

"California, Deseret, and New Mexico," Washington (DC) *National
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CALIFORNIA, DESERET, AND NEW MEXICO.

Mr. FOOTE. In accordance with a notice given by me some weeks ago, I rise for the purpose of obtaining the assent of the Senate to the introduction of the bill which I now hold in my hand, which bill is entitled "A bill to provide for the organization of a Territorial Government in California, Deseret, and New Mexico, to enable the people of Jacinto, with the assent of the State of Texas, to provide a constitution and State Government, and for the admission of such State into the Union, upon an equal footing with the original States in all respects whatsoever." I beg leave to detain the Senate for a few minutes, whilst I explain the objects of this bill, in conformity with parliamentary usage, and the excellent example this moment set us by the honorable Senator from Missouri, (Mr. BENTON,) who has just taken his seat; of whom and of whose example I may say that it is sometimes quite convenient for one who is disposed to assail, but who wishes to do so without exposing himself to the avenging justice of the *lex talionis*, to exhibit himself rhetorically, as he has done this morning, in a speech merely *introductory to a bill*, which is, regularly, not subject to be responded to at all; instead of coming upon the arena of debate in a more formal manner, and generously allowing those who differ with him in sentiment the opportunity of replying to views which, going unanswered, might be productive of a delusion not easy to be removed, at least by a subsequent response made in the customary routine of debate.

So far as the reduction of the present territorial boundaries of Texas is concerned, I believe that there is no difference of opinion in this body. It is certainly most true, as this moment urged in our hearing, that Texas, allowing to her all the territory claimed by her act of 1836, adopted whilst she yet remained an independent republic, would be too large for a single State of this Confederacy; and I will add, that her right to all the territory claimed for her by the act of 1836, entitled "An act for defining the boundaries of the Republic of Texas," is one which no ingenuity can undermine, and no sophistry elude. Indeed, I suppose that the true limits of Texas will never again be disputed in the Congress of the United States; since the honorable Senator from Missouri, who, when the resolutions of Texan annexation were under consideration in this chamber, was, if I recollect aright, the only Senator who presumed to call in question her now acknowledged boundaries, has at last now become a convert to the teachings of others upon this subject—to the teachings of those too, sir, who, when they first adventured upon the task of instruction, were treated with naught but scornful incredulity and a sort of *Fudladeen contempt*. Sir, the fact that Texas is too large for a single State is by no means a new discovery; such was the opinion of those who framed the resolutions of annexation, as no one will doubt who will ex-

amine them, and who will observe that they expressly contemplate a future division of Texas into four States, with her own consent, first had and obtained. The terms of the resolution of annexation, so far as this point is concerned, are as follows:

"New States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution."

Yes, sir, the ultimate formation of New States within the limits of Texas, as these limits were recognised to exist at the period of annexation, was distinctly contemplated, and most formally provided for; and that these limits were understood at the time as embracing all the territory now claimed by Texas, is quite evident from the fact that it was in addition provided by the resolutions of annexation themselves that "such States as might be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, should be admitted into the Union with or without slavery, as the people of each State asking admission might desire," whilst it was provided that "in such State or States as should be formed out of the territory north of said Missouri compromise line slavery or involuntary servitude (except for crimes) should be prohibited." Now, as this same Missouri compromise line is some two degrees of latitude or more north of what has been generally marked upon our maps as the northern boundary line of Texas, and runs through the heart of what is now called by some New Mexico, and was once universally recognised as such, it follows, as an inevitable conclusion, that the American Congress which adopted the resolutions of annexation designed nothing less than the recognition of the precise northern and western boundaries of Texas as described in her act of 1836, already referred to. It is, therefore, not at all surprising that the territorial surface of Texas as then marked out, was on all sides admitted to be too large to be permanently embraced within the confines of a single State, and might well bear future division and subdivision.

I repeat, therefore, Mr. President, that it is no new discovery which has been announced so pompously in our hearing this morning, that Texas, with the boundaries that of right appertain to her, is too large for a single State; nor is the honorable Senator from Missouri entitled to the credit of having originated a scheme for the reduction of her limits. No one will doubt this who is aware that the bill, for the introduction of which I now ask, and which has been printed by order of the Senate, and been lying upon the tables of honorable Senators for at least ten days past, actually provides for the establishment of a new State within the limits of Texas, with the consent of the State of Texas first had and obtained, to be called the State of Jacinto; which State is to be so laid off as to embrace all of what is now Texas lying to the east of the river Brasos. This bill has not only been printed and been lying on the tables of honorable Senators for the period mentioned, but I deemed it expedient also, in various modes during the first week of Congress, to apprise the whole American public that such a measure would be brought forward. This I did in order that no surprise might be produced in any quarter, and that the minds of our twenty millions of countrymen might be seasonably informed of what was intended to be done, or at least of what was desired to be done by some of us on this important subject.

from Missouri, at the period when the Texas annexation resolutions were under discussion in this chamber. I was aware, also, certainly, that these New York resolutions had been introduced for the purpose of perpetrating a most hideous fraud upon the South, by applying the principle of the Wilmot proviso to all the territory asserted to belong to New Mexico. I was likewise cognizant of the peculiar relations which have for some time past subsisted between the Barnburning and Abolition gentry of the Empire State and the honorable Senator from Missouri. Yes, sir, all these things I knew, and I hope duly appreciated; but never did it enter into my head to conceive that there was in existence a human being, a member of this illustrious body, representing among us one the slave States of the Confederacy, too, who would dare to take it upon himself to bring forward a bill like that which has made its ghastly apparition among us this morning, and which, if it should become a law, without amendment, will completely unsettle the question of slavery in all the vast domain which it proposes to purchase from the State of Texas. I say *unsettle* the question of slavery in all the territory referred to; and I say so, upon grounds which cannot be disputed; for no one can deny that the annexation resolutions already cited did most effectually and permanently settle this question in all that was then recognised as the State of Texas. Yes, sir, the Missouri compromise principle was expressly applied to the territory annexed, and thus was all contention upon the most exciting and perilous question ever agitated in the Republic completely precluded. The bill now brought forward, as will be perceived by those who will examine it, nullifies this Missouri compromise principle in all the territory proposed to be purchased; and every acre of it is placed in the same plight and condition precisely as are California and our other recently acquired possessions. Now, this will be held to be not a little surprising by those who are aware that the introducer of this very bill at this moment stands instructed by the Missouri Legislature to vote for the application of the Missouri compromise principle to all the territory within which the adversaries of our Southern institutions are striving to establish the dominion of Abolition.

But the honorable Senator has been still more daring upon this occasion, and has ventured to assert, in the plainest and strongest language, that by the Texas annexation resolutions the *free-soil* principle, as it is called, was introduced into all that portion of Texas situated north of the line of 36° 30'. The honorable Senator was never more in error in his life, sir. I do not doubt that some such absurd and unfounded idea may have gained entrance into his cranium when the annexation measure was under consideration, and in this way we may perhaps account for the honorable Senator having himself voted for that measure, after having exerted himself to the utmost to defeat it; and yet I repeat that he never has committed a more egregious blunder in his life than in this instance. Why, sir, Texas was admitted as one State; she was admitted as a *slave* State, as she yet is, and, as I doubt not, she will permanently remain. By the terms of annexation, no new State can be formed within her limits save with her own consent. There is not much free-soil, I opine, in this arrangement. But the case is still stronger: slavery is not excluded except from such State or States "as may be formed out of her territory north of the Missouri compromise line." Now, as it is by no means certain that there ever will be a new State formed, with the consent of Texas, out of that portion of her territory just alluded to—as it is not certain that a new State will ever thus spring up in Texas, the whole of whose territorial domain will be located north of the line of 36° 30', I am not able to discern how it is that what the honorable Senator is pleased to call the *free-soil* principle was at all let in by the resolutions of annexation. On the contrary, I contend that this principle is most effectually and forever precluded from all the territory embraced within the limits of Texas by these very resolutions, and that there is a moral certainty that all the soil of Texas now open to the settlement of Southern men and their slave property will forever remain thus open. I will only mention two reasons out of many which might be urged in support of this view of the subject; but they will be held to be sufficient by all unprejudiced minds. And, first, I ask honorable gentlemen to

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But, let it be recollected that no such new State or States can ever be formed *without the consent of Texas*; and then let any man answer me the question, whether it is possible that the noble State here represented by the two distinguished gentlemen now in my eye, (Messrs. Rusk and Houston)—a State so eminently *Southern* in her origin, her heroic achievements, her well-known political principles, and her *local interests*—can ever become so far recreant to her own high character—her glorious deeds in the war of her revolution—so unmindful of her true honor—her safety now and in future—so blind to the accursed designs of the factionists who have already plotted her undoing, and the ultimate destruction of the whole South—as to be willingly used by unprincipled men, whether resident in the North or in the South—whether demagogues, fanatics, or traitors—for the purpose of multiplying the number of our adversaries in the

National Councils, by permitting additional free States to be formed within her limits, whose representatives here and in the other wing of the Capitol would be shortly found in close alliance with those base and unprincipled men who have so long kept up a wicked excitement in the two House of Congress, and who will never be content until the fairest portion of this republic shall be subjected to ravage, to desolation, and to ruin—and until the most high-spirited and gallant people that the sun of heaven has ever shone upon, shall be involved in scenes more horrible and more degrading than have ever yet polluted the pages of history?

Does any one presume to think that Texas will ever consent to any division of her territory which may, in the least degree, tend to bring upon the South such scenes as these? If there be one that has so egregiously misjudged the people of Texas, let me assure him that he knows nothing of that gallant race who encountered Santa Anna and his myrmidons and achieved their liberty and independence in battles as glorious as any which marked the immortal revolutionary struggle of our own valiant forefathers. Sir, I feel that I may speak confidently on this subject, for I know the people of Texas well: I have sojourned among them, and enjoyed their cordial and elegant hospitalities; I have visited the fields of renown where undying fame was acquired, and where the sacred principles of civil and religious liberty were established by the pouring forth of the precious blood of patriots and heroes. I know the people of Texas well, and, humble as I certainly am, and all unworthy of such distinguished honor, I chanced ten years ago to be invited by many of her most illustrious citizens (one of whom is now a member of this body) to draw up the history of her war of independence. I complied with the call thus graciously made, writing two considerable volumes upon "Texas and the Texans;" the preparation of which for the press, if no other advantage to myself or to others shall result, enables me to bear testimony this day, in the American Senate, in behalf of the people of Texas, and to vindicate them against all suspicion of delinquency upon this great and vital question. No, sir, no; Texas will never consent that a single acre of her sacred soil—earned by the valor of her sons—relinquished by the memorable treaty wrung from the Mexican Dictator amid the glories of that hour which have made the name of Jacinto a name terrible to tyrants and encouraging to the strugglers for freedom throughout the world—of that soil, her title to which has been tacitly recognized by the act of annexation itself—indicated in all the battles which marked the progress of our late memorable war with Mexico, and solemnly confirmed by the treaty of Guadalupe Hidalgo—never will Texas consent, or think for a moment of consenting, that a single acre of this her valued territory shall be given up to her own worst enemies, or be used to enlarge the arena of gladiatorial strife, which is large enough in all conscience without this enormous addition to it. The bill of the honorable Senator from Missouri proposes to pay to Texas a large sum of money, (fifteen millions of dollars,) chiefly in consideration of the reduction of her boundaries in the manner proposed, and provides in addition for the laying off of another new State within the limits of Texas, thus previously reduced in dimensions, whenever her whole population shall be found to amount to one hundred thousand souls; which new State is to be laid off west of the Colorado. Now, in the first place, the State of Texas is authorized by the resolutions of annexation to divide herself into four States instead of two—all of which running, as I have described them, from north to south, would, in all probability, be slave States, and supply efficient aid to the South in the fierce struggle through which she is fated to pass. The bill of the honorable member will so far restrict her capacity of division as only to allow two States instead of four to arise within her confines—one to the east and the other to the west of the Colorado. The arrangement would truly be a most gracious boon to the South in this her moment of persecution and of danger!

Again: the population at present in Texas, west of the Colorado, is, to a very considerable extent, non-slaveholding. In this region there are certainly many large plantations along the Colorado and the region which it waters; but to the west, I repeat, the population is, for the most part, (though certainly highly respectable,) a non-slaveholding population. There is to be found the large German colony, which is constantly on the increase, among whom, I understand, there are no slaves; and in that part of Texas, along the San Antonio and Rio Grande rivers especially, there are still a large number of Mexican inhabitants, most of whom, it is well known, though partial to their own system of *peonage*, are hostile to our Southern system of domestic slavery. Now, sir, what a bright prospect does not the honorable Senator's bill unfold to us for the speedy organization of another State where his favorite free-soil principles may gain ascendancy! Sir, anxious as I was to bring about the early reduction of the territorial limits of Texas; satisfied as I was that this was decidedly necessary to the convenient management of her own governmental concerns, I certainly never thought of attempting to accomplish such an object by such means as he has chosen to adopt. As a Senatorial representative of one of the slave States of the confederacy, I could not have reconciled it to my sense of duty to engage in any scheme which menaced the whole South with such serious detriment. Were I to bring forward at such a period as this a project so fraught with mischief as is this one to the whole slaveholding section of the confederacy, I should expect to be speedily instructed out of my seat in this body; for true it is, as John Randolph used to say, those members of Congress who cannot be instructed in their seats must perforce be instructed out of them.

Mr. President, I feel that I have some right to complain on this occasion that an attempt has been made by the honorable Senator from Missouri to appropriate to himself the credit of *originating* this scheme of dividing Texas. To be sure, he has fallen upon a different plan of division; but the proposition of dividing Texas, with her own consent, with a view to multiplying the number of our confederated sovereignties, I claim to have first suggested and to have promulgated, before such an idea had ever entered the head of that Senator. I will go further now, sir, and assert that his whole bill is most manifestly *borrowed* from the bill originally draughted by me, and minutely set forth in the columns of the public newspapers. I do not mean to say that the parts of the honorable Senator's bill to which I have been so seriously objecting were *plagiarized* from me; but that all which is not actually mischievous in his bill was substantially copied from the bill now in my hand, as it was at first framed, and as it was described in the newspapers. I will prove this: my bill originally proposed to pay to Texas a specific sum, just one half of the sum now proposed by the Senator from Missouri, for her ownership of the public lands situated in the country commonly called New Mexico, north of a line to be run in an easterly direction from the Paso del Norte to the head waters of the Red river; cautiously reserving though, to the territory in which the right of property in a portion of the public lands was thus to be purchased, the principle of compromise embodied in the resolutions of annexation.

This I had resolved to offer as a new *scheme of compromise*, which, with the establishment of a territorial government in New Mexico, in Deseret, and California, and the ultimate admission of California as a State, when freed from her present unfortunate organization, I hoped might tend to settle the vexed question of the Wilmot proviso forever. I should certainly have offered the whole bill as it was first drawn up, and in the form in which I had submitted it to the consideration of various sage friends with whom I am in the habit of counselling upon this subject, but for certain proceedings—of which we have been recently notified in several of the free States of the North—which satisfied me that I could not offer any thing which at all bore the characteristic features of a *compromise* without encouraging our arrogant foes to fiercer and more extended aggressions, and bringing down other and more irritating insults upon the Southern States of the Confederacy.

The resolutions of Vermont, now upon your table—the incendiary messages of the Governors of Pennsylvania and of Massachusetts—the truly demagogical resolutions now before the New York Legislature—the extraordinary harangues made in this hall since we assembled—these, and other facts of a kindred character, satisfied me that the season for compromise had forever passed by; or that at least, if propositions of compromise were hereafter to be offered, they ought to emanate from the North. I became satisfied that the time had arrived when it behoved Southern Senators and Representatives in Congress to stand firmly and resolutely up in strict maintenance of our constitutional rights, as they were secured to us by our venerated forefathers, leaving it to the champions of aggression and the perpetrators of injustice to determine whether they would indeed take upon themselves and their constituents the responsibility of dissolving that Union which was once so

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justly dear to the heart of every American. With these views, I contented myself with offering the bill which I am now asking to be allowed to introduce, curtailed of those other provisions which have been now brought forward in a disguised form by the honorable Senator from Missouri.

Now, sir, I appeal to the Senate and the country whether I have not a right to complain of the honorable Senator from Missouri for having thus unceremoniously appropriated to himself the work of my hands and the result of my painful meditations? If the honorable Senator had condescended to ask my consent to his becoming godfather to a measure which, in its purer and less objectionable shape, did not originate with him; if he had given me due notice of his intention thus to pirate upon the poor creations of my intellect; had this astounding liberty been taken by a friend, or by one friendly to the South in her present trying position, I should not perhaps have seriously complained of the outrage. But, sir, the case is a very different one indeed. The offensive conduct which I am noticing has been practised by an individual more responsible, in my judgment, than any man, living or dead, for the unhappy condition in which the republic is involved. It was he who urged so imperiously through the Senate the odious Oregon bill passed eighteen months since. It was he that voted against the Mexican treaty, by which a territorial domain so invaluable was secured to the nation. It was he who attempted, after the treaty had become part of the supreme law of the land, to nullify its provisions, by setting up what is known as the *protocol* in opposition to it. It is he who presumes to disobey the instructions of the Missouri Legislature, to whom he owes the Senatorial robes which now invest his person, and all the opportunities of acquiring renown and influence which he has enjoyed for the last thirty years. It is he who has taken it upon himself to wander

off some thousands of miles into the bosom of his own State, and inveigh, in language of the coarsest scurrility and most venomous abuse against men whom he dares not here meet in debate—whose characters, public and private, are as spotless as purity itself—and whose whole lives have been illustrated and adorned by the practice of all those virtues which bespeak the patriot, the philanthropist, and the christian. This, sir, is the heroic chieftain who, when far distant from the objects of his hostility, denounces them as traitors, disunionists, and villains, and threatens, on getting sight of them in the Senate-house, to demolish them forever; but who, when he gets here once more among us, is either mysteriously and stoically silent, or, assuming a truly lamb-like meekness of aspect and of manner, and a soft nasality of intonation, coos round the Senate chamber “as gently as any sucking dove.” This, sir, is the person who has presumed, in the very bosom of one of the large slave States of the Union, to declaim fiercely against slavery and to give forth all the encouragement which, as “a southerner and slaveholder,” he had it in his power to supply to the enemies of our institutions north of Mason and Dixon’s line. This is the Democratic leader who has scattered confusion and discord through the whole Democratic ranks of the North, who, but for him and his accursed teachings, I verily believe, would, under the sage and honest counsels which emanated from the honorable Senator from Michigan who sits before us, (Mr. Cass,) have stood firmly and fearlessly in the non-interference doctrines of the renowned Nicholson letter.

This is the “learned Theban” who has taken it upon himself to proclaim, in more than one speech, now in print, not only that Congress has a right under the constitution to legislate upon slavery in territories, but who has even gone so far as to assert that no man of sense on the continent now doubted the authority of Congress to legislate in this manner; though he well knew at the time that the honorable Senator from South Carolina, (Mr. CALHOUN,) the honorable Senator from Michigan, (Mr. CASS,) the honorable Senator from Georgia, (Mr. BERRIEN,) and thousands and hundreds of thousands beside, in different parts of the Republic, possessed of understanding, at least, as sound and as trustworthy as his own, entertained opinions directly the reverse of that which he was thus fiercely fulminating; among whom I must mention the Senator from Texas, (Mr. HOUSSON,) who sits over the way, and who, in his anti-Gadsden letter, has so emphatically declared himself opposed to the Wilmot proviso upon every ground of opposition heretofore assumed to it. This too, sir, is the indiscreet rhetorician whose inflammatory addresses to large popular assemblies in Missouri, during the last summer, are said to have produced a most startling effect among the slave population in the surrounding country; who, as it is reported, by twenties and forties, put themselves in full flight for the Father of Waters, and made their escape into the neighboring State of Illinois. (Here Mr. BENTON left his seat, walked towards the door of the Senate Chamber, and passed out of it.) See, Mr. President, he flies as did those same deluded sons of Africa among whom his eloquence is reported to have awakened a regular *stampede*. He escapes me just as I was about to compare him to that degenerate Roman Senator, whom Cicero once addressed in language that will never perish, exclaiming, with majestic cadence: “*Quousque tandem abutere Catilina, nostra patientia?*” As Tully said of that same degenerate Roman, I feel that I can say now, for myself and my friends, in relation to him who has just quit our sight: “*Tandem aliquando Quirites, L. Catilinam furem, audacia, scelus anhelantem, pestem patrie nefarie molientem, robis atque huic urbi ferrum flammam-que minitantem, ex urbe, vel eiecimus, vel emissimus, vel ipsum egredientem verbis persecuti sumus.*” I may well add: “*Abiit, evasit, erupit.*”

In conclusion, I offer my bill to the consideration of the Senate, and ask that it may be referred to the Committee on the Judiciary.