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ACQUISITION OF TERRITORY.

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COLLECTION
OREGON
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SPEECH

OF

HON. D. S. DICKINSON, OF NEW YORK,

IN THE SENATE OF THE UNITED STATES, JANUARY 12, 1848.

The following Resolutions, submitted by Mr. Dickinson on the 14th ultimo, came up:

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; and that neither in such acquisition nor in the territorial organization thereof can any conditions be constitutionally imposed, or institutions be provided for or established, inconsistent with the right of the people thereof to form a free sovereign State, with the powers and privileges of the original members of the Confederacy.

Resolved, That, in organizing a territorial government for territories belonging to the United States, the principles of self-government upon which our federative system rests will be best promoted, the true spirit and meaning of the Constitution be observed, and the Confederacy strengthened, by leaving all questions concerning the domestic policy therein to the Legislatures chosen by the people thereof.

Mr. DICKINSON said:

We are admonished by the exigencies of the times and the prevailing sentiment of the American people, to strengthen our political and commercial relations upon this continent by the annexation of such contiguous territory as can be justly obtained, as well for the positive benefits the acquisition may confer, as to shut out forever, as far as practicable, the pernicious influences, and impertinent intermeddlings of European monarchy. And while the circumstances under which this policy may properly be enforced, are too varied and contingent to be enumerated or suggested, the state of our relations, both foreign and domestic, demand that it be fully declared before the world. We have been compelled by misguided Mexico to resort to the *ultima ratio* of nations for an adjustment of grievances. With her capital, her ports, her fortifications and principal towns in our possession, she spurns all proposals for accommodation, and we have no alternative left, consistent with national spirit or self-respect, but to retain of the possessions allotted us by the tribunal of her own selection, ample indemnity for the wrongs she has heaped upon our Government and people. But should she in some same moment consent to negotiate, she can furnish indemnity only in territory, and this Government can accept of no terms but such as give full compensation; so that whether we have peace or war, treaty or no treaty, the question of territorial acquisition cannot be avoided. Had we remained at peace with Mexico, the same policy of acquisition would sooner or later have been presented; and should a treaty of peace be negotiated, and a full indemnity be paid in money, of which there is no prospect, the question of extending our possessions could not long be postponed. Although clearly demand-

ed by national interests and almost universally favored by the American people, this policy has been embarrassed by an element of irritation calculated to arrest, if not defeat it altogether. Some who profess to favor it, do so only upon condition that domestic slavery shall be prohibited by Congress in any acquired territory; others, with marked determination, oppose any increase with such restrictions; and both these classes propose to cooperate with the opponents of acquisition unless their peculiar views respectively are adopted.

Believing that a policy so eminently national should not thus be defeated or put at hazard; that the legislation of Congress can have little influence over the domestic regulation of territory; that its temporary government is a matter of secondary importance compared with the policy of acquisition; and that its domestic regulation may be safely intrusted to those most deeply interested in the institutions they may establish, I have introduced these resolutions. They were presented that the Senate might form and pronounce its judgment before the country, upon the two great questions embraced therein, which engage so large a share of the public consideration. They do not, as is supposed by some, bring here, with its profless discussions and exciting consequences, the vexed question of slavery, for it was here before them; but they propose to transfer it hence, and leave under the Constitution all questions concerning the erection or prohibition of this institution in the territories, to the inhabitants thereof; that its intrusion may not hereafter arrest the policy, defeat the measures, or disturb the councils of the nation. They were offered in the hope that all who believe in the great cardinal principle of freedom—the capacity of man for his own government, would harmonize conflicting opinions, and unite upon this common ground of justice and equality.

The people of the original States declared that to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and their posterity, they established the Constitution. Although the Articles of Confederation which gave place to this instrument, provided for the admission of Canada to the Union, and the comprehensive terms employed to explain the objects of the Constitution, show that no narrow territorial boundaries were contemplated, it is apparent that few statesmen at that early period foresaw the early growth we were destined to attain. The wisest and ablest of the time timidly negotiated

for years, at the close of the last century, for the right of navigating the Mississippi, and proposed to fix upon that river as the western boundary of the United States forever.

And in negotiating for the territory of Louisiana, our Government sought to procure only a portion, and the greatest share was virtually taken upon compulsion. The policy which from one acquisition has already given to this Union four sovereign States, and holds others in reserve, was at the time assailed with a virulence and denunciation, and threats of disunion, which may be profitably consulted rather than copied by those who are alarmed by, or propose to repeat, the cry of territorial aggrandizement.

Louisiana, too, was a Spanish province, contained a foreign population, strangers to our form of government, and was transferred with its people from Spain to France, and from France to the United States, within a few hours; and yet, what State has been more faithful to the Union, or more ably represented?

Territory beyond the Mississippi was then regarded as almost without the pale of probable civilization, and the expedition of Lewis and Clark to the mouth of the Columbia, where the mail of the United States is now regularly distributed, was hailed as an epoch in the history of North American enterprise and daring.

But the tide of emigration and the course of empire have since been westward. Cities and towns have sprung up upon the shores of the Pacific, and the river we essayed to fix as our western, now passes nearest to our eastern boundary. From three, our population has increased to twenty millions—from thirteen, to twenty-nine States, with others in the process of formation and on their way to the Union. Two great European Powers have withdrawn from the continent, yielding us their possessions; and from the northern lakes to the Gulf of Mexico, from the St. Lawrence to the Mississippi, numerous aboriginal nations have been displaced before the resistless tide of our prevailing arts, arms, and free principles; and whoever will look back upon the past, and forward upon the future, must see, that, allured by the justice of our institutions, before the close of the present century, this continent will teem with a free population of upwards of a hundred million souls. Nor have we yet fulfilled the destiny allotted 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 for the cause of freedom.

North America presents to the eye one great geographical system, every portion of which, under the present facilities for communication, may be made more accessible to every other than were the original States to each other at the time they formed the Confederacy; it is soon to become the commercial centre of the world. And the period is by no means remote, when man, regarding his own wants and impulses, and yielding to the influences of laws more potent than those which prescribe artificial boundaries, will ordain that it shall be united in political as well as natural bonds, and form but one political system, and that a free, confederated, self-governed republic, represented in a common hall in the great valley of the west—exhibiting to an admiring world the mighty results which have been achieved for freedom in the west-

ern hemisphere. Then will a more perfect Union be formed, and justice be established upon enduring foundations—the domestic tranquillity ensured, the common defence be provided for, the general welfare promoted, and the blessings of liberty secured to posterity.

Our form of government is admirably adapted to extended empire. Founded in the virtue and intelligence of the people, and deriving its just powers from the consent of the governed, its influences are as powerful for good at the remotest limits as at the political centre.

We are unlike all communities which have gone before us, and illustrations drawn from comparing us with them, are unjust and erroneous. The social order which characterizes our system is as unlike the military republics of other times, as is the religion of the Saviour of men to the impositions of Mahomet. Our system wins by its justice, while theirs sought to terrify by its power. Our territorial boundary may span the continent, our population be quadrupled, and the number of our States be doubled, without inconvenience or danger. Every member of the Confederacy would still sustain itself, and contribute its influences for the general good; every pillar would stand erect, and impart strength and beauty to the edifice. In matters of national legislation, a numerous population, extended territory, and diversified interests, would tend to reform abuses which would otherwise remain unredressed, to preserve the rights of the States, and to bring back the course of legislation from the centralism to which it is hastening. One-half the legislation now brought before Congress would be left undone, as it should be; a large portion of the residue would be presented to the consideration of State Legislatures; and Congress would be enabled to dispose of all matters within the scope of its legitimate functions without inconvenience or delay.

The present political relations of this continent cannot long continue, and it becomes this nation to be prepared for the change which awaits it. If the subjects of the British Crown shall consent to be ruled through all time by a distant cabinet, Mexico cannot long exist under the misrule of marauders and their pronunciamientos; and this was as clearly apparent before as since the existence of the war. If, then, just acquisition is the true policy of this Government, as it clearly is, it should be pursued by a steady and unyielding purpose, and characterized by the sternest principles of national justice. It should not rashly anticipate the great results which are in progress, nor thrust aside the fruits when they are produced and presented. The national existence of Mexico is in her own keeping, but is more endangered at this time by her own imbecility and stubbornness—her national ignorance and brutality—than from the war we are prosecuting and all its consequences. She has been hastening to ruin for years upon the flood-tide of profligacy and corruption; and if she is now rescued, and her downfall arrested and postponed for a season, it may justly be attributed to the salutary influences of the chastisement she has received. But 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 influences of civilization. Like their doomed brethren

ren, 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. What has been the national progress of Mexico? When our population was three millions, hers was five; and when ours is twenty, hers is eight; and while we have attained the highest rank among the nations of the earth, she has fallen so low that there is little left to wound her feelings or degrade her character. She has existed as an independent government, if her fretful and confused being may be thus dignified, almost a quarter of a century, and has changed her government by military revolution, during that period, as many times as she has existed years. She has an extended and somewhat populous territory, without an authorized government or the means of instituting one, or the virtue or intelligence to uphold it. The rights of her people are ill defined and worse protected. She has now neither army or navy, or means of national defence—no treasury or system of revenue. She has national antipathies and resentments, but neither national spirit nor national virtue; and has thus far dragged out her wretched existence, like the eagle of mythology chained to the rock, gnawing at her own vitals. Her valuable mines, rich agricultural regions, and Pacific harbors, present a tempting occasion for European rapacity to revive upon this continent their execrable proposal to regulate the balance of power, in furtherance of which, England has already commenced seizing upon South American possessions.

And should our army now be withdrawn, leaving her deluded people the prey of the ferocious spirits who have hastened her downfall, we may expect to see some supernumerary of the House of Bourbon placed at their head to play automaton to the British Cabinet. The policy of extending our jurisdiction over any portion of Mexican territory, is a question between Europe and America—between monarchy and freedom—and not between the United States and the Republic of Mexico; and we should not hesitate to extend our protection to such provinces as are held by us in undisturbed possession now, and patiently await the development of the future. Should the progress of events, without injustice on our part, open to the enterprise of our citizens the rich mining and agricultural districts of that country, and infuse among this semi-barbarous people the blessings of civilization; should the valuable trade which has been monopolized by England be enjoyed by the States, and our mint coin the money of the world; and should a passage across the Isthmus be obtained, placing the mouth of the Columbia within two weeks sail of New Orleans, and valuable Pacific harbors be permanently secured, so indispensable to the protection of our vast trade in that sea, and our settlements upon that coast, there would be no occasion for lamentation or alarm. The day is not far distant when all this and much more will be realized, through a process as fixed and unyielding as the laws of gravitation. And whenever the period which determines whether entire Mexico shall come within the jurisdiction of the United States, or become a colonial dependant upon European power, the duty of this Government will admit of neither doubt or hesitation.

But we have the question of territorial extension directly presented for our consideration. The Pres-

ident, in his annual message, recommends that the provinces of New Mexico and California, now quietly held by us, be permanently retained as indemnity, and subjected to the civil jurisdiction of the United States. Upon this just recommendation of the Executive we shall soon be called to act; and while the great mass of the American people will approve the suggestion, some will crave our sympathies while they mourn over what they are pleased to term the "dismemberment of Mexico." Let those who may, indulge this misplaced and sickly sentiment. Such of the Mexican people as may have the good fortune to fall within our jurisdiction, should it be the entire population, will be objects of envy rather than of commiseration, and may regard it as a special interposition of Providential favor. They will find a repose which they have never experienced, and a protection for life, liberty, and property, to which they are strangers. They would exchange a lawless and irresponsible despotism for a government of opinion; wild and debasing habits for rational civilization; the precarious subsistence of savage life for the wholesome rewards of productive industry; the devastations of war for the arts of peace. Our Government would rear in their midst the genial influences of equality, and secure to the hand of industry the bread of its earning. It would elevate their condition in the scale of moral and social being, and infuse amongst them the vigilant and manly spirit which actuates our people. It would leave them with all just relations to each other, enjoying the religion they venerate, and the altars where they are wont to worship. To them, the consequences of a "dismemberment" would be such as were experienced by the inhabitants of Louisiana and Florida, when France and Spain were respectively "dismembered" of these fertile territories. Russia "dismembered" Poland, that the order of despotism might reign at Warsaw. But America "dismembered" monarchy, that the blessings of civil liberty might be extended upon the continent. While the object of the Government is not "dismemberment," our troops cannot be withdrawn without fatal consequences, and deep and lasting dishonor; and if Mexico persists in her course of blind injustice, the results are easily anticipated. The war with Mexico is not a war of conquest. Conquests were not its objects; and yet, they may be amongst its fortunate incidents. A nation engaged in war may, by the law of nations, rightfully conquer all the territory it can subdue, and hold it as its own. So much are conquests deemed the property of the conqueror, that when a treaty of peace is made, the territory conquered is deemed the property of the conqueror, unless the treaty stipulates for the surrender; nor does this conquest extinguish a debt due the conqueror before the commencement of the war. The conquests we have gained in Mexico are ours, without yielding to her any equivalent. We have won the sovereignty over them honestly, fairly, and legally, by the law of nations; and in treating with her, she is entitled to just what we may think proper to give her for relinquishing her right to re-conquer them, and it is worth just what good judgment may dictate. And whenever she proposes to treat upon this principle, we are morally bound to treat with her. We cannot virtuously continue the war for the mere purpose of making further conquests; but we can virtuously

continue it to the subjection of the whole of Mexico, if she will not make peace with us upon just and honorable terms, or, if we choose, upon such terms as shall have due reference to the territory we have acquired by conquest. The question of boundary was a fair subject of negotiation. We proposed negotiation, which she refused. She proffered war, which we accepted, and she has no right to complain of the result of the issue she herself tendered us, and we have a right to enjoy what the chances of war have thrown into our hands. The disparity of force has been in favor of Mexico. What we have brought into the field has had no influence in producing results. The strength was immeasurably on her side, when, upon her own soil, her population, or even her forces in the field, are compared with our invading army. Under like circumstances, when we were only three millions strong, we contended successfully against the power of Great Britain; and Spain contended in like manner against the forces of Napoleon.

Neither national justice nor national morality requires us tamely to surrender our Mexican conquests; nor should such be the policy of the Government, if it would advance the cause of national freedom, or secure its enjoyment to the people of Mexico. But, whatever may be the policy touching Mexican conquests, we cannot, if we would, restore New Mexico and California to that Government, for the reason that they will not be restored. The laws which control the policy of territorial acquisition are beyond the control of legislation. Fountains of tears may be shed over the dismemberment of Mexico; supplies to our gallant army may be refused, and it may be called back from its field of glory, or compelled to retreat therefrom to a "defensive line," or be disbanded and dismissed; and the people holding these provinces will not consent to go where there is only anarchy, violence, and oppression. Give back these provinces! As well return to Great Britain what was once her colonial possessions; give back Louisiana to France, Florida to Spain, Texas to Mexico.

Neither the solemnities of legislative enactments nor the sanctions of the treaty-making power can compel them to return; and if it is attempted by strength of arms, it will require a greater force than has yet been engaged in the Mexican war. These provinces are ours by every principle of justice and of international law. They have been purchased upon the battle-fields of Mexico by a bravery which finds no parallel in the history of mankind. The consideration has been too dearly paid, and our title-deeds are written in the best blood of our sons. Let, then, the laws of humanity and peace be extended over them, and they dedicated forever to the cause of freedom.

The principle declared by the last clause of the first resolution, that no conditions can be constitutionally imposed upon any territorial acquisition, inconsistent with the right of the people thereof to form a free, sovereign State, with the powers and privileges of the original members of the Confederacy, I deem too obvious for serious argument. Whatever laws Congress may constitutionally enact for the regulation of the territories of the United States, are subject to be altered or repealed at pleasure. The ancient Medes and Persians declared their edicts unalterable; but no such power is vested in

the American Congress; and those who propose to have it enact "unalterable and fundamental" laws, employ terms which, if they have duly considered, they do not comprehend. Every State admitted to the Union, from the moment of its admission, enjoys all the rights of sovereignty common to every other member of the Confederacy. The constitution carries along with it its own definitions of sovereignty, and if any State is prohibited from all the rights of every other, then it is not, in the sense contemplated, a sovereign State. If it is admitted with a constitution authorizing domestic slavery, it may change its constitution so as to prohibit it at its pleasure. If its constitution at the time of its admission prohibits slavery, it may change so as to authorize it, and this, too, regardless of any legislation upon the subject by Congress or otherwise, before its admission to the Union. In other words, every State, after its admission, may, in virtue of its own sovereign power, establish or abolish this institution, whatever may have been the conditions imposed, or attempted to be imposed, upon it during its territorial existence.

The second resolution declares that the principle of self-government upon which the federative system rests will be best promoted, the true spirit and meaning of the Constitution be observed, and the Confederacy strengthened, by leaving all questions concerning the domestic regulation of territory to the legislatures chosen by the people thereof.

It must be conceded by all, that Congress has no inherent power over this subject, and no more right to legislate concerning it than the British Parliament, unless such authority is delegated by the Constitution. The only clause of the Constitution which is supposed to confer upon Congress the right to legislate for the people of territory, is as follows:

"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," &c.

In providing legislation for the District of Columbia, and for places occupied by the Government of the United States for fortifications and other erections required by the public service, the Constitution thus confers the power upon Congress:

"To exercise exclusive legislation in all cases whatever, in such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings."

By the clause of the Constitution first above cited, it is evident that territory is mentioned in its material, and not in its political sense, for it is classed with "other property," and Congress is authorized to dispose of and make all needful rules and regulations respecting both. In the other section they are separated, and Congress is authorized to legislate over all places occupied for public structures, but no such authority is extended to territory. The language of the Constitution is that of great precision—free from repetition—and every word was well weighed in its positive and relative sense. And if its framers had supposed the phrase "needful rules and regulations" authorized legislation over places belonging to the United States, and used for public service, they would scarcely have authorized legislation over such places in

express language in another section. Again, in providing legislation for the District of Columbia, Congress is authorized to "exercise exclusive legislation" over it. Now, if the words "needful rules and regulations" were deemed proper and apt language to confer legislative authority over the internal affairs of a territory, why were they not employed to authorize legislation over the District? And to reverse the order of the inquiry, if it was intended to confer upon Congress the power to legislate over territory, why was it not given in the same express terms as in authorizing legislation for the District? From this view, there is little doubt that a strict construction would deny to Congress the right to legislate for the domestic affairs of the people of territory without their consent.

Congress has, however, upon various occasions, exercised legislative power over the subject, especially in incorporating into the law organizing territories the provisions of the ordinance of 1787; and this has been acquiesced in by the people of the territory. This ordinance was framed under the old Confederacy, for the government of the Northwestern Territory, and the sixth article forbade slavery or involuntary servitude therein. Its validity has often been questioned, and its adoption was pronounced by Mr. Madison to be "without the least color of constitutional law." But whether authorized or not, having been passed before the adoption of the Constitution, the act has no authority as a precedent for like practice under it. In erecting territorial governments since the adoption of the Constitution, the action of Congress has not been uniform. In organizing the Northwestern Territories, the provisions of the ordinance relating to slavery have been extended to some, and withheld from others standing in the same geographical relation to the States, and such forms of organization as have been proposed by Congress have met with general acquiescence. But this has neither given the right to Congress nor taken it from the people of the territory. The Missouri compromise cannot be regarded as an ordinary act of legislation, upon the majority principle. It was rather in the nature of a compact, not adopted as such to be sure, but assented to or acquiesced in by all the States through their representatives in Congress or otherwise. Whether it has force in the Territories or not, depends upon the construction of the Constitution already discussed; but it has no binding force upon a State beyond that of moral obligation. In the annexation of Texas, the Missouri compromise line was extended by a majority vote; but it was disregarded by that State in her domestic organization, nor has any department of the General Government or any other power, save her own people, any control over it. This furnishes a practical illustration of the value of "unalterable" provisions by Congress in the organization of territory. It is not denied that if the people of the territory acquiesce in, or adopt the form of domestic government proposed for them by Congress, it becomes their own, having all the force of law until they "alter or abolish it." But this gives to Congress no constitutional right to enforce its legislation upon the people of the Territories against their will, and much less does it prohibit the people of the State in embryo, from exercising their own inherent right of sovereignty in their domestic affairs.

The resolution declares that the domestic policy

of the people of a Territory should be left with them; and if that power resides in Congress, as is contended, it should be delegated to the people of the Territory, and be exercised by them.

From the Declaration of Independence to the adoption of the Constitution, every act of those who erected our system of government indicates a prevailing confidence in the capacity and integrity of the people, and a lively distrust of delegated power; and if we permit ourselves to depart from the letter of the Constitution in search of its true spirit and meaning, we should keep steadily in view this great popular and controlling feature. But it is not my purpose to discuss further the abstract right of Congress to legislate upon this subject.

Whatever power may or may not rest in Congress under the Constitution, that instrument could not take from the people of territories the right to prescribe their own domestic policy; nor has it attempted any such office. The principles declared by this resolution are older and stronger than written laws and paper constitutions—principles which lie at the foundation of free institutions, and from which laws and constitutions emanate—inculcating the doctrine that the inherent, original power of self-government was derived by man from the Sovereign of the universe; and that government is the creature of man, and not man the creature of government.

The republican theory teaches that sovereignty resides with the people of a State, and not with its political organization; and the Declaration of Independence recognizes the right of the people to alter or abolish and re-construct their government. If sovereignty resides with the people and not with the organization, it rests as well with the people of a Territory, in all that concerns their internal condition, as with the people of an organized State. And if it is the right of the people, by virtue of their innate sovereignty, to "alter or abolish," and re-construct their government, it is the right of the inhabitants of Territories, by virtue of the same inborn attribute, in all that appertains to their domestic concerns, to fashion one suited to their condition. And if, in this respect, a form of government is proposed to them by the Federal Government, and adopted or acquiesced in by them, they may afterwards alter or abolish it at pleasure. Although the government of a Territory has not the same sovereign power as the government of a State in its political relations, the people of a Territory have, in all that appertains to their internal condition, the same sovereign rights as the people of a State. While Congress may exercise its legislation over territory so far as is necessary to protect the interests of the United States, the legislation for the people should be exercised by them under the Constitution.

The mental and physical organization of man teaches that he is better fitted for self-government than for the government of his neighbor; and if he is incapable of discharging this duty to himself, he should not be intrusted with the destiny of others.

That system of government—whether temporary or permanent, whether applied to States, provinces, or territories—is radically wrong, and has within itself all the elements of monarchical oppression, which permits the representatives of one community to legislate for the domestic regulation

of another to which they are not responsible; which practically allows New York and Massachusetts, and other Atlantic States, to give local laws to the people of Oregon, Minnesota, and Nebraska, to whom and whose interests, wishes, and condition, they are strangers.

Nor is this objection raised here for the first time. Prominent in the catalogue of grievances alleged by our fathers against the British king and his ministers, was one "for suspending our own legislatures, and declaring themselves invested with power to legislate for us."

Whenever or wherever a community of individuals have been subjected to the dominion of some external authority, it has been upon the plea of necessity—the same plea by which tyrants and usurpers have justified their enormities from the foundation of the world; and this was the plea of the British King.

The genius of the federative system is self-government. It is the foundation upon which the ark of our political safety rests. Our fathers proclaimed, that to secure the inalienable rights vouchsafed to man, governments were instituted, deriving their just power from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

All experience has indicated man's capacity for the exercise of this exalted attribute, and wherever civilized and intelligent men have been cast together without the benefit of conventional forms of government, they have proceeded to enact them. They who planted the germ of a powerful empire upon the Pilgrim's rock before landing from the Mayflower, drew up and signed the following model charter of liberty:

"Having undertaken for the glory of God, and the advancement of the Christian faith, and the honor and being of our country, a voyage to plant the first colony in the northern part of Virginia, we do by these presents, solemnly and mutually, in the presence of God, and of one another, covenant and combine ourselves together into a civil body politic, for our better ordering, and preservation, and furtherance of the ends aforesaid. And by virtue hereof, do enact, constitute, and frame such just and equal laws, ordinances, acts, constitutions, and officers from time to time as shall be thought most meet and convenient for the general good of the colony; unto which we promise all due submission and obedience."

And the inhabitants of Oregon, three thousand miles distant, in the absence of that guardian care which Congress has been wont to extend to other territories nearer the political centre, established and have in successful operation a provisional government, in which, of their own volition, without the assistance of "ordinances," "provisos," or "unalterable fundamental articles," they prohibited domestic slavery throughout the territory.

The great experiment of self-government has been fairly tried, and has either succeeded or failed. If it has taught that, after all, man, by reason of inherent defects of character, is incapable of its successful exercise except in populous communities matured by age, and that he must remain in pupilage until that season has arrived, we should boast no more that the mysterious problem of human government has been solved, but read the Declaration of Independence backwards, and cause

the clause which proclaims that gratifying truth, to be expunged, or amended by a "proviso." We should acknowledge the theory of free government to be a fable; that the darkness of the human intellect has been found to predominate, and that the gloomy sophisms of the timid, and the malignant speculations of the envious, have prevailed.

I have already shown that the whole structure of our system favored the idea of domestic government by the people of territories; that it was their right, and the question is fully presented, whether, in view of their capacity for its judicious exercise, it is expedient to leave their internal policy under the Constitution with themselves. Any system which denies this in theory or in practice, or which seeks to withhold it from the primary settlements until they shall become populous and mature States, is founded in the same spirit of popular distrust, by which the few have, from the earliest history of man, under the plea of necessity, been endeavoring to restrict the many in the exercise of freedom. It inculcates a system of slavery tenfold more abject than that it professes to discountenance. It is the same spirit which has murmured its distrust at the extension of our territorial boundaries, and trembled for the perpetuity of the Union on the admission of a new State; which looks upon free suffrage with consternation, and with holy horror upon the naturalization of foreigners: which would itself enslave one race, lest they should tolerate a system which holds in bondage another. It is the offspring of bigotry and intolerance, and should have fulfilled its mission during the middle ages. All experience has shown, that tens of thousands in the sparse settlements are as competent to judge of their own condition, and are as much devoted to the support of law and order, as are the hundreds of thousands in populous towns and cities; and that all questions concerning their domestic policy may be safely confided to them. When our country has been disgraced by violence and disorder, and disregard of law, it has been confined to the populous towns and cities, and has not extended to the border settlements. Should the domestic legislation of territories be left with their local legislatures, it would transfer from the halls of Congress the bootless sectional struggles which have created bitterness at home, and served to degrade our institutions in the eyes of the world. It would leave local communities, territories as well as States, to consult their own interests, wishes, and sense of propriety, and to erect or prohibit, continue or abolish, such institutions as may not be repugnant to the principles of the Constitution. It would leave the Federal Government free to pursue its onward course, unembarrassed by matters of sectional moment, over which its control is questionable, and must be partial and temporary. It would relieve the benevolent statesman from the strife and irritation which now beset him, and allow his energies to be devoted to the best interests of the nation, and the amelioration of the condition of man. It would harmonize with the genial spirit of the Constitution, and uphold its symmetrical frame work. It would practically acknowledge man's capacity for self-government, and vindicate the integrity of his race. The same spirit by which freedom is nourished would be nourished by it, and society be bound together by ties of amity and interest.

Then would our territorial soil be free—not by

restrictions, provisions, and the threatening mandates of Federal legislation, but free and sacred to the cause of freedom; free for its people to lay the foundations of its government on such principles, and organize its powers in such form as to them shall seem most likely to effect their safety and happiness, freedom of opinion, of the press, of religion, of education, of commercial intercourse. Having vindicated for the people of Territories the same rights of self-government enjoyed by every other political community, I forbear to speculate whether they will be less discreet in its exercise than would those who desire to subject them to the influences of an external government.

Lct those who fear to intrust a free people with their own domestic concerns lest they should prove too weak or wicked to conduct them judiciously, resort to the mistaken and mischievous policy of restrictive legislation—a system founded in blind and selfish conceits, and as impotent in effect as it is narrow in design. Such territory as we acquire will be free, and thus I would leave its people and its domestic government; free as are the people of New York or of Virginia to lay the foundation of their government on such principles, and organize its powers in such form as to them shall seem most likely to effect their safety and happiness. If they shall fail to do this, the experiment of self-government will fail with them.

It is nought to me how various, crude or inconsistent are the speculations upon the principles which these resolutions contain, and what would be their effect if established. They stand upon the immutable basis of self-government, and will ultimately be vindicated and sustained by the American people in every section of the Union. But they will be opposed upon grounds as various as the motives by which the opposition is induced. This is already evidenced by sections of the public press which I notice, not as newspaper paragraphs merely, but for the interests they represent. Already the Charleston Mercury, of South Carolina—a paper of conceded ability and extensive local influence—declares that their effect would be to prohibit forever slavery in the acquired territory, and therefore, as a guardian of the slave interest, calls for their rejection; and papers in other sections which employ the slave question as a political stalking-horse to minister to the appetites of the morbid, and alarm the fears of the timid, discover in them not only the effect, but the design to propagate and extend slavery. But I leave the theories to be adjusted by those who are thus enabled to penetrate the future, and draw opposite results from the same premises; I leave the practical tests with those who shall be charged with the high responsi-

bilities of their own government—under our glorious free system, under the Constitution it has framed, and the Providence which has watched over it.

It would doubtless be well for these antagonisms who fear that all newly-acquired territory may be pre-occupied and monopolized, either by free labor on the one hand, or by slave labor on the other, as the case may be, unless their favorite ideas are indulged, to remember that there are other dangers, either real or imaginary, to which it may be exposed if left to the free government of its own people. Our institutions invite the children of every clime to sit down under the wide-spreading branches of the tree of liberty, and we have no prohibitory, or even *protective* impost duties upon social manners and customs, political opinions or religious rites. It may be that the rugged Russian, allured by the gentle breezes of Mexico, may fall down from his hyperborean regions with his serfdom and his military rule, or the Turk choose to regale himself there with his pipes and mocha, his Georgian Houries—sensual delights and Mohammedan divinity; or, what is equally probable, as our Pacific possessions place us in direct communication with Asia, that the plains of Mexico may be desecrated by the trundling of the car of Juggernaut, or the subjects of the celestial Emperor—the brother of the sun and moon—may hurry thither and ruin all agricultural interests by converting it into an extensive field of hyson.

But let those who entertain them dismiss all selfish and idle fears, regard others as wise, and as virtuous, and as capable of their own government as themselves, and all will be well. The spirit of freedom will enlarge her own boundaries and people—the area, in obedience to laws stronger than the laws of Congress. The rich heritage we enjoy was won by the common blood and treasure of the North and South, the East and the West, and was defended and vindicated by the same, in the second war of independence; and in the present war with a reckless and semi-barbarous foe, the brave sons of every section of the Union have fought and fallen side by side; the parched sands of Mexico have drunk together the best blood of New York and South Carolina. These recollections should renew and strengthen the ties which unite the members of the Confederacy, and cause them to spurn all attempts at provoking sectional jealousies and irritations, calculated to disturb the harmony and shake the stability of the Union. In the language of Mr. Jefferson, they who indulge “this treason against human hope will signalize their epoch in future history as the counterpart of the model of their predecessors.”