

CHAPTER XV

CONCLUDING REMARKS

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THE discussion of the future settlement of the Southwest, the development of the country, the methods by which states were created and delimited, falls outside the scope of this monograph. Yet the story would not be complete without at least a brief reference to the temporary settlement of that question, which, according to my view, was back of the whole undertaking, *i.e.*, the slavery question.

In the treaty of Guadalupe Hidalgo, nothing was said about slavery in the newly acquired territory. The matter was ignored. Much had been said and much continued to be said in Congress and in the United States, however, for four years from the beginning of the war, or until the famous Compromise of 1850.

At the request of President Polk, transmit-

CONQUEST OF THE SOUTHWEST

ted by his message of August 7, 1846, a bill authorizing the placing at his disposal of a sum of money to be used by him as an advance payment in purchasing territory from the Mexican government, in case he should be able to terminate the war, was introduced in Congress. Representative David Wilmot, of Pennsylvania, offered an amendment to the bill which provided, "that neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted." This amendment is known in history as "The Wilmot Proviso." The amended bill passed the House, but failed in the Senate. Early in the following year a similar bill, with the same amendment, appropriating three million dollars for the same purpose again passed the House, but the amendment was stricken out in the Senate as before, and the House finally agreed to it. Some of the reasons for these senatorial rejections are given in the words of Thomas H. Benton, as quoted by Roosevelt:

CONCLUDING REMARKS

"Benton's position on the Wilmot Proviso is worth giving in his own words: 'That measure was rejected again as heretofore, and by the votes of those who were opposed to extending slavery into the territories, because it was unnecessary and inoperative—irritating to the slave States, without benefit to the free States, a mere work of supererogation, of which the fruit was discontent. It was rejected, not on the principle of non-intervention; not on the principle of leaving to the territories to do as they pleased on the question, but because there had been intervention; because Mexican law and constitution had intervened, had abolished slavery by law in those dominions; which law would remain in force until repealed by Congress. All that the opponents to the extension of slavery had to do, then, was to do nothing. And they did nothing.'"¹

Senator Lewis Cass, of Michigan, also opposed the proviso:

"His reasons were six: 1. The present was not the time to introduce a sectional topic. 2. It would be quite in season to provide for the government of

¹ American Statesmen, xxiii: Thomas H. Benton, by Theodore Roosevelt.

CONQUEST OF THE SOUTHWEST

a territory after it was obtained. 3. Any such proviso expressed too much confidence in the outcome of the war. 4. Legislation at that time would be inoperative, and not binding on succeeding Congresses. 5. The adoption of the proviso might bring the war to an untimely issue. 6. It would prevent the acquisition of a single foot of territory, and thus disappoint a vast majority of the American people."¹

The out-and-out opponents of slavery, the "Abolitionists," as they began to call themselves, supported the proviso vigorously, and although temporarily defeated they persisted in their efforts again and again with increasing zeal and determination. The matter was not settled, therefore; like Banquo's ghost, it would not down. Efforts to force the adoption of the proviso in various forms were renewed at every possible opportunity. Abraham Lincoln once said, "that he had voted for the principle of the Wilmot Proviso 'about

¹ American Statesmen, xxiv: Lewis Cass, by Andrew C. McLaughlin.

CONCLUDING REMARKS

forty-two times,' which, if not an accurate mathematical computation, was a vivid expression of his stanch adherence to the doctrine"¹ and also an indication of the frequency with which the opponents of slavery endeavored to secure its passage in some shape.

Polk was succeeded in the Presidency by the Whig candidate, General Zachary Taylor, the hero of Buena Vista. The most important question before the new administration was whether California, which had been filled with American settlers, and which had developed enormously under the stimulus afforded by the discovery of gold, should be admitted as a free or a slave-holding state.

The matter had come up previously in 1848 over the question of territorial governments for Oregon, New Mexico and California. A conference committee of the House and Senate "reported a bill, providing territorial govern-

¹ American Statesmen, xxv: Abraham Lincoln, by John T. Morse, Jr.

CONQUEST OF THE SOUTHWEST

ments for Oregon, New Mexico, and California, which prohibited slavery in Oregon, but left the question whether the Constitution permitted slavery in California and New Mexico to be decided by the territorial courts, with the right of appeal to the Supreme Court of the United States. The bill passed in the Senate, but was tabled in the House. Thereupon the House prepared and sent to the Senate a bill prohibiting slavery in Oregon, to which the Senate added an amendment carrying the Missouri Compromise line of $36^{\circ} 30'$ N. from the 100th meridian to the Pacific. The House disagreed with the amendment; whereupon the Senate, on the last day of the session gave way, and passed the bill, with the express prohibition of slavery."¹

Although a Southerner and a slave-holder, Taylor recommended the admission of California as a free state, its citizens having declared their desire and intention, so far as

¹ The Cambridge Modern History: The United States, vol. vii, chap. xii.

CONCLUDING REMARKS

they could do so by adopting a free-state constitution, not to allow slavery within its borders.

This, when Oregon would be admitted, would destroy the carefully preserved balance of power in the Senate between the free and the slave-holding states. And the contest raged with greater acrimony and bitterness than any previous struggle that had been engendered and discussed between different sections or different political parties.

It was finally decided by the Compromise of 1850. The aged veteran, Henry Clay, emerged from his retirement and accepted a seat in the Senate to do what he could to bring peace and harmony into the councils of the warring sections.

On January 29, 1850, to meet the difficulties of the situation, Clay introduced a series of eight resolutions to be followed by appropriate bills, the intent of which was to compromise the conflicting claims of North and South. Says Carl Schurz:

CONQUEST OF THE SOUTHWEST

“ The first declared that California should be speedily admitted as a State—of course, with her free-state constitution; the second, that, as slavery did not by law exist and was not likely to be introduced in any of the territories acquired from Mexico, Congress should provide territorial governments for New Mexico and Utah, without any restriction as to slavery, thus sacrificing the Wilmot Proviso, without, however, authorizing slaveholders to take their slaves there, thus adjourning the slavery question as to those territories to a future day; the third and fourth, that a boundary line between Texas and New Mexico should be fixed, giving to Texas but little of the New Mexican territory she claimed, but granting her a certain sum of money for the payment of that part of her public debt for which, during her independent existence, her customs revenue had been pledged; the fifth, that it was expedient to abolish slavery in the District of Columbia without the consent of Maryland, etc.; the sixth, that the slave trade in the District should be prohibited; the seventh, that a more effectual fugitive-slave law should be enacted; and the eighth, that Congress had no power to prohibit or obstruct the trade in slaves between the slaveholding States. The preamble declared the purpose of these resolutions to be ‘ for peace, concord,

CONCLUDING REMARKS

and harmony of these States, to settle and adjust amicably all existing questions of controversy between them arising out of the institution of slavery upon a fair, equitable, and just basis.’ ”¹

On this subject Professor McLaughlin has written:

“ There was great discontent concerning the various proposals of Clay’s compromise measure. One objected to one clause and another to another clause, and finally the whole subject was, on April 13th, referred to a select committee of thirteen, of which Clay was chairman and Cass was a member. On May 8th this committee reported, and recommended three bills. The first provided for three distinct objects: the immediate admittance of California [as a free State, of course.—C. T. B.]; the establishment of territorial governments for New Mexico and Utah, with the stipulation that the territorial legislature should pass no law with reference to slavery [and providing that when fit to be received as a State each might come in with or without slavery as her constitution might determine.—C. T. B.]; the settlement of the boundary

¹ American Statesmen, xx: Henry Clay, vol. ii, by Carl Schurz.

CONQUEST OF THE SOUTHWEST

of Texas, and the payment to that State of a sum of money [ten million dollars.—C. T. B.] as a recompense for giving up her claim to part of Mexico. The second bill provided for the return of fugitive slaves [the odious 'Fugitive Slave Law.'—C. T. B.]; the third, for the discontinuance of the slave trade in the District of Columbia."¹

The debate on these resolutions was one of the greatest ever heard in Congress. The speeches of Clay, Seward, Webster, Calhoun—the latter too feeble to speak, but sustained by his indomitable will in spite of a mortal illness, forcing himself to write, and to occupy his chair in the Senate while another read, his final plea—were among the most brilliant and thoughtful orations in our political history.

"Calhoun had suffered for some time from an acute pulmonary affection, which had recently become aggravated by a heart disease. He himself was no more able to address the Senate for any length of time. On March 4, 1850, his carefully prepared speech was read by Mr. Mason, of Vir-

¹ American Statesmen, xxiv: Lewis Cass, by Andrew C. McLaughlin.

CONCLUDING REMARKS

ginia, to the Senate. Every Senator listened with profound attention and unfeigned emotion; the galleries were hushed into the deepest silence by the extraordinary scene, which had something of the impressive solemnity of a funeral ceremony."¹

People came from far and near to hear these speeches, especially that of Henry Clay. The three bills referred to above were passed during August, 1850. A temporary settlement was thus effected, the North gaining more by it than the South.

Here my chronicle ends. Suffice to say that a further and more definite settlement of the great question of slavery was postponed to be fought out between Fort Sumter and Appomattox. The relation of the black man to the white was changed by the Civil War and the passage of the constitutional amendments resulting therefrom. But the change was not so material as it was at first hoped and be-

¹ American Statesmen, xxii: John C. Calhoun, by Dr. H. Von Holst.

CONQUEST OF THE SOUTHWEST

lieved to be. Slavery has vanished, but the question involved in the presence of the negro in this country is still with us; it is one of our gravest problems and demands settlement from the best blood, the sanest thought and the highest patriotism of the Republic. Sometimes I despair of its satisfactory solution, and yet I know that in His own good time God will raise up a leader for us who will show us the way. Meantime, it behooves us, by our own honest consecrated endeavors, to do our best to fit ourselves at least to follow intelligently that leading when it comes.

INDEX

- Adams-Onis Treaty with Spain, 22; signed, 25, 51.
Adams, John Quincy, 22, 162, 178.
Alaman, Mexican Secretary of State, 39.
Alamo, Spanish Mission, 101; its fall, 108; its heroic defense, 108; monument to its defenders, 109.
Alaska, cost of, 263.
Almonte, Colonel, 131.
Alonzo Alvarez de Pineda, first Spaniard in territory, 18.
American artillery, superiority of, 196, 216.
American colonists in Texas, 26.
Ampudia, General Pedro de, 88, 193.
Anahuac, 41, 42.
Annexation of Texas, 148, 153, 168; opposition to it, 153.
Arbitration of Mexican claims, 175.
Archer, Branch T., 60.
Arista, General Mariano, 194.
Austin, John, 42, 44.
Austin, Moses, 25; death of, 27.
Austin, Stephen Fuller, birth of, 25; goes to Texas, 28; elected president of convention, 45; goes to Mexico, 46; arrested and imprisoned, 47; opposes creation of territorial government, 50; address at Brazoria, 52; commander-in-chief, 56; death of, 138; memorabilia of, by G. M. Bryan, 139; eulogy by Bancroft, 141.
Balance of power in the South, 150.
Bancroft's North American States and Texas, 83, 141.
Bastrop, Baron de, 26, 27.
Beauregard, P. G. T., 217.
Benton, Thomas H., quoted, 7, 208, 274.
Bonham, James Butler, 105.
Boundary between Spanish possessions and the United