an active part to defeat the treaty of annexation, negotiated by me on the part of the United States. He knows that it contained no provisions that countenanced the abolition of slavery in any portion of Texas. I was strongly urged during the negotiation to insert a provision to extend the Missouri compromise line across Texas to its western boundary, and was informed that it would aid in securing a constitutional majority in the Senate, in its favor. I peremptorily refused. He knows that he offered a proposition to abolish it in one half of the whole of Texas, and that by a line, not drawn east and west, but north and south, so as to hem in the South on all sides; by surrounding her with abolition States. He also knows, that his friend and supporter on the occasion, Mr. Hayward, of North Carolina, went still further, and offered resolutions to extend the ordinance of 1778, not only over all of Texas, but even all the Territories lying west of Arkansas and Missouri, and south of 36 30, with however a proviso excepting the portion of Texas lying south of a line drawn east and west in the 34th degree of parallel of latitude. The presumption is strong that in offering his resolution, he acted with his friend Col. Benton, to whose course he adhered on the Texas question. But, be that as it may, certain it is he sat mute. He raised no voice of indignation against a measure which proposed to exclude slavery forever from that very region, which he charges me with having given away to the Indians, and losing it to the South. As bad as the policy of Mr. Adams and Gen. Jackson may be in reference to that region, they did not exclude slavery: The Indians, who occupy it, are slaveholders, and having an interest in common with you, may be regarded as faithful allies on that vital question. The resolutions of his friend Mr. Hayward were designed to deprive you of this advantage; and yet Colonel Benton now raises his voice in loud denunciation against me upon the false charge of giving away the territory to the Indians, while he approved, at least by his silence, of excluding you entirely from the territory, and one half Texas to boot, and to extend the principle of the ordinance of '87 over the whole, including Texas and the territories. So much for his own position, in reference to the subject of the charge.

It now remains to show that it is, like all his other charges, destitute of foundation. He rests his charge that I abolished slavery in Texas, on the fact that I was then Secretary of State, and that I selected the resolution, as it passed the House of Representatives, instead of the amendment originally proposed by him, as the basis on which to annex Texas. Thus far, he has departed from his usual rule and stated facts correctly. I shun no responoibility. I am willing to take the whole on this occasion; but it is due to the President and the members of his administration to say—they were unanimous in favor of the selection made. I not only selected it, but assigned my reasons for making it, in a despatch to our then Minister to Texas, Mr. Donaldson. I assigned them becaute I anticipated that there would be an attempt to undo what was done, after the expiration of Mr. Tyler's administration. This I was resolved to prevent, by stating reasons for the selection that could not be overruled. The attempt, as I suspected, was made, and the late President has since been arraigned before the public by two friends and associates of Col. Benton, (Blair and Tappan,) because he could not be forced to overrule what his predecessor had done. The following is an extract from the despatch:

"It is not deemed necessary to state at large the grounds on which his decision rests. (The President.) It will be sufficient to state, briefly, that the provisions of the resolution, as it came from the House, are more simple in their character, may be more readily, and with less difficulty and expense, carried into effect, and that the great object contemplated by them is much less exposed to the hazard of ultimate defeat.

That they are more simple in their character, a very few remarks will suffice to show.—According to the resolution as it came from the House, nothing more is necessary than that the Congress of Texas should be called together, its consent given to the provisions contained in it, and the adoption of a constitution by the people in Convention, to be submitted to the Congress of the United States for its approval, in the same manner as when one of our own territories is admitted as a State. On the contrary, according to the provisions of the Senate's amendment, the Congress of Texas must, in like manner, be convened, it must then go through the slow and troublesome process of carving a State out of a part of its territory; afterwards it must appoint agents or commissioners to meet similar agents or commissioners, to be appointed on our part, to discuss and agree on the terms and conditions on which the State shall be admitted, and the cession of the remaining territory to the United States; and after all this, and not before, the people of the said State must call a convention, frame a constitution, and then present it to the Congress of the United States for its approval, but which cannot be acted on, until the terms agreed upon by the negotiators, and which constitute the conditions on which the State is to be admitted, shall have been ratified.

That they may be more readily and with less difficulty and expense carried into effect, is plain from the fact, that the details are fewer and less complex. It is obvious that the numerous and complicated provisions contained in the amendment of the Senate, must involve much time and difficulty in their execution;—while as to the expense, the appropriation of $100,000 provided for by it, is a clear additional cost, over and above that attendant on the execution of the resolution of the House.

But the decisive objection to the amendment of the Senate is, that it would endanger the ultimate success of the measure. It proposes to fix by negotiation between the Governments of the United States and Texas, the terms and conditions on which the State shall be admitted into our Union, and the cession of the remaining territory to the United States. Now, by whatever name the agents conducting the negotiation may be known—whether they be called commissioners, ministers, or by any other title—the compact agreed on by them in behalf of their respective governments, would be a treaty, whether so called or designated by some other name. The very meaning of a treaty is a compact between independent States, founded on negotiation, and if a treaty (as it clearly would be) it must be submitted to the Senate for its approval, and run the hazard of receiving the votes of two-thirds of the members present; which could hardly be expected, if we are to judge from recent experience. This of itself, is considered by the President as a conclusive reason for proposing the resolution of the House, instead of the amendment of the Senate, as the basis of annexation."

The above extract will place you in possession of the leading reasons for making the selection: Events prove that the selection was judicious. Texas was annexed against every effort of open enemies and treacherous friends, both here and there, and the most strenuous efforts to defeat it by England and France, and by it your weak and most exposed flank was protected against danger from without, and the machinations of abolitionists and their abettors at home. It was a great victory, both for your cause and the country, and was felt to be so at the time. That it was due to the selection made, I have the highest authority. Mr. Donaldson, in his letter to me, after annexation was achieved, said that any other course but that pursued would have defeated it.

But Col. Benton now objects that the House resolution contained a provision to extend the Missouri Compromise line to the western boundary of Texas, and asserts that this extension abolished slavery in the State—meaning, I suppose, that it prevented the introduction of slaves in the portion north of the line, when at the time there were no settlements or slaves. It was not, it seems, the resolution or those who voted for it and passed it, and among them himself, whose vote could have defeated it, that abolished slavery, as he calls it, but I, who made the selection of the House resolution, in preference to his amendment. The slightest agency, it seems, on my part, in reference to any measure, makes me solely responsible for the whole. It would be better at once for him to take the ground, that I only am responsible for all the misdeeds of the government, since I came into public life, whether of commission or omission. But what could I do? The President had to act, and to select one or the other resolutions—his or the House. The selection was left to him· If that of the House was tainted by the Missouri Compromise with abolitionism, as he states, his resolution was much more deeply infected. I have his own words for the assertion. He declared that his amendment, as adopted by the Senate, was the same with the string of resolutions he had introduced at the preceding session, and renewed at the then session. He also dec'ared that they were generalized and comprised in one, to avoid objections to details. One of this string of resolutions, thus covered under general terms, was to divide Texas into two equal parts, by a line drawn North and South, of which the western part was to be subject to the ordinance of '87. A measure coming from a quarter so hostile, and accompanied by such a declaration, was justly suspected as intending mischief. It was so considered, generally, by the friends of annexation in the Senate, as was assented to reluctantly, and only because he had a few supporters, who with himself held the balance, and refused to vote for the resolution of the House, without the amendment. Among them, if my memory serves me, was his friend Hayward, who was for covering all Texas and the whole region north of 36 30 with the ordinance of '87. *Timeo Danaos et dona ferentes.*

I come now to the last of his charges; that I abandoned the South, and left him and a few others alone by the side of the ill-fated owners of the Comet, Encomium, Enterprize and Creole. He does not state by what act I abandoned you, but leaves it to be inferred from his remarks, that it was by voting in favor of the Ashburton treaty, which contained no stipulation in favor of the owners of those vessels. It is a trick of his to make his charges very vaguely, so as to make it difficult to detect his errors and repel his slanderous attacks. I admit that I voted for the Ashburton treaty. I did more, I deliversd a speech in its favor, which, in the opinion of its friends, saved it from rejection. Its fate was doubtful. The opposition headed by Col. Benton was violent, and it required two thirds to confirm the treaty. I am willing to take whatever share of responsibility he may think proper to allot to me for voting for it. I look with no little satisfaction to my course on the occasion, from the belief that I rendered then great and permanent service to the country.—For its adoption was the first link, in that series of causes, by which war between Great Britain and us was averted. Who is there now so blind, as not to see, that if the treaty had been rejected, war could not have been avoided?—The two countries were in truth on the very eve of a rupture, the way events were moving at the time, without either being aware of it. At the very next session the Oregon question for the first time assumed a dangerous and menacing aspect. A bill was introduced immediately after its opening, which covered the whole of that territory, the object of which was to commence systematically the work of colonization and settlement on our part. I took my seat in the Senate two or three weeks after the commencement of the session, and found the bill on its passage, without opposition, and apparently without division of opinion. I saw the danger to the peace of the two countries, and that the time had come to take a stand to save it. I determined to do my duty regardless of consequences to myself. I arose and opposed it, and thereby exposed myself to the opposition of the entire west, which was strongly in its favor. My name then, as well as when the Ashburton treaty was pending in the Senate, was before the people for the highest honor in their gift—placed there, not by myself, but by my friends. Did I then permit the low motive of aiming at the Presidency, to which he attributes my course on the treaty, to sway me from the path of duty?

My stand prevented the bill from becoming a law, and that constituted the second link, in the series of causes by which we were enabled to avert war between the two countries· Col. Benton then went for the bill, and was, I believe, for the whole of Oregon· Had the treaty been rejected at the preceding session, the stand I took and the resistance I made to the bill, would have been all in vain. It would have passed, and the country precipitated into war; but as it was, time was gained, which was all important. The agitation, however, was kept up about Oregon, and similar bills were introduced the two succeeding sessions, which failed by small majorities. In the meantime, negotiation was commenced and the claim to the whole of Oregon made. The cry was "all or none," and so strong was the current in its favor, that both parties yielded to it in the early part of the session. I had resigned my seat in the Senate, but was re-elected a short time before the session commenced, and took my seat several weeks afterwards. I saw and felt the strength of the current, but resolved to breast it, and save the peace of the country if possible. It was arrested and a counter current created. Col. Benton himself yielded to the counter current, and delivered a speech after the battle was won, in which he belabored those who stuck to "all or none" after he found that they were in a minority. It was this chain of causes, of which the Ashburton treaty was the first and indispensable link which averted war, and by it saved the two countries from one of the greatest calamities which could have befallen them, and, I might add, the civilized world. I shall ever remember with proud satisfaction, that I took a prominent lead and a highly responsible part on the side of peace throughout the whole.

I also admit, that the treaty contained no stipulations in favor of the owners of the vessels, not any to prevent similar outrages in future. It was an objection, and I admitted it to be so in my speech in favor of it, not a sufficient one to induce its rejection. But, although the treaty contained no stipulations to guard against like outrages thereafter, much nevertheless, was done in the negotiation to prevent them, and to place the south on much more elevated ground in reference to the subject, than where it stood, when the negotiation commenced. To understand how much was done towards this, a brief statement of facts, connected with the case of those reports, is necessary.

They were all coasting vessels having slaves on board, and were all either stranded in their voyage from the Atlantic ports to those on the Gulf on the British possessions, Bermuda and the Bahama Islands, or forced to put into ports by stress of weather to save themselves from shipwreck, or were carried in by rising of the slaves and taking the vessels into port. Their fate was the same. The slaves were liberated, under circumstances of more or less violence and indignity, by the local authority. The outrage was enormous, and the insult to the American flag great. The first occurred as early as the year 1830, and all under the administration of General Jackson or Mr. Van Buren, except the Creole. Application was made to the Executive by the owners for redress. After a feeble and tame negotiation of many years, the British Government agreed to compensate the owners in the case of the Comet and Encomium, but refused to make any in that of the Enterprise, on the ground, that the two first occurred before her act of abolishing slavery had gone into operation, and the other after it had. The Administration (Mr. Van Buren's) accepted the compensation and acquiesced in the refusal, in the case of the Enterprise, without remonstrance or protest, and thus waived our right and admitted the absurd and dangerous principle, on which the refusal was placed.

What the Administration shamefully omitted to do, I resolved to do through the Senate, if possible, and with that view, and in order to perpetuate our claim of right I moved in the Senate, in 1840, the three following resolutions, and succeeded in passing them by a unanimous vote, with some slight amendment, Col. Benton voting for them, but not standing by me, as he says, for he never uttered a word in their support:

"*Resolved*, That a ship or vessel on the high seas, in time of peace, engaged in a lawful voyage, is, according to the laws of nations, under the exclusive jurisdiction of the State which her flag belongs; as much so as if constituting a part of its own domain.

"*Resolved*, That if such ship or vessel should be forced by stress of weather, or other unavoidable cause, into the port of a friendly power, she would, under the same laws, lose none of the rights appertaining to her on the high seas; but on the contrary, she and her cargo and persons on board, with their property, and all the right belonging to their personal relations, as established by the laws of the State to which they belong, would be placed under the protection which the laws of nations extend to the unfortunate under such circumstances.

"*Resolved*, That the Brig Enterprize, which was forced unavoidably by stress of weather into Port Hamilton, Bermuda Island, while on a lawful voyage on the high seas, from one part of the Union to another, comes within the principle embraced in the foregoing resolutions; and that the seizure and detention of the negroes on board by the local authority of the Island, was an act in violation of the laws of nations, and highly unjust to our own citizens to whom they belong."

Such was the condition in which the administration of Mr. Van Buren left these outrageous cases. They never were brought to the notice of the public, and the principle first contended for was surrendered; and that maintained by Great Britain in the case of the Enterprize acquiesced in; and, of course all claims of compensation on the part of the owners rendered hopeless. The following administration had nothing to stand on, but my resolutions and the vote of Senate in their favor. If then "the ill fated owners" were sacrificed, it was not by me. Their case was rendered hopeless by the preceding administration, with which Mr. Benton was intimately associated, and in which he acquiesced; for he never raised his voice in their favor, in the long period of ten years, during all which time his voice might have been potential· I turn now to explain what was done in reference to this subject by the negotiation, which ended in the Ashburton treaty, and how much the South, which he accuses me as having abandoned, has gained by it. For that purpose I insert an extract from my speech on the treaty.

"Such was the state of the facts, when the negotiations commenced in reference to those cases; and it remains now to be shown in what state it has left them. In the first place, the broad principle of the law of nations, on which I placed our right, in my resolutions, have been clearly stated and conclusively vindicated in the very able letter of the Secretary of State, which has strengthened our cause not a little, as well from its intrinsic merit, as the quarter from which it comes. In the next place, we have an explicit recognition of the principles for which we contend, in the answer of Lord Ashburton, who expressly says that, "On the great general principles, affecting this case," (the Creole) "they do not differ; and that is followed by "an engagement that instructions shall be given to the Governors of her Majesty's Colonies, on the Southern borders of the United States to execute their own laws with careful attention to the wishes of their government to maintain good neighborhood; and there shall be no officious interference with American vessels driven by accident or violence into their ports. The laws and duties of hospitality shall be executed." This pledge was accepted by our Executive, accompanied by the express declaration of the President, through the Secretary of State, that he places his reliance on those principles of public law which had been stated in the note of the Secretary of State.".

Here we have a positive acknowledgement of the principle, which the administration of Mr. Van Buren had abandoned and a pledge that necessary measures would be taken to prevent similar occurrences in future, and the laws and duties of hospitality be executed. Now when I add that all this, thus far, has been faithfully executed, I may assort with truth that you gain much, far more than I had hoped, considering the state in which the subject had been left by the preceding administration. So much for the charge, that I had abandoned you on the occasion, and the assertion of Col. Benton that he had stood by "the ill fated owners."

I have now repelled all the chagres, intended to shake your confidence in my fidelity to you, in reference to the most vital of all subjects to the South. I have shown that they all rest either on statements that are utterly false, or conclusions that are entirely erroneous or inconclusive. I have also shown, that Colonel Benton has involved himself at every step, in false statements, contradictions, inconsistency and absurdities. I will not say, that he made his chages knowing them to be false; for that would brand him as a base calumniator and slanderer; but I will say he ought to known they were. It may be however, that he was too much blinded by his passions and prejudice, or lacked the discrimination to perceive they were.

I have passed over all that was directed against me personally, and not intending to impeach my fidelity to you and your canse; because it did not fall within the reasons, which induced me to notice him at all. I have also passed over the torrent of abuse, he has poured out against me; not only for the same reason but because I deem it beneath my notice. He doubtless thinks differently, and regards it, as the finest portion of his speech; for he has used expressions, which pretty clearly indicate, that he anticipates, it will raise him to the level of the great Athenian orator, for indignant denunciation. He mistakes his fate. He will be fortunate should he escape sinking to the level of Thersites. He seems, not to apprehend, that the difference is wide between the indignant eloquence of patriotism and truth and scurrilous defamation. I also pass over his attack on the Southern Address; because it has been too generally read, and is too well understood, by you, for him to do any mischief by assailing it. The wonder is, that he should venture to make an attack in open day light. The remote twilight region of the past lying between truth and fiction, best suits his taste and geinus.

Passing all these by, I am brought to where he throws off his disguise, and enters the camp of the enemy, and openly proclaiming himself an abolitionist, endorses all their doctrines, and steps forth as their champion. In that character, he assumes a dictatorial air, and pronounces that it is absurd to deny the power of Congress to legislate as it pleases, on the subject of slavery in the territories; that it has exercised the power from the foundation without being questioned until I introduced my resolutions; that slavery is local in its character; that it must be created by law, and cannot be carried an inch beyond the limits of the State that enacted it; that slaves cannot be carried into New Mexico or California because the Mexican laws abolished slavery there and are still in force, concludes that it is a mere abstract question of no importance, because the people there, and especially the foreigners, are opposed to it, and will not permit you to emigrate into the territory with your slaves·

I do not propose to enter into a formal repetition of assertions so ostentatiously pronounced. It is not necessary. They were the same that were put forth and relied on by those opposed to you in the discussion on the Oregon territorial bill, during the session preceding the last; and which were then fully met and refuted by me and others, who took your side of the question. What I now propose is a very summary and brief notice of those several assertions.

I begin with that which asserts that Congress has the power to do as it pleases upon the subject of slavery in the territories. I deny the assertion and maintain that Congress has no such power over slavery there or elsewhere, or over any other subject. I deny that Congress has any absolute power whatever; or that it has any of any description, except such as are specifically delegated, or that are necessary and proper to carry them into execution. I maintain, that all its powers are delegated and trust powers, and not positive and absolute, and that all of the latter description belongs exclusively to the people of the several States in their sovereign character. I also hold that Congress is but their representative and trustee, and that in carrying into execution its powers, it cannot rightfully exercise any inconsistent with the nature and object of the trust, or with the character of the party who created the trust, and for whose benefit it was created. I finally hold, that instead of having the absolute power over the territories, of doing as it pleases, that Congress is restrained by all these limitations, and that its power to exclude you from emigrating with your slaves into them, cannot be maintained without denying that ours is a government of specific powers; that it is a government of which States and not individuals are the constituents, and that Congress holds its powers as delegated and trust powers. Nor can it be maintained, without assuming that ours is a consolidated Governmet, and holds its powers absolutely in its own sovereign right of doing as it pleases·

I also deny, the truth of his next assertion, that it has exercised the power over the territories, as it pleases, without being questioned until I introduced my resolutions. I maintain on the contrary, that such power never was exercised by Congress, until he and his associates, passed the Oregon territorial bill. That was the first bill containg the Wilmot Proviso, that ever passed as has been stated—passed solely to assert the absolute right of doing as it pleases. All others, including the ordinances of 1787 were passed as compromises which waived the question of power, as has been frequently shown. Nor is his assertion more correct, that the power never was questioned, until the introduction of my resolutions. It was questioned from the start, beginning with the ordinance of 1787. Mr. Madison pronounced that it was adopted without a shadow of right. Since then, it has been acquiesced in not as a right, but as a compromise until the North refused all compromise, and forced the South to stand on its rights, where it should have stood from the first.

The next assertion, that slavery is local in its character; that it must be enacted by law, and cannot be carried an inch beyond the limits of the State, that enacted it, is equally untainable. It is clear that in making it, he intended to affirm, that in these respects, property in slaves stands on very different ground from every other description of property.

I deny the fact and maintain that there is no distinction between it and other property, in that respect. It no more requires to be enacted by positive enactment for its origin, that property in land or anything else. The relation of master and slave was one of the first and most universal forms in which property existed. It is so ancient that there is no record of its origin. It is probably more ancient than separate and distinct property in lands, and quite as easily defended on abstract principles. So far from being created by positive enactment; I know of no instaece, in which it ever was, or to express it more accurately, in which it had its origin, in acts of legislatures· It is always older, than the laws which undertake to regulate it, and such is the case with slavery, as it exists with us. They were for the most part slaves in Africa, they were bought as slaves, brought here as slaves, used as slaves, and held as slaves, long before any enactment made them slaves. I even doubt whether there is a single State in the South, that even enacted them to be slaves. There are hundreds of acts that recognize and regulate them as such, but none, I apprehend, that undertake to create them slaves. Master and slave are constantly regarded as pre-existing relations.

Nor is it any more local in its character, than other property. The laws of all countries, in reference to every thing, including property of every kind, are local, and cannot go an inch beyond the limits of which the authority of the country extends. In case of property of every description, if it passes beyond the authority of the country where it is, into another, where the same description of things are regarded as property, it continues to be so there, but becomes subject to be laws and regulatioins of the place in reference to such property. But, if it be prohibited as property, in the country into which it passes, it ceases to be so, unless it has been forced in, under circumstances which placed under the protection of international laws. Thus, one and the same principle apply in this respect to all property; in things animate or inanimate, and rational or irrational. There can be no exceptions; as property every where, and of every kind, is subject to the control of the authority of the country. Thus far, I hold, that there can be no reasonable doubts.

Nor can there be any, that the same principles applies between the several States in our system of government. Slaves, or any other property carried into a State where it is also property, continues still to be so; but if unto one, where it is prohibited, it ceases to be property. This is admitted too, by all. It is also admitted by all, that the general government cannot overrule the laws of a State, as to what shall or shall not be property, within the limits of its authority. The only question then is, what is the power of the general government where its authority extends beyond the limits of the authority of the States regarded in their separate and individual character? or to make it more specific; can it determine what shall or shall not be property in the territories or whereever else its authority extends, beyond that of the states seperately? or to make it still more so, can it establish slavery in the terrirories? can it enact a law providing that any negro or mulatto found in the territories of the United States shall be a slave, and be liable to be seized, and treated as such by whoever may choose to do so? According to Col. Benton's doctrine that Congress may legislate as it pleases, upon the subject of slavery in the territories, it would have the power, but I doubt whether, there is another individual, who would agree with him. But if it has not the power to establish slavery in the territories, how can it have the power to abolish it! The one is the counterpart of the other, and where is the provision of the constitution to be founded which authorizes the one and forbids the other!

The same question may be propounded as to public and private vessels belonging to the United States and their citizens on the high seas; for the principle, which applies to the territories, equally applies to them, and to all places, to which the authority of the general government extends, beyond the states regarded separately.

It is, indeed, a great misconception of the charactr and object of the general government, to suppose that it has the power to establish or abolish slavery, or any other property, where its authority extends beyond the limits of the States regarded individually. Its authority is but the united and joint authority of the several States conferred upon i: by a constitution, adopted on mutual agreement, but by the separate act of each State, in like manner in every respect, as each adopted its own separate constitution, with the single exception, that one was adopted without, and the other on mutual agreement of all the States. It is then, in fact, the constitution of each State, as much so as its own separate constitution, and is only the constitution of all the States, because it is that of each. As the constitution made the general government, that too is, in like manner, as much the government of each State as its own separate government, and only the government of all, because it is the government of each. So likewise are its laws, and for the same reason. Its authority, then, is but the united and common authority of the several States, delegated by each to be exercised for the mutual benefit of each and all, and for the greater security of the rights and interests of each and all. It was for that purpose the States united in a federal union, and adopted a common constitution and government. With the same view, they conferred upon the government whatever power it has of regulating and protecting what appertained to their exterior relations among themselves and with the rest of the world. Each, in brief, agreed with the others, to unite their joint authority and power to protect the safety and rights and promote the interest of each by their united power.

Such is clearly the character and object of the general government, and of the authority and power conferred on it. Its power and authority, having for its object, the more perfect protection and promotion of the safety and rights of each and all, it is bound to protect by their united power the safety, the rights, the property, and the interest of the citizens of all, wherever its authority extends. That was the object for conferring whatever power and authority it has, and if it fails to fulfil that, it fails to perform the duty for which it was created. It is enough for it to know, that it is the right, interest, or property of a citizen of one of the States, to make it its duty to protect it whenever it comes within the sphere of its authority; whether in the territories, or on the high seas, or anywhere else. Its power and authority were conferred on it, not to establish or to abolish property, or rights of any description, but to protect them. To establish or abolish belongs to the States, in their separate sovereign capacity—the capacity in which they created both the general and their separate State governments. It would be, then, a total and gross perversion of its power and authority to use them to establish or abolish slavery or any other property of the citizens of the United States in the territories. All the power it has, in that respect, is to recognise as property there, whatever is recognised as such by the authority of any one of the States, (its own being but the united authority of each and all of the States,) and to adopt such laws for its regulation and protection as the state of the case may require. Nor is there the slightest danger, that the recognition of the property of citizens of each and all the States within the territories, would turn them into a babel, as Col. Benton contends. All may co-exist without conflict or confusion, by observing the plain and simple rule of duty and justice.

There is another error akin to this, that the Mexican law abolishing slavery is still in force in New Mexico and California, when not a particle of its authority or sovereignty remains in either. Their conquest by us and the treaty that followed extinguished the whole, and with it annulled all her laws applicable to them, except those relating to such rights of property and relations between individuals as may be necessary to prevent anarchy; and even these are continued only by *sufferance* and on the implied *authority of the conquering country and not the authority of the conquered*, and only from the necessity of the case. Her laws abolishing slavery are not embraced in the exception; and if it were, it would be taken out of it, as the assent of Congress could not be implied to continue a law which it had no right to establish.

But still higher ground may be taken. The moment the territory became ours, the constitution passes over and covers the whole with all its provisions, which from their nature are applicable to territories, carrying with it the joint sovereignty and authority of each and all the States of the Union, and sweeping away every Mexican law, incompatible with the rights, property, and relations, belonging to the citizens of the United States, without regard to what state they belong, or whether it be situated in the northern or southern sections of the Union. The citizens of all have equal rights of protection in their property relations and persons in the common territories of each and all the states. The same power, that swept away all the law of Mexico, which made the Catholic religion the exclusive religion of the country, and which let in the religion of all denominations, which swept away the laws prohibiting the introduction of property of almost every description, some absolutely and others under the condition of paying duties, and letting them in duty free until otherwise provided for, swept that which abolished slavery, and let in property in slaves. No distinction can be made between it and any other description of property or thing consistently with the constitution and the equal rights of the several states of the union and their citizens.

But we are told by Col. Benton, that the question has become a mere abstraction of no importance; that few have gone into either territory, except citizens of the north and foreigners; and that they are all opposed to us. What insult! What? taunt us by telling us we cannot go into them because foreigners and others who have been let in freely, and we kept out by the threat of confiscating our property by himself and his associates, have become sufficiently numerous to keep us out without the intervention of Congress to aid them! He knew that "property i. timid" and could be kept out by threats, and that to keep us out for a short time was one of the ways to exclude us ultimately. What a comment on the equity and justice of the government, that we, who have so freely spent our blood and treasure to conquer the country, should be excluded from all its benefits, while it is left open for the use and enjoyment of all that rabble of foreigners, which he enumerates with such zest, as the efficient means of our exclusion. Is there another instance of such an autrage to be found in the history of any other government that ever existed?

His avowal of the doctrines of the abolitionists, will have an effect he litt'e suspected when he made it. It furnishes ample evidence to show that he used deception in assigning his reasons for declining to obey the instructions of his legislature. It will be remembered, he offered as his reasons, that their resolutions instructing him were borrowed from mine, and that mine were introduced for disunion purposes, and that there was no difference between them, except that mine aimed directly at disunion, and theirs ultimately at the same thing. He added in effect, that his devotion to the Union would not permit him to vote for resolutions so deeply taited with disunion. That was at the commencement of his speech. We now have in its conclusion conclusive evidence from himself, that all this was a mere *fetch*, a stratagem to conceal his real motive for declining to obey them. His real motive, as it now appears, was that he could not vote for them under any circumstances, for how could an abolitionist, as he avowed himself to be, possibly obey resolutions which are utterly at variance with their doctrines? To obey would have involved him in palpable contradiction, so much so that it could not fail to prostrate and to overwhelm him with shame, if he is not to shame invulnerable. This he saw, and that he had no alternative left, but to resign or disobey. He determined in favor of the latter; but this of itself did not relieve him of his dilemma. He knew well that it would defeat his object to come out boldly and say that he had abjured his former creed and adopted that of the abolitionists. And hence he was forced to adopt some other expedient; and for that purpose, adopted the miserable pretext of slanderously charging me and my resolutions, and his own legislature and their resolutions with disunion, and of assigning that as his reason for not obeying them, when he knew that his position made it impossible for him to obey them. But these are not the only resolutions adopted by the Legislature of his State to instruct him. The previous Legislature adopted two others, of which he says that they truly express the sense of the State, and that he obeyed them, not only in their letter, but spirit. They are in the following words:

"Resolved, That the peace, permanency and welfare of our National Union depend upon a strict adherence to the letter and spirit of the 8th section of the act of Congress of the United States, entitled 'an act to authorize the people of the Missouri territory to form a constitution and State government for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain territories;' approved March 6th, 1820."

"Resolved, That our Senators in the Congress of the United States are hereby instructed, and our representatives requested to vote in accordance with the provisions and the spirit of the said 8th section of the said act, in all the questions which may come before them in relation to the organization of new territories or States, out of the territory now belonging to the United States, or which hereafter may be acquired either by purchase, by treaty or by conquest."

It is proper to observe, that the 8th section to which they refer contains the Missouri compromise, which established 36 30 as the dividing line between the slaveholding and non-slaveholding States, drawn between the western boundary of the State of Missouri and the western boundary of Louisiana. These resolutions he says he obeyed, in letter and spirit, when in fact he flagrantly violated them, by his vote for the Oregon territorial bill, prohibiting slavery in that territory, without any compromise annexed; and that too to assert the principle of unlimited power of Congress over the territories, and in open defiance of all compromise. He calls that bill *his* proviso, and well he may, for he passed it when it was in his power to defeat it. A very few remarks will suffice to show that I have not expressed myself stronger than truth warrants.

The first resolution asserts "that the peace, harmony and welfare of our national Union depends upon a strict adherence to the letter and spirit of the Missouri compromise, and the last instructs their Senators and Representatives *to vote in accordance with its provisions and spirit in all questions which may come up before them in relation to the organization of new territories or States*, out of territories now belonging to the United States, or which hereafter may be acquired." No instruction could be more full or explicit, or assign stronger motives for obeying them, especially to one professing so great a devotion to the Union. There is no mistaking the meaning. He is instructed to vote for all bills in reference to the territories which may conform to the letter and spirit of the Missouri compromise, and against all that do not; that is, to vote for all that extend the line westward from its terminus on the western boundary of Texas, for that is its letter; and to secure to the South that portion of the territory lying on the southern side of the line, as effectually as that compromise did in fact, all the territory which lay on its southern side, and to vote against all bills that did not, for that is meant by its spirit. There was good reason to put in "spirit," for it was understood then that the doctrine began to be broached that the laws of Mexico abolishing slavery would continue in force unless they were repealed, if not prevented by some effectual guard. No additional remarks can make his disobedience more