southern States (excluding in this computation the State of South Carolina, which elected by her Legislature, and excluding, also, Florida and Texas, which in 1844 were not admitted into the Union) had increased their aggregate vote something less than twenty-four thousand. General Cass did not receive in these twelve States as many votes by nearly fifteen thousand as Mr. Polk received in 1844; while General Taylor in the same States received about ninety-three thousand votes more than Mr. Clay. Was this because the South was not satisfied with the candidate whom the Democratic party had selected? They have on this floor avowed otherwise. The same avowal has been repeated throughout the Southern States. The candidate of the Whig party was a Southern man--a man born and educated in the South--associated with its peculiar institutions; and that reason, and that alone, overrode every other consideration.*** I beg to say that the history of the last few years in this country has absolved every Northern man from every political tie connected with this institution, and has left him fully at liberty to act according to the dictates of his own conscience." Cong. Globe, 30th Cong., 2nd Sess. pp. 106-7

should be taken in a new election before it was decided.¹ Whigs, however, had no desire that this question should go over to embarrass the incoming Administration.²

6. The President's message.

Half of the President's message, laid before Congress on December 5,³ was devoted to the results of the Mexican War, to the carrying into effect the treaty of Gaudaloupe Hidalgo, and to the subject of Territorial Governments for California and New Mexico.

He pointed out the various extensions of territory since his inauguration. It included the annexation of Texas, the settlement

¹ Mr. Robinson, Democratic Representative from Ind., said on Dec. 18, that he thought it would be very improper for a defeated party, like the Democracy, to take this question out of the hands of the successful party. Whatever the legislation might result in, he thought the question should be remitted to them. Cong. Globe, 30th Cong., 2nd Sess. p. 53.

² Whig Representative Thompson of Ky., said on Feb. 17,- "The friends of the incoming Administration, anxious for its success and its popularity, cannot feel otherwise than an ardent wish that that Administration could commence its career disembarassed of these territorial difficulties. Left as open questions, the mode of their settlement, their very settlement itself, however made, may harrass that Administration and disaffect its friends. To the predetermined opponents of that Administration, to cover their factious purpose, there is the pretense that these matters of right moment, in all their vastness of responsibility and intricacy of adjustment, should be left to the management and upon the shoulders of those whom the people have selected to conduct their affairs." App. to Cong. Globe, 30th Cong., 2nd Sess., p. 95. See also the speech of Whig Representative Hunt of New York on Jan. 24. Cong. Globe 30th Cong., 2nd Sess. p. 348.

³ Cong. Globe, 30th Cong., 2nd Sess. p. 3.

of the Oregon boundary, and the acquisition of New Mexico and California. He quoted from the report of the Commissioner of the General Land Office to show that this territory contained 1,193,061 square miles, while the area of the remaining twenty nine States, and the territory not yet organized into States east of the Rocky Mountains, contained 2,059,513 square miles, making the territory recently acquired more than one half as large as all that was held by the United States before the acquisition. The United States was now estimated to be nearly as large as the whole of Europe.

He referred to the recent discovery of gold in California and the change which it had occasioned in affairs in that Territory. He emphasized the need of bringing both New Mexico and California under the control of regularly organized governments if the greatest results from the acquisition of these Territories were to be obtained. He explained that upon the exchange of ratifications with Mexico in the preceding May, the military government established over them, by virtue of the right of war, had ceased; and reminded them that he had at once called upon Congress to provide Territorial Governments for these Territories, but that Congress had adjourned without making any such provision. Since then the President had used what power he possessed to keep the people in these Territories from anarchy. He had retained the military government there as a de facto government, and some additional forces had been sent.

In referring to the cause of the failure of Congress to

organize these Territories, he said,-

"It is our solemn duty to provide with the least possible delay, for New Mexico and California, regularly organized Territorial Governments. The causes of the failure to do this at the last session are well known and deeply to be regretted. With the opening prospects of increased prosperity and national greatness which the acquisition of these rich and extensive territorial possessions affords, how irrational it would be to forego or reject these advantages by the agitation of a domestic question which is coeval with the existence of our Government itself, and to endanger by internal strifes, geographical divisions, and heated contests for political power, or for any other cause, the harmony of the glorious Union of our confederated States; that Union which binds us together as one people, and which for sixty years has been our shield and protection against every danger. No patriot would foment and excite geographical and sectional divisions."

Again he said,- "In view of the high and responsible duties which we owe to ourselves and to mankind, I trust you may be able, at your present session, to approach the adjustment of the only domestic question which seriously threatens, or possibly ever can threaten, to disturb the harmony and successful operation of our system."

The President's advice to Congress was to provide a Territorial Government for these Territories in a spirit of compromise. It seemed to him unfair for one section to exclude the other when the Territories had been won by the combined efforts of all parts of the Union.

It seemed certain that in most of the newly acquired territory, slavery would never exist, ~~in any part of it~~. However, he said that the question should not be disregarded because it involved the principle of equality of rights of equal co-partners in the Confederacy. He stated that there was no obligation upon Congress to legislate on the subject of slavery in these Territories and that such legislation was of no importance because it could be effective only so long as the Territories should

remain in a territorial state.

Polk expressed his preference ~~was~~ for the extension of the Missouri Compromise line as a settlement of the difficulty and he disapproved of the restriction of slavery in all Territories because that would be an arbitrary settlement and no compromise.

However, though he preferred the Missouri Compromise settlement, he was willing that the whole subject should be referred to the Judiciary, following the Clayton Compromise plan, and if such should be the case, it would be the duty of all sections to abide cheerfully by the decision. Congress was, by the President, "earnestly invoked" to adjust this question of slavery in these Territories "if not in some one of the modes suggested, in some other way which may be satisfactory."

The President further asked that the revenue laws of the United States be extended over these Territories, as there was already, owing to the gold discoveries, much commerce with California and no revenue could be received.

He also recommended to the attention of Congress the necessity for appropriating the moneys necessary to carry into effect the treaty with Mexico.

7. The attitude of the people of New Mexico and California toward slavery

On December 13, Senator Benton of Missouri, presented to the Senate a petition from the people of New Mexico which had been

sent to him and Senator Clayton.¹ This petition purported to be from the people of New Mexico, assembled in convention, to Congress, and it prayed for a territorial government, that there should be no dismemberment of New Mexico in favor of Texas, and that Congress should protect them from domestic slavery while they remained in the territorial stage. It was signed by the president of the meeting, Jose' Martinez, the secretary, J. M. Giddings, and ten others. There was much objection on the part of Southerners to this petition, claiming that it was insulting in language and suspicioning its validity.²

Whether or not this petition represented the sentiment of the inhabitants of New Mexico, we have ample evidence in the newspapers of California that the people of that territory greatly desired to remain free from the institution of slavery.³

¹ A copy of this petition is given on p. 33 of the Cong. Globe, 30th Cong., 2nd. Sess.

² See the speeches of Senators Westcott, Democrat from Fla., Dec. 13, Cong. Globe, 30th Cong., 2nd Sess. p. 34; Foote, Democrat from Miss., Dec. 13, Ibid. p. 37; Rusk, Democrat from Tex., Jan. 22, Ibid. p. 312; Downs, Democrat from La., Jan. 9, Ibid. p. 194.

³ The "California Star" for Mar. 25, 1848, published the following editorial:- "The simple recognition of slavery here would be looked upon as a greater misfortune to the territory than as though California had remained in its former state, or were at the present crisis abandoned to its fate.**** We would, therefore, on the part of 99/100 of the population of this country, most solemnly protest against the introduction of this blight upon the prosperity of the home of our adoption." Quoted in a foot note in Von Holst's Constitutional History of the U. S. III:413. The "Californian" of Oct. 11, 1848, said:- "We believe we echo the sense of the country when we assert that slavery is neither needed nor desired here, and that if their voice

8. Uncompromising attitude of both North and South.

There was little prospect from the first, that the Territories of New Mexico and California would fare any better at the hands of the second session of the Thirtieth Congress than of the first; and, in some instances, those who had been willing to compromise in the previous session now stood firmly for the limit of their claim. Many Northerners were committed to accept nothing less than the Wilmot Proviso in the Territorial Bills,¹ and as many Southerners were equally committed against

could be heard in the halls of our National Legislature, it would be as the voice of one man, 'rather than put this blighting curse upon us, let us remain as we are, unacknowledged, unaided.'" Quoted in a foot note in Von Holst's Constitutional History of the U. S. III:413.

¹ Democratic Representative Robinson of Indiana, said on December 18,- "I voted at the last session against the insertion of the Wilmot Proviso in the Oregon bill, and I would have voted to strike it out of a bill organizing governments for New Mexico and California; but I will not now vote to strike it out.**** I will at any time vote for organizing these Territories with the Wilmot Proviso extended over them." Cong. Globe, 30th Cong., 2nd Sess. pp 54-5

Others who stood uncompromisingly for the Wilmot Proviso in the second session were:- Whig Representative Root from Ohio, January 24, Cong. Globe, 30th Cong., 2nd Sess. p. 349; Rockwell of Conn., February 17, App. to Cong. Globe, 30th Cong., 2nd Sess., p. 235; Mullin from New York, Feb. 26, Ibid. p. 312; Palfrey from Mass., February 26, Ibid. p. 315; Democratic Representative McClelland of Michigan, February 17, Ibid. p. 138.

Democratic Senators:- Niles of Conn., February 26, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 285; Dix of New York, February 28, Ibid. p. 291.

The following Northern Democratic Representatives who had voted against the Wilmot Proviso in the first session voted for it in the second session:- Brodhead of Pennsylvania, Ficklin, McClernand and Richardson of Ill., Robinson and Wick of Indiana.

it.¹ The North saw clearly that whatever was the status of the Territories, free or slave, such would be the character of the constitutions under which they would become States.²

Most Southerners, in this session, as in the previous one, held that the Wilmot Proviso could not be incorporated in a Territorial Bill because it was unconstitutional to prohibit slavery in the Territories,³ and most Northerners as strongly

¹ Whig Representative Thompson of Ky., said on Feb. 17,-- "I am against the incorporation of the Wilmot Proviso in any bill of organization of territorial governments, because I see for it no necessity." App. to Cong. Globe, 30th Cong., 2nd Sess., p. 97.

See also the speeches of,-- Democratic Representative Venable of N. C., Feb. 26, Ibid. p. 161.

² Democratic Representative Smart said on Jan. 24,-- "But suppose you form governments and neglect to enact the Ordinance of 1787, what will be the consequence? I answer, you will protect the colonization of slavery for a period of more than fifteen years. Should this course be pursued, what will finally be the result? A brief allusion to the State of Missouri will disclose. That State remained under a territorial government seventeen years, during which time slavery was slowly colonized; and after a desperate struggle, it came into the Union a slave-holding State, regretted, I am inclined to believe, by a majority of its intelligent population at the present moment." Cong. Globe, 30th Cong., 1st Sess. p. 354. Similar opinions on the subject were expressed by Democratic Representative McClelland of Mich., Feb. 17, App. to Cong. Globe, 30th Cong., 1st Sess. p. 136; Whig Representative Balfrey of Mass. Feb. 26, Ibid. p. 314.

³ The doctrine was first stated in this session by Mr. Calhoun on Dec. 13, Cong. Globe, 30th Cong., 2nd Sess. p. 33. Other expressions of it were by Representatives: Beale, Democrat from Va., Jan. 29, Ibid. p. 390; Crisfield, Whig from Md., Feb. 17, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 231; Meade, Democrat from Va., Feb. 27, Ibid. p. 606. Democratic Senator Foote of Miss. Dec. 13, Ibid. p. 37; Democratic Senator Hunter of Va., Feb. 5, Ibid. p. 440; Democratic Senators: Houston from Texas, Feb. 26, Ibid. p. 178; Yulee of Fla., Feb. 19, Ibid. p. 175; Westcott of Fla., Ibid.

combated this Calhoun doctrine.¹ The North supported their argument in favor of the constitutionality of legislating slavery out of the Territories by referring to the almost unanimous Southern vote of the last session on the Missouri Compromise amendment to the Oregon bill;² but the South once more vindicated their theory by explaining that the Missouri Compromise, whenever supported, was supported as a compromise, and was in no way a surrender of the Southern constitutional claim.³

Southerners who still refused to accept this doctrine were Democratic Senator Benton of Mo., Dec. 13, Cong. Globe, 30th Cong., 2nd Sess. p. 34, and Whig Representative Buckner of Ky., Feb. 19, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 225.

¹ See the speech of Democratic Senator Niles of Conn. on Jan. 22, Cong. Globe, 30th Cong., 2nd Sess. p. 317.

² Democratic Representative Stuart of Mich., said on Dec. 27, - "It has been frequently urged upon this floor that Congress has no power to prohibit the extension of slavery into the Territories of New Mexico and California. Is this so? Gentlemen from the South, with a unanimity not exhibited on any other question, voted at the last session for a law which excluded slavery in these Territories north of 36°30'. Now I am unwilling to believe that gentlemen of such distinguished ability, great experience, and unquestionable probity, having sworn to support the Constitution of the United States, would ever consent to vote for a law which in their hearts they believed to be unconstitutional. And if Congress possessed the power to exclude slavery north of that line, it is difficult to see why they might not also exclude it throughout the Territories." Cong. Globe, 30th Cong., 2nd Sess. p. 107. See also the speech of Democratic Representative Smart of Me., Jan. 24, Ibid. p. 351.

³ Democratic Representative Beale of Va., said on Jan. 29, - "The amendment containing the Missouri Compromise embodied emphatically the distinct assertion that it was offered as an amendment to the bill as a compromise." Cong. Globe, 30th Cong., 2nd Sess. p. 390

The North was rapidly coming to the point of suspicion of all compromise bills.¹ Mr. Smart of Maine charged the South with urging the Missouri Compromise, not alone, nor even primarily for the sake of the provinces already acquired from Mexico, but with a view to future acquisitions of territory.²

Southern Democrats did not support the doctrine of popular sovereignty in this session any better than they had supported it in the Presidential election. In fact, this doctrine, so far as it applied to Territorial Governments, played little part in the debates of the second session. To be sure, it was adhered

¹ Democratic Representative Smart of Me. expressed in direct words, on Jan. 24, what many Northerners expressed in their votes or implied in their speeches. He said,—"There is one rule of arithmetic which I was compelled to commit to memory when a boy, that is best understood by gentlemen who have presented 'these compromise bills.' I allude, sir, to the rule which is defined by Nicholas Pike to be 'the showing how many different ways any given numbers of things may be changed.' Under this rule one question is put to ascertain in how many different positions a given number of men can sit at a table. Supposing there to have been one black man among these persons, would it not be amusing to see them changing places at table every day, to convince the landlord that the black man had gone? Change as they might, still the black man would be there. So, if these bills, the negro changes position in each one of them; but still the negro may be seen in them all." Cong. Globe, 30th Cong., 2nd Sess., p. 354. See the speech of Whig Representative Palfrey from Mass., Feb. 26, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 314.

²"The Missouri Compromise line, and all the 'Compromise Bills', that have been introduced, are urged upon Congress, by some at least, I think, with a view to future acquisitions, where the soil is indisputably rich enough to sustain the rude and uninformed culture of slaves." Speech made on January 24, Cong. Globe, 30th Cong., 2nd Sess. p. 353.

to by some Northern Democrats,¹ but it was not the subject of any scheme which was seriously considered for the organization of the Territories under consideration.

9. Slavery with reference to the climate.

The old claim, that the climate of New Mexico and California would forbid the introduction of slavery there, was again advanced,² but Northerners denied this claim,³ and Senator Foote,

¹ Representative Sawyer of O. wanted to strike out the 12th section of the House California Territorial Bill, which was the Wilmot Proviso, because he believed in the doctrine of popular sovereignty. Feb. 27, Cong. Globe, 30th Cong., 2nd Sess. p. 605. Representative Murphy of N. Y., introduced an amendment which was based on the principle of popular sovereignty. Feb. 27, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 606. Representative Birdsall of N. Y., and Representative Greene of Mo. declared themselves on Feb. 27, for popular sovereignty; Mr. Birdsall, Cong. Globe, 30th Cong., 2nd Sess. p. 607; and Mr. Greene, Ibid. Senator Dickinson of New York spoke in favor of it on Feb. 28, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 297.

² Whig Representative Buckner of Ky., said on Feb. 17, - "In my opinion, slavery can never be planted in these Territories.*** Their soil, climate, and agricultural productions forbid the profitable employment of negro slaves." App. to Cong. Globe, 30th Cong. 2nd Sess. p. 223.

³ Democratic Representative Smart of Maine, said on Jan. 24, after having quoted from descriptions of the country given in certain periodicals, "The man who relies upon soil and climate to keep slavery out of these Territories, in my opinion, has not informed himself in relation to them, or is willing that it should go in." Cong. Globe, 30th Cong., 2nd Sess. p. 353. See also the speeches of Democratic Representative McClelland of Mich. Feb. 17, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 136, and of Democratic Representative ^{Murphy} of New York, Feb. 17, Ibid. p. 101.

himself a Southerner, said that the adaptation of slave labor, to the mining operations "would result in the acquisition of pecuniary profits not heretofore realized by the most successful cotton and sugar planters of the country."¹

10. The controversy as to whether slaves were property.

The old constitutional question was also re-argued--as to whether or not slaves were constitutionally recognized as property. The South again cited the fugitive slave and taxation provisions to prove that they were so considered;² while the North quoted the same fugitive slave provision to prove that they were different from other property and property only under municipal law.³

¹ Speech of February 23, App. to Cong. Globe, 30th Cong., 2nd Sess., p. 262.

² These constitutional provisions were quoted by Whig Representative Crisfield of Maryland in his speech of February 17, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 227.

³ See the speeches of Democratic Representatives:- Lahm of Ohio, February 17, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 108; Stuart of Michigan, February 26, Ibid. p. 178, and of Whig Representative Wilson of New Hampshire, December 29, Cong. Globe, 30th Cong., 2nd Sess. p. 125.

11. Northern reasons for the organization of New Mexico and California as free Territories.

The Northerners, for the most part, used the arguments of the last session for the organization of free Territories out of California and New Mexico. Those arguments may be briefly summarized as follows:-

1. Territories should be organized free or slave, according to the status of the territory when acquired by the United States.¹

2. To make an equitable distribution of slave and free territory it was necessary that slavery should be excluded from this territory.²

¹ Democratic Representative Stuart from Mich. said on Dec. 27,- "I beg leave to state my position on this subject. In doing so, I do not assume to state what the position of the North is; but I can state what I believe it to be, and that is, a fixed and unalterable determination to preserve the territory of the United States, so far as relates to the institution of slavery, in the same condition in which we received them. If they were slave-holding territories at the time they came into the Union, as in the case of Florida, Louisiana, and Texas, let them remain so. If non-slave-holding, as in the case of New Mexico and California, let them remain so. This is the public sentiment of the North, and this is the extent of that sentiment." Cong. Globe, 30th Cong., 2nd Sess. p. 106. See also the speech of Democratic Representative Bridges of Pa., Feb. 17, App. to Cong. Globe, 30th Cong., 2nd Sess., p. 152.

² Democratic Representative Smart of Me., gave, on Jan. 24, the following statistics:- The area of Texas was 397,000 sq. mi.; of California and New Mexico, 526,078 sq. miles, making an aggregate area of 923,078 sq. mi. A division according to population would give 554,513 sq. miles to freedom and 380,565 sq. mi. to slavery. Should the line of 36° 30' be adopted 659,000 square miles would be given to slavery and only 264,000 sq. mi. to freedom. Cong. Globe.

3. The United States had promised, before the termination of the war, that when peace was made these countries should decide for themselves what should be their forms of government.¹

4. The people of these territories wanted them to be organized as free Territories.²

5. If these Territories were free they would furnish a place of refuge for the poor freemen of both North and South.³

30th Cong., 2nd Sess. p. 352. See also the speech of Democratic Representative McClelland of Mich. Feb. 17, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 235.

¹ Democratic Representative Smart of Me. said on Jan. 24, "We said to the Mexican people, during the Mexican War, that when peace should be made, they might decide for themselves their own form of government.***Shall we present ourselves to the world in the attitude of disregarding our pledges to the weak and defenceless people we have conquered?" Cong. Globe, 30th Cong., 2nd Sess. p. 354. See also the speech of Democratic Representative McClelland of Mich., Feb. 17, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 137.

² Democratic Representative Smart of Me. said on Jan. 24, "Is it not remarkable that any one should want to force slavery upon these people, who have so strong an aversion to it?" Cong. Globe, 30th Cong., 2nd Sess. p. 354. See also the speech of Whig Representative Greeley of N. Y., Feb. 26, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 248.

³ Democratic Representative Smart of Me. said on Jan. 24, "The prohibition of slavery is a question of pure interest to the non-slave holders of the North and South. The Territories of California and New Mexico, if preserved free, will furnish a place of refuge for the industrious and enterprising poor of the old States of the Union. When they find themselves fettered by their unequal conditions, and the oppression of wealth, they will gladly flee to that far off land." Cong. Globe, 30th Cong., 2nd Sess. p. 352. See also the speech of Whig Representative Palfrey of Mass. Feb. 26, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 313.

6. If they were organized as slave Territories, the free laborers would be excluded.¹

7. If the conquest of territory by the United States was to be stopped, slavery must be excluded from acquired territory.²

8. If New Mexico and California should be organized as slave Territories, there would be danger of another war with Mexico because of the temptation to slave holders to acquire more slave territory.³

¹ Democratic Representative Jenkins of New York, said on Feb. 17,- "No one will contend that the labor of the free-man and the slave can be carried on together. Why banish the free laboring man of the South from this field of our acquisitions." App. to Cong. Globe, 30th Cong., 2nd. Sess. p. 100. See also the speech of Whig Representative Palfrey of Mass., Feb. 26, Ibid. p. 313.

² Whig Representative Mullin of N. Y., said on Feb. 26,- "If this system of annexation is to be stopped, if we do not desire to see our eagles carried triumphant over the whole continent, we must prohibit the existence of slavery in acquired territory." App. to Cong. Globe, 30th Cong., 2nd Sess. p. 310.

³ Democratic Representative Smart of Me. said on Jan. 24,- "If slavery be excluded from these Territories, while propogandists might be willing to provoke a war to add to the Union more slave territory, they would understand that enterprises against our Mexican neighbors would only end in additional free territory, and consequently such enterprises would not be undertaken. I say, then, to moderate men of all parties, both North and South, if you are opposed to wars for conquest, pronounce, by a Congressional act, that there shall be no further propogation of slavery." Cong. Globe, 30th Cong., 2nd Sess. p. 352. See also the speech of Democratic Representative McClelland of Michigan, on February 17th, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 138.

12. Southern reasons for not organizing New Mexico and California into free Territories.

A summary of the Southern arguments for the organization of these countries into slave Territories is as follows:-

1. The South claimed that they had furnished more men in the war with Mexico than had the North and that, therefore, they should not be excluded from participation in the fruits of that war.¹

2. They claimed that equality of slave and free territory demanded that this country be organized as slave Territories.²

¹ Democratic Senator Yulee of Fla., said on Jan. 24,- "The North may dispute for the proprietorship of dirty acres in Mexico, if she pleases, when the South has given five to one of soldiers for fighting the battles that won the territories. The fact is known that the South contributed more than her quota to the acquisition of the territory." Cong. Globe, 30th Cong., 2nd Sess. p. 351. Whig Representative Thompson of Ky. made the same claim on Feb. 17, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 97. Northerners who refuted this claim were,- Democratic Representatives:- Smart of Me., Jan. 24, Cong. Globe, 30th Cong. 2nd Sess. p. 351; Turner of Ill. Feb. 23, Ibid. p. 589; Jenkins of N. Y. Feb. 17, App. to Cong. Globe, 30th Cong. 2nd Sess. p. 100.

² Democratic Representative Beale of Va., in his speech of Jan. 29, made his estimate on the basis of all territory ever acquired by the United States. He offered the following statistics:- 1,751,000 sq. mi. had been acquired in the acquisition of Tex., Ore., La., and Fla. The North had received 1,334,000 sq. mi. The South had received 417,000 sq. mi. New Mexico and California comprise 650,000 sq. mi. According to population, the South should receive four-tenths and the North six-tenths of the territory, making the Southern share of New Mexico and California 543,400 sq. mi. and the Northern only 106,600 sq. mi. He estimated that even through the Missouri Compromise line should be adopted, the South would fall short of her share. He also stated that the estimate did not take into account the Northwestern Territory. Cong. Globe, 30th Cong., 2nd Sess. p. 390.

3. That it was inhumanity to the slaves to pen them up in the present slave area.¹

13. Southern Claim against the North.

The South still held as its chief grievance against the North that her States were violating one of the constitutional compromises by refusing the return of fugitive slaves to their owners.² The North defended the action of her States by proving that the Supreme Court had decided that it was not the obligation of the Northern States, but of the Federal Legislature and Courts, to carry the clause in the Constitution, pertaining to fugitive slaves, into effect.³

¹ Whig Representative Thompson of Ky. said on Feb. 17, - "Whether the slave may go with his master or not to California, does not increase slavery or its natural increase. It is forbidden by law to carry slaves to California, the only result to the slave is, that he must, with his kind, be huddled down South so thickly on sugar and cotton plantations, that slavery will be limited only by the superinduced disease and decrease." App. to Cong. Globe. 30th Cong., 2nd Sess. p. 98.

² This accusation was made by Whig Representative Buckner of Ky. on Feb. 17, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 226.

³ Democratic Representative Lahm of Ohio, said on Feb. 17, - "The Supreme Court decided, in Prigg vs. Commonwealth of Pa., that it was the duty of the Federal Legislature and Courts to carry the clause in the Constitution, about fugitive slaves into effect, but that the State Courts could, if they chose, exercise the authority unless prohibited by State legislation. Since then some of the Northern States have passed laws prohibiting their magistrates from thus usurping the duties of the national officers." App. to Cong. Globe, 30th, Cong. 2nd Sess. p. 110. See also the speeches of Whig Representative Giddings of O., Feb. 17, *ibid.* p. 125; and of Democratic Representative Turner of Ill. Feb. 23, Cong. Globe, 30th Cong. 2nd Sess. p. 589; Democratic Representative Venable of H. C. Feb. 26, App. to Cong. Globe, 30th Cong. 2nd Sess. p. 164

Senator Butler even went to the extent of boldly charging against the North that if Northern interest should find slavery serviceable in mining, or in any other way, in California, slavery would be introduced there by the Northerners themselves.¹

(Note).

14. Northern claims against the South.

The Northerners also claimed that Southerners had encroached upon the rights of Northerners. Their chief grievance was the laws passed by certain Southern States, making it legal to imprison any free negro found in the State, and applying the law even to negro cooks on vessels lying in the ports of these States, should these negroes go on shore.²

¹ (Foot Note) In a speech delivered on Feb. 24, he said, - "I have no very great regard for the stability of Northern sentiment, when it comes in conflict with the opportunity of making money. If Northern sentiment should prevail in the formation of the Constitution, it will be no assurance that it will continue, if interest should urge the people of California to employ slave labor. Northern morality will be no impediment to such a result. Philanthropy will soon melt under the temptation of interest. If Northern men should find slave labor serviceable in mining, or in any other way, sentiment would not long stand in the way. *****Sentiment! Northern Sentiment! Sir, it will last no longer than they discover that slave labor can be made available. When they go to the South, they are as easily reconciled to the condition of things there as if they had been accustomed to them from childhood." App. to Cong. Globe, 30th Cong., 2nd Sess., p. 272.

² Whig Representative Hudson of Mass. said on Jan. 31, - "The South says no instance can be presented in which the South has in any degree encroached upon the rights of the North. Now, I would ask the attention of these gentlemen to the laws which their States have passed imprisoning free colored citizens of the United States who come into their waters. Is this not an encroachment upon the rights of the North? In the State of Mass. the black man is as much a

15. Occasional Conciliatory Speeches.

There was an occasional speech from each side, which, in its attempt to be conciliatory, set forth the claims of the opposite section with force equal to the leaders of that section. Noticeable among these were the speeches of Democratic Representative Brown of Pennsylvania in favor of the Southern view point,¹ and the speech of Whig Representative Buckner of Kentucky, in favor of the Northern view point.² Mr. Brown wanted to organize Territorial Government for California, and New Mexico without the Wilmot Proviso because slavery would not go there any way and there was no reason for antagonizing the South,³ and he held that the North had violated the Constitution in regard to the return of fugitive slaves.⁴ Mr. Buckner wanted

citizen as the white man.*****These States have not only passed laws by which the free citizens of Mass. and of New England are imprisoned, but they have gone further; they have arrogated to themselves the right of passing a law which should not be annulled by the Supreme Judicial Tribunal of the United States. They will not suffer an appeal to be taken." Cong. Globe, 30th Cong. 2nd Sess. p. 418. The same claim was presented by Democratic Representative Turner of Ill., Feb. 23, Ibid. p. 589; and by Whig Representative Mullin of N. Y., Feb. 26, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 311.

¹ Jan. 30, Cong. Globe, 30th Cong. 2nd Sess. p. 403.
Feb. 7, App. to Cong. Globe, 30th Cong. 2nd Sess. p. 120

² Feb. 17, App. to Cong. Globe, 30th Cong. 3rd Sess. p. 226

³ Feb. 7, Ibid. p. 120

⁴ Jan. 30, Cong. Globe, 30th Cong., 2nd Sess. p. 120

to organize these same Territories with the Wilmot Proviso, because it could make no practical difference to the South since he held that slavery would never be carried there anyway, and it would conciliate the North, and would provide the much needed government. He claimed that the North had allowed acquired territory that had been slave to remain so, and that the South had appropriated most of the acquired territory to the uses of slavery; and that since most of the people who would emigrate to these Territories would be adverse to slavery, it would be expedient for the South to give up their claim in this instance.¹

This conciliatory attitude, however, was not general.

16. Attitude of President Polk toward the Wilmot Proviso.

President Polk held to his position of the previous session, that he would never consent to the incorporation of the Wilmot Proviso in the territory south of the Missouri Compromise line. He was firm in his decision that should a bill, incorporating such a provision, pass both Houses, he would veto it.²

¹ Feb. 17, App. to Cong. Globe, 30th Cong. 2nd Sess. p. 226.

² In Polk's Diary for Dec. 23, he recorded a conversation on the subject thus:- "I told him that if the Wilmot Proviso should pass both Houses and be applied to the acquired territory south of the Missouri Compromise line of 36° 30', I would not approve it." Polk's Diary III:254.

17. The suggestion that New Mexico and California be given back to Mexico.

Near the close of the first session of the Thirtieth Congress, Whig Representative Stephens from Georgia, had remarked that if some compromise line could not be decided upon in relation to the organization of Territorial Government for Mexico, he would suggest that the United States reject altogether the territory from Mexico.¹

In the second session, this suggestion was again offered by Mr. Stephens and it was taken up by other members.² This time

¹ Speech of Aug. 7, 1848, App. to Cong. Globe, 30th Cong. 1st Sess., p. 1107. See also the speech of Whig Senator Hale of N. H. on July 12, 1848, when he advocated the same policy. Ibid. p. 917.

² Whig Representative Duer of N. Y. said on Jan. 24,- "Hitherto, the Whig party has united on the ground of opposition to the acquisition of this territory; they have united on that ground as friends of the Union, notwithstanding the difference of opinion upon the question of slavery existing among them. It may be necessary, by and by, that the friends of the Union, in whatever section found, or to whatever party belonging, should unite upon this ground. I say it might be. No man would say that it was not possible that things might be brought to that crisis. Shall we close this door to the settlement of the question? No; let us retain the ground upon which we have stood. Therefore, till a law is passed for the government of the Territories, by which the question of slavery shall be settled, or until they shall be admitted as States into the Union, I will do nothing to recognize them as part of the Union." Cong. Globe 30th Cong., 2nd Sess. p. 350.

Whig Representative Thompson of Ind., said on Jan. 25,- "Before I would endanger the Union of these States by the determination of any question which might arise in the settlement of the controversy between the North and the South, in reference to New Mexico and California, I would vote deliberately in this place to give it all back, gold mines and all. Yes; although the gold mines were ten times richer than they

it was more than a suggestion on the part of Mr. Stephens. He first brought it to the attention of the House on January 24, when he proclaimed, as he had many times before the peace with Mexico had been signed, that the policy of the conquests was at war with the principles of the Constitution, and then again went farther to say that they endangered the peace of the Union. On this basis, he made his firm declaration that, until the question of slavery in the Territories was satisfactorily settled, he would not vote one dollar to pay for them.¹

In order to carry out this determination, he called up the constitutional question as to whether a treaty, signed by the President and ratified by the Senate, is the supreme law of the

are, they should not weight a feather in the scale compared with the integrity of the Union of these States. But if we will not give back these Territories, for one, I am in no very great hurry to organize a Government over them. I believe gentlemen from all sections had better get cool upon this question before they undertake to do a great deal about it; they are too excited now; there is not sufficient conservatism either in the South or the North." Cong. Globe 30th Cong., 2nd Sess. p. 370.

Democratic Senator Westcott said on Jan. 9, -when speaking of the inexpediency of joining New Mexico and California, - "Such an act by Congress would, in my judgment, justify the inhabitants of these Territories in disowning all allegiance to, and connection with, this Government; and, sir, I am coming to think that such would be best for all concerned on many accounts. They can regulate their own affairs as an independent republic, I doubt not, well enough, and perhaps better than we can." Ibid. p. 197.

¹ See the speech of Mr. Stephens on January 24, Cong. Globe, 30th Cong., 2nd Sess. p. 349.

land "to the extent that the House must vote the appropriations to carry the treaty into effect." Mr. Stephens claimed that the House was under no such obligation and that they should have been asked to make the appropriation before the treaty was ratified.¹

Mr. Stephens also found another excuse for not appropriating money for carrying the treaty into effect. This was in the protocol, signed by the American Commissioners, Sevier and Clifford, who negotiated the treaty.² This protocol undertook to explain the amendments which the American Senate had made to the original Trist treaty. Mr. Stephens claimed that this protocol made the treaty an imperfect one.³

Other Whigs criticised the action of the President in not securing the appropriation earlier, and also the action concerning the protocol, and yet they could see in this no reason for the national representatives to involve the nation in an act of ill-faith with Mexico.⁴

¹ See the speech of Mr. Stephens on Feb. 5, Cong. Globe, 30th Cong., 2nd Sess. p. 450.

² On Feb. 3, Mr. Stephens introduced into the House a resolution calling upon the President for information about this protocol. Cong. Globe, 30th Cong., 2nd Sess. p. 438; this information was given on Feb. 8. Ibid. p. 485.

³ See the speech of Mr. Stephens made on Feb. 17, App. to Cong. Globe, 30th Cong., 2nd Sess. pp. 146-8

⁴ See the speeches of Representative Vinton of O., Feb. 19, Cong. Globe, 30th Cong., 2nd Sess. p. 556; Representative Boyden of N. C., Feb. 19, Ibid. p. 555; Representative Putnam of N. Y., Feb. 23, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 253.

On Feb. 19, Whig Representative Schenck of Ohio, introduced into the House a substitute for the bill voting appropriations to carry into effect the treaty with Mexico, which proposed to surrender to Mexico all the territory west of the Rio Grande which had been ceded, by the treaty, to the United States. But it provided that in consideration of the three million dollars already paid to Mexico, the United States should retain possession of so much of the territory of Upper California as would embrace the Bay of San Francisco and the branches and navigable waters thereof.¹ On the vote taken on this amendment, there were only eleven affirmative votes.²

On February 28, the bill appropriating money for carrying the treaty with Mexico into effect passed the House with only eight dissenting votes.³ The Senate unanimously passed the bill on the following day.⁴ The sentiment for giving up this hard won country was far from general.

The great task before the second session was the provision for Territorial Government for these new provinces. The Congress was unequal to the task and all efforts were futile, but, before the

¹ Cong. Globe, 30th Cong., 2nd Sess. p. 557.

² Ashmun, Whig from Mass., Cranston, Whig from R. I., Crowell, Whig from O., Fisher, Whig from O., Giddings, Whig from O., Henry, Whig from Ver., Horace Mann, Whig from Mass., Palfrey, Whig from Mass., Schenck, Whig from O., Stephens, Whig from Ga., Toombs, Whig from Ga. Ibid. p. 559.

³ Ashmun, Cranston, Crowell, Giddings, Henry, Schenck, Stephens and Toombs--all Whigs and only the last two from the South. Cong. Globe, 30th Cong., 2nd Sess. p. 559

⁴ Cong. Globe, 30th Cong., 2nd Sess., p. 560.

failure was admitted, eleven more, or less distinct propositions had been proposed. On account of the slavery issue, from the beginning, there seemed such unsurmountable difficulties in the way of a satisfactory organization of Territorial Governments, that extraordinary measures were proposed in the effort to force some kind of a government through the Congress.

These propositions may be grouped under three general plans. First, to pass a bill admitting part or all of the newly acquired territory at once into the Union as a State. This would leave the slavery decision to the State government. Second, to add some provision for the government of this territory as an amendment to the Civil and Diplomatic Appropriation Bill. This plan was in the hopes that, rather than see the Appropriation Bill fail, a government would be provided. Third, to organize Territorial Government with the provision that slavery be excluded from the Territories.

The general plan to pass a bill ^{admitting} part or all of the newly acquired territory at once as a State had several modifications.

1. That all of the newly acquired territory be admitted into the Union at once as one State, reserving to Congress the right at any time to form new States out of the portion east of the Sierra Nevada Mountains.
2. That the newly acquired country west of the Sierra Nevada Mountains and north of 34°39' north latitude should be admitted as a State.
3. That all of California should be at once admitted as a State.
4. That the Sierra Nevada Mountains be made the dividing line of the new territory; and that all west of that line be admitted at once as the State of California, and

all east of it, as the State of New Mexico. 5. That California, north of $34^{\circ}30'$ be organized as a State and that the remainder of the territory be organized as a Territory.

Under the second method attempted for providing government for the new Territories, was that of attaching an amendment on the subject to the Civil and Diplomatic Appropriation Bill. The different amendments were as follows:- 1. That the Constitution of the United States should be extended over California and New Mexico. 2. That all the territory acquired from Mexico should be admitted as one State. 3. That the President be authorized to hold these Mexican territories, keeping order there and executing the existing laws, appointing civil and judicial officers accordingly. 4. That the President should be responsible for the exercise of the military, judicial and civil powers of the existing government in the Mexican territories and that the revenue laws of the United States be extended over them. 5. That the laws of Mexico abolishing slavery should remain in force until repealed by Congress.

The plan for the organization of the Territories, with a provision excluding slavery was nothing but the old Wilmot Proviso proposition.

18. The new plan for California.

The very first business to come before the Senate in this session of Congress on December 4, the day of its convention, was notice given by Mr. Douglas, Chairman of the Committee on Territories, that he should at some early day ask leave to

introduce a bill to establish the Territory of New Mexico and, one for the introduction of California as a State of the Union.¹

On December 11, Mr. Douglas introduced his bill for California. This bill provided that all the territory acquired from Mexico should constitute one State in the Union, Congress reserving the right at any time to form new States out of any portion of this territory, lying east of the Sierra Nevada Mountains.²

This plan, to omit the territorial stage and to admit the new country at once as a State, was not entirely new. Senator Foote of Mississippi had suggested the same plan in the first session of the Thirtieth Congress and his reason for suggesting it then was that he believed that New Mexico and California would become cotton growing and slave States.³ It was destined to great consideration in both Houses during the second session. Mr. Douglas explained his reasons for proposing this plan as follows:- 1. The great necessity for a government there because of the inroads of the gold seekers. 2. The great emigration to the territory had made a population sufficient to admit it as a State. 3. There seemed no hope of passing a bill in the Thirtieth Congress for organizing these Territories.⁴

¹ Cong. Globe, 30th Cong., 2nd Sess. p. 1.

² Cong. Globe, 30th Cong., 2nd Sess. p. 21.

³ Speech on the Clayton Bill on July 25, Cong. Globe, 30th Cong., 2nd Sess. p. 998.

⁴ Cong. Globe, 30th Cong., 2nd Sess. p. 21.

The sectional character of the question was evidenced by the vote on the reference of this bill. There was a division of opinion as to whether it should be referred to the Committee on Territories or to the Committee on the Judiciary. Mr. Douglas of Illinois, was Chairman of the former and Mr. Butler of South Carolina, of the latter. By vote, it was finally referred to the Committee on Judiciary, all of the Southerners thus voting, while all the Northerners voted for the Committee on Territories.¹

On January 9, the Committee on Judiciary reported, through Mr. Berrien of Georgia, the Douglas Bill without amendment, but also reported a majority report in writing in which they objected to that bill on the following grounds:-

1. That the people of this vast territory were not yet fitted for self government.
2. That the treaty with Mexico had, in its ninth article, provided that this country should be admitted into the Union, not immediately, but "at the proper time, to be judged by the Congress of the United States."
3. That the third section of the fourth article of the Constitution provides that "new States may be admitted by the Congress into this Union", but that this power is to admit States, but not to create them.

¹ ~~See his speech of~~ December 18, Cong. Globe, 30th Cong., 2nd Sess. p. 49.

4. That all the territory acquired from Mexico was too large to incorporate into one State and that it was unconstitutional to divide a State once formed without the consent of the Legislature of that State.

5. That the bill provided for all the territory acquired from Mexico which included the territory claimed by Texas, and that, therefore, the adoption of this bill would lay the foundation of a litigation between the new State and the State of Texas.

And so, in consideration of these objections, the majority of the Committee recommended the adoption of the following resolutions:- "Resolved, That it is inexpedient to pass the bill entitled 'A bill for the admission of California into the Union as a State'". "Resolved, That it is proper to organize Territorial Governments for that portion of the Territory of California which lies west of the Sierra Nevada or Colorado Mountains, and for the Territory of New Mexico, lying west of the western boundary of the State of Texas."¹

Mr. Downs, Democrat from Alabama, submitted a minority report, the minority consisting only of himself, which was accompanied by the following resolution: "Resolved, That it is competent and expedient, and not inconsistent with the practice of the Government, in some cases, to admit California, or such portion of it as Congress may deem proper, immediately into the Union, on an equal footing with the other States; and that the

¹ Cong. Globe, 30th Cong., 2nd Sess. pp. 190-2

Committee on _____ be instructed to support a bill for that purpose for that portion of California which lies west of the summit of the Sierra Nevada Mountains."¹

Mr. Douglas' concern was that a government for the new territory, and especially for California, should be effected, and so, in accordance with the objections of the Judiciary Committee to his first bill he introduced, on January 16, a substitute bill. This bill obviated two difficulties, - that of the size of the territory, and the fact that after the State had been formed, it could not be divided by Congress. The substitute bill provided that after July 4, 1849 the territory acquired from Mexico, lying west of the Sierra Nevada Mountains, and north of 34°30' north latitude, should, with the assent of the people thereof, constitute one State of the Union; and that the acting Governor of the Territory should at once have the country laid off into districts from which delegates could be chosen to a constitutional convention; and that every white male citizen over twenty one years of age should be eligible to vote at this election.²

President Polk approved of this general plan of settling the territorial difficulty,³ though he wanted California and New Mexico

¹ Cong. Globe, 30th Cong., 2nd Sess. p.194

² Cong. Globe, 30th Cong., 2nd Sess. p. 262.

³ The entry in Polk's Diary for December 23, 1848, recorded a cabinet meeting. He wrote, - "After full consideration it was agreed that I should see Senator Douglas and advise him to modify his Bill so as to admit California alone into the Union as a State, and to bring in a separate Bill for the government of New Mexico. All were agreed that this was the most feasible plan of settling the slavery

organized under separate bills, and he worked for the passage of this bill thus modified.¹

Mr. Douglas' Bill was taken up for consideration on January 24, as was also an amendment to it by Democratic Senator Turney of Tennessee.² Senator Turney's amendment embraced all of California in the bill and not just part of it, as did the substitute bill of Senator Douglas.³

The bill and amendment were, at the suggestion of Mr. Douglas, referred to a Select Committee. Mr. Douglas was made Chairman of this Committee, and the other members were Johnson, Whig from Maryland, Jones, Democrat from Iowa, Clayton, Whig from Delaware, Davis, Democrat from Mississippi, Badger, Whig from Connecticut.⁴

On February 7, Whig Representative Preston of Virginia, introduced into the House a substitute for the Territorial Bill before that body which provided for the admission of all the territory acquired from Mexico as the State of California.⁵

question for themselves, and at the same time avoid the danger of losing California, of which there was very great danger if the present session of Congress adjourned without acting on the subject." Polk's Diary IV:232.

¹ Conversation of the President with Senator Hunter and Venable in which he used his influence for the bill are recorded on Dec. 15, 1848, in Polk's Diary IV:238. A similar conversation with Senator Butler is recorded on Dec. 23, Polk's Diary IV: 254.

² Cong. Globe, 30th Cong., 2nd Sess. p. 340.

³ Cong. Globe, 30th Cong., 2nd Sess. p. 340.

⁴ Cong. Globe, 30th Cong., 2nd Sess. p. 340.

⁵ Cong. Globe, 30th Cong., 2nd Sess. p. 477

There were involved in the discussion of these bills, as has already been noted in the majority report on the first Douglas Bill, three questions; first, a constitutional question, second, a question of expediency, and third, a sectional question.

Mr. Berrien stated the constitutional question most concisely when he denied "that any people can be regarded as a State in the constitutional sense of the term, unless they have a State Constitution, or government, or laws, or are an organized political community, or a State, or have some legitimate bond of union as such a State. This is not the condition of either California or New Mexico at this time, separately or together."¹

Mr. Douglas declared that his bill did not propose to create a State, but only to declare California to be one of the States of the Union and that it left the people to erect their own State government.²

Those who urged the objection of inexpediency against these bills, urged it upon three grounds. First, that the people of these Territories were not more fit to exercise the rights of self-government than had been the people of all the other Territories who had gone through a period of pupilage before they had

¹ See his speech of Jan. 9, Cong. Globe, 30th Cong., 2nd Sess., p. 196. Others, in both Houses, who objected to this plan on constitutional grounds were, - Representatives: Venable of N. C., Feb. 26, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 161; Senators: - Butler of S. C. Feb. 24, Ibid. p. 272; Dayton of N. J., Feb. 23, Ibid. p. 257.

² See his speech of Jan. 9, Cong. Globe, 30th Cong., 2nd Sess. p. 195

been admitted into the Union of States.¹ Second, that it was, due the inhabitants of this new country that the nation should furnish a government for them during their infancy and assume their governmental expenses.² Third, that even though the boundaries proposed in Mr. Douglas' second bill were adopted, the State would be too large, so that it would result in inequality toward the other States of the Union.³

¹ Representative Smart of Me. said on Jan. 24,- "Is there any gentleman in or out of this House, who will pretend that the inhabitants of California and New Mexico are better qualified to come into the Union than those who have lived under former Territorial Governments?" Cong. Globe, 30th Cong., 2nd Sess. p. 354. See also the speeches of Representatives: Donnell of N. C., Feb. 19, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 237; Turner of Ill. Feb. 23, Cong. Globe, 30th Cong., 2nd Sess. p. 587; Stuart of Mich., Feb. 26, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 179; Boccock of Va., Feb. 26, Ibid. p. 180; Mullin of N. Y., Feb. 26, Ibid. p. 310; Venable of N. C., Feb. 26, Ibid. p. 161; Senators: Dix of N. C., Feb. 28, Ibid. p. 291; Berrien of Ga., Feb. 21, Cong. Globe, 30th Cong., 2nd Sess. p. 254; Dayton of N. J., Feb. 23, App. to Cong. Globe, 30th Cong., 2nd Sess. pp258-9.

² Representative Smart of Me. said on Jan. 24,- "Besides, it is due to the new settled portions of the country, that the nations should furnish governments for them during their infancy, and be answerable for their governmental expenses." Cong. Globe, 30th Cong., 2nd Sess. p. 354. See also the speeches of Representatives: McClelland of Mich., Feb. 17, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 137; Turner of Ill. Feb. 23, Cong. Globe, 30th Cong., 2nd Sess. p. 587.

³ Representative McClelland of Mich. said on Feb. 17,- "Such a State would crush the smaller States here, and members have already felt the influence of an Empire State in these halls. United, their representation would be irresistible, and the only mode of defense that could be adopted would be to divide it by some means, and this would probably lead to intestine feuds and commotions in the State." App. to Cong. Globe, 30th Cong., 2nd Sess. p. 138. See also the speeches of Representatives: Donnell of N. C., Feb. 19, Ibid. p. 237; Smart of Mich., Feb. 26, Ibid. p.179; Evans of Md., Feb.26, Ibid.242; Boccock of Va., Feb.26, Ibid.p.180; Palfrey of Mass.Feb.26, Ibid.p.314; Senator Dayton of N.J., Feb.23, Ibid. pp258-9

The sectional objection was mostly urged by the South. They saw quickly through the Northern urgency for this bill. They realized that Southern slaveholders could not emigrate so quickly to this distant land as could the unencumbered men of the non-slave holding States, and they knew that a Constitution adopted by the present population of California would exclude slavery. They held that it was unrepugnant for the comparatively few first inhabitants of the country to legislate for the whole vast area and in such a way as to exclude those Southerners who might later want to move into the States with their slaves. To them it was but another form of the Wilmot Proviso.¹

Occasionally, a Northerner expressed suspicion that the bill

¹ Representative Donnell of North Carolina, said on February 19, - "It comports with our ideas of a republican constitution that it should not only concede to the majority, but also that it should impose restrictions upon that majority for the protection of the minority. Are the little handful of people now in New Mexico and California to be allowed to establish almost unalterably the Constitution of that Country, and to mould the political institutions for perhaps millions of our citizens? If we give them the power to form a Constitution for the whole of that country, why might they not embody in it restrictions that would have a material effect upon the future settlement? I do not see that they have any more constitutional right to put restrictions upon territory which they do not occupy, than Congress has." App. to Cong. Globe, 30th Cong., 2nd Sess. p. 237.
See also the speeches of Representatives: Bocoock of Va., Feb. 26, Ibid. p. 180; Venable of North Carolina, February 26, Ibid. p. 161; Senator Berrien of Ga., February 21, Cong. Globe, 30th Cong., 2nd Sess. p. 254.

was a disguise for extending slavery,¹ but this was rare.

The great plea for this plan was made upon the ground of availability. It was claimed that because of the sectional differences, no territorial bill could be passed and that a government for this region was most necessary; it was also claimed that so long as the territory remained unorganized, dissensions between the North and South would be rife.² However, there was an opinion amongst the opposers of the bill that the slavery issue would eventually have to be met and that

¹ Representative Jenkins of N. Y. said on Feb. 17,- "The advocates of the plan suppose that by making these Territories States at once no provision excluding slavery will be required." App. to Cong. Globe, 30th Cong., 2nd Sess. p. 101. See also the speech of Representative McClelland of Mich. Feb. 17, Ibid. p. 137.

² Representative Bridges of Pennsylvania said on Feb. 17,- "If no territorial government can be established in our Mexican possessions satisfactory to all, let them be admitted into the Union as a State at once. The latter, in my opinion, is by far the most preferable." App. to Cong. Globe, 30th Cong., 2nd Sess. p. 154.

Representative Evans of Maryland said on February 26,- "I believe that the substitute of the gentleman from Virginia will, in a great measure, if not altogether, heal these dissensions; it is correct in theory, it appeals to the great principle of popular sovereignty, and leaves the people to choose for themselves those institutions under which they desire to live." App. to Cong. Globe, 30th Cong., 2nd Sess. p. 242. See also the speeches of Representatives:- Ficklin of Ill. February 17, Ibid. p. 154; McClernard of Illinois, February 23, Cong. Globe, 30th Cong., 2nd Sess., p. 587; McDowell of Virginia, February 23, App. to Cong. Globe, 30th Cong., 2nd Sess., pp. 213-14; Senator Downs of Alabama, February 26, Ibid. p. 277.

this, nor any other expedient, would avert it.¹

On January 29, the Select Committee, to which Mr. Douglas' modified bill had been referred, reported an amendment which provided for the admission of two States out of the territory acquired from Mexico--California, west of the Sierra Nevadas, and New Mexico on the east.²

There was, however, so much objection to the admission of States out of the country, without any preparatory Territorial state, that the matter was dropped in both Houses. The last attempt of Mr. Douglas to bring his bill up in the Senate was negatived by a vote of thirty-five to sixteen. There was neither a party nor a sectional character to this vote.³ It simply failed as an expedient. It was only another application of the principle of popular sovereignty and it was open to all the objections raised against that doctrine plus others mentioned above.

¹ Senator Butler of S. C. said on February 24, "Oh, say the gentlemen, it is all to avoid an issue--an issue that is just as sure to come as it is that I stand here." App. to Cong. Globe, 30th Cong., 2nd Sess. p. 272. See also the speech of Representative Venable of N. C., Feb. 26, Ibid. p. 161.

² Cong. Globe, 30th Cong., 2nd Sess. p. 381.

³ 2 Southern Democrats, 4 Southern Whigs, 6 Northern Democrats and 1 Northern Whig voted to take up the bill. 9 Northern Democrats, 11 Northern Whigs, 4 Southern Whigs and 11 Southern Democrats voted against it. Cong. Globe, 30th Cong., 2nd Sess., p.553.

19. Other plans for organizing a government for New Mexico and California.

During the discussion upon the Douglas bill, Senator Westcott, Democrat from Florida, suggested the organization of three Territories out of the territory acquired from Mexico. His scheme was that "the upper part of California would make one territory large enough for one State, of which San Francisco would be the chief port, and the southern boundary of which would extend some miles south of that city. Lower California, of which San Diego would be the chief port, extending east to New Mexico, could well be made another; and New Mexico, west of the Rio Grande, a third."¹ But nothing came of this plan. On January 22, Representative Hilliard of Alabama, offered a bill for the introduction of California north of 34°40' north latitude, as a State, and the remainder of the territory acquired from Mexico, with the exception of the part belong to Texas, as a territory.² This bill was strikingly condemned by Representative Smart of Maine, when he called the territory not to be included, by the bill, in California, a sort of parade ground for slavery, preliminary to its march over the whole of Mexico.³ Nothing came of this bill.

¹ See his speech of Jan. 9, Cong. Globe, 30th Cong., 2nd Sess. p. 197.

² Cong. Globe, 30th Cong., 2nd Sess. p. 320.

³ See his speech of Jan. 24. Cong. Globe, 30th Cong., 2nd Sess., p. 354

20. The question of the Texan boundary.

Closely bound up with the question of governments for California and New Mexico, and especially for the latter, was the old question of the Texas boundary. Texas had, before the peace with Mexico, claimed the Rio Grande as her southern and western boundary and, now that Mexico had ceded this territory to the United States, Texas still claimed it. But Northern statesmen were averse to this claim because any territory annexed to Texas would be given over to slavery.

In the discussions on the bills presented for the organization of a State out of the territory included in New Mexico, the suggestion had been made that Congress should settle this claim of Texas before any State Government was formed, and that the question should not be left to the Supreme Court.¹ Whig Representative Greeley of New York claimed for this question that of being the most practical question before Congress because he felt so sure that California would be free because of her geographical situation, but New Mexico was directly exposed to slavery and if Texas gained possession of any part of it, its destiny was sealed. He begged also that the responsibility of the settlement of this question should not be thrown upon Gen. Taylor's administration.²

¹ Majority report of Judiciary Committee on the Douglas Bill, Jan. 9, Cong. Globe, 30th Cong., 2nd Sess. p. 192. Speeches of Representatives: McClelland of Mich. Feb. 17, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 317; Bayly of Va., Feb. 27, Cong. Globe, 30th Cong., p. 611.

² Feb. 26, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 248

On the other hand, Representative Preston and Senator Douglas both claimed as one of the advantages of their bills that it would leave this matter of boundary a question between Texas and the new State, to be decided by the Supreme Court.¹

Senator Westcott's plan had implied a settlement of the question in favor of Texas. He would have had the third territory include New Mexico west of the Rio Grande.²

Some Southerners put forward the bold claim that Texas had claimed to the Rio Grande, that the United States had recognized that boundary, and that the war with Mexico had perfected it.³

21. Senator Walker's plan.

There was more than one expression in the halls of Congress of the opinion that no Territorial bill would pass that body during the Thirtieth Congress.⁴

¹ See the speech of Mr. Preston on Feb. 7, Cong. Globe 30th Cong., 2nd Sess., p. 470; and the speech of Mr. Douglas on Jan. 9, Ibid. p. 192.

² See above p. 256.

³ See the speech of Representative Toombs of Ga., Feb. 27, Cong. Globe, 30th Cong., 2nd Sess. p. 611; also the bill introduced by Representative Hilliard of Ala. Jan. 22, Ibid. p. 319; and the speeches of Senators Rusk from Texas, Dec. 13, Ibid. p. 33; and Westcott from Fla. Jan. 9, Ibid. p. 197.

⁴ See speeches of the following Representatives:- Hunt, Whig from N. Y., Jan. 24, Cong. Globe, 30th Cong., 2nd Sess. p. 347; Brown, Democrat from Miss., Jan. 24, Ibid. p. 348; Morehead, Whig from Ky., Feb. 19, Ibid. p. 557; Thompson, Whig from Ky., Feb. 16, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 95; Donnell, Whig from N. C., Feb. 19, Ibid. p. 236; and of the following Senators:- Dayton, Whig from N. J., Feb. 23, Ibid. p. 256; Walker, Democrat from Wis., Feb. 24, Ibid. p. 265.

Finally, about the middle of February, a new scheme was proposed by Democratic Senator Walker of Wisconsin.

President Polk had, in his message at the opening of Congress, recommended that the revenue laws of the United States be extended over California.¹

On January 24, Representative Hunt of New York, from the Committee on Commerce in the House, had reported such a bill.² This proposition had been severely criticized in the House. It was said that if the United States Government could not give to the people of California the protection and advantages of a government, it surely was an imposition to collect duties there.³ However, this bill passed the House on February 22nd.⁴

¹ See above p. 231.

² Cong. Globe, 30th Cong., 2nd Sess. p. 347.

³ Representative Hall of Mo. said on Jan. 24, - "It appears to me that the proposition to pass this bill at this time is one of the most extraordinary that has ever been submitted to the consideration of Congress. Congress has refused to give to the people of California the protection of a government; it has refused to give to them the benefits of our laws. Whilst they have left that people unprotected, unprovided for, uncared for, a proposition is introduced here to tax them in order to bring money into our treasury, whilst they remain without the protection of a government." Cong. Globe, 30th Cong., 2nd Sess. p. 348. The same sentiment was expressed by, - Representatives: - Evans of Md., Feb. 26, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 246, and Mullin of N. Y., Feb. 26, Ibid. p. 310; Turner of Illinois on February 22, Cong. Globe, 30th Cong., 2nd Sess. p. 543.

⁴ Cong. Globe, 30th Cong., 2nd Sess., p. 583.

On February 16, before this vote was taken, when the Civil and Diplomatic Appropriation Bill was under consideration in the Senate, Senator Walker of Wisconsin offered an amendment to the Appropriation Bill, providing that money be appropriated to extend the revenue laws of the United States over New Mexico and California.¹ This seemed to give him a possible key to the situation and, on February 20, he amended his amendment so that the Constitution of the United States should also be extended over these Territories and the President given power to establish all proper and useful rules and regulations, in conformity with the Constitution, for the enforcement of these laws and also to change them as he should see fit; the President was also to be given power to appoint such officers as were necessary for such terms as he should see fit.² Mr. Walker remarked, in introducing this amendment, that it would not only extend the revenue laws over these Territories, but would also provide for placing the power somewhere by which the order and stability of these Territories should be preserved.³

Mr. Walker claimed for his plan the virtue that it was silent concerning all municipal regulations and that it left the people of the territory to adopt such as they thought necessary for themselves, and yet it would give law and order to the country.

¹ Cong. Globe, 30th Cong., 2nd Sess. p. 583

² Cong. Globe, 30th Cong., 2nd Sess. p. 548

³ Cong. Globe, 30th Cong., 2nd Sess. p. 561.

His excuse for introducing the bill as an amendment to such an irrelevant bill was that all plans to pass a separate bill, giving government to these Territories, seemed futile.¹

But this plan caused a furor in Congress. First, there arose a constitutional question. Opponents to the bill brought forward the claim that it was impossible to extend the Constitution of the United States to the Territories. Mr. Webster stated this proposition thus:-

"What is the Constitution of the United States? Is not its very first principle that all within its influence and comprehension shall be represented in the Legislature which it establishes, with not only the right of debate and a right to vote in both Houses of Congress, but a right to partake in the choice of the President and Vice-president? And can we by law extend these rights, or any of them, to a Territory of the United States? Everybody will see that it is altogether impossible"

He claimed that the Territories were not a part of the United States and that the United States had control over them only by virtue of the possession in the Constitution which gave power to Congress to make all needful rules and regulations for the Territories. He claimed that trial by jury and the right of habeas corpus, and all other personal liberty protections were rights which must be conferred by law before they could be enjoyed in a Territory.²

¹ See his speech on Jan. 20, Cong. Globe, 30th Cong., 2nd Sess. p. 561. See also the speeches of Senators:- Foote of Miss., Feb. 23, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 260; Mason of Va., Feb. 23, Ibid. p. 265; Butler of S. C. Feb. 24, Ibid. p. 272.

² See his speech of Feb. 24, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 273. Others who held this attitude were,- Senators:- Dayton of N. J. Feb. 24, Ibid. p. 268; Hale of N. H. Feb. 24, Ibid. p. 270.

Those who favored the bill claimed that the moment territory was acquired by the United States, that moment those provisions of the Constitution which were applicable to it became proprio vigore, the fundamental law of that territory.¹

Another objection to the bill was that it bestowed too much patronage upon the President of the United States in putting into his hands the appointment of officers necessary to carry out the extension of the Constitution over these Territories.²

¹ Senator Butler of S. C. said on Feb. 24,- "The moment that Territories are acquired under treaty, the provisions of the Constitution of the United States extend to that Territory, to some, though not to the entire, extent of its provisions. This territory was acquired under treaty, and I say that the provisions of the Constitution with the qualification of applicability, are now, proprio vigore, the fundamental law of California and New Mexico. App. to Cong. Globe, 30th Cong., 2nd Sess. p. 272. See also the speeches of the following Senators:- Underwood from Ky., Mar. 3, Cong. Globe, 30th Cong., 2nd Sess. p. 684; Foote from Miss. Mar. 3, Ibid.; Westcott from Fla., Feb. 26, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 287; Walker from Wis., Feb. 24, Ibid. p. 268; Johnson from Ga., Feb. 28, Ibid. p. 301.

² Senator Webster, Whig from Mass. said on Feb. 23,- when speaking against the Walker amendment,- "It will be giving unnecessary power to the Executive Government." App. to Cong. Globe, 30th Cong., 2nd Sess. p. 259. Senator Niles, Democrat from Conn. also said on Feb. 26,- "I have always said that I have all reasonable and just confidence in the President elect, but we all know the position he occupies, and, unless he is something more than man, his sympathies must be on one side of this question. And who would be the men appointed by the President? What would their views be likely to be in reference to the rights set upon one side or the other? Would there be an equal chance that there might not be some unfairness, and that a violation of the Mexican Law against slavery might be connived?" App. to Cong. Globe, 30th Cong., 2nd Sess. p. 285; see also the speech of Senator Dix, Democrat from N. Y., Feb. 26, Ibid. p. 289

Senator Foote expressed his surprise that Whigs who had elected General Taylor should be reluctant to trust him with this power, while Democrats felt no fear of his wisdom and honesty.¹ The Southern hopes for the favor of the slave holder Taylor were evidenced in this sentiment.

Mr. Douglas favored the amendment because he believed that the effect of extending the Constitution over the country would be to make California a State of the Union, authorizing them to form a Constitution and a State Government as they should choose. He preferred a separate State bill, but if such could not be passed, he was in favor of the amendment.²

On February 20, Senator Bell of Tennessee offered an amendment to the Walker amendment which provided for admitting all of the territory acquired from Mexico as one State--the State of California.³ He vindicated this extraordinary measure by saying that the Civil and Diplomatic Appropriation bill was not a unit, that it included the expenditure of money for all kinds of purposes, that nothing could be incongruous to it, and that the exigencies of the case justified his amendment.⁴

¹ See speech of Senator Foote on Feb. 25, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 260.

² See his speech of Feb. 24, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 275.

³ Cong. Globe, 30th Cong., 2nd Sess. p. 562.

⁴ See his speech of Feb. 20, Cong. Globe, 30th Cong., 2nd Sess. p. 563.

On February 21, the vote was taken on the amendment of Senator Bell and it received only four votes--those of Senators Bell, Dodge of Iowa, Douglas, and Downs of Alabama.¹

On February 22nd, Mr. Webster introduced a bill which he proposed as an amendment to the Walker amendment or a substitute for it. This bill provided that the President should be authorized to hold possession and occupy the territories of New Mexico and California, and to keep peace and order there, and, in so doing, to use what part of the army and navy as should be necessary. It also provided that, until the expiration of the next session of Congress, unless Congress should sooner provide governments for these Territories, the existing laws of the Territories should be executed there and that the President should appoint Civil and Judicial officers accordingly, provided that martial law and military courts should not be established.² He expressed his opinion that the one object of the Government, until they were ready to organize Territorial Governments there or to admit these territories as States, should be to keep the peace, without any attempt to administer revenue laws, or any other laws growing out of political relations, and that a strong Executive power was needed there.³

Southerners at once rose in opposition to this amendment. They branded it as accomplishing nothing because it was already the

¹ Cong. Globe, 30th Cong., 2nd Sess. p. 573.

² Cong. Globe, 30th Cong., 2nd Sess. p. 579

³ See his speech of Feb. 23, App. to Cong. Globe, 30th Cong. 2nd Sess. p. 259

duty of the President to hold the territory and to keep peace there.¹ But, more serious to them than this negative aspect of the bill, was the fact that, by it, the old Mexican laws were to continue in effect and this would include the exclusion of slavery.²

On the same day that Mr. Webster submitted his amendment, Senator Dayton of New Jersey also proposed an amendment to the Walker amendment. It was substantially a copy of the acts which had previously given the President of the United States authority to govern the Territories of Louisiana and Florida, and, therefore, had the weight of precedent in its favor. It provided that, until the end of the next session of Congress, all the military, civil, and judicial powers, exercised by the officers of the existing government of these Territories, should be vested in such persons as the President should direct, and should be exercised under his direction. It also provided that the revenue laws of the United States should be extended to these territories.³ With the exception of the clause concerning the revenue laws, this proposition did not differ materially from the proposal of Mr. Webster.

¹ See the speech of Senator Foote of Miss. Feb. 23, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 261; Senator Walker of Wis., Feb. 24, Ibid. p. 265.

² See the speech of Senator Foote of Miss., Feb. 23, App. to Cong. Globe, 30th Cong., 2nd Sess. p. 261.

³ Cong. Globe, 30th Cong., 2nd Sess. p. 580.

Mr. Dayton's amendment, it will be noted, did not extend the Constitution of the United States over these Territories. One reason which he assigned for this omission was the constitutional impossibility of such an act, but his reason, most offensive to the South, was that if the court were extended over the Territories, the Southerners would interpret it to mean that slavery was lawful in those Territories.¹

On February 26, the Dayton amendment was rejected, having received only eight affirmative votes and they were all Northern votes except the one cast by Whig Senator Mangum of North Carolina.² The whole question between the North and the South in their bickerings over the Walker amendment narrowed down was this one point. The South wished to extend the Constitution over these Territories because, according to their political doctrine, it would protect slavery in the Territories; and the North were opposed to its extension there because they feared the result of an attempt of the South to apply their doctrine. On the other hand,

¹ See Dayton's speech of Feb. 22, App. to Cong. Globe, 30th Cong., 2nd Sess. p. See also Senator Butler's speech exploting the narrow mindedness of Senator Dayton. Feb. 24, Ibid. pp.270-1

² The others who cast affirmative votes were,- Allen, Democrat from Ohio, Atherton, Democrat from N. H., Cameron, Democrat from Pa., Dayton, Whig from N. J., Dodge, Democrat from Wis., Dodge, Democrat from Ia., and Hamlin, Democrat from Me. Cong. Globe, 30th Cong., 2nd Sess. p. 594.

the North wanted to have the existing laws in Mexico maintained by legislative act because slavery by them was prohibited; and the South sought to prevent this provision in any act regarding the Territories because they argued that, without special legislation, these relations between individuals, and, therefore, were superseded by the laws of the United States.

Directly after the rejection of the Dayton amendment, the question recurred on Mr. Walker's amendment, which passed the Senate, twenty-nine to twenty seven.¹ It was not a strict sectional vote, although it was of a sectional character. Twenty-three Southerners and six Northerners² voted for the amendment and twenty-four Northerners and three Southerners³ voted against it.

22. The amendment of Senator Baldwin.

On March 1, another controversy arose in the Senate as to what the extension of the Constitution implied. Senator Baldwin of Connecticut introduced an amendment to the bill making appropriations for the support of the army. This amendment provided that the rights of habeas corpus and trial by jury and of judicial

¹ Cong. Globe, 30th Cong., 2nd Sess. p.595.

² The following Northern Democrats voted affirmatively:- Dickinson of N. Y., Dodge of Ia., Douglas of Ill., Fitzgerald of Mich., Hannegan of Ind., Sturgeon of Pa., and Walker of Wis.

³ The following Southern Whigs voted against the bill:- Badger of N. C., Johnson and Pearce of Md.

proceedings according to the common law and the laws and usages in force in the territories should be ensured to the inhabitants of New Mexico and California.¹

Southerners claimed that this amendment was entirely superogatory in view of the Walker amendment recently passed,² but Senator Baldwin insisted that these rights were ensured only through the operation of special legislation enforcing them³. On the vote the amendment failed, twenty-seven to seventeen.⁴ The seventeen votes cast in favor of it were cast by Northern men.⁵

23. The House Bill

Very early in the session, on December 20, Representative Smith of Indiana, Chairman of the Committee on Territories, had introduced a bill for the organization of a Territorial Government in California. The bill had, as its twelfth section, the incorporation of the Ordinance of 1787.⁶ On February 27, the bill

¹ Cong. Globe, 30th Cong., 2nd Sess., p. 629

² See the speeches made on Mar. 1, by the following Senators: Johnson of Md., Cong. Globe, 30th Cong., 2nd Sess. p. 633; Berrien of Ga., Ibid; Butler of S. C., Ibid. p. 632; Foote of Miss., Ibid. p. 631; Westcott of Fla., Ibid.

³ See the speech of Senator Baldwin on Mar. 1, Cong. Globe 30th Cong., 2nd Sess. p. 629

⁴ Cong. Globe, 30th Cong., 2nd Sess. p. 633. Mar. 1.

⁵ Senators Allen of O., Baldwin of Conn., Cameron of Pa., Clarke of R. I., Cowin of O., Davis of Mass., Dayton of N. J., Dix of N. Y., Greene of R. I., Hale of N. H., Hamlin of Me., Miller of N. J., Niles of Conn., Spruance of Del. Wales of Del. and Webster of Mass.

⁶ Cong. Globe, 30th Cong., 2nd Sess. p. 71.

passed the House by a vote of one hundred and twenty-six to eighty-seven. All of those who voted for the bill--except two,¹ were Northerners--fifty Democrats and seventy-three Whigs; and all of those who voted against the bill, except two,² were Southerners--fifty-two Democrats and thirty-three Whigs.

On the next day this bill was reported to the Senate and was referred to the Committee on Territories³ from which it was never reported. On March 2, Mr. Douglas made one last effort to have it taken up,⁴ but to no avail.⁵

24. The Walker amendment in the House.

It was March 2, before the Walker amendment to the Civil and Diplomatic Appropriation Bill came up in the House in the Committee of the Whole, reported from the Committee of Ways and Means to which it had been referred.⁶ The Committee of Ways and Means also reported an amendment to the Senate amendment. This amendment of the Committee of Ways and Means was substantially the

¹ Cong. Globe, 30th Cong., 2nd Sess., p. 609. Green Adams, Whig from N. C., and Buckner, Whig from Ky.

² Bridges, Whig from Pa., and Sawyer, Democrat from Ohio

³ Cong. Globe, 30th Cong., 2nd Sess. p. 612

⁴ Cong. Globe, 30th Cong., 2nd Sess. p. 668

⁵ Cong. Globe, 30th Cong., 2nd Sess. p. 668

⁶ Cong. Globe, 30th Cong., 2nd Sess. p. 662

Webster amendment of the Senate.¹ Representative Wentworth of Illinois offered an amendment to the amendment which incorporated the Wilmot Proviso, but this was rejected ninety-six to eighty-nine.²

In the evening session, Representative Schenck of Ohio offered an amendment to the Senate amendment which would strike out the words "west of the Rio del Norte", making the amendment applicable to all of the territory acquired from Mexico and not just to that part of it not in dispute with Texas. This amendment was accepted ninety-three to eighty-one.³

Then, Representative Hunt of New York, moved an amendment, providing that the laws of Mexico abolishing slavery in New Mexico and California should remain in force until they should be repealed by an act of Congress. This amendment passed ninety-five to eighty-seven.⁴

Then the Senate amendment, as amended in the Committee of the Whole, came to a vote in that Committee, and was rejected with only seven affirmative votes.⁵

The same night, March 2, the Senate amendment came up in the regular session of the House and was rejected one hundred and fourteen to one hundred.⁶

¹ Cong. Globe, 30th Cong., 2nd Sess. p. 663

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid. p. 664

⁶ Ibid.

The 114 voting against the amendment were all Northerners--75 Whigs and 40 Democrats; 89 of the 100 voting for it were Southerners--38 Whigs and 51 Democrats, and 11 were Northerners--3 Whigs and 8 Democrats.¹

After the failure of this amendment, the situation was serious. Here was the Civil and Diplomatic Appropriation Bill, providing for many necessary appropriations, rejected, because of the Walker amendment, on next to the last day of the session. A Committee of conference between the two Houses was called,² but with no result, and on March 3, the Committee asked to be discharged.³ Then each House put its best efforts to work. McClelland of Ill. moved in the House of Representatives that that House recede from its disagreement to the amendment of the Senate,⁴ and by a vote of one hundred and ten to one hundred and seven, they voted to recede.⁵ All of those who voted against recession were Northerners--sixty-six Whigs and forty-seven Democrats; all but twenty of those who voted for recession were Southerners.⁶

1 Cong. Globe, 30th Cong., 2nd Sess. p. 664

2 Cong. Globe, 30th Cong., 2nd Sess. pp 665 and 656

3 Cong. Globe, 30th Cong., 2nd Sess. p. 695

4 Cong. Globe, 30th Cong., 2nd Sess. p. 695

5 Ibid.

6 52 Southern Democrats, 38 Southern Whigs, 12 Northern Democrats and 8 Northern Whigs.

Then Representative Morehead of Kentucky moved as an amendment to the Senate amendment that the words "west of the Rio Grande" be struck out and the following words added:- "Provided, that nothing in this act shall effect in any way the question of the boundary of the State of Texas."¹ The amendment passed one hundred and eighty-seven to nineteen. The nineteen negative votes were made up of four Northern Whigs, eleven Northern Democrats, two Southern Whigs and two Southern Democrats.²

Representative Thompson of Indiana, then moved a substitute for the Senate amendment³ which provided that all the existing laws of the Territories, except the laws authorizing imprisonment for debt, should be maintained until July 4, 1850, unless Congress should sooner provide a government for the Territories. It was substantially the amendment of the Committee of Ways and Means. This amendment was agreed to by a vote of one hundred and eleven to one hundred and five,⁴ and where the question recurred on agreeing to the amendment of the Senate as amended, it passed 110 to 104.⁵ The House has consented to attach a provision for the new

1 Cong. Globe, 30th Cong., 2nd Sess. p. 696

2 Ibid. p. 696.

3 Cong. Globe, 30th Cong., 2nd Sess. p. 696

4 Ibid.

5 Ibid

Territories to the Civil and Diplomatic Appropriation Bill, but it insisted that the provision must include the enforcement of the Mexican law excluding slavery.

25. The Senate receded from the Walker amendment.

When the Senate received notice of the action of the House, Mr. Webster moved that the Senate concur in the House amendment to the Walker amendment.¹ Southerners at once denounced this amendment, which was but slightly different from the amendment earlier offered by Mr. Webster to the Walker amendment, again as a nullity so far as government for the territories was concerned,² and mischievous so far as the provision for the continuance of the Mexican laws were concerned.

Senator Davis of Mississippi moved that a Committee of Conference be appointed in order that the whole question of California be stricken out so that the Appropriation Bill might be passed.³ Mr. Douglas at once responded that he would rather that the Civil and Diplomatic Bill should fail than that the proposition for a government for California should fail;⁴ and so the work of pushing the amendment through went on.

Senator Hunter of Virginia moved an amendment which provided that "the existing laws so far as may be consistent with the Constitution of the United States" should be maintained,⁵ but this

¹ Cong. Globe, 30th Cong., 2nd Sess. p. 682

² See the speeches on Mar. 3 of Senators Foote of Miss. Cong. Globe, 30th Cong. 2nd Sess. p. 683; Westcott of Fla., Ibid. p. 686; Mason of Va. Ibid; Butler of S. C. Ibid. p. 687

³ Cong. Globe, 30th Cong., 2nd Sess. p. 685

⁴ Cong. Globe, 30th Cong., 2nd Sess. p. 685

⁵ Ibid.

did not prove a settlement of the difficulty. Senator Mason of Virginia then tried his hand at a settlement by means of an amendment by which the first section of the House amendment, that providing for a military occupation of the country, should be accepted, and the second section, providing for maintaining the existing laws of Mexico should be struck out.¹

Senator Berrien of Georgia finally explained the situation to his own satisfaction and, evidently, to the satisfaction of many others. He put it all back on to the old question as to what laws of a conquered country were superseded by the laws of the conqueror. He said that is, as the advocates of the bill contended, the laws of a conquered country remained in force until repealed by the conquerors, there was no need to reenact those laws or to provide that they be maintained. He set forth that the only question in dispute was whether the laws relating to slavery in Mexico were of a political character or whether they were merely laws regulating the relations of individuals; if they were the former, they would not continue in effect, if the latter, they would. Which character they possessed should be left an open question subject to judicial decision.² Mr. Mason accepted the explanation and allowed Mr. Berrien to propose in place of the provision that the existing laws of Mexico should be retained and observed.³

¹ Cong. Globe, 30th Cong., 2nd Sess. P. 686

² Cong. Globe, 30th Cong., 2nd Sess. pp. 686 and 688

³ Ibid.

It was at about this point in the debate that certain gentlemen began to insist that the terms of office of Senators had expired and that business could no longer be legally transacted, but the debate went on.¹

At last Mr. Webster agreed to withdraw his motion that the Senate concur in the amendment of the House if the Senate would agree to recede from the Walker amendment, and let the Appropriation Bill pass with no reference to the Territories.²

Senator Atherton of New Hampshire immediately moved that the Senate agree to the amendment of the House and recede from their own amendment.³ This motion was carried by a vote of thirty-eight to seven,⁴ and the Appropriation Bill was passed.

26. The Revenue Laws in the Senate.

Mr. Dix of New York then brought up in the Senate the House Bill to extend the Revenue Laws of the United States over the Territories.⁵ Mr. Foote offered an amendment to the bill to

¹ See the remarks of Senators Yulee of Fla., Cong. Globe, 30th Cong., 2nd Sess. p. 686; Turney of Tenn. Ibid. Senator Foote held that those Senators whose terms expired on the 4th of March, 1849, had no right to vote after midnight. Ibid. p. 698

² Cong. Globe, 30th Cong., 2nd Sess. p. 690

³ Ibid.

⁴ Ibid. p. 691. Those voting against the recession were,-- Messrs. Dodge, Democrat from Ia., Douglas, Democrat from Ill., Metcalfe, Whig from Ky., Sturgeon, Democrat from Pa., Underwood, Whig from Ky., Walker, Democrat from Wis., and Westcott, Democrat from Fla.

⁵ Cong. Globe, 30th Cong., 2nd Sess. p. 691.

extend the laws and Constitution of the United States as far as practicable over California,¹ but, owing largely to the lateness of the hour,² the amendment was rejected and the bill extending the revenue laws was passed.³

And thus the Thirtieth Congress closed with no provision for the government of New Mexico and California.

In the meantime, plans were on foot for the organization of a Provisional Government in California by the inhabitants themselves. On December 21, 1848, a meeting was held in San Francisco for the purpose of taking steps to this end. The following resolutions, adopted at that meeting, are expressions of the sentiment, among the people most directly concerned, on the question which was tearing asunder the nation's representatives in the National Legislature.

1. "Resolved, That in the opinion of this meeting, it is the right and the duty of the inhabitants of California, to form a provisional government, which, while it aims to advance the interests, preserve the lives and property, and protect the rights of the people who live under it, will not conflict with or injure the rights, which the government of the United States may have acquired by the treaty of peace."

2. "Resolved, That we hailed with joy the intelligence that henceforth this soil was to be protected by the flag of freedom, and that this country was to participate in the blessings of education, liberty and law; that we are ready to accept and abide by a proper form of territorial government, whenever the United States Congress will vouchsafe us that mercy and consideration; and that we deeply regret their inactivity in regard to, and the ignorance of, our wants, which has forced upon us the necessity of establishing a provisional government for the protection of our firesides and our lives."

1

Cong. Globe, 30th Cong., 2nd Sess. p. 692

2 See remarks of Senator Dix of New York. Ibid.

3

Ibid.

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In the meantime, plans were on foot for the organization of a Provisional Government in California by the inhabitants themselves. On December 21, 1848, a meeting was held in San Francisco for the purpose of taking steps to this end. The following resolutions, adopted at that meeting, are expressions of the sentiment, among the people most directly concerned, on the question which was tearing asunder the nation's representatives in the National Legislature.

1. "Resolved, That in the opinion of this meeting, it is the right and the duty of the inhabitants of California, to form a provisional government, which, while it aims to advance the interests, preserve the lives and property, and protect the rights of the people who live under it, will not conflict with or injure the rights, which the government of the United States may have acquired by the treaty of peace."

2. "Resolved, That we hailed with joy the intelligence that henceforth this soil was to be protected by the flag of freedom, and that this country was to participate in the blessings of education, liberty and law; that we are ready to accept and abide by a proper form of territorial government, whenever the United States Congress will vouchsafe us that mercy and consideration; and that we deeply regret their inactivity in regard to, and the ignorance of, our wants, which has forced upon us the necessity of establishing a provisional government for the protection of our firesides and our lives."

¹ Cong. Globe, 30th Cong., 2nd Sess. p. 692

² See remarks of Senator Dix of New York. Ibid.

³ Ibid.

3. "Resolved, That we concur in the sentiments and spirit of the meeting in favor of a provisional government which was recently held in Pueblo de San Jose, and that we recommend to the inhabitants of California that they hold meetings and elect delegates to represent them in a convention, to be assembled at Pueblo de San Jose, on Monday, the 4th day of March, 1849, at ten o'clock A. M., for the purpose of draughting and preparing to form a provisional government; and that, in our opinion, such a form of government, when prepared, should be submitted to the people, that they may determine by ballot whether they will or will not adopt it."

4. "Resolved, That this meeting recommend to the inhabitants of the town and district of San Francisco, that an election be held at the school house in the Village of San Francisco, on Monday, the 8th of January, 1849, for choosing five delegates to represent them in the proposed convention."

5. "Resolved, That the President nominate a corresponding Committee to consist of three persons, to be confirmed by the meeting, whose duty it shall be to communicate with the other districts that thereby unanimity and concert of action may be produced."

6. "Resolved, That the president nominate three persons to be confirmed by the meeting, to act as judges of the election for delegates."¹

The importance of these resolutions lies not only in the fact that California was clamoring for a government and that she meant to have it, but also in the decided preference, which the resolutions expressed, for a government by which slavery should be excluded from the territory.

¹ Niles Register, Feb. 28, 1849. N. R. 75:129

CHAPTER VI

CONCLUSION

1. What was accomplished in the Thirtieth Congress, bearing upon the war and the disposition of territories.

To sum up then, the Thirtieth Congress did but very little in the work of the subject of our study which showed in actual results. Its accomplishments were but three:

1. The Loan Bill, providing for the expenses of the war, was passed.
2. The war was ended by the agreement of the Senate to the treaty of peace, negotiated by Mr. Frist.

This treaty gave to the United States the new territory of California and New Mexico, much of which was south of the Missouri Compromise line.

3. Oregon, which had for so long been clamoring for a government, was organized into a territory in which slavery was prohibited.

All three of these real accomplishments of this Congress were made before the close of the first session. The second session succeeded in passing no bill upon the subjects in question.

2. What the Thirtieth Congress attempted in connection with the war and the territories.

But Congress attempted more than it was able to accomplish.

1. Before the treaty of peace was signed, the Democrats in both Houses, but particularly in the Senate, attempted the

passage of the Ten Regiment Bill, which would aid the President in a vigorous prosecution of the war by adding to his supply of troops ten new regiments of regulars. The aim of the Democrats was to push the war so heavily in Mexican territory that, not only the Government, but the people as well, would feel the burden of it, and would be brought to satisfactory terms of peace. This bill failed in the first session because of the strength of the Whig party, which was antagonistic to the war and to the plans of the President.

2. The great failure of the Congress was the failure to organize Territorial Governments for California and New Mexico. This was attempted in the first session along with the organization of Oregon, but it failed, and the problem went over into the second session where its solution constituted the great effort of the sessions, but to no avail.

3. The reason for the failure of the Thirtieth Congress to settle the slavery question in relation to the territory acquired from Mexico.

The reason for the failure of the attempt to organize the newly acquired Mexican provinces was the bitter jealousy between the North and the South over the question of whether or not slavery should be permitted therein.

This jealousy failed to yield to the attempt of leaders in Congress to solve the problems because with each new attempt to settle the slavery question, the feeling of resentment and suspicion between the sections had accumulated force; and, deeper than that,

the interests of the two sections had become distinct. The influential classes in the North and in the South had little in common, either from an economic or from a social standpoint. The industrial and the commercial interests often ran counter. The habits of life and the customs were at some points, widely divergent. We are accustomed to think that the slavery controversy caused sectionalism. It is quite as true that sectionalism caused the slavery controversy. Not but that sectionalism was developed through the conflict over slavery, but each reacted upon the other.

And so, beneath the surface of argument, was the strife for personal advantage. Northerners knew that their happiness and prosperity in the territories depended largely upon the absence of slave labor there. Southerners knew that the prohibition of slavery in these territories would make them forfeit advantages of the wealth of the new acquisitions, whatever that wealth might be.

Deeper, too, than the jealousy over personal gain was the political jealousy. On top of the sectional feeling had developed a keenness on the part of each section to keep the preponderance of power in the National Legislature, for with such power came the opportunity to increase the sectional advantages of the strongest faction. If the new provinces should become slave provinces, at least four new Senators would represent the Southern interests, and a goodly number of Representatives would add to their power in the Lower House. From exactly the opposite angle, did the Northerners

view the possibility, and the interests clashed. The time had passed when either could yield with any kind of grace, for each settlement, no matter how temporary, was piling up precedents to be used in future struggles.

I would not be understood to say that sectionalism was fully developed nor an entirely conscious thing at the beginning of this struggle. I merely mean to say that obstinacy was added to the struggle conflict because of the already clashing interests between North and South.

4. Sectionalism in the Thirtieth Congress.

The development of sectionalism in this Congress stands out preeminently. The votes on the Wilmot Proviso in the Twenty-ninth Congress were by no means, strict sectional votes. The votes in connection with the Mexican War in the opening months of the Thirtieth Congress were almost strictly partisan in their character. The votes on the Territorial Governments for Oregon, New Mexico and California in the first session of the Thirtieth Congress were sectional, put with a pronounced party tinge so far as Democracy was concerned. But the votes on the disposition of New Mexico and California in the second session of the Thirtieth Congress was in some cases entirely sectional, and in others more nearly than ever before. Sectionalism had become a conscious development. The foundation for geographical parties had been laid before the Thirtieth Congress adjourned. There were to be more compromises which would temporarily bridge over the chasm; and the Democratic party was yet to become a slave party--

this was developments still ahead in the struggle--but sectionalism was never again to be broken down until the country was made over without the institution. †