

**FRANK  
ALFRIEND**

THE LIFE OF  
JEFFERSON  
DAVIS

Frank Alfriend  
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# Frank H. Alfriend

## The Life of Jefferson Davis

### PREFACE

In offering this volume to the public, the occasion is embraced to avow, with unfeigned candor, a painful sense of the inadequate manner in which the design has been executed. Emboldened rather by his own earnest convictions, than by confidence in his capacity, the author has undertaken to contribute to American History, an extended narration of the more prominent incidents in the life of Jefferson Davis. Whatever may be the decision of the reader upon the merits of the performance, the author has the satisfaction arising from a conscientious endeavor to subserve the ends of truth. In pursuit of the purpose to write *facts* only, to the aid of familiar acquaintance with many of the topics discussed, and to information derived from the most accurate sources, has been brought laborious investigation of numerous interesting papers, which his avocation made accessible. It is therefore claimed that no statement is to be found in this volume, which is not generally conceded to be true, or which is not a conclusion amply justified by indisputable evidence.

Nor is it to be fairly alleged that the work exhibits undue sectional bias. As a Southern man, who, in common with his countrymen of the South, was taught to believe the principles underlying the movement for Southern independence, the only possible basis of Republicanism, the author has regarded, as a worthy incentive, the desire to vindicate, as best he might, the motives and conduct of the South and its late leader.

Disclaiming the purpose of promoting sectional bitterness, or of a wholesale indictment of the Northern people, he deems it needless to dwell upon the obvious propriety of discrimination. Holding in utter abhorrence the authors of those outrages, wanton barbarities and petty persecutions, of which her people were the victims, the South yet feels the respect of an honorable enemy for those distinguished soldiers, Buell, Hancock, McClellan and others, who served efficiently the cause in which they were employed, and still illustrated the practices of Christian warfare. To fitly characterize the remorseless faction in antagonism to the sentiments of these honorable men, it is only necessary to recall the malice which assails a "lost cause" with every form of detraction, and aspires to crown a triumph of arms with the degradation and despair of a conquered people.

In his especial solicitude for a favorable appreciation of his efforts, by his Southern countrymen, the author has striven to avoid affront to those considerations of delicacy which yet affect many incidents of the late war. He has not sought to revive, unnecessarily, questions upon which Southern sentiment was divided, and has rarely assailed the motives or capacity of individuals in recognized antagonism to the policy of President Davis. Perhaps a different course would have imparted interest to his work, and have more clearly established the vindication of its subject. But besides being wholly repugnant to the tastes of the author, it would have been in marked conflict with the consistent aim of Mr. Davis' career, which was to heal, not to aggravate, the differences of the South.

A large part of the labor, which would otherwise have devolved upon this enterprise, if adequately performed, had already been supplied by the writings of Professor Bledsoe. To the profound erudition and philosophical genius of that eminent writer, as conspicuously displayed in his work entitled, "Is Davis a Traitor?" the South may, with confidence, intrust its claims upon the esteem of posterity.

The author heartily acknowledges the intelligent aid, and generous encouragement, which he has received from his publishers.

January, 1868.

## INTRODUCTION

### **ATTRactions OF THE LATE WAR TO POSTERITY – MR. LINCOLN’S REMARK – DISADVANTAGES OF MR. DAVIS’ SITUATION – SUCCESS NOT SYNONYMOUS WITH MERIT – ORIGIN OF THE INJUSTICE DONE MR. DAVIS – REMARK OF MACAULAY – REMARK OF MR. GLADSTONE – THE EFFECT THAT CONFEDERATE SUCCESS WOULD HAVE HAD UPON THE FAME OF MR. DAVIS – POPULAR AFFECTION FOR HIM IN THE SOUTH – HIS VINDICATION ASSURED**

To future generations the period in American history, of most absorbing interest and profound inquiry, will be that embracing the incipency, progress, and termination of the revolution which had its most pronounced phase in the memorable war of 1861. Historians rarely concur in their estimates of the limits of a revolution, and usually we find quite as much divergence in their views of the scope of its operations, as in their speculations as to its origin and causes, and their statements of its incidents and results. If, however, it is difficult to assign, with minute accuracy, the exact limits and proper scope of those grand trains of consecutive events, which swerve society from the beaten track of ages, divert nations from the old path of progress into what seems to be the direction of a new destiny, and often transform the aspect of continents, it is comparatively an easy task to reach a reliable statement of their more salient and conspicuous incidents. It is in this aspect that the Titanic conflict, which had its beginning with the booming of the guns in Charleston harbor in April, 1861, and its crowning catastrophe at Appomattox Court-house in April, 1865, will be chiefly attractive to the future student. As a point of departure from the hitherto unbroken monotony of American history, the beginning of a new order of things, the extinction of important elements of previous national existence, embracing much that was consecrated in the popular affections; in short, as a complete political and social transformation, an abrupt, but thorough perversion of the government from its original purposes and previous policy, this period must take its place, with important suggestions of theory and illustration, among the most impressive lessons of history.

The profound interest which shall center upon the period that we have under consideration, must necessarily subject to a rigid investigation the lives, characters, and conduct of those to whom were allotted conspicuous parts in the great drama. It is both a natural and reasonable test that the world applies in seeking to solve, through the qualities and capacities of those who direct great measures of governmental policy, the merits of the movements themselves. The late President of the United States, Mr. Lincoln, avowed his inability to escape the judgment of history, and the bare statement sufficiently describes the inevitable necessity, not only of his own situation, but of all who bore a prominent part on either side of the great controversy.

Jefferson Davis confronts posterity burdened with the disadvantage of having been the leader of an unsuccessful political movement. “Nothing succeeds like success,” was the pithy maxim of Talleyrand, to whose astute observation nothing was more obvious than the disposition of mankind to make success the touchstone of merit. It is, nevertheless, a vulgar and often an erroneous criterion. What could be more absurd than to determine by such a test the comparative valor, generalship, and military character of the two contestants in the late war? Concede its applicability, however, and we exalt the soldiery of the North above all precedent, and consign the unequalled valor of the Southern soldiery to reproach, instead of the deathless fame which shall survive them. To such a judgment every battle-field of the war gives emphatic and indignant contradiction. History abounds with evidence of the influence of accident and of extraneous circumstances, in the decision of results,

which, if controlled by the question of merit, as understood by the predominant sense of mankind, would have borne a vastly different character.

But, in addition to the disparaging influence of the failure of the cause which he represented, Mr. Davis has encountered an unparalleled degree of personal hate, partizan rancor, of malignant and gratuitous misrepresentation, the result, to a great extent, of old partizan rivalries and jealousies, engendered in former periods of the history of the Union, and also of the spirit of domestic disaffection and agitation which inevitably arises against every administration of public affairs, especially at times of unusual danger and embarrassment.<sup>1</sup> The almost fanatical hatred of the Northern masses against Mr. Davis, as the wicked leader of a causeless rebellion against the Government of his country, as a conspirator against the peace and happiness of his fellow-citizens, and as a relentless monster, who tortured and starved prisoners of war, springs from the persistent calumnies of such leaders of Northern opinion, as have an ignoble purpose of vindictive hatred to gratify by the invention of these atrocious charges. Yet this feeling of the North hardly exceeds in violence, the resentment with which it was sought to inflame the Southern people against him, at critical stages of the war, as an unworthy leader, whose incapacity, pragmatism, nepotism, and vanity were rushing them into material and political perdition. Of popular disaffection to the Confederate cause, or dislike of Mr. Davis, there was an insignificantly small element, never dangerous in the sense of attempted revolt against the authorities, but often hurtful, because it constituted the basis of support to such prominent men as fancied their personal ambition, or *amour propre*, offended by the President. A misfortune of the South was that there were not a few such characters, and their influence upon certain occasions was as baleful to the public interests as their animus was malignant against Mr. Davis. Hoping to advance themselves by misrepresentations of him, during the war they persistently charged upon him every disaster, and do not scruple to impute to his blame those final failures so largely traceable to themselves. A patriotic regard for the public safety imposed silence upon Mr. Davis while the war continued, and a magnanimity which they have neither deserved nor appreciated, coupled with a proper sense of personal dignity, have impelled him since to refrain from refutation of misstatements utterly scandalous and inexcusable.

The distinguished English statesman,<sup>2</sup> who, during the progress of the late war, declared that “Mr. Jefferson Davis had created a nation,” stated more than the truth, though he hardly exaggerated the flattering estimate which the intelligent public of Europe places upon the unsurpassed ability and energy with which the limited resources of the South, as compared with those of her enemies, were, for the most part, wielded by the Confederate administration. Nor, indeed, would such an estimate have been too extravagant to be entertained by his own countrymen, had the South achieved her independence by any stroke of mere good fortune, such as repeatedly favored her adversaries at critical moments of the war, when, apparently, the most trifling incidents regulated the balance. More than once the South stood upon the very threshold of the full fruition of her aspirations for independence and nationality. Had Jackson not fallen at Chancellorsville, the Federal Army of the Potomac, the bulwark of the Union in the Atlantic States, would have disappeared into history under circumstances far different from those which marked its dissolution two years later. At Gettysburg the Confederacy was truthfully said to have been “within a stone’s-throw of peace.” If at these fateful moments the treacherous scales of fortune had not strangely turned, and in the very flush of triumph, who doubts that now and hereafter there would have come from Southern hearts, an ascription of praise to Jefferson Davis, no less earnest than to his illustrious collaborators? At all events, it is undeniable that, as the Confederate arms prospered, so the affection of the people for Mr. Davis was always more

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<sup>1</sup> A pertinent remark of Macaulay is, “It is the nature of parties to retain their original enmities far more firmly than their original principles. During many years, a generation of Whigs, whom Sydney would have spurned as slaves, continued to wage war with a generation of Tories whom Jeffries would have hanged.”

<sup>2</sup> Mr. Gladstone.

enthusiastic and demonstrative. Only in moments of extreme public depression could the malcontents obtain even a patient audience of their assaults upon the chosen President of the Confederacy.

The people of the late Confederate States, whose destinies Jefferson Davis directed during four years, the most momentous in their history, are competent witnesses as to the fidelity, ability, and devotion with which he discharged the trust confided to him.

Their judgment is revealed in the affectionate confidence with which, during their struggle for liberty, they upheld him, and in the joyful acclaim, which echoed from the Potomac to the Rio Grande upon the announcement of his release from his vicarious captivity. As he was the chosen representative of the power, the will, and the aspirations of a chivalrous people, so they will prove themselves the jealous custodians of his fame. Be the verdict of posterity as it may, they will not shrink from their share of the odium, and will be common participants with him in the award of eulogy. There is more than an unreasoning presentiment, something more tangible than vague hope, in the calm and cheerful confidence with which both look forward to that ample vindication of truth which always follows candid and impartial inquiry.

That time will triumphantly vindicate Mr. Davis is as certain, as that it will dispel the twilight mazes which yet obscure the grand effort of patriotism which he directed. The rank luxuriance of prejudice, asperity, and falsehood must eventually yield to the irresistible progress of reason and truth. Bribery, perjury, every appliance which the most subtle ingenuity of eager and unscrupulous malice could invent, have been exhausted in the vain effort to make infamous, in the sight of mankind, a noble cause, by imputation of personal odium upon its most distinguished representative. Day by day he rises beyond the reach of calumny, and his character expands into the fair proportions of the grandest ideals of excellence. An adamant heroism of the *antique* pattern; purity exalted to an altitude beyond conception even of the vulgar mind; devotion which shrank from no sacrifice and quailed before no peril, were qualities giving tone to the genius, which, wielding the inadequate means of a feeble Confederacy, for years, withstood the shock of powerful invasion, baffled and humiliated a nation, unlimited in resources, and in spite of disastrous failure, lends unexampled dignity to the cause in which it was employed.

## CHAPTER I

### **BIRTH – EDUCATION – AT WEST POINT – IN THE ARMY – RETIREMENT – POLITICAL TRAINING IN AMERICA – MR. DAVIS NOT EDUCATED FOR POLITICAL LIFE AFTER THE AMERICAN MODEL – BEGINS HIS POLITICAL CAREER BY A SPEECH AT THE MISSISSIPPI DEMOCRATIC CONVENTION – A GLANCE PROSPECTIVELY AT HIS FUTURE PARTY ASSOCIATIONS – HIS CONSISTENT ATTACHMENT TO STATES’ RIGHTS PRINCIPLES – A SKETCH OF THE DEVELOPMENT OF THE QUESTION OF STATES’ RIGHTS – MR. CALHOUN NOT THE AUTHOR OF THAT PRINCIPLE – HIS VINDICATION FROM THE CHARGE OF DISUNIONISM – MR. DAVIS THE SUCCESSOR OF MR. CALHOUN AS THE STATES’ RIGHTS LEADER**

Jefferson Davis was born on the third day of June, 1808, in that portion of Christian County, Kentucky, which, by subsequent act of the Legislature, was made Todd County. His father, Samuel Davis, a planter, during the Revolutionary war served as an officer in the mounted force of Georgia, an organization of local troops. Subsequently to the Revolution Samuel Davis removed to Kentucky, and continued to reside in that state until a few years after the birth of his son Jefferson, when he removed with his family to the neighborhood of Woodville, Wilkinson County, in the then territory of Mississippi. At the period of his father’s removal to Mississippi, Jefferson was a child of tender years. After having enjoyed the benefits of a partial academic training at home, he was sent, at an earlier age than is usual, to Transylvania University, Kentucky, where he remained until he reached the age of sixteen. In 1824 he was appointed, by President Monroe, a cadet at the West Point Military Academy.

Among his contemporaries at the academy were Robert E. Lee, Joseph E. Johnston, Albert Sidney Johnston, Leonidas Polk, John B. Magruder, and others who have since earned distinction. Ordinary merit could not have commanded in such an association of talent and character the position which Davis held as a cadet. A fellow-cadet thus speaks of him: “Jefferson Davis was distinguished in the corps for his manly bearing, his high-toned and lofty character. His figure was very soldier-like and rather robust; his step springy, resembling the tread of an Indian ‘brave’ on the war-path.” He graduated in June, 1828, receiving the customary appointment of Brevet Second Lieutenant, which is conferred upon the graduates of the academy. Assigned to the infantry, he served with such fidelity in that branch of the service, and with such especial distinction as a staff officer on the North-western frontier in 1831-32, that he was promoted to the rank of First Lieutenant and Adjutant of a new regiment of dragoons in March, 1833.

About this period the Indians, on various portions of the frontier, stimulated by dissatisfaction with the course of the Government concerning certain claims and guarantees, which had been accorded them in previous treaties, were excessively annoying, and the Government was forced to resort to energetic military measures to suppress them. Lieutenant Davis had ample opportunity for the exhibition of his high soldierly qualities, cool courage, and admirable self-possession, in the Black Hawk war, during which he was frequently employed in duties of an important and dangerous character. During the captivity of Black Hawk, that famous Indian chieftain and warrior is said to have conceived a very strong attachment for Lieutenant Davis, whose gallantry and pleasing amenities of bearing greatly impressed the captive enemy. After his transfer to the dragoons, Lieutenant Davis saw two years of very active service in the various expeditions against the Pawnees, Camanches, and other

Indian tribes, and accompanied the first expedition which successfully penetrated the strongholds of the savages, and conquered a peace by reducing them to subjection.

Though attached to the profession of arms, for which he has on repeated occasions, during his subsequent life, evinced an almost passionate fondness and a most unusual aptitude, Lieutenant Davis resigned his commission in June, 1835, and returning to Mississippi devoted his attention to the cultivation of cotton and to the assiduous pursuit of letters. Not long after his resignation, he had married the daughter of Col. Zachary Taylor, under whose eye he was destined, in a few years, to win such immortal renown upon the fields of Mexico. Living upon his plantation in great seclusion, he devoted himself with zeal and enthusiasm to those studies which were to qualify him for the eminent position in politics and statesmanship which he had resolved to assume. In that retirement were sown the seed, whose abundant fruits were seen in those splendid specimens of senatorial and popular eloquence, at once models of taste and exhibitions of intellectual power; in the pure, terse, and elegant English of his matchless state papers, which will forever be the delight of scholars and the study of statesmen, and in that elevated and enlightened statesmanship, which scorning the low ambition of demagogues and striving always for the ends of patriotism and principle, illumines, for more than a score of years, the legislative history of the Union.

The period of Mr. Davis' retirement is embraced within the interval of his withdrawal from the army, in 1835, and the beginning of his active participation in the local politics of Mississippi, in 1843, a term of eight years. The diligent application with which he was employed during these years of seclusion constituted a most fortunate preparation for the distinguished career upon which he at once entered. There is not, in the whole range of American biography, an instance of more thorough preparation, of more ample intellectual discipline, and elaborate education for political life.

The *trade* of politics is an avocation familiar to Americans, and in the more ordinary maneuvers of party tactics, in that lower species of political strategy which, in our party vocabulary, is aptly termed "wire-pulling," our politicians may boast an eminence in their class not surpassed in the most corrupt ages of the most profligate political establishments which have ever existed. Statesmanship, in that broad and elevated conception which suggests the noblest models among those who have adorned and illustrated the science of government, combining those higher attributes of administrative capacity which are realized equally in a pure, sound, and just polity, and in a free, prosperous, and contented community, is a subject utterly unexplored by American politicians at the outset of their career, and is comparatively an after-thought with those intrusted with the most responsible duties of state.

The political training of Mr. Davis was pursued upon a basis very different from the American model. It has been more akin to the English method, under which the faculties and the tastes are first cultivated, and the mind qualified by all the light which theory and previous example afford for the practical labors which are before it. The tastes and habits formed during those eight years of retirement have adhered to Mr. Davis in his subsequent life. When not engrossed by the absorbing cares of state, he has, with rare enthusiasm and satisfaction, resorted to those refining pleasures which are accessible only to intellects which have known the elevating influences of culture.

Emerging from his seclusion in 1843, when the initiatory measures of party organization were in course of preparation for the gubernatorial canvass of that year and the Presidential campaign of the next, he immediately assumed a prominent position among the leaders of the Democratic party in Mississippi. At this time, probably, no state in the Union, of equal population, excelled Mississippi in the number and distinction of her brilliant politicians. Especially was this true of Vicksburg, and of the general neighborhood in which Mr. Davis resided.<sup>3</sup> The genius of Seargent S. Prentiss was then in its meridian splendor, and his reputation and popularity were coëxtensive with the Union. Besides

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<sup>3</sup> Mr. Davis has, since his withdrawal from the army until the breaking out of the war, resided on his plantation in Warren County, a few miles from Vicksburg.

Prentiss were Foote, Thompson, Claiborne, Gholson, Brown, and many others, all comparatively young men, who have since achieved professional or political distinction. The appearance of Mr. Davis was soon recognized as the addition of a star of no unworthy effulgence to this brilliant galaxy.

The Democratic State Convention, held for the purpose of organization for the gubernatorial canvass, and for the appointment of delegates to the National Convention, assembled at Jackson in the summer of 1843. From the meeting of this convention, which Mr. Davis attended as a delegate, may be dated the beginning of his political life. In the course of its deliberations he delivered his first public address, which immediately attracted toward him much attention, and a most partial consideration by his party associates. The occasion is interesting from this circumstance, and as indicating that consistent political bias which, beginning in early manhood, constituted the controlling inspiration of a long career of eminent public service. The undoubted preference of the convention, as of an overwhelming majority of the masses of the Southern Democracy, was for Mr. Van Buren, and its entire action in the selection of delegates, and formal expressions of feeling, was in accordance with this well-ascertained preference. To a proposition instructing the delegates to the National Convention, to support the nomination of Mr. Van Buren so long as there was a reasonable hope of his selection by the party, Mr. Davis proposed an amendment instructing the delegates to support Mr. Calhoun as the second choice of the Democracy of Mississippi, in the event of such a contingency as should render clearly hopeless the choice of Mr. Van Buren. In response to an inquiry from an acquaintance if his amendment was meant in good faith, and did not contemplate detriment to the interests of Mr. Van Buren, Mr. Davis rose and addressed the convention in explanation of his purpose, and in terms of such earnest and appropriate eulogy of Mr. Calhoun and his principles as to elicit the most enthusiastic commendation.

So favorable was the impression which Mr. Davis made upon his party, and so rapid his progress as a popular speaker, that in the Presidential campaign of 1844, the Democracy conferred upon him the distinction of a place upon its electoral ticket. In this canvass he acquired great reputation, and established himself immovably in the confidence and admiration of the people of Mississippi.

This seems an appropriate point from which to glance prospectively at the political principles and party associations of Mr. Davis in his after career. Until its virtual dissolution at Charleston, in 1860, he was an earnest and consistent member of the Democratic party. To those who are familiar with the party nomenclature of the country, no inconsistency with this assertion will appear involved in the statement, that he has also been an ardent disciple of the doctrine of States' Rights. The Democratic party and the States' Rights party were indeed identical, when a profession of political faith in this country was significant of something ennobling upon the score of principle, something higher than a mere aspiration for the spoils of office. When, in subsequent years, to the large majority of its leaders, the chief significance of a party triumph, consisted in its being the occasion of a new division of the spoils, many of the most eminent statesmen of the South became in a measure indifferent to its success. Its prurient aspiration for the rewards of place provoked the sarcasm of Mr. Calhoun, that it "was held together by the cohesive power of the public plunder," and the still more caustic satire of John Randolph, of Roanoke, that it had "seven principles: five loaves and two fishes."

Nevertheless, in its spirit thoroughly national, catholic in all its impulses, for many years shaping its policy in harmony with the protection of Southern institutions, and with few features of sectionalism in its organization, it worthily commanded the preference of a large majority of the Southern people. To this organization Mr. Davis adhered until the inception of the late conflict, supporting its Presidential nominations, in the main favoring such public measures as were incorporated in the policy of the party, and he was, for several years prior to the war, by no means the least prominent of those named in connection with its choice for the Presidency in 1860.

It is no part of the task which has been undertaken in these pages to sketch the mutations of political parties, or to trace the historical order and significance of events, save in their immediate and indispensable connection with our appropriate subject. So closely identified, however, has been

the public life of Mr. Davis with the question of States' Rights, so ardent has been his profession of that faith, and so able and zealous was he in its advocacy and practice, that his life virtually becomes an epitome of the most important incidents in the development of this great historical question. His earliest appearance upon the arena of politics was at a period when the various issues which were submitted to the arbitrament of arms in the late war began to assume a practical shape of most portentous aspect. The address which first challenged public attention, and that extensive interest which has rarely been withdrawn since, was an emphatic indorsement of the political philosophy of Mr. Calhoun and a glowing panegyric upon the character and principles of that immortal statesman and expounder. Unreservedly committing himself, then, he has steadfastly held to the States' Rights creed, as the basis of his political faith and the guide of his public conduct.

If it be true that the decision of the sword only establishes facts, and does not determine questions of principle, then the principle of States' Rights will be commemorated as something more valuable, than as the mere pretext upon which a few agitators inaugurated an unjustifiable revolt for the overthrow of the Government of the Union. Nothing is more likely than that many who recently rejoiced at its suppression by physical force, may mourn its departure as of that one vital inspiration, which alone could have averted the decay of the public liberties. Practically a "dead letter" now in the partizan slang of the demagogues who rule the hour, since its prostration by military power in the service of the antipodal principle of consolidation, it will live forever as the motive and occasion of a struggle, unparalleled in its heroism and sacrifices in behalf of constitutional liberty.

There is little ground for wonder at the total ignorance and persistent misconception in the mind of Europe, at the commencement of the war, of the motives and purposes of the Confederates in seeking a dissolution of the Union, when we consider the limited information and perverted views of the Northern people and politicians respecting the nature of the Federal Government and the intentions of its authors. Naturally enough, perhaps, the North, seeing in the Union the source of its marvelous material prosperity, and with an astute appreciation of its ability, by its rapidly-growing numerical majority, to pervert the Government to any purpose of sectional aggression agreeable to its ambition or interests, refused to tolerate, as either rational or honest, any theory that contemplated disunion as possible in any contingency. In their willful ignorance and misapprehension most Northern orators and writers denounced the doctrines of States' Rights as *new inventions*— as innovations upon the faith of the fathers of the Republic — and professed to regard the most enlightened and patriotic statesmen of the South, the pupils and followers of illustrious Virginians and Carolinians of the Revolutionary era, as agitators, conspirators, and plotters of treason against the Union. Upon the score of antiquity, States' Rights principles have a claim to respectability — not for a moment to be compared with the wretched devices of expediency or the hybrid products of political atheism, to which the brazen audacity and hypocrisy of the times apply the misnomer of "principles."

They are, in fact, older than the Union, and antedate, not only the present Constitution, but even the famous Articles of Confederation, under which our forefathers fought through the first Revolution. The Congress which adopted the Declaration of Independence emphatically negated a proposition looking to consolidation, offered by New Hampshire on the 15th of June, 1776, that the Thirteen Colonies be declared a "free and independent State," and expressly affirmed their separate sovereignty by declaring them to be "free and independent States." The declaration of the Articles of Confederation was still more explicit — that "each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States in Congress assembled." The Convention of 1787 clearly designed the present Constitution to be the instrument of a closer association of the States than had been effected by the Articles of Confederation, but the proof is exceedingly meager of any general desire that it should establish a consolidated nationality.

At this early period the antagonism of the two schools of American politics was plainly discernible. The conflict of faith is easily indicated. The advocates of States' Rights regarded the

Union as a *compact between the States*— something more than a mere league formed for purposes of mutual safety, but still a strictly *voluntary* association of Sovereignities, in which certain general powers were specifically delegated to the Union; and all others not so delegated were reserved by the States in their separate characters. The advocates of Consolidation considered the Union a *National Government* – in other words, a centralized power – to which the several States occupied the relation of separate provinces.

The famous resolutions of '98, adopted respectively by the Virginia and Kentucky Legislatures, were the formal declarations of principles upon which the States' Rights party was distinctly organized under Mr. Jefferson, whom it successfully supported for the Presidency against the elder Adams at the expiration of the term of the latter. With the progress of time the practical significance of these opposing principles became more and more apparent, and their respective followers strove, with constantly-increasing energy, to make their party creed paramount in the policy of the Government. A majority of the Northern people embraced the idea of a perpetual Union, whose authority was supreme over all the States, and regulated by the will of a numerical majority, which majority, it should be observed, they had already secured, and were yearly increasing in an enormous ratio. The South, in the course of years, with even more unanimity, clung to the idea of State Sovereignty, and the interpretation of the Government as one of limited powers, as its shield and bulwark against the Northern majority in the collision which it was foreseen the aggressive spirit of the latter would eventually occasion.

A common and totally erroneous impression of the Northern mind is that John C. Calhoun *invented* the idea of State Sovereignty for selfish and unpatriotic designs, and as the pretext of a morbid hatred to the Union. That eminent statesman and sincere patriot never asserted any claim to the paternity of the faith which he professed. It is true that, in a certain sense, he was the founder of the States' Rights party as it existed in his day, and which survived him to make a last unsuccessful struggle to save first the Union, and, failing in that, to rescue the imperiled liberties of the South. During the eventful life of Mr. Calhoun the question of the relative powers of the Federal and State Governments assumed a more practical bearing than before, and his far-reaching sagacity was illustrated in his efforts to avert the impending evils of consolidation. He was the authoritative exponent and revered leader of the votaries of those principles which he advocated, but did not originate or invent, and sought to apply as the legitimate and safe solution of the circumstances by which he was surrounded.

Equally absurd and unfounded with the pretense, asserted at the North, of the novelty of the idea of State Sovereignty and its incompatibility with the spirit of the Constitution, was the charge so persistently iterated against Mr. Calhoun and his followers, of disunionism; of a restless, morbid discontent, which sought continually revenge for imaginary wrongs in a dissolution of the Union. To the contrary we have the irrefutable arguments of Mr. Calhoun himself in favor of the superior efficacy of the States' Rights interpretation, as an agency for the preservation of the Union as it was designed to exist by its authors. So far from having an anarchical or disorganizing tendency, he, on all occasions, maintained that his theory was "the only solid foundation of our system and the Union itself."

To this faith the public life of Jefferson Davis has been dedicated. For more than twenty years he sought to illustrate it in the realization of a splendid but barren vision of a time-honored and time-strengthened Union, consecrated in the common affections and joint aspirations of a people, now, alas! united only in name.

During the period of their public service together, Mr. Davis received a large share of the confidence and regard of Mr. Calhoun, and when the death of the latter deprived the South of the counsels of an illustrious public servant, Mr. Davis, though comparatively a young man, stood foremost as heir to the mantle of the great apostle of States' Rights.<sup>4</sup>

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<sup>4</sup> Dr. Craven relates the following incident, which is an impressive illustration of the depth and intensity of Mr. Davis' veneration

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for the character of Mr. Calhoun:“General Miles observed, interrogatively, that it was reported that John C. Calhoun had made much money by speculations, or favoring the speculations of his friends, connected with this work (the Rip-Raps, near Fortress Monroe).“In a moment Mr. Davis started to his feet, betraying much indignation by his excited manner and flushed cheek. It was a transfiguration of friendly emotion. The feeble and wasted invalid and prisoner, suddenly forgetting his bonds – forgetting his debility, and ablaze with eloquent anger against this injustice to the memory of one he loved and revered. Mr. Calhoun, he said, lived a whole atmosphere above any sordid or dishonest thought – was of a nature to which even a mean act was impossible. It was said in every Northern paper that he (Mr. Davis) had carried with him five millions in gold when quitting Richmond – money pilfered from the treasury of the Confederate States; and that there was just as much truth in that as in these imputations against Calhoun... Calhoun was a statesman, a philosopher, in the true sense of that grossly-abused term – an enthusiast of perfect liberty in representative and governmental action.”  
—*Prison Life of Jefferson Davis. Library edition, pages 206, 207.*

## CHAPTER II

### **RESULTS OF PRESIDENTIAL ELECTION IN 1844 – MR. DAVIS ELECTED TO CONGRESS – HIS FIRST SESSION – PROMINENT MEMBERS OF THE HOUSE – DOUGLAS, HUNTER, SEDDON, ETC. – DAVIS' RAPID ADVANCEMENT IN REPUTATION – RESOLUTIONS OFFERED BY HIM – SPEECHES ON THE OREGON EXCITEMENT, AND ON THE RESOLUTION OF THANKS TO GENERAL TAYLOR AND HIS ARMY – NATIONAL SENTIMENTS EMBODIED IN THESE AND OTHER SPEECHES – A CONTRAST IN THE MATTER OF PATRIOTISM – MASSACHUSETTS AND MISSISSIPPI IN THE MEXICAN WAR – DEBATE WITH ANDREW JOHNSON – JOHN QUINCY ADAMS' ESTIMATE OF JEFFERSON DAVIS**

The Presidential canvass of 1844 was one of the most memorable and exciting in the annals of American politics. By its results the popular verdict was rendered upon vital questions involved in the administrative and legislative policy of the Government. The Democratic party was fully committed to the annexation of Texas, with the prospect of war with Mexico as an almost inevitable condition of the acquisition of that immense territory, desirable to the Union at large, but especially popular with the South, for obvious and sufficient reasons. But apart from the signal victory achieved by the Democracy, in favor of this and other leading measures of that party, the election of 1844 had an incidental significance, which the country generally recognized, in its final and irrevocable disappointment of the Presidential aspirations of Henry Clay. This canvass, too, has a peculiar historical interest in the demonstration which it gave of the real popular strength of the respective parties which had so long divided the country. Comparatively few temporary issues, of a character to excite strong popular feeling respecting either party or its candidates, were made, and there was a square and obstinate battle of Democracy against Whiggery, of what Governor Wise called the old-fashioned “Thomas-Jefferson-Simon-Snyder-red-waistcoat-Democracy,” against Henry Clay and his “American System.”

The canvass was remarkable not only for its duration and the ardor with which it was conducted, but for its unsurpassed exhibitions of “stump oratory.” The best men of both parties were summoned to the fierce conflict; and many were the youthful paladins, hitherto unknown to fame, who won their golden spurs upon this their first battle-field. Mr. Davis had borne a leading part in support of Polk and Dallas and Texas annexation in Mississippi. His services were not of a character to be forgotten by his party, nor did an intelligent and appreciative public fail to discover in the young man whose eloquence and manly bearing had so enlisted their admiration, such abilities and acquirements as qualified him to represent the honor of his State in any capacity which they might intrust to his keeping.

Of Mississippi it might have been said, as of Virginia, that “the sun of her Democracy knew no setting.” If possible, however, the State was more closely than ever confirmed in her Democratic moorings by the decisive results of the election in 1844. When Mr. Davis received the appropriate acknowledgment of popular appreciation in his election to the House of Representatives, in November, 1845, Mississippi sent an unbroken Democratic delegation to Washington. His associates were Messrs. Roberts and Jacob Thompson (afterward Secretary of the Interior under Mr. Buchanan) in the House, and Messrs. Foote and Speight in the Senate.

On Monday, December 8, 1845, Mr. Davis was qualified as a member of the House of Representatives, and from that day dates his eventful and brilliant legislative career. The Twenty-

ninth Congress was charged with some of the gravest duties of legislation. The questions of the tariff, the Oregon excitement, during which war with England was so imminent, and the settlement of important details pertaining to the Texas question, were the absorbing concerns which engaged its attention until the provisions and appropriations necessary to the successful prosecution of the Mexican war imposed still more serious labors. The records of this Congress reveal many interesting facts concerning individuals who have since figured prominently in the history of the country. The fact to which we have alluded of the unusual interest which had been exhibited in the recent Presidential contest, doubtless had a considerable influence in the choice of members of Congress in the various States, and largely contributed to its elevated standard of ability.

The debates in the House of Representatives of the Twenty-ninth Congress, are unsurpassed in ability and eloquence by those of any preceding or subsequent session of that body, and upon its rolls are to be found many names, now national in reputation, which were then but recently introduced to public attention. Stephen A. Douglas, the most thoroughly representative American politician of his time, uniting to a more than average proportion of the respectability of his class, his full share of its vicious characteristics, politic, adroit, and ambitious, was comparatively a new member, and, at this time, in the morning of his reputation. R. M. T. Hunter, of Virginia, a statesman of sound judgment and accurate information, who based his arguments upon the facts, and reduced the complicated problems of governmental economy to the conditions of a mathematical demonstration, had not yet been transferred to the Senate. James A. Seddon, the safe theorist, whose study, like Edmund Burke's, was "*rerum cognoscere causas*," the acute dialectician, who, in his mental characteristics, no less than in his principles, was so closely allied to Mr. Calhoun, was, like Jefferson Davis, for the first time a member of Congress. Andrew Johnson was then a member of the House and at the outset of his remarkable career; and in addition to these were Brinkerhoff, Washington Hunt, Dromgoole, George S. Houston, and a score of others, whose names recall interesting reminiscences of the day in which they figured.

To a man of ordinary purpose, or doubtful of himself, the prospect of competition with such men, at the very outset of his public career, would not have been encouraging. But there are men, designed by nature, to rejoice at, rather than to shrink from those arduous and hazardous positions to which their responsibilities summon them. An attribute of genius is the consciousness of strength, and that sublime confidence in the success of its own efforts, which doubly assures victory in the battle of life. It was with an assurance of triumph, far different from the harlequin-like effrontery which is often witnessed in the political arena, that Jefferson Davis advanced to contest the awards of intellectual distinction. With the activity and vigor of the disciplined gladiator, with the *gaudia certaminis* beaming in every feature, with the calm confidence of the trained statesman, and yet with all the radiant *elan* of a youthful knight contending for his spurs at Templestowe, he pursued his brief but impressive career in the lower house of Congress.

As a member of the House of Representatives Mr. Davis rapidly and steadily won upon the good opinion of his associates, and the favorable estimate of him, entertained by his constituents and friends, was confirmed by his greatly advanced reputation at the period of his withdrawal from Congress in the ensuing summer. He became prominent, less by the frequency with which he claimed the attention of the House, than by the accuracy of his information, the substantial value of his suggestions and the easy dignity of his demeanor. His speeches, though not comparable with his senatorial efforts, were characterized by great perspicuity, argumentative force, and propriety of taste, and frequently rose to the dignity of true eloquence. They, in every instance, gave promise of that rhetorical finish, power of statement, unity of thought and logical coherence, which, in subsequent years, were so appropriately illustrated on other theaters of intellectual effort. Mr. Davis participated prominently in the debates upon the Oregon excitement, Native Americanism, and the various other contemporary topics of interest, which were then before Congress, but was especially prominent in the discussion of military affairs, the interests and requirements of the army, and the measures

devised for the prosecution of the Mexican war. Upon the latter subjects his experience was of great practical value.

On the 19th of December, 1845, he offered the following resolutions: “*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of converting a portion of the forts of the United States into schools for military instruction, on the basis of substituting their present garrisons of enlisted men, by detachments furnished from each State of our Union, in the ratio of their several representation in the Congress of the United States.”

“*Resolved*, That the Committee on the Post-office and Post-roads be required to inquire into the expediency of establishing a direct daily mail route from Montgomery, Alabama, to Jackson, Mississippi.”

The occasion of these motions was the first upon which he occupied the floor of the House.

On the 29th of December, Mr. Davis spoke in a very earnest and impressive manner upon Native Americanism, which he strongly opposed, and on subsequent occasions addressed the House in favor of the bill to receive arms, barracks, fortifications, and other public property, the cession of which to the Federal Government, by Texas, had been provided to take place upon its admission to the Union; in favor of the proposition to raise additional regiments of riflemen; in opposition to appropriations for improvement of rivers and harbors; upon the Oregon question, and in favor of a resolution of thanks to General Taylor and his army.

The extracts from his speech on the Oregon question, and the speech in favor of thanks to General Taylor and his army, which is here given in full, are taken from the reports of the *Congressional Globe*. The intelligent reader will appreciate their real value, as to accuracy, without any suggestion from us.

On February 6, 1846, the House, having resolved itself into Committee of the Whole, and having under consideration the joint resolution of notice to the British Government concerning the abrogation of the Convention between the United States and Great Britain respecting the territory of Oregon, Mr. Davis spoke at some length, and in an attractive and instructive style, upon the subject before the House. A great portion of the speech consists of interesting historical details, evincing a most accurate acquaintance with the subject, and giving a clear and valuable analysis of facts. We have space for only brief extracts, which are sufficient to reveal Mr. Davis’ position upon this important question:

... “Sir, why has the South been assailed in this discussion? Has it been with the hope of sowing dissensions between us and our Western friends? Thus far, I think, it has failed. Why the frequent reference to the conduct of the South on the Texas question? Sir, those who have made reflections on the South as having sustained Texas annexation from sectional views have been of those who opposed that great measure and are most eager for this. The suspicion is but natural in them. But, sir, let me tell them that this doctrine of the political balance between different portions of the Union is no Southern doctrine. We, sir, advocated the annexation of Texas from high national considerations. It was not a mere Southern question; it lay coterminous to the Western States, and extended as far north as the forty-second degree of latitude. Nor, sir, do we wish to divide the territory of Oregon; we would preserve it all for the extension of our Union. We would not arrest the onward progress of our pioneers; we would not, as has been done in this debate, ask why our citizens have left the repose of civil government and gone to Oregon? We find in it but that energy which has heretofore been characteristic of our people, and which has developed much that has illustrated our history. It is the onward progress of our people toward the Pacific which alone can arrest their westward march, and on the banks of which, to use the language of our lamented Linn, the pioneer will sit down to weep that there are no more forests to subdue... It is, as the representative of a high-spirited and patriotic people, that I am called on to resist this war clamor. My constituents need no such excitements to prepare their hearts for all that patriotism demands. Whenever the honor of the country demands redress; whenever its territory is invaded – if, then, it shall be sought to intimidate by the fiery cross

of St. George – if, then, we are threatened with the unfolding of English banners if we resent or resist – from the gulf shore to the banks of that great river, throughout out the length and breadth – Mississippi will come. And whether the question be one of Northern or Southern, of Eastern or Western aggression, we will not stop to count the cost, but act as becomes the descendants of those who, in the war of the Revolution, engaged in unequal strife to aid our brethren of the North in redressing their injuries... We turn from present hostility to former friendship – from recent defection to the time when Massachusetts and Virginia, the stronger brothers of our family, stood foremost and united to defend our common rights. From sire to son has descended the love of our Union in our hearts, as in our history are mingled the names of Concord and Camden, of Yorktown and Saratoga, of Moultrie and Plattsburgh, of Chippewa and Erie, of Bowyer and Guildford, and New Orleans and Bunker Hill. Grouped together, they form a monument to the common glory of our common country; and where is the Southern man who would wish that monument were less by one of the Northern names that constitute the mass? Who, standing on the ground made sacred by the blood of Warren, could allow sectional feeling to curb his enthusiasm as he looked upon that obelisk which rises a monument to freedom's and his country's triumph, and stands a type of the time, the men and event that it commemorates; built of material that mocks the waves of time, without niche or molding for parasite or creeping thing to rest on, and pointing like a finger to the sky, to raise man's thoughts to philanthropic and noble deeds.”

It is well known that, upon this subject, there was considerable division among the Democracy. The effort to commit the party, as a unit, to a position which would have inevitably produced war with England signally failed. The country had not then reached its present pitch of arrogant inflation, which emboldens it to seek opportunity for exhibition in the vainglorious role of braggadocio. Mr. Davis, upon this and other occasions, significantly rebuked the demagogical clamor which would have precipitated the country into a calamitous war. His reply, on the 17th of April, 1846, to Stephen A. Douglas, who was among the leading instigators of the war-feeling in the House, is exceedingly forcible and spirited.

The following speech in favor of the resolution of thanks to General Taylor, the officers and men of his army, for their recent successes on the Rio Grande, was delivered May 28, 1846:

“As a friend to the army, he rejoiced at the evidence, now afforded, of a disposition in this House to deal justly, to feel generously toward those to whom the honor of our flag has been intrusted. Too often and too long had we listened to harsh and invidious reflections upon our gallant little army and the accomplished officers who command it. A partial opportunity had been offered to exhibit their soldierly qualities in their true light, and he trusted these aspersions were hushed – hushed now forever. As an American, whose heart promptly responds to all which illustrates our national character, and adds new glory to our national name, he rejoiced with exceeding joy at the recent triumph of our arms. Yet it is no more than he expected from the gallant soldiers who hold our post upon the Rio Grande – no more than, when occasion offers, they will achieve again. It was the triumph of American courage, professional skill, and that patriotic pride which blooms in the breast of our educated soldier, and which droops not under the withering scoff of political revilers.

“These men will feel, deeply feel, the expression of your gratitude. It will nerve their hearts in the hour of future conflicts, to know that their country honors and acknowledges their devotion. It will shed a solace on the dying moments of those who fall, to be assured their country mourns their loss. This is the meed for which the soldier bleeds and dies. This he will remember long after the paltry pittance of one month's extra pay has been forgotten.

“Beyond this expression of the nation's thanks, he liked the *principle* of the proposition offered by the gentleman from South Carolina. We have a pension system providing for the disabled soldier, but he seeks well and wisely to extend it to all who may be wounded, however slightly. It is a reward offered to those who seek for danger, who first and foremost plunge into the fight. It has been this incentive, extended so as to cover all feats of gallantry, that has so often crowned the British arms with

victory, and caused their prowess to be recognized in every quarter of the globe. It was the sure and high reward of gallantry, the confident reliance upon their nation's gratitude, which led Napoleon's armies over Europe, conquering and to conquer; and it was these influences which, in an earlier time, rendered the Roman arms invincible, and brought their eagle back victorious from every land on which it gazed. Sir, let not that parsimony (for he did not deem it economy) prevent us from adopting a system which in war will add so much to the efficiency of troops. Instead of seeking to fill the ranks of your army by increased pay, let the soldier feel that a liberal pension will relieve him from the fear of want in the event of disability, provide for his family in the event of death, and that he wins his way to gratitude and the reward of his countrymen by periling all for honor in the field.

“The achievement which we now propose to honor richly deserves it. Seldom, sir, in the annals of military history has there been one in which desperate daring and military skill were more happily combined. The enemy selected his own ground, and united to the advantage of a strong position a numerical majority of three to one. Driven from his first position by an attack in which it is hard to say whether professional skill or manly courage is to be more admired, he retired and posted his artillery on a narrow defile, to sweep the ground over which our troops were compelled to pass. There, posted in strength three times greater than our own, they waited the approach of our gallant little army.

“General Taylor knew the danger and destitution of the band he left to hold his camp opposite Matamoras, and he paused for no regular approaches, but opened his field artillery, and dashed with sword and bayonet on the foe. A single charge left him master of their battery, and the number of slain attests the skill and discipline of his army. Mr. D. referred to a gentleman who, a short time since, expressed extreme distrust in our army, and poured out the vials of his denunciation upon the graduates of the Military Academy, He hoped now the gentleman will withdraw these denunciations; that now he will learn the value of military science; that he will see, in the location, the construction, the defenses of the bastioned field-works opposite Matamoras, the utility, the necessity of a military education. Let him compare the few men who held that with the army who assailed it; let him mark the comparative safety with which they stood within that temporary work; let him consider why the guns along its ramparts were preserved, whilst they silenced the batteries of the enemy; why that intrenchment stands unharmed by Mexican shot, whilst its guns have crumbled the stone walls in Matamoras to the ground, and then say whether he believes a blacksmith or a tailor could have secured the same results. He trusted the gentleman would be convinced that arms, like every occupation, requires to be studied before it can be understood; and from these things to which he had called his attention, he will learn the power and advantage of military science. He would make but one other allusion to the remarks of the gentleman he had noticed, who said nine-tenths of the graduates of the Military Academy abandoned the service of the United States. If he would take the trouble to examine the records upon this point, he doubted not he would be surprised at the extent of his mistake. There he would learn that a majority of all the graduates are still in service; and if he would push his inquiry a little further, he would find that a large majority of the commissioned officers who bled in the action of the 8th and 9th were graduates of that academy.

“He would not enter into a discussion on the military at this time. His pride, his gratification arose from the success of our arms. Much was due to the courage which Americans have displayed on many battle-fields in former times; but this courage, characteristic of our people, and pervading all sections and all classes, could never have availed so much had it not been combined with military science. And the occasion seemed suited to enforce this lesson on the minds of those who have been accustomed, in season and out of season, to rail at the scientific attainments of our officers.

“The influence of military skill – the advantage of discipline in the troops – the power derived from the science of war, increases with the increased size of the contending armies. With two thousand we had beaten six thousand; with twenty thousand we would far more easily beat sixty thousand, because the general must be an educated soldier who wields large bodies of men, and the troops, to act efficiently, must be disciplined and commanded by able officers. He but said what he

had long thought and often said, when he expressed his confidence in the ability of our officers to meet those of any service – favorably to compare, in all that constitutes the soldier, with any army in the world; and as the field widened for the exhibition, so would their merits shine more brightly still.

“With many of the officers now serving on the Rio Grande he had enjoyed a personal acquaintance, and hesitated not to say that all which skill, and courage, and patriotism could perform, might be expected from them. He had forbore to speak of the general commanding on the Rio Grande on any former occasion; but he would now say to those who had expressed distrust, that the world held not a soldier better qualified for the service he was engaged in than General Taylor. Trained from his youth to arms, having spent the greater portion of his life on our frontier, his experience peculiarly fits him for the command he holds. Such as his conduct was in Fort Harrison, on the Upper Mississippi, in Florida, and on the Rio Grande, will it be wherever he meets the enemy of his country.

“Those soldiers, to whom so many have applied depreciatory epithets, upon whom it has been so often said no reliance could be placed, they too will be found, in every emergency renewing such feats as have recently graced our arms, bearing the American flag to honorable triumphs, or falling beneath its folds, as devotees to our common cause, to die a soldier’s death.

“He rejoiced that the gentleman from South Carolina (Mr. Black) had shown himself so ready to pay this tribute to our army. He hoped not a voice would be raised in opposition to it – that nothing but the stern regret which is prompted by remembrance of those who bravely fought and nobly died will break the joy, the pride, the patriotic gratulation with which we hail this triumph of our brethren on the Rio Grande.”

A striking feature of these two speeches, as, indeed, of all Mr. Davis’ Congressional speeches, is the strong and outspoken *national* feeling which pervades them. It is a part of the history of these times, that while Jefferson Davis eloquently avowed a noble and generous sympathy with his heroic compatriots in Mexico, a prominent Northern politician bespoke for the American army, “a welcome with bloody hands to hospitable graves.” When, a few months afterwards, the names of Jefferson Davis and his Mississippi Rifles were baptized in blood amid those frowning redoubts at Monterey, and when, upon the ensanguined plain of Buena Vista, he fell stricken in the very moment of victory, just as his genius and the valor of his comrades had broken that last, furious onset of the Mexican lancers, New England and her leaders stood indifferent spectators of the scene.<sup>5</sup> Yet the same New England bounded eagerly to the conquest and spoliation of their countrymen, and the same leaders clamored valiantly for the humiliation, for the blood even, of Jefferson Davis, *as a traitor and a rebel. Quosque tandem.*

An interesting sequel of this speech was the debate, which it occasioned two days afterwards, between Mr. Davis and Andrew Johnson, now President of the United States. Mr. Johnson, who boasts so proudly of his plebeian origin, and is yet said to be morbidly sensitive of the slightest allusion to it by others, excepted to Mr. Davis’ reference to the “tailor and blacksmith,” warmly eulogized those callings and mechanical avocations in general, and took occasion to expatiate extensively upon the virtue and intelligence of the masses. Mr. Davis, whose language is clearly not susceptible of any interpretation disparaging to “blacksmiths and tailors,” disclaimed the imputation, saying that he had designed merely to illustrate his argument, that the profession of arms, to be understood, must be studied, and that a mechanic could no more fill the place of an educated soldier, than could the latter supply the qualifications of the former. Mr. Johnson, however, was resolved to seize the opportunity for a panegyric upon the populace, and no explanations could avail. The *Globe* reports this debate as, “in all its stages, not being of an entirely pleasant nature.”

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<sup>5</sup> Massachusetts even refused military honors to the remains of a gallant son of her own soil, (Captain Lincoln,) and a descendant of one of her most eminent families, who was killed at Buena Vista. Her fanatical intolerance would not forget that he had fallen in a war which she did not approve.

As an appropriate conclusion to this sketch of Mr. Davis' career in the House of Representatives, we quote the following extract from an interesting work,<sup>6</sup> published some years since: "John Quincy Adams had a habit of always observing new members. He would sit near them on the occasion of their Congressional *debut*, closely eyeing and attentively listening if the speech pleased him, but quickly departing if it did not. When Davis first arose in the House, the Ex-President took a seat close by. Davis proceeded, and Adams did not move. The one continued speaking and the other listening; and those who knew Mr. Adams' habits were fully aware that the new member had deeply impressed him. At the close of the speech the 'Old Man Eloquent' crossed over to some friends and said, 'That young man, gentlemen, is no ordinary man. He will make his mark yet, mind me.'"

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<sup>6</sup> "Our Living Representative Men," by Mr. John Savage.

## CHAPTER III

### **THE NAME OF JEFFERSON DAVIS INSEPARABLE FROM THE HISTORY OF THE MEXICAN WAR – HIS ESSENTIALLY MILITARY CHARACTER AND TASTES – JOINS GENERAL TAYLOR’S ARMY ON THE RIO GRANDE, AS COLONEL OF THE FAMOUS “MISSISSIPPI RIFLES” – MONTEREY – BUENA VISTA – GENERAL TAYLOR’S ACCOUNT OF DAVIS’ CONDUCT – DAVIS’ REPORT OF THE ACTION – NOVELTY AND ORIGINALITY OF HIS STRATEGY AT BUENA VISTA – INTERESTING STATEMENT OF HON. CALEB CUSHING – RETURN OF DAVIS TO THE UNITED STATES – TRIUMPHANT RECEPTION AT HOME – PRESIDENT POLK TENDERS HIM A BRIGADIER’S COMMISSION, WHICH HE DECLINES ON PRINCIPLE**

The name of Davis is inseparable from those lettered glories of the American Union, which were the brilliant trophies of the Mexican war. In those bright annals it was engraven with unfading lustre upon the conquering banners of the Republic, and his genius and valor were rewarded with a fame which rests securely upon the laurels of Monterey and Buena Vista.

Jefferson Davis is a born soldier. Even if we could forget the glories of the assault upon Teneria and El Diablo, and banish the thrilling recollection of that movement at Buena Vista, the genius, novelty, and intrepidity of which electrified the world of military science, and extorted the enthusiastic admiration of the victor of Waterloo, we must yet recognize the impress of those rare gifts and graces which are the titles to authority. The erect yet easy carriage, the true martial dignity of bearing, which is altogether removed from the supercilious *hauteur* of the mere martinet, the almost fascinating expression of *suaviter in modo*, which yet does not for an instant conceal the *fortiter in re*, constitute in him that imperial semblance, to which the mind involuntarily concedes the right to supreme command. It is impossible, in the presence of Mr. Davis, to deny this recognition of his intuitive soldiership. Not only is obvious to the eye the commanding mien of the soldier, but the order, the discipline of the educated soldier, whose nature, stern and unflinching, was yet plastic to receive the impressions of an art with which it felt an intuitive alliance. This military precision is characteristic of Mr. Davis in every aspect in which he appears. There is the constant fixedness of gaze upon the object to be reached, and the cautious calculation of the chances of success with the means and forces ready at hand; a constant regard for bases of supply and a proper concern for lines of retreat, and, above all, the prompt and vigorous execution, if success be practicable and the attack determined upon. Even in his oratory and statesmanship are these characteristics evinced. In the former there is far more of rhetorical order, harmony, and symmetry, than of rhetorical ornament and display; and in the latter there is purpose, consistency, and method, with little regard for the shifts of expediency and the suggestions of hap-hazard temerity.

The attachment of Mr. Davis for the profession of arms is little less than a passion – an inspiration. True, he voluntarily abandoned the army, at an age when military life is most attractive to men, but the field of politics was far more inviting to a commendable aspiration for fame, than the army at a season of profound peace. But a more potent consideration, of a domestic nature, urged his withdrawal from military life. He was about to be married, and preferred not to remain in the army after having assumed the responsibilities of that relation. His speeches in the House of Representatives, indicating his earnest interest in military affairs, his solicitude in behalf of the army, his enthusiastic championship of the Military Academy, and his thorough information respecting all

subjects pertaining to the military interests of the country, show his ambitious and absorbing study of his favorite science.

In common with an overwhelming majority of the Southern people, he had favored the annexation of Texas, and cordially sustained Mr. Polk's Administration, in all the measures which were necessary to the triumphant success of its policy. While in the midst of his useful labors, as a member of Congress, in promoting the war policy of the Government, he received, with delight, the announcement of his selection to the command of the First Regiment of Mississippi Volunteers. He immediately resigned his seat in Congress and started to take command of his regiment, after obtaining for it, with great difficulty, the rifles which were afterwards used with such deadly effect upon the enemy. Overtaking his men, who were already *en route* for the scene of action, at New Orleans, by midsummer he had reinforced General Taylor on the Rio Grande.

The incidents of the Mexican war are too fresh in the recollection of the country to justify here a detailed narrative of the operations of the gallant army of General Taylor in its progress toward the interior from the scenes of its splendid exploits at Palo Alto and Resaca de la Palma. For several weeks after the arrival of Colonel Davis and his Mississippians, active hostilities were suspended. When the preparations for the campaign were completed, the army advanced, and reached Walnut Springs, about three miles from Monterey, on the 19th of September, 1846. Two days afterwards began those series of actions which finally resulted in the capitulation of a fortified city of great strength, and defended with obstinate valor. Of the part borne in these brilliant operations which so exalted the glory of the American name, and immortalized the heroism of Southern volunteers, by Colonel Davis and his "Mississippi Rifles," an able and graphic pen shall relate the story:

"In the storming of Monterey, Colonel Davis and his riflemen played a most gallant part. The storming of one of its strongest forts (Teneria) on the 21st of September was a desperate and hard-fought fight. The Mexicans had dealt such death by their cross-fires that they ran up a new flag in exultation, and in defiance of the assault which, at this time, was being made in front and rear. The Fourth Infantry, in the advance, had been terribly cut up, but the Mississippians and Tennesseans steadily pressed forward, under a galling fire of copper grape. They approached to within a hundred yards of the fort, when they were lost in a volume of smoke. McClung,<sup>7</sup> inciting a company which formerly had been under his command, dashed on, followed by Captain Willis. Anticipating General Quitman, Colonel Davis, about the same time, gave the order to charge. With wild desperation, his men followed him. The escalade was made with the fury of a tempest, the men flinging themselves upon the guns of the enemy. Sword in hand, McClung has sprung over the ditch. After him dashes Davis, cheering on the Mississippians, and then Campbell, with his Tennesseans and others, brothers in the fight, and rivals for its honors. Then was wild work. The assault was irresistible. The Mexicans, terror-stricken, fled like an Alpine village from the avalanche, and, taking position in a strongly-fortified building, some seventy-five yards in the rear, opened a heavy fire of musketry. But, like their mighty river, nothing could stay the Mississippians. They are after the Mexicans. Davis and McClung are simultaneously masters of the fortifications, having got in by different entrances. In the fervor of victory the brigade does not halt, but, led on by Colonel Davis, are preparing to charge on the second post, (El Diablo,) about three hundred yards in the rear, when they are restrained by Quitman. This desperate conflict lasted over two hours. The charge of the Mississippi Rifle Regiment, without bayonets, upon Fort Teneria, gained for the State a triumph which stands unparalleled.

"Placed in possession of El Diablo, on the dawn of the 23d Colonel Davis was exposed to a sharp fire from a half-moon redoubt, about one hundred and fifty yards distant, which was connected with heavy stone buildings and walls adjoining a block of the city. Returning the fire, he proceeded, with eight men, to reconnoitre the ground in advance. Having reported, he was ordered, with three companies of his regiment and one of Tennesseans, to advance on the works.

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<sup>7</sup> Lieutenant-Colonel A. K. McClung.

“When they reached the half-moon work a tremendous fire was opened from the stone buildings in the rear. Taking a less-exposed position, Davis was reinforced, and, the balance of the Mississippians coming up, the engagement became general in the street, while, from the house-tops, a heavy fire was kept up by the Mexicans. ‘The gallant Davis, leading the advance with detached parties, was rapidly entering the city, penetrating into buildings, and gradually driving the enemy from the position,’ when General Henderson and the Texan Rangers dismounted, entered the city, and, through musketry and grape, made their way to the advance. The conflict increased, and still Davis continued to lead his command through the streets to within a square of the Grand Plaza, when, the afternoon being far advanced, General Taylor withdrew the Americans to the captured forts.”<sup>8</sup>

Thus, in their first engagement, the Mississippians and their commander achieved a reputation which shall endure so long as men commemorate deeds of heroism and devotion. Veteran troops, trained to despise death by the dangers of a score of battles, have been immortalized in song and story for exploits inferior to those of the “Mississippi Rifles” at Monterey. Colonel Davis became one of the idols of the army, and took a prominent place among the heroes of the war. The nation rang with the fame of “Davis and his Mississippi Rifles;” the journals of the day were largely occupied with graphic descriptions of their exploits; and the reports of superior officers contributed their proud testimony to the history of the country, to the chivalrous daring and consummate skill of Colonel Davis. A becoming acknowledgment of his conduct was made by General Taylor in assigning him a place on the commission of officers appointed to arrange with the Mexicans the terms of capitulation. The result of the negotiations, though approved by General Taylor, was not approved by the Administration, which ordered a termination of the armistice agreed upon by the commissioners from the respective armies and a speedy resumption of hostilities. The terms of capitulation were assailed by many, who thought them too lenient to the Mexicans; among others, by General Quitman, the warm, personal, and political friend of Colonel Davis. A very important portion of the history of the war consists of the latter’s defense of the terms of surrender and his memoranda of the incidents occurring in the conferences with the Mexican officers.

To sustain the proud prestige of Monterey – if possible to surpass it, became henceforth the aspiration of the Mississippians. But the name of Mississippi was to be made radiant with a new glory, beside which the lustre of Monterey paled, as did the dawn of Lodi by the full-orbed splendor of Austerlitz. All the world knows of the conduct of Jefferson Davis at Buena Vista. How he virtually won a battle, which, considering the disparity of the contending forces, must forever be a marvel to the student of military science; how like Dessaix, at Marengo, he thought there was “still time to win another battle,” even when a portion of our line was broken and in inglorious retreat, and acting upon the impulse rescued victory from the jaws of defeat; saving an army from destruction, and flooding with a blaze of triumph a field shrouded with the gloom of disaster, are memories forever enshrined in the Temple of Fame. Americans can never weary of listening to the thrilling incidents of that ever-memorable day. By the South, the lesson of Buena Vista and kindred scenes of the valor of her children, can never be forgotten. In these days of her humiliation and despair, their proud memories throng upon her, as do a thousand noble emotions upon the modern Greek, who stands upon the sacred ground of Marathon and Platea.

The following vivid and powerful description of the more prominent incidents of the battle is from the pen of Hon. J. F. H. Claiborne, of Mississippi:

“The battle had been raging sometime with fluctuating fortunes, and was setting against us, when General Taylor, with Colonel Davis and others, arrived on the field. Several regiments (which were subsequently rallied and fought bravely) were in full retreat. O’Brien, after having his men

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<sup>8</sup> For this spirited account of the operations of the Mississippi regiment at Monterey, the author is indebted to a sketch of Mr. Davis in Mr. John Savage’s “Living Representative Men,” which was published a year or two prior to the war. Though having several other accounts, possibly more complete, I have selected this as the most graphic. The author readily acknowledges the assistance which he has derived from the work of Mr. Savage.

and horses completely cut up, had been compelled to draw off his guns, and Bragg, with almost superhuman energy, was sustaining the brunt of the fight. Many officers of distinction had fallen. Colonel Davis rode forward to examine the position of the enemy, and concluding that the best way to arrest our fugitives would be to make a bold demonstration, he resolved at once to attack the enemy, there posted in force, immediately in front, supported by cavalry, and two divisions in reserve in his rear. It was a resolution bold almost to rashness, but the emergency was pressing. With a handful of Indiana volunteers, who still stood by their brave old colonel (Bowles) and his own regiment, he advanced at double-quick time, firing as he advanced. His own brave fellows fell fast under the rolling musketry of the enemy, but their rapid and fatal volleys carried dismay and death into the adverse ranks. A deep ravine separated the combatants. Leaping into it, the Mississippians soon appeared on the other side, and with a shout that was heard over the battle-field, they poured in a well-directed fire, and rushed upon the enemy. Their deadly aim and wild enthusiasm were irresistible. The Mexicans fled in confusion to their reserves, and Davis seized the commanding position they had occupied. He next fell upon a party of cavalry and compelled it to fly, with the loss of their leader and other officers. Immediately afterwards a brigade of lancers, one thousand strong, were seen approaching at a gallop, in beautiful array, with sounding bugles and fluttering pennons. It was an appalling spectacle, but not a man flinched from his position. The time between our devoted band and eternity seemed brief indeed. But conscious that the eye of the army was upon them, that the honor of Mississippi was at stake, and knowing that, if they gave way, or were ridden down, our unprotected batteries in the rear, upon which the fortunes of the day depended, would be captured, each man resolved to die in his place sooner than retreat. Not the Spartan martyrs at Thermopylæ – not the sacred battalion of Epaminondas – not the Tenth Legion of Julius Cæsar – not the Old Guard of Napoleon – ever evinced more fortitude than these young volunteers in a crisis when death seemed inevitable. They stood like statues, as frigid and motionless as the marble itself. Impressed with this extraordinary firmness, when they had anticipated panic and flight, the lancers advanced more deliberately, as though they saw, for the first time, the dark shadow of the fate that was impending over them. Colonel Davis had thrown his men into the form of a reëntering angle, (familarly known as his famous V movement,) both flanks resting on ravines, the lancers coming down on the intervening ridge. This exposed them to a converging fire, and the moment they came within rifle range each man singled out his object, and the whole head of the column fell. A more deadly fire never was delivered, and the brilliant array recoiled and retreated, paralyzed and dismayed.

“Shortly afterwards the Mexicans, having concentrated a large force on the right for their final attack, Colonel Davis was ordered in that direction. His regiment had been in action all day, exhausted by thirst and fatigue, much reduced by the carnage of the morning engagement, and many in the ranks suffering from wounds, yet the noble fellows moved at double-quick time. Bowles’ little band of Indiana volunteers still acted with them. After marching several hundred yards they perceived the Mexican infantry advancing, in three lines, upon Bragg’s battery, which, though entirely unsupported, held its position with a resolution worthy of his fame. The pressure upon him stimulated the Mississippians. They increased their speed, and when the enemy were within one hundred yards of the battery and confident of its capture, they took him in flank and reverse, and poured in a raking and destructive fire. This broke his right line, and the rest soon gave way and fell back precipitately. Here Colonel Davis was severely wounded.”

The wound here alluded to was from a musket ball in the heel, and was exceedingly painful, though Colonel Davis refused to leave the field until the action was over. For some time grave apprehensions were entertained lest it should prove dangerous by the setting in of erysipelas.

General Taylor, who was deeply impressed with the large share of credit due to Colonel Davis, in his official report of the battle, says: “The Mississippi Riflemen, under Colonel Davis, were highly conspicuous for their gallantry and steadiness, and sustained throughout the engagement, the reputation of veteran troops. Brought into action against an immensely superior force, they maintained

themselves for a long time, unsupported and with heavy loss, and held an important part of the field until reinforced. Colonel Davis, though severely wounded, remained in the saddle until the close of the action. His distinguished coolness and gallantry, at the head of his regiment on this day, entitle him to the particular notice of the Government.”

The report of Colonel Davis, of the operations of his regiment, is highly important as a description of the most important features of the action, and as an explanation of his celebrated strategic movement. We omit such portions as embrace mere details not relevant to our purpose.

*“Saltillo, Mexico, 2d March, 1847.*

“Sir: In compliance with your note of yesterday, I have the honor to present the following report of the service of the Mississippi Riflemen on the 23d ultimo:

“Early in the morning of that day the regiment was drawn out from the head-quarters encampment, which stood in advance of and overlooked the town of Saltillo. Conformably to instructions, two companies were detached for the protection of that encampment, and to defend the adjacent entrance of the town. The remaining eight companies were put in march to return to the position of the preceding day, now known as the battle-field of Buena Vista. We had approached to within about two miles of that position, when the report of artillery firing, which reached us, gave assurance that a battle had commenced. Excited by the sound, the regiment pressed rapidly forward, manifesting, upon this, as upon other occasions, their more than willingness to meet the enemy. At the first convenient place the column was halted for the purpose of filling their canteens with water; and the march being resumed, was directed toward the position which had been indicated to me, on the previous evening, as the post of our regiment. As we approached the scene of action, horsemen, recognized as of our troops, were seen running, dispersed and confusedly from the field; and our first view of the line of battle presented the mortifying spectacle of a regiment of infantry flying disorganized from before the enemy. These sights, so well calculated to destroy confidence and dispirit troops just coming into action, it is my pride and pleasure to believe, only nerved the resolution of the regiment I have the honor to command.

“Our order of march was in column of companies, advancing by their centers. The point which had just been abandoned by the regiment alluded to, was now taken as our direction. I rode forward to examine the ground upon which we were going to operate, and in passing through the fugitives, appealed to them to return with us and renew the fight, pointing to our regiment as a mass of men behind which they might securely form.

“With a few honorable exceptions, the appeal was as unheeded, as were the offers which, I am informed, were made by our men to give their canteens of water to those who complained of thirst, on condition that they would go back. General Wool was upon the ground making great efforts to rally the men who had given way. I approached him and asked if he would send another regiment to sustain me in an attack upon the enemy before us. He was alone, and, after promising the support, went in person to send it. Upon further examination, I found that the slope we were ascending was intersected by a deep ravine, which, uniting obliquely with a still larger one on our right, formed between them a point of land difficult of access by us, but which, spreading in a plain toward the base of the mountain, had easy communication with the main body of the enemy. This position, important from its natural strength, derived a far greater value from the relation it bore to our order of battle and line of communication with the rear. The enemy, in number many times

greater than ourselves, supported by strong reserves, flanked by cavalry and elated by recent success, was advancing upon it. The moment seemed to me critical and the occasion to require whatever sacrifice it might cost to check the enemy.

“My regiment, having continued to advance, was near at hand. I met and formed it rapidly into order of battle; the line then advanced in double-quick time, until within the estimated range of our rifles, when it was halted, and ordered to ‘fire advancing.’

“The progress of the enemy was arrested. We crossed the difficult chasm before us, under a galling fire, and in good order renewed the attack upon the other side. The contest was severe – the destruction great upon both sides. We steadily advanced, and, as the distance diminished, the ratio of loss increased rapidly against the enemy; he yielded, and was driven back on his reserves. A plain now lay behind us – the enemy’s cavalry had passed around our right flank, which rested on the main ravine, and gone to our rear. The support I had expected to join us was nowhere to be seen. I therefore ordered the regiment to retire, and went in person to find the cavalry, which, after passing round our right, had been concealed by the inequality of the ground. I found them at the first point where the bank was practicable for horsemen, in the act of descending into the ravine – no doubt for the purpose of charging upon our rear. The nearest of our men ran quickly to my call, attacked this body, and dispersed it with some loss. I think their commander was among the killed.

“The regiment was formed again in line of battle behind the first ravine we had crossed; soon after which we were joined upon our left by Lieutenant Kilbourn, with a piece of light artillery, and Colonel Lane’s (the Third) regiment of Indiana volunteers... We had proceeded but a short distance when I saw a large body of cavalry debouche from his cover upon the left of the position from which we had retired, and advance rapidly upon us. The Mississippi regiment was filed to the right, and fronted in line across the plain; the Indiana regiment was formed on the bank of the ravine, in advance of our right flank, by which a reëntering angle was presented to the enemy. Whilst this preparation was being made, Sergeant-Major Miller, of our regiment, was sent to Captain Sherman for one or more pieces of artillery from his battery.

“The enemy, who was now seen to be a body of richly-caparisoned lancers, came forward rapidly, and in beautiful order – the files and ranks so closed as to look like a mass of men and horses. Perfect silence and the greatest steadiness prevailed in both lines of our troops, as they stood at shouldered arms waiting an attack. Confident of success, and anxious to obtain the full advantage of a cross-fire at a short distance, I repeatedly called to the men not to shoot.

“As the enemy approached, his speed regularly diminished, until, when, within eighty or a hundred yards, he had drawn up to a walk, and seemed about to halt. A few files fired without orders, and both lines then instantly poured in a volley so destructive that the mass yielded to the blow and the survivors fled... At this time, the enemy made his last attack upon the right, and I received the General’s order to march to that portion of the field. The broken character of the intervening ground concealed the scene of action from our view; but the heavy firing of musketry formed a sufficient guide for our course. After marching two or three hundred yards, we saw the enemy’s infantry advancing in three lines upon Captain Bragg’s battery; which, though entirely unsupported, resolutely held its position, and met the attack with a fire worthy the former achievements of that battery, and of the reputation of

its present meritorious commander. We pressed on, climbed the rocky slope of the plain on which this combat occurred, reached its brow so as to take the enemy in flank and reverse when he was about one hundred yards from the battery. Our first fire – raking each of his lines, and opened close upon his flank – was eminently destructive. His right gave way, and he fled in confusion.

“In this, the last contest of the day, my regiment equaled – it was impossible to exceed – my expectations. Though worn down by many hours of fatigue and thirst, the ranks thinned by our heavy loss in the morning, they yet advanced upon the enemy with the alacrity and eagerness of men fresh to the combat. In every approbatory sense of these remarks I wish to be included a party of Colonel Bowles’ Indiana regiment, which served with us during the greater part of the day, under the immediate command of an officer from that regiment, whose gallantry attracted my particular attention, but whose name, I regret, is unknown to me. When hostile demonstrations had ceased, I retired to a tent upon the field for surgical aid, having been wounded by a musket ball when we first went into action... Every part of the action having been fought under the eye of the commanding General, the importance and manner of any service it was our fortune to render, will be best estimated by him. But in view of my own responsibility, it may be permitted me to say, in relation to our first attack upon the enemy, that I considered the necessity absolute and immediate. No one could have failed to perceive the hazard. The enemy, in greatly disproportionate numbers, was rapidly advancing. We saw no friendly troops coming to our support, and probably none except myself expected reinforcement. Under such circumstances, the men cheerfully, ardently entered into the conflict; and though we lost, in that single engagement, more than thirty killed and forty wounded, the regiment never faltered nor moved, except as it was ordered. Had the expected reinforcement arrived, we could have prevented the enemy’s cavalry from passing to our rear, results more decisive might have been obtained, and a part of our loss have been avoided...”

“I have the honor to be, very respectfully, your obedient servant.

“JEFFERSON DAVIS,

“Colonel Mississippi Rifles.

“Major W. W. S. Bliss, Assistant Adjutant-General.”

The reputation earned by Colonel Davis at Buena Vista could not fail to provoke the assaults of envy. An effort, equally unwarranted and unsuccessful, has since been made to deprive him of a portion of his merited fame of having conceived and executed a movement decisive of the battle. It has been pretended, in disparagement of the strategy of Colonel Davis, that his celebrated V movement (for so it is, and will always be known) had not the merit of originality, and besides was forced upon him by the circumstances in which he was placed, and especially by the conformation of the ground, which would not admit of a different disposition of his troops. Such a judgment is merely hypercritical. There is no account in military history, from the campaigns of Cæsar to those of Napoleon, of such a tactical conception, unless we include a slightly-analogous case at Waterloo. The movement in the latter engagement, however, differs essentially from that executed by Davis at Buena Vista. A party of Hanoverian cavalry, assailed by French huzzars, at the intersection of two roads, by forming a salient, repulsed their assailants almost as effectually as did the reëntrant angle of the Mississippians at Buena Vista. As to the second criticism, it is certainly a novel accusation against an officer, that he should, by a quick appreciation of his situation, avail himself of the only possible means by which he could not only extricate his own command from imminent peril of destruction, but also avert a blow delivered at the safety of the entire army.

In a lecture on “The Expatriated Irish in Europe and America,” delivered in Boston, February 11, 1858, the Hon. Caleb Cushing thus alludes to this subject: “In another of the dramatic incidents of that field, a man of Celtic race (Jefferson Davis) at the head of the Rifles of Mississippi, had ventured to do that of which there is, perhaps, but one other example in the military history of modern times. In the desperate conflicts of the Crimea, at the battle of Inkermann, in one of those desperate charges, there was a British officer who ventured to receive the charge of the enemy without the precaution of having his men formed in a hollow square. They were drawn up in two lines, meeting at a point like an open fan, and received the charge of the Russians at the muzzle of their guns, and repelled it. Sir Colin Campbell, for this feat of arms, among others, was selected as the man to retrieve the fallen fortunes of England in India. He did, however, but imitate what Jefferson Davis had previously done in Mexico, who, in that trying hour, when, with one last desperate effort to break the line of the American army, the cavalry of Mexico was concentrated in one charge against the American line; then, I say, Jefferson Davis commanded his men to form in two lines, extended as I have shown, and receive that charge of the Mexican horse, with a plunging fire from the right and left from the Mississippi Rifles, which repelled, and repelled for the last time, the charge of the hosts of Mexico.”

These puerile criticisms, however, were unavailing against the concurrent testimony of Taylor, Quitman, and Lane, and the grateful plaudits of the army, to shake the popular judgment, which rarely fails, in the end, to discriminate between the false glare of cheaply-earned glory and the just renown of true heroism.

The term of enlistment of his regiment having expired, Colonel Davis, in July, 1847, just twelve months after the resignation of his seat in the House of Representatives, returned to the United States. His progress toward his home was attended by a series of congratulatory receptions, the people every-where assembling *en masse* to do honor to the “Hero of Buena Vista.” Mississippi extended a triumphant greeting to her soldier-statesman, who, resigning the civic trust which she had confided to his keeping, had carried her flag in triumph amid the thunders of battle and the wastes of carnage, carving the name of Mississippi in an inscription of enduring renown.

During his journey homeward, there occurred a most impressive illustration of that strict devotion to principle which, above all other considerations, is the real solution of every act of his life, public and private. While in New Orleans, Colonel Davis was offered, by President Polk, a commission as Brigadier-General of Volunteers, an honor which he unhesitatingly declined, on the ground that no such commission could be conferred by Federal authority, either by appointment of the President or by act of Congress. As an advocate of States’ Rights, he could not countenance, even for the gratification of his own ambition, a plain infraction of the rights of the States, to which respectively, the Constitution reserves the appointment of officers of the militia.<sup>9</sup> The soldier’s pride in deserved promotion for distinguished services, could not induce the statesman to forego his convictions of Constitutional right. The declination of this high distinction was entirely consistent with his opinions previously entertained and expressed. Before he resigned his seat in the House of Representatives, the bill authorizing such appointments by the President was introduced, and rapidly pressed to its passage. Mr. Davis detected the Constitutional infraction which it involved, and opposed it. He designed to address the House, but was suddenly called away from Washington, and before leaving had an understanding with the Chairman of the Committee from which the bill had come, that it would not be called up before the ensuing Monday. On his return, however, he found that the friends of the measure had forced its passage on the previous Saturday.

This is but one in a thousand evidences of an incorruptible loyalty to his convictions, which would dare face all opposition and has braved all reproach. It is an attribute of true greatness in the

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<sup>9</sup> This Constitutional question was again raised by Mr. Davis, while President of the Confederacy, and his action with reference to similar legislation by the Confederate Congress, was in entire accordance with the reason assigned for declining Mr. Polk’s appointment.

character of Jefferson Davis, which not even his enemies have called in question, to which candor must ever accord the tribute of infinite admiration.

## CHAPTER IV

**MR. DAVIS IN THE UNITED STATES SENATE, FIRST BY EXECUTIVE APPOINTMENT, AND SUBSEQUENTLY BY UNANIMOUS CHOICE OF THE LEGISLATURE OF HIS STATE – POPULAR ADMIRATION NOT LESS FOR HIS CIVIC TALENTS THAN HIS MILITARY SERVICES – FEATURES OF HIS PUBLIC CAREER – HIS CHARACTER AND CONDUCT AS A SENATOR – AS AN ORATOR AND PARLIAMENTARY LEADER – HIS INTREPIDITY – AN INCIDENT WITH HENRY CLAY – DAVIS THE LEADER OF THE STATES’ RIGHTS PARTY IN CONGRESS – THE AGITATION OF 1850 – DAVIS OPPOSES THE COMPROMISE – FOLLY OF THE SOUTH IN ASSENTING TO THAT SETTLEMENT – DAVIS NOT A DISUNIONIST IN 1850, NOR A REBEL IN 1861 – HIS CONCEPTION OF THE CHARACTER OF THE FEDERAL GOVERNMENT – LOGICAL ABSURDITY OF CLAY’S POSITION EXPOSED BY DAVIS – THE IDEAL UNION OF THE LATTER – WHY HE OPPOSED THE COMPROMISE – THE NEW MEXICO BILL – DAVIS’ GROWING FAME AT THIS PERIOD – HIS FREQUENT ENCOUNTERS WITH CLAY, AND WARM FRIENDSHIP BETWEEN THEM – SIGNAL TRIUMPH OF THE UNION SENTIMENT, AND ACQUIESCENCE OF THE SOUTH**

Within less than two months from his return to Mississippi, Colonel Davis was appointed by the Governor of the State to fill the vacancy in the United States Senate occasioned by the death of General Speight. At a subsequent session of the Legislature, the selection of the Governor was confirmed by his unanimous election for the residue of the unexpired term. Seldom has there been a tender of public honor more deserved by the recipient, and more cheerfully accorded by the constituent body. It was the grateful tribute of popular appreciation to the hero who had risked his life for the glory of his country, and the worthy recognition of abilities which had been proven adequate to the responsibilities of the highest civic trust. Doubtless Colonel Davis owed much of the signal unanimity and enthusiasm which accompanied this expression of popular favor to his brilliant services in Mexico. The military passion is strong in the human breast, and the sentiment of homage to prowess, illustrated on the battle-field and in the face of danger, is one of the few chivalrous instincts which survive the influence of the sordid vices and vulgarisms of human nature. In all ages men have declaimed and reasoned against the expediency of confiding civil authority to the keeping of soldiers, and have cautioned the masses against the risk of entrusting the public liberties to the stern and dictatorial will educated in the rugged discipline and habits of the camp. Yet the masses, in all time, will continue their awards of distinction to martial exploits with a fervor not characteristic of their recognition of any other public service.

But the tribute had a higher motive, if possible, than the generous impulse of gratitude to the “Hero of Buena Vista,” in the universal conviction of his eminent fitness for the position. His service in the House of Representatives, brief as it was, had designated him, months before his Mexican laurels had been earned, as a man, not only of mark, but of promise; of decided and progressive intellectual power; of pronounced mental and moral individuality.

Of all the public men of America, Jefferson Davis is the least indebted for his long and noble career of distinction to adventitious influences or merely temporary popular impulses. The sources

of his strength have been the elements of his character and the resources of his genius. Never hoping to *stumble* upon success, by a stolid indifference amid the fluctuations of fortune, nor engaged in the role of the trimmer, who adjusts his conduct conformably with every turn of the popular current, his hopes of success have rested upon the merits of principle alone. He has succeeded in all things *where success was possible*, and failed, at last, in contradiction of every lesson of previous experience, with the light of all history pleading his vindication, and to the disappointment of the nearly unanimous judgment of disinterested mankind.

A peculiar feature in the public career of Mr. Davis was its steady and consecutive development. He has accepted service, always and only, in obedience to the concurrent confidence of his fellow-citizens in his peculiar qualifications for the emergency. From the beginning he gave the promise of those high capacities which the fervid eulogy of Grattan accorded to Chatham – to “strike a blow in the world that should resound through its history.” His first election to Congress was the spontaneous acknowledgment of the profound impression produced by his earliest intellectual efforts. The consummate triumph of his genius and valor at Buena Vista did not exceed the anticipations of his friends, who knew the ardor and assiduity of his devotion to his cherished science, and now in the noble arena of the American Senate his star was still to be in the ascendant.

At the first session of the Thirtieth Congress, Jefferson Davis took his seat as a Senator of the United States from the State of Mississippi. The entire period of his connection with the Senate, from 1847 to 1851, and from 1857 to 1861, scarcely comprises eight years; but those were years pregnant with the fate of a nation, and in their brief progress he stood in that august body the equal of giant intellects, and grappled, with the power and skill of a master, the great ideas and events of those momentous days. Mr. Davis could safely trust, whatever of ambition he may cherish for the distinguished consideration of posterity, to a faithful record of his service in the Senate. His senatorial fame is a beautiful harmony of the most pronounced and attractive features of the best parliamentary models. He was as intrepid and defiant as Chatham, but as scholarly as Brougham; as elegant and perspicuous in diction as Canning, and often as profound and philosophical in his comprehension of general principles as Burke; when roused by a sense of injury, or by the force of his earnest conviction, as much the incarnation of fervor and zeal as Grattan, but, like Fox, subtle, ready, and always armed *cap a pie* for the quick encounters of debate.

Among all the eminent associates of Mr. Davis in that body, there were very few who possessed his peculiar qualifications for its most distinguished honors. His character, no less than his demeanor, may be aptly termed senatorial, and his bearing was always attuned to his noble conception of the Senate as an august assemblage of the ambassadors of sovereign States. He carried to the Senate the loftiest sense of the dignity and responsibility of his trust, and convictions upon political questions, which were the result of the most thorough and elaborate investigation. Never for one instant varying from the principles of his creed, he never doubted as to the course of duty; profound, accurate in information, there was no question pertaining to the science of government or its administration that he did not illuminate with a light, clear, powerful, and original.

It has been remarked of Mr. Davis' style as a speaker, that it is “orderly rather than ornate,” and the remark is correct so far as it relates to the mere statement of the conditions of the discussion. For mere rhetorical glitter, Mr. Davis' speeches afford but poor models, but for clear logic and convincing argument, apt illustration, bold and original imagery, and genuine pathos, they are unsurpassed by any ever delivered in the American Senate. Though the Senate was, undoubtedly, his appropriate arena as an orator, and though it may well be doubted whether he was rivaled in senatorial eloquence by any contemporary, Mr. Davis is hardly less gifted in the attributes of popular eloquence. Upon great occasions he will move a large crowd with an irresistible power. As a popular orator, he does not seek to sway and toss the will with violent and passionate emotion, but his eloquence is more a triumph of argument aided by an enlistment of passion and persuasion to reason and conviction. He has less of the characteristics of Mirabeau, than of that higher type of eloquence, of which Cicero, Burke, and

George Canning were representatives, and which is pervaded by passion, subordinated to the severer tribunal of intellect. It was the privilege of the writer, on repeated occasions, during the late war, to witness the triumph of Mr. Davis' eloquence over a popular assemblage. Usually the theme and the occasion were worthy of the orator, and difficult indeed would it be to realize a nobler vision of the majesty of intellect. To a current of thought, perennial and inexhaustible, compact, logical and irresistible, was added a fire that threw its warmth into the coldest bosom, and infused a glow of light into the very core of the subject. His voice, flexible and articulate, reaching any compass that was requisite, attitude and gestures, all conspired to give power and expression to his language, and the hearer was impressed as though in the presence of the very transfiguration of eloquence. The printed efforts of Mr. Davis will not only live as memorials of parliamentary and popular eloquence, but as invaluable stores of information to the political and historical student. They epitomize some of the most important periods of American history, and embrace the amplest discussion of an extended range of subjects pertaining to almost every science.

The development in Mr. Davis of the high and rare qualities, requisite to parliamentary leadership, was rapid and decisive. His nature instinctively aspires to influence and power, and under no circumstances could it rest contented in an attitude of inferiority. Independence, originality, and intrepidity, added to earnest and intelligent conviction; unwavering devotion to principle and purpose; a will stern and inexorable, and a disposition frank, courteous, and generous, are features of character which rarely fail to make a representative man. After the death of Mr. Calhoun, he was incomparably the ablest exponent of States' Rights principles, and even during the life of that great publicist, Mr. Davis, almost equally with him, shared the labors and responsibilities of leadership. His personal courage is of that knightly order, which in an age of chivalry would have sought the trophies of the tourney, and his moral heroism fixed him immovably upon the solid rock of principle, indifferent to the inconvenience of being in a minority and in no dread of the storms of popular passion. His faith in his principles was no less earnest than his confidence in his ability to triumphantly defend them. In the midst of the agitation and excitement of 1850, Henry Clay, the Great Compromiser, whose brilliant but erring genius so long and fatally led astray, from the correct understanding of the vital issue at stake between the North and the South, a numerous party of noble and true-hearted Southern gentlemen, furnished the occasion of an impressive illustration of this quality. Turning, in debate, to the Mississippi Senator, he notified the latter of his purpose, at some future day, to debate with him elaborately, an important question of principle. "Now is the moment," was the reply of the intrepid Davis, ever eager to champion his beloved and imperiled South, equally against her avowed enemies, and the not less fatal policy of those who were but too willing to compromise upon an issue vital to her rights and dignity. And what a shock of arms might then have been witnessed, could Clay have dispelled thirty years of his ripe three-score and ten! Each would have found a foeman worthy of his steel. In answer to this bold defiance, Clay, like Hotspur, would have rushed to the charge, with visor up and lance *couchant*; and Davis, another Saladin, no less frank than his adversary, but far more dexterous, would have met him with a flash of that Damascus scymetar, whose first blow severed the neck of the foeman.

That would have been a bold ambition that could demand a formal tender of leadership from the brilliant array of gallant gentlemen, ripe scholars, distinguished orators and statesmen, who, for twenty years before the war, were the valiant champions in Congress of the principles and aspirations of the South. Yet few will deny the preëminence of Mr. Davis, in the eye of the country and the world, among States' Rights leaders. Equally with Mr. Calhoun, as the leader of a great intellectual movement, he stamped his impress upon the enduring tablets of time.

Like Mr. Calhoun, too, Mr. Davis gave little evidence of capacity or taste for mere party tactics. Neither would have performed the duties of drill-sergeant, in local organizations, for the purposes of a political canvass, so well as hundreds of men of far lighter calibre and less stability. Happily, both sought and found a more congenial field of action.

The unexpired term, for which Mr. Davis had been elected in 1847, ended in 1851, and, though he was immediately reelected, in consequence of his subsequent resignation his first service in the Senate ended with the term for which he had first been elected. A recurrence to the records of Congress will exhibit the eventful nature of this period, especially in its conclusion. In the earlier portion of his senatorial service, Mr. Davis participated conspicuously in debate and in the general business of legislation. Here, as in the House of Representatives, his views upon military affairs were always received with marked respect, and no measure looking to the improvement of the army failed to receive his cordial coöperation.

The extensive conquests of the army in Mexico, and the necessity of maintaining the authority of the Federal Government in the conquered country until the objects of the war could be consummated, created considerable embarrassment. Upon this subject Mr. Davis spoke frequently and intelligently. His sagacity indicated a policy equally protective of the advantages which the valor of the army had achieved, and humane to the conquered. In a debate with Mr. John Bell, in February, 1848, he defined himself as favoring such a military occupation as would “prevent the General Government of Mexico, against which this war had been directed, from reëstablishing its power and again concentrating the scattered fragments of its army to renew active hostilities against us.” He disclaimed the motive, in this policy, of territorial acquisition, and earnestly deprecated interference with the political institutions of the Mexicans. The estimate entertained by the Senate, of his judgment and information upon military subjects, was indicated by his almost unanimous election, (thirty-two for Mr. Davis, and five for all others,) during the session of the Thirty-first Congress, as Chairman of the Committee on Military Affairs. His speeches on the subject of offering congratulations to the French people upon their recent successful political revolution, resulting in the establishment of a republican form of government, the proposed organization of the territorial government of Oregon, upon various subjects of practical and scientific interest, and his incidental discussions of the subject of slavery, were able, eloquent, and characteristic.

The session of Congress in 1849 and 1850 brought with it a most angry and menacing renewal of sectional agitation. Previous events and innumerable indications of popular sentiment had clearly revealed to candid minds, every-where, that the increasing sectional preponderance of the North, and its growing hostility to slavery, portended results utterly ruinous to the rights and institutions of the South. To the South it was literally a question of vitality, to secure some competent check upon the aggressive strength of the North. To maintain any thing like a sectional balance, the South must necessarily secure to her institutions, at least, a fair share of the common domain to be hereafter created into States. The immense territorial acquisitions resulting from the Mexican war were now the subjects of controversy. After a contest, protracted through several months, and eliciting the most violent exhibitions of sectional feeling, a plan of adjustment, under the auspices chiefly of Henry Clay, whose fatal gift was to preserve, for a time, the peace of the country by the concession of the most precious and vital rights of his section to an insolent and insatiate fanaticism, was finally reached. This settlement, known, by way of distinction, as the “Compromise of 1850,” averting for the time the dangers of disunion and civil war, met the approval of the advocates of expediency, but was opposed, with heroic pertinacity, by Mr. Davis and his associates of the States’ Rights party. They saw the hollowness of its pretended justice, its utter worthlessness as a guarantee to the South, and sought to defeat it – first in Congress, and afterwards by the popular voice. But the sentiment of attachment to the Union triumphed over every consideration of interest, principle, even security, and the snare succeeded. Again the South receded, again received the stone instead of the asked-for loaf, and again did she *compromise* her most sacred rights and dearest interests, receiving, in return, the reluctant and insincere guarantee of the recovery of her stolen slaves.

The folly of the South in assenting to this adjustment is now obvious to the dullest understanding, and subsequent events were swift to vindicate the wisdom, patriotism, and foresight of Mr. Davis and those who sustained him in opposition to the much-vaunted Union-saving compromise.

Yet, they were no more disunionists in 1850 than rebels and traitors in 1861. The charge of disunionism was freely iterated against them, and not without effect, even in their own section, where the sentimental attachment to the Union was stronger, just as its sacrifices in behalf of the Union were greater, than those of the North. Jefferson Davis never was a disunionist, not even in his subsequent approval of secession, in the sense of a wanton and treasonable disposition to sever the bonds of that association of co-equal sovereignties which the founders of the Federal Government bequeathed to their posterity.

His action, at all times, has been thoroughly consistent with his declared opinions, and with the earnest attachment to the Union, avowed in his congressional speeches and in his public addresses every-where. In 1850 and in 1861 his course was the logical sequence of his opinions, maintained and asserted from his introduction to public life. To save the Union, upon the only basis upon which it could rest as a guarantee of liberty, – the basis of absolute equality among the States; to blend Federal power and States' Rights, was the grand, paramount object to which all his aspirations and all his investigations of political science were directed. Repudiating the power of a State to nullify an act of Congress, and yet not surrender its normal relations as a member of the Union, he always asserted the right of secession, in the last resort, as an original, inherent, and vital attribute of State Sovereignty. The Federal Government, to his mind, was a mere agent of the States, created by them for a few general and interstate purposes, but having in it no principle subversive of the paramount sovereignty of the States. Rapidly extending its power by enactments of Congress and judicial constructions, he foresaw, and sought to counteract, its tendency to obliterate all State individuality, and ultimately absorb into its own keeping the liberties of the people. With dread and indignation, he contemplated its progress towards that *monstrum horrendum*, a consolidated democracy – the Union of to-day, in which we see that the *will of the majority is the sole measure of its powers*.

Such was his consistency, and such his sagacity, as vindicated in the light of subsequent events, and patent to the eyes of the world to-day. Who can now doubt which was the better and more logical theory? Clay said: "I owe allegiance to two sovereignties, and only two: one is to the sovereignty of this Union, and the other is to the sovereignty of the State of Kentucky." Thus he held to the paradox of an *imperium in imperio*, that obvious absurdity in our system of government, a divided sovereignty. In his ardent Unionism, the great exponent of expediency disavowed allegiance to the *South*, though still holding to his allegiance to Kentucky. But suppose Kentucky asserts her sovereignty, and chooses to unite with the South, what, then, becomes of State Sovereignty and State allegiance? Just here was the *hiatus* in Clay's logic, and, closely pressed by Davis, he emphatically declared his *first* allegiance to the Union as the supreme authority; and the State Sovereignty of Clay's conception was seen to be as intangible and unreal as the "baseless fabric of a vision."

Far more fair in its semblance, noble in its proportions, and beautiful in its harmonies, was the ideal of Davis. In his speech on the compromise measures, July 31, 1850, he said:

"Give to each section of the Union justice; give to every citizen of the United States his rights as guaranteed by the Constitution; leave this Confederacy to rest upon that basis from which it arose – the fraternal feelings of the people – and I, for one, have no fear of its perpetuity; none that it will not survive beyond the limits of human speculation, expanding and hardening with the lapse of time, to extend its blessings to ages unnumbered, and a people innumerable; to include within its empire all the useful products of the earth, and exemplify the capacity of a confederacy, with general, well-defined powers, to extend illimitably without impairing its harmony or its strength."

The grounds of Mr. Davis' opposition to the so-called "Compromise" programme of Mr. Clay were far otherwise than a factious and impracticable hostility to an amicable adjustment of sectional differences. He conscientiously doubted the disposition of the North to abstain from all

future interference with Southern institutions, and he detected and exposed the utter want of efficacy of the compromise measures as an assurance of protection against future aggression. He abhorred the substitution of expediency for principle; could see no *compromise* where one side simply *surrendered* what the other had no right to demand, and correctly estimated this settlement, like those which had preceded it, as but an invitation to still more intolerable exactions by an implacable sectional majority. While discussing, in private conversation with Mr. Clay, the merits of Mr. Webster's memorable speech of the 7th of March, 1850, a few days after its delivery, he briefly, but sufficiently defined his position. "Come," said Mr. Clay, "my young friend; join us in these measures of pacification. Let us rally Congress and the people to their support, and they will assure to the country thirty years of peace. By that time" (turning to John M. Berrien, who was a party to the conversation) "you and I will be under the sod, and my young friend may then have trouble again." "No," said Davis, "I can not consent to transfer to posterity a question which is as much ours as theirs, when it is evident that the sectional inequality, as it will be greater then than now, will render hopeless the attainment of justice."

His clear, penetrating glance discovered, under the guise of a friendly and pacific purpose, the insidious presence so mischievous to Southern interests, just as George Mason, more than fifty years before, had seen the "poison under the wing of the Federal Constitution." While the bill for the organization of the Territory of New Mexico was pending, the vigilance and sagacity of Mr. Davis elicited the most flattering commendation from his Southern associates. In this bill there was a general grant, in loose and ambiguous phraseology, of legislative power, with a reservation that no law should be passed "in respect to African slavery." Strangely enough, this provision, though obviously involving an inhibition against the enactment of laws for the protection of Southern property, escaped general detection. Mr. Davis promptly exposed its purpose, and offered an amendment, striking out the restraint against legislation "in respect to African slavery," and prohibiting the enactment of any law interfering "with those rights of property growing out of the institution of African slavery as it exists in any of the States of this Union." To meet the concurrence of other Senators, the amendment was variously modified, until, as explained by Mr. Davis, it embodied "the general proposition that the Territorial Legislature should not be prevented from passing the laws necessary for the protection of the rights of property of every kind which might be legally and constitutionally held in that territory." It is needless to say that so just a proposition, affording equal protection to Southern with Northern institutions, was defeated.

While there was little in Mr. Clay's plan of pacification to recommend it to Southern support, beyond the merely temporary staving off of a dissolution of the Union and civil war, it embodied propositions utterly incompatible with the security of the South. Mr. Davis especially and persistently combated its provision for the abolition of the slave-trade in the District of Columbia, and the concession that slavery did not legally exist in the newly-acquired territory. His position upon the general issues involved can not be more clearly and forcibly stated than in his own language:

"But, sir, we are called upon to receive this as a measure of compromise! – as a measure in which we of the minority are to receive something. A measure of compromise! I look upon it as a modest mode of taking that, the claim to which has been more boldly asserted by others; and that I may be understood upon this question, and that my position may go forth to the country in the same columns that convey the sentiments of the Senator from Kentucky, I here assert that never will I take less than the Missouri Compromise line to the Pacific Ocean, with specific right to hold slaves in the territory below that line; and that before such territories are admitted into the Union as States, slaves may be taken there from any of the United States, at the option of the owners. I can never consent to give additional power to a majority to commit further aggression upon the minority in this Union;

and I will never consent to any proposition which will have such a tendency without a full guarantee or counteracting measure is connected with it.”

The parliamentary annals of the Union embrace no period more prolific of grand intellectual efforts than the debates incident to this gigantic struggle. The prominence of Mr. Davis, with his extreme ardor in behalf of the rights and interests of his section, brought him constantly into conflict with the most eminent leaders of both the great political parties, who had cordially agreed to ignore all minor issues and unite in the paramount purpose of saving the Union. Cass, Douglas, Bright, Dickinson, and King, earnestly coöperated with Clay, Webster, and other Whig champions, in the advocacy of the measures of compromise. That Davis, younger in years and experience than most of these distinguished men, amply sustained his honorable and responsible role as the foremost champion of the South, contemporary public opinion and the Congressional records give abundant testimony. The great compromise chieftain, between whom and Davis occurred such obstinate and protracted encounters in debate, delighted to testify his respect for the talents and intrepidity of his “young friend,” which was his habitual salutation to Davis. Despite the pronounced antagonism between them, on all measures of public policy, and their comparatively brief acquaintance, Mr. Clay repeatedly evinced, in a most touching manner, his warm regard for one who had been the companion-in-arms and cherished friend of a noble son,<sup>10</sup> who lost his life on the same field, upon which Davis won such deathless distinction. “My poor boy,” were his words to the latter, upon his return from Mexico, “usually occupied about one-half of his letters home in praising you.” A still more touching incident, illustrative of his friendly regard, at the moment not understood by those present, occurred, in the heat of discussion during the exciting period, which we have had under consideration. Replying to Davis, said Mr. Clay: “My friend from Mississippi – and I trust that he will permit me to call him my friend, for between us there is a tie, the nature of which we both well understand.” At this moment the utterance of the aged statesman became tremulous with emotion, and, bowing his head, his eyes were seen to fill with tears. This friendship was warmly reciprocated by Mr. Davis, and its recollections are among those the most highly-cherished of his public life.

With the defeat of those who had opposed the compromise, terminated, for the present, Southern resistance in Congress, though it did not for an instant check Northern aggression. Yet many prominent public characters at the South, and, as the sequel demonstrated, indorsed by popular sentiment, avowed themselves fully satisfied with a mere show of triumph and pretense of justice – a few paltry concessions, not worth the parchment upon which they were written. In the meantime, upon another arena, Mr. Davis entered upon a gallant struggle, in opposition to a policy from which he foresaw and predicted a fruitful yield of disaster in the future.

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<sup>10</sup> Henry Clay, Jr., a graduate of West Point, and at the time of his death, Lieutenant-Colonel of volunteers. He fell at Buena Vista.

## CHAPTER V

### **OPPOSITION TO THE COMPROMISE IN SOUTH CAROLINA AND MISSISSIPPI – DAVIS A CANDIDATE FOR GOVERNOR – HIS DEFEAT REALLY A PERSONAL TRIUMPH – IN RETIREMENT, SUPPORTS GENERAL PIERCE’S ELECTION – DECLINES AN APPOINTMENT IN PIERCE’S CABINET, BUT SUBSEQUENTLY ACCEPTS SECRETARYSHIP OF WAR – REMARKABLE UNITY OF PIERCE’S ADMINISTRATION, AND HIGH CHARACTER OF THE EXECUTIVE – DAVIS AS SECRETARY OF WAR – KANSAS-NEBRASKA BILL AND THE EXCITEMENT WHICH FOLLOWED – DAVIS AGAIN ELECTED TO THE SENATE – SPEECHES AT PASS CHRISTIAN AND OTHER POINTS WHILE ON HIS WAY TO WASHINGTON**

But, though the battle had been fought and won in Congress, and it was evident, at an early date, that the weight of great names in favor of the Compromise, aided by the ever-timid counsels of capital and commerce, would command for that measure the overwhelming support of the country, the States’ Rights men were resolved upon a test of popular sentiment. Accordingly, in South Carolina and Mississippi, States at all times the most advanced in Southern feeling, the opponents of the Compromise organized, as did its friends also. The issue, though substantially the same, was presented in a somewhat different form in these two States.

In South Carolina, where public sentiment was always singularly unanimous, upon all questions affecting the honor and interests of the South, and in entire accord as to the mode and measure of redress for the grievances of the States, the propriety of resistance was a foregone conclusion. The only question was, whether South Carolina should act separately, or await the coöperation of other Southern States. The party of coöperation triumphed in the election of members to a State convention, by the decisive popular majority of seven thousand votes.

In Mississippi the issue was one of *resistance* or *acquiescence*. The States’ Rights, or resistance party, embraced four-fifths of the Democracy of the State and a small accession of States’ Rights Whigs; while the Union, or Compromise party, was composed of the Clay Whigs and a fraction of the Democracy.

The Legislature provided an election for members of a State convention to consider the subject of Federal aggressions, to be held in September, 1851, and, in the ensuing November the regular election of Governor occurred. Much interest centred upon the gubernatorial contest, and the State was for months previous to the election the scene of great excitement. General John A. Quitman, one of the most distinguished officers of the army, during the Mexican war, a man of the loftiest character, a reliable statesman, and sterling patriot, was nominated by the States’ Rights Convention. Mr. Henry S. Foote, then a Senator from Mississippi, and an active supporter of the Compromise measures, was the candidate of the Union party. While an exceedingly animated canvass between these candidates was still in progress, the election for members of the convention resulted in an aggregate majority of seven thousand five hundred votes for the Union candidates. General Quitman, disappointed by such an unexpected and decisive exhibition of public sentiment, and viewing it as the forerunner of the result of the gubernatorial election in November, withdrew from the contest.

Mr. Davis, who had already been elected for a second term to the Senate, was now looked to as almost the sole dependence of the States’ Rights men, and they summoned him to take the field as

the adversary of Mr. Foote. There was little inducement, had he consulted selfish considerations, to relinquish a high position, already secured, and become the leader of a forlorn hope. Though greatly enfeebled in health, and at that time an acute sufferer, he accepted the nomination. His sense of duty and devotion to his principles triumphed even over his physical infirmities, and, resigning his seat in the Senate, he entered upon the canvass.

The result was, as had been foreseen, the defeat of Mr. Davis. Mr. Foote, a man of more than average ability, and of varied and extensive attainments, whose excessive garrulity and total want of discretion disqualified him for usefulness as a member of a legislative body, or for any practical end of statesmanship, was, nevertheless, an adroit party tactician. With great dexterity he had conducted the canvass with General Quitman, by skillfully evading the real issue, introducing side questions, and thus breaking the force of the plain and statesman-like arguments of his more open and less dexterous adversary. When Mr. Davis entered the field, under all the disadvantages to which we have alluded, the election of Foote was almost universally conceded. Had the canvass lasted a few weeks, however, the result, in all probability, would have been different. The popularity of Mr. Davis was indicated by the paltry majority (nine hundred and ninety-nine votes) given against him, as compared with the Union majority at the election in September, for members of the convention. Under all the circumstances, his friends rightly viewed it as a personal triumph, and he emerged from the contest with increased reputation and public regard.

The results of these appeals to popular judgment were scarcely less decisive, in favor of the Compromise, than had been its congressional victory. It was evident that the Southern people were yet far from being ready for organized and practical resistance, and were not likely to be, until some flagrant outrage should arouse their resentment.

Mr. Davis was now in retirement, and, though abiding the decision of Mississippi, he was yet avowedly determined to devote his energies to the efficient organization of the States' Rights party for future struggles. Yet nothing was farther from his purpose than a factious agitation. His aim was to secure for the States' Rights principle a moral and numerical support in the ranks of the Democracy, which should enable its friends to wield an appropriate influence upon the policy of that party. He contemplated no organization outside of the Democracy, for the promotion of disunionism *per se*; and, in the Presidential canvass of 1852, separated himself from many of his closest personal and political friends, who had nominated the Presidential ticket of Troup and Quitman, upon the distinctive platform of States' Rights and separation.

The nomination of Franklin Pierce, upon the Baltimore platform, met his cordial approbation, and received his active support. With General Pierce, Mr. Davis held the most friendly relations, and in his constitutional opinions he had entire confidence. His support of the platform was quite as consistent as his advocacy of the nominee. Both indorsed, with emphasis, the Compromise, which he had opposed, but which Mississippi had ratified, and both avowed their acceptance of it, as a *finality*, beyond which there was to be no farther agitation of the slavery question. In Mississippi, Louisiana, and Tennessee he participated actively in the canvass, and rendered most efficient service to his party, especially in the two latter States.

General Pierce indicated his estimate of Davis, by a prompt tender of a position in his Cabinet. Considering himself committed to the fortunes of his principles in Mississippi, he preferred to "remain and fight the issue out there," and reluctantly declined. Subsequently the President-elect addressed him a letter expressing a desire that, upon personal grounds at least, Mr. Davis should be present at his inauguration. After he had reached Washington the tender of a Cabinet appointment was repeated. The obvious advantages to the States' Rights party of representation in the Government, an argument earnestly urged upon him by prominent Southern statesmen, at length overcame his personal preference, and he accepted the position of Secretary of War.

With the policy of President Pierce's administration, Secretary Davis was, of course, fully identified. Whatever of influence and sympathy he could command, were employed in promoting its

success, and between the President and himself there was an uninterrupted harmony of personal and official intercourse. Indeed the glory of this administration and the explanation of its title to that high award which it earned from impartial criticism, for its courageous pursuit of an upright, constitutional policy, was the characteristic unity which prevailed between its head and his advisers. During the four years of its existence the Cabinet of President Pierce continued unchanged, at its close the head of each department surrendering the seals of office which he had received at its inauguration. The history of no other administration is adorned with such an instance of cordial and unbroken coöperation, and the fact is equally creditable to the sagacity of General Pierce in the selection of his advisers, and his consummate tact in the reconciliation of those antagonisms, which are hardly to be avoided in the operations of the complicated machinery of Government.

A common statement of its enemies, that the administration must eventually break down by disorganization, in consequence of the utterly discordant elements which composed it, was never realized. At one time Mr. Marcy, the Secretary of State, was the wily Macchiavelli, against whose intrigues the rest of the Cabinet was in arms, while Mr. Davis was charged with playing alternately the roles of Richelieu and Marplot.

Of all American executives, Franklin Pierce is preëminently entitled to the designation of the constitutional President. The great covenant of American liberty, so ruthlessly despoiled in these degenerate days, when opportunity and pretext are the sufficient justification of flagrant violations of justice, was the guide whose precepts he followed without deviation. His Northern birth and training did not swerve from his obligations to extend an equal protection to the interests of other sections, the patriotic executive, whom posterity will delight to honor, for his wisdom, purity, and impartiality, just in proportion as those qualities provoke the clamor of the dominant ignorance and passion of to-day.

In a Cabinet, noted for its ability, of which William L. Marcy was the Premier, and Caleb Cushing the Attorney-General, Secretary Davis occupied a position worthy of his abilities and his previous reputation, and peculiarly gratifying to his military tastes. It is no disparagement of his associates to say that his strongly-marked character commanded a constant and emphatic recognition in the policy of the Government.

Under his control the department of war was greatly advanced in dignity and importance, receiving a character far more distinctive and independent of other branches of the Government than it had previously claimed. He infused into all its operations an energy till then unknown, introducing improvements so extensive and comprehensive as to occasion apprehension of an almost too powerful and independent system of military organization. It is a fact universally conceded that his administration of the War Office was incomparably superior to that of any official who has filled that position – contributing more to the promotion of efficiency in the army, to the advancement of those great national establishments so vital to the security of the nation, and to the systematic, practical management of the details of the office. In reviewing Mr. Davis' conduct of this important department of the Government, the splendid improvements which he inaugurated, his earnest and unceasing labors in behalf of the efficiency of the army, it is impossible to overestimate his eminent services to the Union, which even at that time his traducers and those of the South would pretend he was plotting to destroy. In the Cabinet, as in the Senate, there was no measure of national advantage to which he did not give his cordial support, no great national institution which he would not have fostered with generous and timely sympathy; nothing to which he was not zealously committed, promising to redound to the glory, prosperity, and perpetuity of that Union, in whose service he had been trained, whose uniform he had proudly worn, and beneath whose banner he had braved a soldier's death.

Secretary Davis made many recommendations contemplating radical alterations in the military system of the Union. One of his first measures was a recommendation for the thorough revision of the army regulations. He opposed the placing of officers, at an early period of service, permanently upon the staff, and advocated a system, which, he contended, would improve the discipline and efficiency of officers, "whereby the right of command should follow rank by one certain rule." The increase of

the medical corps; the introduction of camels; the introduction of the light infantry or rifle system of tactics, rifled muskets, and the Minie-ball were all measures advocated by Secretary Davis, and discussed in his official papers with a force and intelligence that make them highly valuable to the military student. He urged a thorough exploration of the Western frontier, and important changes in the arrangement of defenses against the Indians, demonstrating the inefficiency of the system of small forts for the purposes of war with the savages. To obviate, in a measure, the expense, and almost useless trouble, of locating military posts in advance of settlement, he suggested the plan of maintaining large garrisons at certain points, situated favorably for obtaining supplies and accessible by steamboat or railway. From these posts strong detachments could be supplied and equipped for service in the Indian country. His efforts were most strenuous to obtain an increase of pay to officers of the army, and pensions to the widows and orphans of officers and men, upon a basis similar to that of the navy.

During the Crimean war, Secretary Davis sent a commission, of which Major-General McClellan, then a captain of cavalry, was a member, to study and report upon the science of war and the condition of European armies, as illustrated in the operations incident to that struggle. At his suggestion four new regiments – two of cavalry – were added to the army, and numerous appropriations made for the construction of new forts, improvements in small arms, and the accumulation of munitions of war.

The Presidential term of Pierce expired on the 4th of March, 1857, and with it terminated the connection of Mr. Davis with the executive branch of the Government. He retired with the hearty respect of his associates, and in the enjoyment of the most confiding friendship with the late head of the Government, a feeling which is cherished by both, with unabated warmth, at this day. All parties concurred in pronouncing Mr. Davis' conduct of his department successful, able, and brilliant, and in the midst of the tide of misrepresentation, with which, during and since the war, it has been sought to overwhelm his reputation, the least candid of his accusers have been compelled to this reluctant confession.

Incidental to the late administration, but by no means traceable to its influence, had been legislation by Congress of a most important character, which was to give a powerful impulse to agencies long tending to the destruction of the Union. The election of Pierce had been carried with a unanimity unprecedented, upon the distinct pledge of the acceptance of the Compromise as a *finality*. The country, for months subsequently, reposed in profound quiet, produced by its confidence in an approaching season of unequaled prosperity, and exempt from all danger of political agitation. This hallucination was destined to be speedily and rudely dispelled by events, which afford striking evidence of how completely the peace and happiness of the American people have always been at the mercy of aspiring and unscrupulous demagogues. Mr. Stephen A. Douglas must ever be held, equally by both sections, responsible for the disastrous agitation, which followed his introduction of certain measures, under the pretense of a sentimental justice, or a concession of principle to the South, but in reality prompted by his personal ambition, and which greatly aided to precipitate the catastrophe of disunion.

Upon the application of the Territory of Nebraska for admission into the Union, Senator Douglas, from the Committee on Territories, submitted a bill creating the two Territories of Nebraska and Kansas, and affirming the supersession of the Missouri restriction of 1820, which prohibited slavery north of 36° 30', by the Compromise of 1850. It declared the Missouri restriction inconsistent with the principle of *non-intervention* by Congress with territorial affairs, which had been adopted in the settlement of 1850, and therefore inoperative.

This bill was apparently a mere concession of principle to the South, not likely to be of much practical value, but still gratifying, as it gave to her citizens the right to carry their property into districts from which it had been hitherto inhibited. Passing both houses of Congress, in 1854, it was

approved by the Pierce administration,<sup>11</sup> sanctioned by the Democracy generally, and greeted by the South as a triumph. It was not imagined that a victory, so purely sentimental and intangible, could be accepted by the North, as a pretext for violent eruptions of sectional jealousy, and least of all did the South believe its author capable of the subsequent duplicity with which, by specious arguments and verbal ingenuity, he claimed for the measure, a construction far more insidious, but not less fatal to her interests, than the designs of proclaimed Abolitionists. The immediate result was a tempest of excitement in the Northern States, in the midst of which the so-called Republican party, for the first time, appeared as a formidable contestant in political struggles, and defeated the Democracy in almost every State election. The latter, with extreme difficulty, elected Mr. Buchanan to the Presidency two years afterwards.

In the meantime, while his term of office as Secretary of War was still unexpired, Mr. Davis had been elected, by the Legislature of Mississippi, to the Senate, for the term beginning March 4, 1857. On his return home, he was received by the Democracy of the State with distinguished honors. Dinners, receptions, and public entertainments of various kinds were tendered him; and, during the summer and autumn, previous to his departure for Washington, he addressed numerous large popular gatherings with his accustomed force and boldness upon pending issues. These addresses commanded universal attention, and were highly commended for their able, dispassionate, and statesman-like character.

His speech at Pass Christian, while on his journey to Washington, was a masterly and eloquent review of the condition of the country, with its causes and remedies. He attributed the national difficulties chiefly to the puritanical intolerance and growing disregard of constitutional obligations of the North. These influences seriously menaced the safety of the Union, for which he had no hope, unless in the event of a reaction in Northern sentiment, or of such resolute action by a united South as should compel her enemies to respect their constitutional duties. To the latter policy he looked as the best guarantee of the security of the South and the preservation of the Union. Interference by one State with the institutions of another could not, under any circumstances, be tolerated, even though resistance should eventually result in a dissolution of the Union. The latter event was possible – indeed, might become necessary – but should never be undertaken save in the last extremity. He would not disguise the profound emotion with which he contemplated the possibility of disunion. The fondest reminiscences of his life were associated with the Union, into whose military service, while yet a boy, he had entered. In his matured manhood he had followed its flag to victory; had seen its graceful folds wave in the peaceful pageant, and, again, its colors conspicuous amid the triumphs of the battle-field; he had seen that flag in the East, brightened by the sun at its rising, and, in the West, gilded by his declining rays – and the tearing of one star from its azure field would be to him as would the loss of a child to a bereaved parent.

This speech – one of the most eloquent he has ever made – was received by his audience with unbounded enthusiasm, and was approvingly noticed by the press of both sections.

At Mississippi City he delivered an address in explanation of his personal course, and in vindication of the administration of which he had lately been a member. He had obeyed the will of Mississippi, respecting the legislation of 1850, though against his convictions, and, in the present

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<sup>11</sup> The repeal of the Missouri Compromise has been commonly alluded to as the special and leading measure of the Pierce administration. It was, in reality, not an administration measure. The well-known cordiality of Mr. Davis' relations with President Pierce induced a number of Senators to call upon Mr. Davis, on the Sunday morning previous to the introduction of the Kansas-Nebraska Bill, and ask his aid in securing them the pledge of the President's approval. They represented the measure as contemplating merely the assertion of the rights of property, slavery included, in the Territories. Mr. Davis objected, at first, to an interruption of the President, on the Sabbath, for such a purpose, but finally yielded. The President promptly signified his approbation of a measure contemplating such a purpose. It is not necessary to say that the legislation of Congress embraced a far greater scope than that indicated. The administration indorsed the Kansas-Nebraska Bill in full, because the principle was correct, though its assertion then was wholly unnecessary, unprofitable, and likely to lead to mischievous results. This was the real connection of the Pierce administration with a measure for whose consequences the ambition of Judge Douglas was almost solely responsible.

disorders in Kansas, he saw the fruits of the unwise substitution of expediency for principle. Of President Pierce he could speak only in terms of eulogy, defended his vetoes of bills “for internal improvements and eleemosynary purposes,” depicting, in passages of rare and fervent eloquence, his heroic adherence to the Constitution, elevated patriotism, and distinguished virtues. Contrasting the conduct of the Fillmore and Pierce administrations concerning the Cuban question, he avowed his belief that Cuba would then be in possession of the United States had Congress sustained General Pierce in his prompt and decided suggestions as to the Black Warrior difficulty.

Mr. Davis expressed his approbation of the course pursued by the late administration with reference to Nicaragua. “Unlawful expeditions” should be suppressed, though he should rejoice at the establishment of American institutions in Central America, and maintained the right of the United States to a paramount influence in the affairs of the continent, with which European interference should be, at all times, promptly checked.

When the Thirty-fifth Congress assembled in December, 1857, the Kansas question had already developed a difficult and critical phase. The rock upon which Mr. Buchanan’s administration was to split had been encountered, and the wedge prepared, with which the Democratic party was destined to be torn asunder.

## CHAPTER VI

**RETURN OF MR. DAVIS TO THE SENATE – OPENING EVENTS OF MR. BUCHANAN’S ADMINISTRATION – TRUE INTERPRETATION OF THE LEGISLATION OF 1854 – SENATOR DOUGLAS THE INSTRUMENT OF DISORGANIZATION IN THE DEMOCRATIC PARTY – HIS ANTECEDENTS AND CHARACTER – AN ACCOMPLISHED DEMAGOGUE – DAVIS AND DOUGLAS CONTRASTED – BOTH REPRESENTATIVES OF THEIR RESPECTIVE SECTIONS – DOUGLAS AMBITION – HIS COUP D’ETAT, AND ITS RESULTS – THE KANSAS QUESTION – DOUGLAS’ TRIUMPHS OVER THE SOUTH AND THE UNITY OF THE DEMOCRATIC PARTY LOST – “SQUATTER SOVEREIGNTY” – PROPERLY CHARACTERIZED – DAVIS’ COURSE IN THE KANSAS STRUGGLE – DEBATE WITH SENATOR FESSENDEN – PEN-AND-INK SKETCH OF MR. DAVIS AT THIS PERIOD – TRUE SIGNIFICANCE OF POLITICAL EVENTS TO THE SOUTH – SHE RIGHTLY INTERPRETS THEM – MR. DAVIS’ COURSE SUBSEQUENT TO THE KANSAS IMBROGLIO – HIS DEBATES WITH DOUGLAS – TWO DIFFERENT SCHOOLS OF PARLIAMENTARY SPEAKING – DAVIS THE LEADER OF THE REGULAR DEMOCRACY IN THE THIRTY-SIXTH CONGRESS – HIS RESOLUTIONS – HIS CONSISTENCY – COURSE AS TO GENERAL LEGISLATION – VISITS THE NORTH – SPEAKS IN PORTLAND, BOSTON, NEW YORK, AND OTHER PLACES – REPLY TO AN INVITATION TO ATTEND THE WEBSTER BIRTH-DAY FESTIVAL – MR. SEWARD’S ANNOUNCEMENT OF THE “IRREPRESSIBLE CONFLICT” – MR. DAVIS BEFORE MISSISSIPPI DEMOCRATIC STATE CONVENTION – PROGRESS OF DISUNION – DISSOLUTION OF THE DEMOCRATIC PARTY – SPEECHES OF MR. DAVIS AT PORTLAND AND IN SENATE**

Mr. Davis returned to the Senate at a period marked by agitation, no less menacing to the Union than that which had so seriously threatened it in 1850. His health at this time was exceedingly infirm, and for several months he was so much prostrated by his protracted sufferings, that a proper regard for the suggestions of prudence would have justified his entire abstinence from the labors and excitements of this stormy period. Again and again, however, did his heroic devotion carry him from his sick bed to the capitol, to engage in the death-struggle of the South, with her leagued enemies, for safety in the Union, which she was still loath to abandon, even under the pressure of intolerable wrong. Frequently, with attenuated frame and bandaged eyes, he was to be seen in the Senate, at moments critical in the fierce sectional conflict; and at the final struggle upon the Kansas question, not even the earnest admonitions of his physician, that to leave his chamber would probably be followed by the most dangerous results, were availing to induce his absence from the scene.

The opening events of the first session of the Thirty-fifth Congress, (the first incidental to the administration of Mr. Buchanan,) were far from being auspicious of the continued unity of the Democratic party, which, for several years past, the intelligence of the country had correctly appreciated as an essential condition to the preservation of the Union.

Mainly through the undivided support given him by the South, Mr. Buchanan was elected upon the Cincinnati platform of 1856, which was a re-affirmation of the cardinal tenets of the Democratic faith, involving also emphatic approval of the Kansas-Nebraska legislation two years previous. Not until months after his inauguration were there any indications of hostility to his administration within the ranks of his own party. Nor had there been any avowed difference of construction as to the end and effect of the legislation of 1854. The rare unanimity with which the South had been rallied to the support of the Democracy was based upon the unreserved admission, by all parties, that the Kansas-Nebraska act was designedly friendly in its *spirit*, at all events, to Southern interests. No Southern statesman, for a moment, dreamed that it was capable of an interpretation unfriendly to his section. That the plain purpose of the bill was to remove the subject of slavery outside the bounds of congressional discussion, and to place it in the disposition of the States separately, and in the *Territories, when organizing for admission as States*, was regarded by the South as the leading vital principle which challenged her enthusiastic support. Such, indeed, was the doctrine asserted by the entire Democratic party of the South, enunciated by the administration, and tacitly approved by the Northern Democracy. Very soon, however, after the meeting of Congress, the action of Senator Douglas revealed him as the instrument of disorganization in his party. To a proper understanding of his motives and conduct at this juncture, a brief statement of his antecedents is essential.

Stephen A. Douglas was now in the meridian of life and the full maturity of his unquestionably vigorous intellectual powers. For twenty-five years he had been prominent in the arena of politics, and as a member of Congress his course had been so eminently politic and judicious as to make him a favorite with the Democracy, both North and South. To an unexampled degree his public life illustrated the combination of those characteristics of the demagogue, a fertile ingenuity, facile accommodation to circumstances, and wonderful gifts of the *ad captandum* species of oratory, so captivating to the populace, which in America peculiarly constitute the attributes of the “rising man.” Douglas was not wanting in noble and attractive qualities of manhood. His courage was undoubted, his generosity was princely in its munificence to his personal friends, and he frequently manifested a lofty magnanimity. In his early youth, deprived of the advantages of fortune and position, the discipline of his career was not propitious to the development of the higher qualities of statesmanship – with which, indeed, he was scantily endowed by nature. It is as the accomplished politician, subtle, ready, fearless, and indefatigable, that he must be remembered. In this latter character he was unrivaled.

Not less than Davis was Douglas a representative man, yet no two men were more essentially dissimilar, and no two lives ever actuated by aspirations and instincts more unlike. Douglas was the representative of expediency – Davis the exponent of principles. In his party associations Douglas would tolerate the largest latitude of individual opinion, while Davis was always for a policy clearly defined and unmistakable; and upon a matter of vital principle, like Percy, would reluctantly surrender even the “ninth part of a hair.” To maintain the united action of the Democratic party on election day, to defeat its opponents, to secure the rewards of success, Douglas would allow a thousand different constructions of the party creed by as many factions. Davis, on the other hand, would, and eventually did, approve the dissolution of the party, when it refused an open, manly enunciation of its faith. For mere party success Douglas cared every thing, and Davis nothing, save as it ensured the triumph of Constitutional principles. Both loved the Union and sought its perpetuity, but by different methods; Douglas by never-ending compromises of a quarrel, which he should have known that the North would never permit to be amicably settled; by staving off and ignoring issues which were to be solved only by being squarely met. Davis, too, was not unwilling to compromise, but he wearied of perpetual concession by the South, in the meanwhile the North continuing its hostility, both open and insidious, and urged a settlement of all differences upon a basis of simple and exact justice to both sections.

Douglas was preëminently the representative politician of his section, and throughout his career was a favorite with that boastful, bloated, and mongrel element, which is violently called the “American people,” and which is the ruling element in elections in the Northern cities. In character

and conduct he embodied many of its materialistic and socialistic ideas, its false conception of liberty, its pernicious dogmas of equality, and not a little of its rowdyism.

Davis was the champion of the South, her civilization, lights, honor, and dignity. He was the fitting and adequate exponent of a civilization which rested upon an intellectual and æsthetical development, upon lofty and generous sentiments of manhood, a dignified conservatism, and the proud associations of ancestral distinction in the history of the Union. Always the Senator in the sense of the ideal of dignity and courtesy which is suggested by that title, he was also the *gentleman* upon all occasions; never condescending to flatter or soothe the mob, or to court popular favor, he lost none of that polished and distinguished manner, in the presence of a “fierce Democracie,” which made him the ornament of the highest school of oratory and statesmanship of his country.

The ambition of Douglas was unbounded. The recognized leader, for several years, of the Northern Democracy, his many fine personal qualities and courageous resistance of the ultra Abolitionists secured for him a considerable number of supporters in the Southern wing of that party. The Presidency was the goal of his ambition, and for twenty years his course had been sedulously adjusted to the attainment of that most coveted of prizes to the American politician. On repeated occasions he had been flattered by a highly complimentary vote in the nominating conventions of the Democracy. Hitherto he had been compelled to yield his pretensions in favor of older members of his party or upon considerations of temporary availability. It was evident, however, that in order to be President, he must secure the nomination in 1860. The continued ascendancy of the Democracy was no longer, as heretofore, a foregone conclusion, and, besides, there were others equally aspiring and available. His Presidential aspirations appeared, indeed, to be without hope or resource, save through the agency of some adroit *coup d'état*, by which the truculent and dominant free-soil sentiment of the North, which he had so much affronted by his bid for Southern support in the introduction of the Kansas-Nebraska bill, could be conciliated. In Illinois, his own State, the Abolition strength was alarmingly on the increase, and to secure his return to the Senate at the election to be held in 1858, an object of prime importance in the promotion of his more ambitious pretensions, he did not scruple to assume a position, falsifying his previous record, wantonly insulting and defiant to his Southern associates, and in bold antagonism to a Democratic administration. The sequel of this rash and ill-judged course was the overthrow of his own political fortunes, the disintegration of his party, and the attempted dissolution of the Union.

The earliest recommendations of Mr. Buchanan, respecting the Kansas controversy, which, several months since, had developed in that Territory into a species of predatory warfare, marked by deeds of violence and atrocity, between the Abolition and Pro-slavery parties, were signalized by a coalition of the followers of Douglas with the Abolitionists and other opponents of the administration. The speedy pacification of the disorders in Kansas, by the prompt admission of that Territory, was the condition essential to the success of Mr. Buchanan's entire policy. He accordingly recommended the admission of Kansas into the Union, with the “Lecompton” constitution, which had been adopted in September, 1857, by the decisive vote of six thousand two hundred and twenty-six in favor of that constitution, with slavery, and five hundred and nine for it, without slavery. A rival instrument, adopted by an election notoriously held exclusively under the control of Abolitionists, prohibiting slavery, was likewise presented.

For months the controversy was waged in Congress between the friends of the administration and its enemies, and finally resulted in a practical triumph of the Free-soil principle. The Anti-Lecompton coalition of Douglas and the Abolitionists, aided by the defection of a few Southern members, successfully embarrassed the policy of the administration by defeating its recommendations, and eventually carried a measure acceptable to Northern sentiments and interests.

Mr. Douglas thus triumphed over a Democratic administration, at the same time giving a shock to the unity of the Democratic party, from which it has never recovered, and effectually neutralized its power as a breakwater of the Union against the waves of sectional dispute. The alienation between

himself and his former associates was destined never to be adjusted, as indeed it never should have been, in consideration of his inexcusable recreancy to the immemorial faith of his party. Mr. Douglas simply abandoned the South, at the very first moment when his aid was seriously demanded. Nay, more; he carried with him a quiver of Parthian arrows, which he discharged into her bosom at a most critical moment in her unequal contest.

It is not to be denied that Mr. Douglas' new interpretation of the Kansas-Nebraska act was urged by himself and his advocates as having a merit not to be overlooked by the North, in its suggestion of a method of restricting slavery, presenting superior advantages. "Squatter sovereignty," as advocated by Mr. Douglas, proposing the decision of the slavery question by the people of the Territories, while yet unprepared to ask admission as States, was far more effectual in its plans against slavery, and only less prompt and open, than the designs of the Abolitionists. It would enable the "Emigrant Aid Societies," and imported janizaries of Abolition to exclude the institutions of the South from the Territories, the joint possessions of the two sections, acquired by an enormously disproportionate sacrifice on the part of the South, with a certainty not to be realized, for years to come, perhaps, from the Abolition policy of congressional prohibition.<sup>12</sup> According to Mr. Douglas' theory, the existence of slavery in all the Territories was to depend upon the verdict of a few hundred settlers or "squatters" upon the public lands. It practically conceded to Northern interests and ideas every State to be hereafter admitted, and under the operation of such a policy it was not difficult to anticipate the fate of slavery, at last even in the States.

From the inception of this controversy until its close Mr. Davis was fully committed to the policy of Mr. Buchanan, and his position was in perfect harmony with that of all the leading statesmen of the South. Less prominent, perhaps, in debate, from his constant ill-health during the first session, than at any other period of his public life, he was still zealous and influential.

An interesting incident of the session was a discussion between Mr. Davis and Mr. Fessenden, of Maine, a Senator second only to Mr. Seward among Abolition leaders, in point of intellect, and behind none in his truculent animosity to Southern institutions. Reviewing the message of Mr. Buchanan with great severity, Fessenden took occasion to discuss elaborately the slavery question, with all its incidental issues. Mr. Davis replied, not at great length, but with much force and spirit. The discussion terminated with the following colloquy, which is interesting chiefly in its personal allusions:

"Mr. Fessenden. ... Sir, I have avowed no disunion sentiments on this floor – neither here nor elsewhere. Can the honorable gentleman from Mississippi say as much?"

"Mr. Davis. Yes.

"Mr. Fessenden. I am glad to hear it, then.

"Mr. Davis. Yes. I have long sought for a respectable man who would allege the contrary.

"Mr. Fessenden. I make no allegation. I asked if he could say as much. I am glad to hear him say so, because I must say to him that the newspapers have represented him as making a speech in Mississippi, in which he said he came into General Pierce's cabinet a disunion man. If he never made it, very well.

"Mr. Davis. I will thank you to produce that newspaper.

"Mr. Fessenden. I can not produce it, but I can produce an extract from it in another paper.

"Mr. Davis. An extract! then that falsifies the text.

"Mr. Fessenden. I am very glad to hear the Senator say so. I made no accusation – I put the question to him. If he denies it, very well. I only say that, with

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<sup>12</sup> Governor Wise, of Virginia, characterized "squatter sovereignty" as a "short cut to all the ends of Black Republicanism."

all the force and energy with which he denies it, so do I. The accusation never has been made against me before. On what ground does the Senator now put it?..

“Mr. Davis. Does the Senator ask me for an answer?”

“Mr. Fessenden. Certainly, if the Senator feels disposed to give one.

“Mr. Davis. If you ask me for an answer, it is easy. I said your position was fruitful of such a result. I did not say you avowed the object – nothing of the sort, but the reverse... ”

“Mr. Fessenden. That is a matter of opinion, on which I have a right to entertain my view as well as the Senator his... ”

“Mr. Davis. Mr. President, I rise principally for the purpose of saying that I do not know whence springs this habit of talking about intimidation. I am not the first person toward whom a reply has been made, that we are not to carry our ends by intimidation. I try to intimidate nobody; I threaten nobody; and I do not believe – let me say it once for all – that any body is afraid of me – and I do not want any body to be afraid of me.

“Mr. Fessenden. I am. [Laughter.]

“Mr. Davis. I am sorry to hear it; and if the Senator is really so, I shall never speak to him in decided terms again.

“Mr. Fessenden. I speak of it only in an intellectual point of view. [Laughter.]

“Mr. Davis. Then, sir, the Senator was in a Pickwickian sense when he began; there were no threats, no intimidations, and he is just where he would have been if he had said nothing.” [Laughter.]...

While the Kansas question was pending in Congress, a sketch of Mr. Davis, in connection with two other prominent Southern Senators, which appeared in the correspondence of a leading journal, was extensively copied in the newspapers of the day. We extract that portion which relates specially to Mr. Davis. The portrait is from the pen of one who had no sympathy with his political views:

## **DAVIS, HUNTER, AND TOOMBS, THE SOUTHERN TRIUMVIRATE**

### **[Correspondence of the Missouri Democrat.]**

*“Washington City, January 21.*

“Yesterday, when Hale was speaking, the right side of the chamber was empty, (as it generally is during the delivery of an antislavery speech,) with the exception of a group of three who sat near the centre of the vacant space. This remarkable group, which wore the air if not the ensigns of power, authority, and public care, was composed of Senators Davis, Hunter, and Toombs. They were engaged in an earnest colloquy, which, however, was foreign to the argument Hale was elaborating; for though the connection of their words was broken before it reached the gallery, their voices were distinctly audible, and gave signs of their abstraction. They were thinking aloud. If they had met together, under the supervision of some artist gifted with the faculty of illustrating history and character by attitude and expression, who designed to paint them, in fresco, on the walls of the new Senate chamber, the combination could not have been more appropriately arranged than chance arranged it on this occasion. Toombs sits among the opposition on the left, Hunter and Davis on the right; and the fact that the two first came to Davis’ seat – the one gravitating

to it from a remote, the other from a near point – may be held to indicate which of the three is the preponderating body in the system, if preponderance there be; and whose figure should occupy the foreground of the picture if any precedence is to be accorded. Davis sat erect and composed; Hunter, listening, rested his head on his hand; and Toombs, inclining forward, was speaking vehemently. Their respective attitudes were no bad illustration of their individuality. Davis impressed the spectator, who observed the easy but authoritative bearing with which he put aside or assented to Toomb's suggestions, with the notion of some slight superiority, some hardly-acknowledged leadership; and Hunter's attentiveness and impassibility were characteristic of his nature, for his profundity of intellect wears the guise of stolidity, and his continuous industry that of inertia; while Toomb's quick utterance and restless head bespoke his nervous temperament and activity of mind. But, though each is different from either of the others, the three have several attributes in common. They are equally eminent as statesmen and debaters; they are devoted to the same cause; they are equals in rank, and rivals in ambition; and they are about the same age, and none of them – let young America take notice – wears either beard or mustache. I come again to the traits which distinguish them from each other. In face and form, Davis represents the Norman type with singular fidelity, if my conception of that type be correct. He is tall and sinewy, with fair hair, gray eyes, which are clear rather than bright, high forehead, straight nose, thin, compressed lips, and pointed chin. His cheek bones are hollow, and the vicinity of his mouth is deeply furrowed with intersecting lines. Leanness of face, length and sharpness of feature, and length of limb, and intensity of expression, rendered acute by angular, facial outline, are the general characteristics of his appearance.”

The controversy, excited by the question of the admission of Kansas, can not be viewed as having terminated with the mere practical decision of her status, as a State tolerating or prohibiting slavery. Southern men had freely admitted the improbability of the permanent abiding of the institution in that Territory, or elsewhere, north of the line of 36° 30', and their defeat had a far more alarming significance than the exclusion of slavery from soil where the laws of nature opposed its location. Important conclusions were deducible from the lesson of Kansas, which the South must have been smitten with voluntary blindness not to have accepted. Of the purpose of the Republican party, never to consent to the admission of additional slave States, there was added to constantly accumulating proof from other sources, the bold declarations of Abolition members of Congress. Recent experience clearly demonstrated that the South could no longer rely upon the Northern Democracy in support of the plainest guarantees of the Constitution, for the protection of her property, when they were in conflict with the dominant fanaticism of that section. Accordingly, the Southern Democracy, wisely and bravely resolved, and the unfortunate issue should not prejudice their action, to require of their Northern associates, as the condition of continued coöperation, a pledge of better faith in the future.

It was in the progress of events, which may be justly called the sequel of the Kansas controversy, that Mr. Davis was most conspicuous during his second service in the Senate. His course was such as might have been anticipated from his zealous and vigilant regard for constitutional principles, and the rights and interests of his section. His feeble health had prevented his frequent participation in the struggles incidental to the Kansas question, but in those subsequent struggles, which marked the dissolution of the Democratic party, he was the constant, bold, and able adversary of Douglas. The ingenious sophistries of the latter were subjected to no more searching and scathing refutations than those with which Davis met his every attempt at their illustration.

At this period the position of Mr. Davis was no less prominent than in 1850, though his speeches were less frequent and voluminous. Upon both occasions his elevation was an ample reward

to honorable ambition, but would have been perilous in the extreme had he been deficient in those great and rare qualities which were necessary to its maintenance. Among his numerous contests with the distinguished exponents of the sentiment in opposition to the South, none are more memorable than his collisions with Douglas.

Of these the most striking occurred on the 23d of February, 1859, and on the 16th and 17th of May, 1860. To have matched Douglas with an ordinary contestant, must always have resulted in disaster; it would have been to renew the contest of Athelstane against Ivanhoe. Douglas was accustomed to testify, cheerfully, to the power of Davis, as evinced in their senatorial struggles; and it is very certain that at no other hands did he fare so badly, unless an exception be made in favor of the remarkable speech of Senator Benjamin, of Louisiana. The latter was an adept in the strategy of debate, a parliamentary Suchet.

The 23d of February, 1859, was the occasion of a protracted battle between Davis and Douglas, lasting from midday until nearly night. This speech of Mr. Davis is, in many respects, inferior to his higher oratorical efforts, realizing less of the forms of oratory which he usually illustrated so happily, and is wanting somewhat in that symmetry, harmony, and comeliness in all its features, with which his senatorial efforts are generally wrought to the perfection of expression. The circumstances under which it was delivered, however, fully meet this criticism, and show a most remarkable readiness for the instantaneous and hurried grapple of debate, and this latter quality was the strong point of Douglas' oratory. The latter had replied at great length, and with evident preparation, to a speech made by Mr. Davis' colleague (Mr. Brown), who was not present during Douglas' rejoinder. Without hesitation Mr. Davis assumed the place of his absent colleague, and the result was a running debate, lasting several hours, and exhibiting on both sides all the vivacious readiness of a gladiatorial combat.

In their ordinary and characteristic speeches there was an antithesis, no less marked than in their characters as men. Douglas was peculiarly *American* in his style of speaking. He dealt largely in the *argumentum ad hominem*; was very adroit in pointing out immaterial inconsistencies in his antagonists; he rarely discussed general principles; always avoided questions of abstract political science, and struggled to force the entire question into juxtaposition with the practical considerations of the immediate present.

In nearly all of Davis' speeches is recognized the pervasion of intellect, which is preserved even in his most impassioned passages. He goes to the very "foundations of jurisprudence," illustrates by historical example, and throws upon his subject the full radiance of that noble light which is shed by diligent inquiry into the abstract truths of political and moral science. Strength, animation, energy without vehemence, classical elegance, and a luminous simplicity, are features in Mr. Davis' oratory which rendered him one of the most finished, logical, and effective of contemporary parliamentary speakers.

During the Thirty-sixth Congress, which assembled in December, 1859, Mr. Davis was the recognized leader of the Democratic majority of the Senate. His efforts, during this session, were probably the ablest of his life, and never did his great powers of analysis and generalization appear to greater advantage. On the second of February, 1860, Mr. Davis presented a series of seven resolves, which embodied the views of the administration, of an overwhelming majority of the Democratic members of the Senate, and of the Southern Democracy, and were opposed by Mr. Douglas (though absent from the Senate by sickness), Mr. Pugh, and by the Abolition Senators. They are important as the substantial expression of the doctrines upon which the Southern Democracy were already prepared to insist at the approaching National Convention.

The *first* resolution affirms the sovereignty of the States and their delegation of authority to the Federal Government, to secure each State against *domestic* no less than foreign dangers. This resolution was designed with special reference to the recent outrages of John Brown and his associate conspirators, several of whom had expiated their crimes upon the gallows, at the hands of the authorities of Virginia.

Resolution *second* affirms the recognition of slavery as property by the Constitution, and that all efforts to injure it by citizens of non-slaveholding States are violations of faith.

*Third* insists upon the absolute equality of the States.

The *fourth* resolution of the series, which embodied the material point of difference between Mr. Douglas and the majority of Democratic Senators, was modified, as stated by Mr. Davis, “after conference with friends,” and finally made to read thus:

“*Resolved*, That neither Congress nor a Territorial Legislature, whether by direct legislation, or legislation of an indirect and unfriendly character, possesses power to annul or impair the constitutional right of any citizen of the United States to take his slave property into the common Territories, and there hold and enjoy the same while the territorial condition remains.”

*Fifth* declares it the duty of Congress to supply any needed protection to constitutional rights in a Territory, provided the executive and judicial authority has not the adequate means.

The *sixth* resolution was an emphatic repudiation of what Mr. Douglas, by an ingenious perversion of terms, and a bold array of sophisms, was pleased to designate “popular sovereignty” – reading thus:

“*Resolved*, That the inhabitants of a Territory of the United States, when they rightfully form a constitution to be admitted as a State into the Union, may then, for the first time, like the people of a State when forming a new constitution, decide for themselves whether slavery, as a domestic institution, shall be maintained or prohibited within their jurisdiction; and ‘they shall be admitted into the Union, with or without slavery, as their constitution may prescribe at the time of their admission.’”

The *seventh* and last of the series affirmed the validity and sanctity of the Fugitive Slave Law, and denounced all acts, whether of individuals or of State Legislatures, to defeat its action.

The struggle upon these resolutions lasted more than three months, the Senate not reaching a vote upon the first of the series until May 24, 1860. They constituted substantially the platform presented by the South at the Charleston Democratic Convention, in April, and upon which, after the withdrawal of the Southern delegations, the Presidential ticket of Breckinridge and Lane was nominated, and supported in the ensuing canvass, receiving the electoral votes of eleven States of the South.

It was alleged against these resolutions, and the general principle of protection to Southern property in the Territories, which their advocates demanded should be asserted in the Democratic creed, that they involved a new issue, raised for factious purposes, and were not sanctioned by any previous action of the party. This, even if it had been true, which assuredly it was not, constituted no sufficient reason for denying a plain constitutional right.

But, however sustained might have been this charge of inconsistency against other Southern leaders, it had no application to Davis. Indeed, Douglas unequivocally admitted that the position assumed by Davis in 1860 was precisely that to which he had held for twenty years previous. While the Oregon Bill was pending in the Senate, on the 23d of June, 1848, Mr. Davis offered this amendment:

“*Provided*, That nothing contained in this act shall be so construed as to authorize the prohibition of domestic slavery in said Territory whilst it remains in the condition of a Territory of the United States.”

Eleven years afterwards, in his address before the Mississippi Democratic Convention, July 5, 1859, he said:

“But if the rules of proceeding remain unchanged, then all the remedies of the civil law would be available for the protection of property in slaves; or if the language

of the organic act, by specifying chancery and common-law jurisdiction, denies to us the more ample remedies of the civil law, then those known to the common law are certainly in force; and these, I have been assured by the highest authority, will be found sufficient. If this be so, then we are content; if it should prove otherwise, then we but ask what justice can not deny – the legislation needful to enable the General Government to perform its legitimate functions; and, in the meantime, we deny the power of Congress to abridge or to destroy our constitutional rights, or of the Territorial Legislature to obstruct the remedies known to the common law of the United States.”

In 1848 he advocated General Cass’ election *in spite* of the Nicholson letter, and not because he either approved or failed to detect the dangerous heresies which it contained. As a choice of evils, he preferred Cass, even upon the Nicholson letter, to General Taylor, his father-in-law, both because Cass was the choice of his own party, and he distrusted the influences which he foresaw would govern the administration of Taylor.

The attention of Mr. Davis was far from being confined to the slavery question and the issues which grew out of it during the important period which we have sketched. His extensive acquaintance with the practical labors of legislation, and his uniformly thorough information upon all questions of domestic economy, foreign affairs, the finances, and the army, were amply exemplified, to the great benefit of the country.

During the debate in the Thirty-fifth Congress, on the bill proposing the issue of \$20,000,000 of Treasury notes, which he opposed, he avowed himself in favor of the abolition of custom-houses, and the disbanding of the army of retainers employed to collect the import duties. Free trade was always an important article of his political creed. He valued its fraternizing effects upon mankind, its advantages to the laboring classes; and held that, under a system of free trade, the Government would not be defrauded. He traced the financial distress of the country, in the “crisis” of 1857, to its commercial dependence on New York, whose embarrassments must, so long as that dependence continued, always afflict the country at large. The army, as on previous occasions, received a large share of his attention, and he advocated its increase on a plan similar to that of Mr. Calhoun, when Secretary of War under President Monroe, providing a skeleton organization in peace, capable of expansion in the event of war. The fishing bounties he opposed, as being obnoxious to the objections urged against class legislation.

In the summer of 1858, during the recess of Congress, Mr. Davis visited the North, with a view to the recuperation of his health. Sailing from Baltimore to Boston, he traversed a considerable portion of New England, and sojourned for some time in Portland, Maine. His health was materially benefited by the bracing salubrity of that delightful locality, and, both here and at other points, he was received with demonstrations of profound respect. Upon several occasions he was persuaded to deliver public addresses, which were largely read and criticized. They were every-where commended for their admirable catholicity of sentiment, and not less for their bold assertions of principles than for their emphatic avowals of attachment to the union of the States. His speech at Portland, Maine,<sup>13</sup> was especially admired for its statesman-like dignity, and was singularly free from partisan or sectional temper. In his journey through the States of Massachusetts and New York, he was tendered distinguished honors, and addressed the people of the leading cities. On the 10th of October, he spoke in Faneuil Hall, Boston, and, on the 19th, he addressed an immense Democratic ratification meeting in New York.

The following is an extract from his address upon the latter occasion:

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<sup>13</sup> To be found at the conclusion of this chapter.

“To each community belongs the right to decide for itself what institutions it will have – to each people sovereign in their own sphere. It belongs only to them to decide what shall be property. You have decided it for yourselves, Mississippi has done so. Who has the right to gainsay it? [Applause.] It was the assertion of the right of independence – of that very right which led your fathers into the war of the Revolution. [Applause.] It is that which constitutes the doctrine of State Rights, on which it is my pleasure to stand. Congress has no power to determine what shall be property anywhere. Congress has only such grants as are contained in the Constitution; and it conferred no power to rule with despotic hands over the independence of the Territories.”

The second session of the Thirty-fifth Congress was comparatively uneventful. Mr. Davis was an influential advocate of the Pacific Railroad by the Southern route. His most elaborate effort during this session was his argument against the French Spoliation Bill – denying that the failure of the Government, in its earlier history, to prosecute the just claims of American citizens on the Government of France, made it incumbent upon the present generation to satisfy the obligations of justice incurred in the past.

In reply to an invitation to attend the Webster Birthday Festival, held in Boston, in January, 1859, Mr. Davis wrote as follows:

“At a time when partisans avow the purpose to obliterate the landmarks of our fathers, and fanaticism assails the barriers they erected for the protection of rights coeval with and essential to the existence of the Union – when Federal offices have been sought by inciting constituencies to hostile aggressions, and exercised, not as a trust for the common welfare, but as the means of disturbing domestic tranquillity – when oaths to support the Constitution have been taken with a mental reservation to disregard its spirit, and subvert the purposes for which it was established – surely it becomes all who are faithful to the compact of our Union, and who are resolved to maintain and preserve it, to compare differences on questions of mere expediency, and, forming deep around the institutions we inherited, stand united to uphold, with unflinching intent, a banner on which is inscribed the Constitutional Union of free, equal, and independent States.

“May the vows of ‘love and allegiance,’ which you propose to renew as a fitting tribute to the memory of the illustrious statesman whose birth you commemorate, find an echo in the heart of every patriot in our land, and tend to the revival of that fraternity which bore our fathers through the Revolution to the consummation of the independence they transmitted to us, and the establishment of the more perfect Union which their wisdom devised to bless their posterity for ever!

“Though deprived of the pleasure of mingling my affectionate memories and aspirations with yours, I send you my cordial greeting to the friends of the Constitution, and ask to be enrolled among those whose mission is, by fraternity and good faith to every constitutional obligation, to insure that, from the Aroostook to San Diego, from Key West to Puget’s Sound, the grand arch of our political temple shall stand unshaken.”

In the meantime a variety of events measurably added to the vehemence of the sectional dispute, which never, for a moment, had exhibited any abatement since the opening of the Kansas *imbroglio*. The antagonism between the two sections, becoming more and more pronounced each day, rapidly developed the true character of the struggle, as one for existence on the part of the South, against the revolutionary designs of the North. Mr. Seward, the Ajax of Black Republicanism, the founder and leader of the party organized for the destruction of Southern institutions, in the fall of 1858, at

the city of Rochester, for the first time proclaimed his revolutionary doctrine of an “irrepressible conflict” between the civilizations of the two sections. This announcement, from such a source, could only be accepted by the South as a menace to her peace and security. Such was her construction of it.

In his address before the Mississippi Democratic Convention, in July, 1859, from which we have already quoted, Mr. Davis said:

“We have witnessed the organization of a party seeking the possession of the Government, not for the common good, not for their own particular benefit, but as the means of executing a hostile purpose against a portion of the States.”

Approaching more directly the doctrine of Mr. Seward, he said:

“The success of such a party would indeed produce an ‘irrepressible conflict.’ To you would be presented the question, Will you allow the Constitutional Union to be changed into the despotism of a majority? Will you become the subjects of a hostile Government? or will you, outside of the Union, assert the equality, the liberty and sovereignty to which you were born? For myself I say, as I said on a former occasion, in the contingency of the election of a President on the platform of Mr. Seward’s Rochester speech, let the Union be dissolved. Let the ‘great, but not the greatest, evil’ come; for, as did the great and good Calhoun, from whom is drawn that expression of value, I love and venerate the Union of these States, but I love liberty and Mississippi more.”

When Congress assembled, in December, 1859, the lawless expedition of John Brown had greatly accelerated the inevitable climax of disunion. Thenceforward the incipient revolution was, to a great extent, transferred from the hands of Congress, whose action was but lightly regarded in comparison with the animated scenes which marked the State conventions and popular assemblages, held with reference to the approaching presidential nominations.

Mr. Davis approved the test made at the Charleston Convention, by the Southern Democracy, as to the construction of the Cincinnati platform, and the demand for a more explicit announcement of the position of the party concerning slavery in the Territories. His speech, in reply to Judge Douglas, on the 16th and 17th of May, 1860, is a vindication of Southern action at Charleston, and an exhaustive discussion of all the phases of the issue upon which the Democracy had divided.

Events soon demonstrated the irreconcilable nature of the antagonism which had severed this giant organization. It had simply realized the destiny of political parties. In one generation they rise, as a virtue and a necessity, to remedy disorders and reform abuses; in another generation, they are themselves the apologists of corruption and the perpetrators of wrong. The Democratic party became insensible to the appeals of principle, and its fifty years’ lease of power terminated, not speedily to be recovered.

## **HON. JEFFERSON DAVIS AT PORTLAND, MAINE**

**[From the Eastern Argus.]**

We are gratified in being able to offer our readers a faithful and quite full report of the speech of Hon. Jefferson Davis of Mississippi, on the occasion of the serenade given him by the citizens of Portland, without distinction of party, on Friday evening last. It will be read with interest and pleasure, and we can not doubt that every sentiment, uttered by the distinguished Mississippian, will find a hearty response and approval from the citizens of Maine. The occasion was indeed a pleasing, a hopeful one. It was in every respect the expression of generous sentiments, of kindness, hospitality,

friendly regard, and the brotherhood of American citizenship. Prominent men of all parties were present, and the expression, without exception, so far as we have heard, has been that of unmingled gratification; and the scene was equally pleasant to look upon. The beautiful mansion of Rensselaer Cram, Esq., directly opposite to Madame Blanchard's, was illuminated, and the light thrown from the windows of the two houses revealed to view the large and perfectly orderly assemblage with which Park and Danforth Streets were crowded. We regret that our readers can get no idea of the musical voice and inspiring eloquence of the speaker from a report of his remarks; but it is the best we can do for them. After the music had ceased, Mr. Davis appeared upon the steps, and as soon as the prolonged applause with which he was greeted had subsided, he spoke in substance as follows:

Fellow-citizens: Accept my sincere thanks for this manifestation of your kindness. Vanity does not lead me so far to misconceive your purpose as to appropriate the demonstration to myself; but it is not the less gratifying to me to be made the medium through which Maine tenders an expression of regard to her sister, Mississippi. It is, moreover, with feelings of profound gratification that I witness this indication of that national sentiment and fraternity which made us, and which alone can keep us, one people. At a period but as yesterday, when compared with the life of nations, these States were separate, and, in some respects, opposing colonies, their only relation to each other was that of a common allegiance to the Government of Great Britain. So separate, indeed almost hostile, was their attitude, that when General Stark, of Bennington memory, was captured by savages on the headwaters of the Kennebec, he was subsequently taken by them to Albany, where they went to sell furs, and again led away a captive, without interference on the part of the inhabitants of that neighboring colony to demand or obtain his release. United as we now are, were a citizen of the United States, as an act of hostility to our country, imprisoned or slain in any quarter of the world, whether on land or sea, the people of each and every State of the Union, with one heart and with one voice, would demand redress, and woe be to him against whom a brother's blood cried to us from the ground. Such is the fruit of the wisdom and the justice with which our fathers bound contending colonies into confederation, and blended different habits and rival interests into a harmonious whole, so that, shoulder to shoulder, they entered on the trial of the Revolution, and step with step trod its thorny paths until they reached the height of national independence, and founded the constitutional representative liberty which is our birthright.

When the mother country entered upon her career of oppression, in disregard of chartered and constitutional rights, our forefathers did not stop to measure the exact weight of the burden, or to ask whether the pressure bore most upon this colony or upon that, but saw in it the infraction of a great principle, the denial of a common right, in defense of which they made common cause – Massachusetts, Virginia, and South Carolina vying with each other as to who should be foremost in the struggle, where the penalty of failure would be a dishonorable grave. Tempered by the trials and sacrifices of the Revolution, dignified by its noble purposes, elevated by its brilliant triumphs, endeared to each other by its glorious memories, they abandoned the Confederacy, not to fly apart when the outward pressure of hostile fleets and armies were removed, but to draw closer their embrace in the formation of a more perfect Union.

By such men, thus trained and ennobled, our Constitution was framed. It stands a monument of principle, of forecast, and, above all, of that liberality which made each willing to sacrifice local interest, individual prejudice, or temporary good to the general welfare and the perpetuity of the republican institutions which they had passed through fire and blood to secure. The grants were as broad as were necessary for the functions of the general agent, and the mutual concessions were twice blessed, blessing him who gave and him who received. Whatever was necessary for domestic government – requisite in the social organization of each community – was retained by the States and the people thereof; and these it was made the duty of all to defend and maintain. Such, in very general terms, is the rich political legacy our fathers bequeathed to us. Shall we preserve and transmit it to posterity? Yes, yes, the heart responds; and the judgment answers, the task is easily performed.

It but requires that each should attend to that which most concerns him, and on which alone he has rightful power to decide and to act; that each should adhere to the terms of a written compact, and that all should cooperate for that which interest, duty, and honor demand.

For the general affairs of our country, both foreign and domestic, we have a national Executive and a national Legislature. Representatives and Senators are chosen by districts and by States, but their acts affect the whole country, and their obligations are to the whole people. He who, holding either seat, would confine his investigations to the mere interests of his immediate constituents, would be derelict to his plain duty; and he who would legislate in hostility to any section, would be morally unfit for the station, and surely an unsafe depository, if not a treacherous guardian, of the inheritance with which we are blessed. No one more than myself recognizes the binding force of the allegiance which the citizen owes to the State of his citizenship, but that State being a party to our compact, a member of the Union, fealty to the Federal Constitution is not in opposition to, but flows from the allegiance due to one of the United States. Washington was not less a Virginian when he commanded at Boston, nor did Gates or Greene weaken the bonds which bound them to their several States by their campaigns in the South. In proportion as a citizen loves his own State, will he strive to honor by preserving her name and her fame free from the tarnish of having failed to observe her obligations and to fulfill her duties to her sister States. Each page of our history is illustrated by the names and deeds of those who have well understood and discharged the obligation. Have we so degenerated that we can no longer emulate their virtues? Have the purposes for which our Union was formed lost their value? Has patriotism ceased to be a virtue, and is narrow sectionalism no longer to be counted a crime? Shall the North not rejoice that the progress of agriculture in the South has given to her great staple the controlling influence of the commerce of the world, and put manufacturing nations under bond to keep the peace with the United States? Shall the South not exult in the fact that the industry and persevering intelligence of the North has placed her mechanical skill in the front ranks of the civilized world – that our mother country, whose haughty Minister, some eighty odd years ago, declared that not a hob-nail should be made in the colonies, which are now the United States, was brought, some four years ago, to recognize our preëminence by sending a commission to examine our workshops and our machinery, to perfect their own manufacture of the arms requisite for their defense? Do not our whole people, interior and seaboard, North, South, East and West, alike feel proud of the hardihood, the enterprise, the skill, and the courage of the Yankee sailor, who has borne our flag far as the ocean bears its foam, and caused the name and character of the United States to be known and respected wherever there is wealth enough to woo commerce and intelligence to honor merit? So long as we preserve and appreciate the achievements of Jefferson and Adams, of Franklin and Madison, of Hamilton, of Hancock, and of Rutledge, men who labored for the whole country, and lived for mankind, we can not sink to the petty strife which would sap the foundations and destroy the political fabric our fathers erected and bequeathed as an inheritance to our posterity forever.

Since the formation of the Constitution a vast extension of territory, and the varied relations arising therefrom, have presented problems which could not have been foreseen. It is just cause for admiration, even wonder, that the provisions of the fundamental law should have been so fully adequate to all the wants of government, new in its organization, and new in many of the principles on which it was founded. Whatever fears may have once existed as to the consequences of territorial expansion must give way before the evidence which the past affords. The General Government, strictly confined to its delegated functions, and the State left in the undisturbed exercise of all else, we have a theory and practice which fits our Government for immeasurable domain, and might, under a millennium of nations, embrace mankind.

From the slope of the Atlantic our population, with ceaseless tide, has poured into the wide and fertile valley of the Mississippi, with eddy whirl has passed to the coast of the Pacific; from the West and the East the tides are rushing toward each other, and the mind is carried to the day when all the cultivable land will be inhabited, and the American people will sigh for more wildernesses

to conquer. But there is here a physico-political problem presented for our solution. Were it purely physical your past triumphs would leave but little doubt of your capacity to solve it. A community which, when less than twenty thousand, conceived the grand project of crossing the White Mountains, and unaided, save by the stimulus which jeers and prophecies of failure gave, successfully executed the Herculean work, might well be impatient if it were suggested that a physical problem was before us too difficult for mastery. The history of man teaches that high mountains and wide deserts have resisted the permanent extension of empire, and have formed the immutable boundaries of States. From time to time, under some able leader, have the hordes of the upper plains of Asia swept over the adjacent country, and rolled their conquering columns over Southern Europe. Yet, after the lapse of a few generations, the physical law, to which I have referred, has asserted its supremacy, and the boundaries of those States differ little now from those which were obtained three thousand years ago.

Rome flew her conquering eagles over the then known world, and has now subsided into the little territory on which the great city was originally built. The Alps and the Pyrenees have been unable to restrain imperial France; but her expansion was a feverish action, her advance and her retreat were tracked with blood, and those mountain ridges are the reëstablished limits of her empire. Shall the Rocky Mountains prove a dividing barrier to us? Were ours a central consolidated Government, instead of a Union of sovereign States, our fate might be learned from the history of other nations. Thanks to the wisdom and independent spirit of our forefathers, this is not the case. Each State having sole charge of its local interests and domestic affairs, the problem, which to others has been insoluble, to us is made easy. Rapid, safe, and easy communication between the Atlantic and the Pacific will give co-intelligence, unity of interest, and coöperation among all parts of our continent-wide Republic. The net-work of railroads which bind the North and the South, the slope of the Atlantic and the valley of the Mississippi, together testify that our people have the power to perform, in that regard, whatever it is their will to do.

We require a railroad to the States of the Pacific for present uses; the time no doubt will come when we shall have need of two or three, it may be, more. Because of the desert character of the interior country the work will be difficult and expensive. It will require the efforts of a united people. The bickerings of little politicians, the jealousies of sections must give way to dignity of purpose and zeal for the common good. If the object be obstructed by contention and division as to whether the route shall be Northern, Southern, or Central, the handwriting is on the wall, and it requires little skill to see that failure is the interpretation of the inscription. You are practical people, and may ask, How is that contest to be avoided? By taking the question out of the hands of politicians altogether. Let the Government give such aid as it is proper for it to render to the company which shall propose the most feasible plan; then leave to capitalists with judgment, sharpened by interest, the selection of the route, and the difficulties will diminish, as did those which you overcame when you connected your harbor with the Canadian provinces.

It would be to trespass on your kindness and to violate the proprieties of the occasion were I to detain the vast concourse which stands before me by entering on the discussion of controverted topics, or by further indulging in the expression of such reflections as circumstances suggest. I came to your city in quest of health and repose. From the moment I entered it you have showered upon me kindness and hospitality. Though my experience has taught me to anticipate good rather than evil from my fellow-man, it had not prepared me to expect such unremitting attention as has here been bestowed. I have been jocularly asked in relation to my coming here, whether I had secured a guarantee for my safety, and lo! I have found it. I stand in the midst of thousands of my fellow-citizens. But, my friends, I came neither distrusting nor apprehensive, of which you have proof in the fact that I brought with me the objects of tenderest affection and solicitude, my wife and my children; they have shared with me your hospitality, and will alike remain your debtors. If, at some future time, when I am mingled with the dust, and the arm of my infant son has been nerved for deeds of manhood, the storm of war should burst upon your city, I feel that, relying upon his inheriting the

instincts of his ancestors and mine, I may pledge him in that perilous hour to stand by your side in the defense of your hearth-stones, and in maintaining the honor of a flag whose constellation, though torn and smoked in many a battle by sea and land, has never been stained with dishonor, and will, I trust, forever fly as free as the breeze which unfolds it.

A stranger to you, the salubrity of your location, and the beauty of its scenery were not wholly unknown to me, nor were there wanting associations which busy memory connected with your people. You will pardon me for alluding to one whose genius shed a lustre upon all it touched, and whose qualities gathered about him hosts of friends wherever he was known. Prentiss, a native of Portland, lived from youth to middle age in the county of my residence; and the inquiries which have been made show me that the youth excited the interest which the greatness of the man justified, and that his memory thus remains a link to connect your home with mine. A cursory view, when passing through your town on former occasions, had impressed me with the great advantages of your harbor, its easy entrance, its depth, and its extensive accommodations for shipping. But its advantages and its facilities, as they have been developed by closer inspection, have grown upon me, until I realize that it is no boast, but the language of sober truth, which, in the present state of commerce, pronounces them unequaled in any harbor of our country.

And surely no place could be more inviting to an invalid who sought refuge from the heat of Southern summer. Here waving elms offer him shaded walks, and magnificent residences, surrounded by flowers, fill the mind with ideas of comfort and rest. If, weary of constant contact with his fellow-men, he seeks a deeper seclusion, there, in the background of this grand amphitheater, lie the eternal mountains, frowning with brow of rock and cap of snow upon smiling fields beneath, and there in its recesses may be found as much wildness and as much of solitude as the pilgrim, weary of the cares of life, can desire. If he turn to the front, your capacious harbor, studded with green islands of ever-varying light and shade, and enlightened by all the stirring evidences of commercial activity, offer him the mingled charms of busy life and nature's calm repose. A few miles further, and he may sit upon the quiet shore to listen to the murmuring wave until the troubled spirit sinks to rest; and in the little sail that vanishes on the illimitable sea we find the type of the voyage which he is soon to take, when, his ephemeral existence closed, he embarks for that better state which lies beyond the grave.

Richly endowed as you are by nature in all which contributes to pleasure and to usefulness, the stranger can not pass without paying a tribute to the much which your energy has achieved for yourselves. Where else will one find a more happy union of magnificence and comfort? Where better arrangements to facilitate commerce? Where so much of industry with so little noise and bustle? Where, in a phrase, so much effected in proportion to the means employed? We hear the puff of the engine, the roll of the wheel, the ring of the ax and the saw, but the stormy, passionate exclamation so often mingled with the sounds are nowhere heard. Yet neither these nor other things which I have mentioned, attractive though they be, have been to me the chief charm which I have found among you. Far above all these, I place the gentle kindness, the cordial welcome, the hearty grasp which made me feel truly and at once, though wandering afar, that I was still at home. My friends, I thank you for this additional manifestation of your good-will.

**REPLY OF HON. JEFFERSON DAVIS, OF MISSISSIPPI,  
TO THE SPEECH OF SENATOR DOUGLAS, IN  
THE UNITED STATES SENATE, May 16 and 17, 1860**

[The Senate resumed the consideration of the resolutions submitted by Mr. Davis on the first of March, relative to State rights, the institution of slavery in the States, and the rights of citizens of the several States in the Territories.]

Mr. Douglas having concluded his speech —

Mr. Davis arose and said:

*Mr. President:* When the Senator from Illinois commenced his speech, he announced his object to be to answer to an arraignment, or, as he also termed it, an indictment, which he said I had made against him. He therefore caused extracts to be read from my remarks to the Senate. Those extracts announce that I have been the uniform opponent of what is called squatter sovereignty, and that, having opposed it heretofore, I was now, least of all, disposed to give it quarter. At a subsequent period, the fact was stated that the Senator from Illinois and myself had been opposed to each other, on those questions which I considered as most distinctly involving Southern interests in 1850. He has not answered to the allegation. He has not attempted to show that he did not stand in that position. It is true he has associated himself with Mr. Clay, and, before closing, I will show that the association does not belong to him; that upon those test questions they did not vote together. He then, somewhat vauntingly, reminded me that he was with the victorious party, asserted that the Democracy of the country then sustained his doctrine, and that I was thus outside of that organization. With Mr. Clay! If he had been with him, he would have been in good company; but the old Jackson Democracy will be a little surprised to learn that Clay was the leader of our party, and that a man proves his allegiance to it by showing how closely he followed in the footsteps of Henry Clay.

When the Senator opened his argument, by declaring his purpose to be fair and courteous, I little supposed that an explanation made by me in favor of the Secretary of State, and which could not at all disturb the line of his argument, would have been followed by the rude announcement that he could not permit interruption thereafter. A Senator has the right to claim exemption from interruption if he will follow the thread of his argument, direct his discourse to the question at issue, and confine himself to it; but if he makes up a medley of arraignments of the men who have been in public life for ten years past, and addressing individuals in his presence, he should permit an interruption to be made for correction as often as he misrepresents their position. It would have devolved on me more than once, if I had been responsible for his frequent references to me, to correct him and show that he misstated facts; but as he would not permit himself to be interrupted, I am not responsible for any thing he has imputed to me.

The Senator commenced with a disclaimer of any purpose to follow what he considered a bad practice of arraigning Senators here on matters for which they stood responsible to their constituents; but straightway proceeded to make a general arraignment of the present and the absent. I believe I constitute the only exception to whom he granted consistency, and that at the expense of party association, and, he would have it, at the expense of sound judgment. He not only arraigned individuals, but even States – Florida, Alabama, and Georgia – were brought to answer at the bar of the Senate for the resolutions they had passed; Virginia was held responsible for her policy; Mississippi received his critical notice. Pray, sir, what had all this to do with the question? Especially, what had all this to do with what he styled an indictment against him? It is a mere resort to a species of declamation which has not been heard to-day for the first time; a pretext to put himself in the attitude of a persecuted man, and, like the satyr's guest, blowing hot and cold in the same breath, in the midst of his complaint of persecution, vaunts his supreme power. If his opponents be the very small minority which he describes, what fear has he of persecution or proscription?

Can he not draw a distinction between one who says: "I give no quarter to an idea," and one who proclaims the policy of putting the advocates of that idea to the sword? Such was his figurative language. That figure of the sword, however, it seemed, as he progressed in his development, referred to the one thought always floating through his brain – exclusion from the spoils of office, for, at last, it seemed to narrow down to the supposition that no man who agreed with him was, with our consent, to be either a Cabinet officer or a collector. Who has advanced any such doctrine? Have I, at this or any other period of my acquaintance with him, done any thing to justify him in attributing that opinion to me? I pause for his answer.

Mr. Douglas. I do not exactly understand the Senator. I have no complaint to make of the Senator from Mississippi of ever having been unkind or ungenerous towards me, if that is what he means to say.

Mr. Davis. Have I ever promulgated a doctrine which indicated that if my friends were in power, I would sacrifice every other wing of the Democratic party?

Mr. Douglas. I understood the making of a test on this issue against me would reach every other man that held my opinions; and, therefore, if I was not sound enough to hold office, no man agreeing with me would be; and hence, every man of my opinions would be excluded.

Mr. Davis. Ah, Mr. President; I believe I now have caught the clue to the argument; it was not before apprehended. I was among those who thought the Senator, with his opinions, ought not to be chairman of the Committee on Territories. This, I suppose, then, is the whole imposition. But have I not said to the Senator, at least once, that I had no disposition to question his Democracy; that I did not wish to withhold from him any tribute which was due to his talent and his worth? Did I not offer to resign the only chairmanship of a committee I had if the Senate would confer it upon him? Then, where is this spirit of proscription, the complaint of which has constituted some hours of his speech? If others have manifested it, I do not know it; and as the single expression of “no quarter to the doctrine of squatter sovereignty” was the basis of his whole allegation, I took it for granted his reference to a purpose to do him and his friends such wrong must have been intended for me.

The fact that the Senator criticised the idea of the States prescribing the terms on which they will act in a party convention recognized to be representative, is suggestive of an extreme misconception of relative position; and the presumption with which the Senator censured what he was pleased to term “the seceders,” suggested to me a representation of the air of the great monarch of France when, feeling royalty and power all concentrated in his own person, he used the familiar yet remarkable expression, “the State, that’s me.” Does the Senator consider it a modest thing in him to announce to the Democratic Convention on what terms he will accept the nomination; but presumptuous in a State to declare the principle on which she will give him her vote? It is an advance on Louis Quatorze.

Nothing but the most egregious vanity, something far surpassing even the bursting condition of swollen pride, could have induced the Senator to believe that I could not speak of squatter sovereignty without meaning him.

Towards the Senator, personally, I have never manifested hostility – indeed, could not, because I have ever felt kindly. Many years of association, very frequent coöperation, manly support from him in times of trial, are all remembered by me gratefully. The Senator, therefore, had no right to assume that I was making war upon him. I addressed myself to a doctrine of which he was not the founder, though he was one of the early disciples; but he proved an unprofitable follower, for he became rebellious, and ruined the logic of the doctrine. It was logical in Mr. Cass’s mind; he claimed the power to be inherent in the people who settled a new Territory, and by this inherent power he held that they might proceed to form government and to exercise its functions. There was logic in that – logic up to the point of sovereignty. Not so with the Senator. He says the inhabitants of the Territories derive their power to form a government from the consent of Congress; that when we decide that there are enough of them to constitute a government, and enact an organic law, then they have power to legislate according to their will. This power being derived from an act of Congress – a limited agency tied down to the narrow sphere of the constitutional grant – is made, by that supposition, the bestower of sovereignty on its creature.

I had occasion the other day to refer to the higher law as it made its first appearance on earth – the occasion when the tempter entered the garden of Eden. There is another phase of it. Whoever attempts to interpose between the supreme law of the Creator and the creature, whether it be in the regions of morals or politics, proclaims a theory that wars upon every principle of government. When Congress, the agent for the States, within the limits of its authority, forms, as it were, a territorial constitution by its organic act, he who steps in and proclaims to the settlers in that Territory that they

have the right to overturn the Government, to usurp to themselves powers not delegated, is preaching the higher law in the domain of politics, which is only less mischievous than its other form, because the other involves both politics and morals in one ruinous confusion.

The Senator spoke of the denial of Democratic fellowship to him. After what has been said and acknowledged by the Senator, it is not to be supposed that it could have any application to me. It may be proper to add, I know of no such denial on the part of other Democratic Senators. Far be it from me to vaunt the fact of being in a majority, and to hold him to the hard rule he prescribes to us, of surrendering an opinion where we may happen to have been in a minority. Were I to return now to him the measure with which he metes to us, when he assumes that a majority in the Charleston Convention has a right to prescribe what shall be our tenets, I might, in reply to him, say, as a sincere adherent of the Democratic party, how can you oppose the resolutions pending before the Senate? If twenty-seven majority in a body of three hundred and three constituent members had, as he assumes, the power to lay down a binding law, what is to be said of him who, with a single adherent, stands up against the whole of his Democratic associates? He must be outside of the party, according to his enunciation; he must be wandering in the dark regions to which he consigns the followers of Mr. Yancey.

The Senator said he had no taste for references to things which were personal, and then proceeded to discuss that of which he showed himself profoundly ignorant – the condition of things in Mississippi. It is disagreeable for me to bring before the Senate matters which belong to my constituents and myself, and I should not do so but for the fact of their introduction into the Senator's elaborate speech, which is no doubt to be spread over all parts of the country. The Senator, by some means or other, has the name of very many citizens of Mississippi, and as there is nothing in our condition to attract his special attention, his speech is probably to be sent over a wide field of correspondence; and it is, therefore, the more incumbent on me to notice his attempt to give a history of affairs that were transacted in Mississippi. He first announces that Mississippi rebuked the idea of intervention asserted in 1850; then that Mississippi rejected my appeal; that Mississippi voted on the issue made up by the compromise measure of 1850, and vaunts it as an approval of that legislation of which he was the advocate and I the opponent. Now, Mississippi did none of these things. Mississippi instructed her Senators, and I obeyed her instructions. I introduced into this body the resolutions which directed my course. On that occasion I vindicated Mississippi, and especially the Southern rights men, from the falsehood of that day, and reiterated now, of a purpose to dissolve the Union. I vindicated her by extracts from the proceedings as well of her convention as of her primary assemblies; and my remarks on that occasion, as fully as the events to which he referred in terms of undeserved compliment, justified the Senator in saying to-day that he knew I had always been faithful to the Government of which I was a part.

Acting under the instructions from Mississippi – not merely voting and yielding reluctant compliance; but, according to my ideas of the obligation of a Senator, laboring industriously and zealously to carry out the instructions which my State gave me, I took and maintained the position I held in relation to the measures of 1850. As it was with me a cordial service, I went home to vindicate the position which was hers, as well as my own. Shortly after that a canvass was opened, in which a distinguished gentlemen of our party, who had not been a member of Congress, was nominated for Governor. Questions other than the compromise measures of 1850 arose in that canvass; they were discussed in a great degree to the exclusion of a consideration of the merits of the action of Congress in 1850; and, at the election in September, for delegates to a convention, we had fallen from a party majority of some eight thousand to a minority of nearly the same number. It was after the decision of the question involved in calling a convention – after our party was defeated – after the candidate for Governor had retired, that the Democracy of Mississippi called upon me to bear their standard. It was esteemed a forlorn hope, therefore an obligation of honor not to decline the invitation. But so far as the action in the Senate in 1850 was concerned, if it had any effect, it must have been the reverse

of that assumed, as, in the subsequent election for State officers on the first Monday in November, this majority of nearly eight thousand against us was reduced to about one thousand.

But when this convention assembled, though a large majority of the members belonged to the party which the Senator has been pleased to term the “Submissionists” – a name which they always rejected – this convention of the party most adverse to me, when they came to act on the subject said, after citing the “compromise” measures of the Congress of 1850:

“And connected with them, the rejection of the proposition to exclude slavery from the Territories of the United States, and to abolish it in the District of Columbia; and, *while they do not entirely approve*, will abide by it as a permanent adjustment of this sectional controversy, so long as the same, in all its features, shall be faithfully adhered to and enforced.”

Then they go on to recite six different causes, for which they will resort to the most extreme remedies which we had supposed ever could be necessary. The case only requires that I should say that the party to which I belonged did not then, nor at any previous time, propose to go out of the Union, but to have a Southern convention for consultation as to future contingencies, threatened and anticipated. It was at last narrowed down to the question, whether we should meet South Carolina and consult with her. Honoring that gallant State for the magnanimity she had manifested in the first efforts for the creation of the Government, in the preliminaries to the struggle for independence, when she, a favored colony, feeling no oppression, nursed by the mother country, cherished in every method, yet agreed with Massachusetts, then oppressed, to assert the great principle of community independence, and to carry it to the extent of war – honoring her for her unvarying defense of the Constitution throughout her whole course – believing that she was true to her faith, and would redeem all her pledges – feeling that a friendly hand might restrain, while, if left to herself, her pride might precipitate her on the trial of separation, I did desire to meet South Carolina in convention, though nobody but ourselves should be there to join her.

But, to close the matter, this convention, in its seventh resolution, after stating all those questions on which it would resist, declared:

“That, as the people of Mississippi, in the opinion of this convention, desire all further agitation of the slavery question to cease, and have acted upon and decided the foregoing questions, thereby making it the duty of this convention to pass no act in the pervue and spirit of the law under which it is called, this convention deems it unnecessary to refer to the people, for approval or disapproval, at the ballot-box, its action in the premises.”

So that when the Senator appealed to this as evidence of what the people of Mississippi had done, he was ignorant of the fact that the delegates of the people of Mississippi did not agree with him; that their resolutions did not sustain the view which he took, and that the people of Mississippi never acted on them. If, then, there had been good taste in the intervention of this local question, there was certainly very bad judgment in hazarding his statements on a subject of which he was so little informed.

The Senator here, as in relation to our friends at Charleston, takes kind care of us – supposes we do not know what we are about, but that he, with his superior discrimination, sees what must necessarily result from what we are doing; he says that, at Charleston, they – innocent people – did not intend to destroy the Government; but he warns them that, if they do what they propose, they will destroy it; and so he says we of Mississippi, not desiring to break up the Union, nevertheless pursued a course which would have had that result if it had not been checked. Where does he get all this information? I have been in every State of the Union except two – three now, since Oregon has been admitted – but I have never seen a man who had as much personal knowledge. It is equally surprising that his facts should be so contrary to the record.

We believed then, as I believe now, that this Union, as a compact entered into between the States, was to be preserved by good faith, and by a close observance of the terms on which we were united. We believed then, as I believe now, that the party which rested upon the basis of truth; promulgated its opinions, and had them tested in the alembic of public opinion, adopted the only path of safety. I can not respect such a doctrine as that which says, “You may construe the Constitution your way, and I will construe it mine; we will waive the merit of these two constructions, and harmonize together until the courts decide the question between us.” A man is bound to have an opinion upon any political subject upon which he is called to act; it is skulking his responsibility for a citizen to say, “Let us express no opinion; I will agree that you may have yours, and I will have mine; we will coöperate politically together; we will beat the opposition, divide the spoils, and leave it to the court to decide the question between us.”

I do not believe that this is the path of safety; I am sure it is not the way of honor. I believe it devolves on us, who are principally sufferers from the danger to which this policy has exposed us, to affirm the truth boldly, and let the people decide after the promulgation of our opinions. Our Government, resting as it does upon public opinion and popular consent, was not formed to deceive the people, nor does it regard the men in office as a governing class. We, the functionaries, should derive our opinions from the people. To know what their opinion is, it is necessary that we should pronounce, in unmistakable language, what we ourselves mean.

My position is, that there is no portion of our country where the people are not sufficiently intelligent to discriminate between right and wrong, and no portion where the sense of justice does not predominate. I, therefore, have been always willing to unfurl our flag to its innermost fold – to nail it to the mast, with all our principles plainly inscribed upon it. Believing that we ask nothing but what the Constitution was intended to confer – nothing but that which, as equals, we are entitled to receive – I am willing that our case should be plainly stated to those who have to decide it, and await, for good or for evil, their verdict.

For two days, the Senator spoke nominally upon the resolutions, and upon the territorial question; but, like the witness in the French comedy, who, when called upon to testify, commenced before the creation, and was stopped by the judge, who told him to come down, for a beginning, to the deluge, he commenced so far back, and narrated so minutely, that he never got chronologically down to the point before us.

What is the question on which the Democracy are divided? Are we called upon to settle what every body said from 1847 down to this date? Have the Democracy divided on that? Have they divided on the resolutions of the States in 1840, or 1844, or 1848? Have the Democracy undertaken to review the position taken in 1854, that there should be a latitude of construction upon a particular point of constitutional law while they did await the decision of the Supreme Court? No, sir; the question is changed from before to after the event; the call is on every man to come forward now, after the Supreme Court has given all it could render upon a political subject, and state that his creed is adherence to the rule thus expounded in accordance with previous agreement.

The Senator tells us that he will abide by the decision of the Supreme Court; but it was fairly to be inferred, from what he said, that, in the Dred Scott case, he held that they had only decided that a negro could not sue in a Federal Court. Was this the entertainment to which we were invited? Was the proclaimed boon of allowing the question to go to judicial decision, no more than that, one after another, each law might be tested, and that, one after another, each case, under every law, might be tried, and that after centuries should roll away, we might hope for the period when, every case exhausted, the decision of our constitutional right and of the federal duty would be complete? Or was it that we were to get rid of the controversy which had divided the country for thirty years; that we were to reach a conclusion beyond which we could see the region of peace; that tranquillity was to be obtained by getting a decision on a constitutional question which had been discussed until it was seen that, legislatively, it could not or would not be decided? If, then, the Supreme Court has judicially

announced that Congress can not prohibit the introduction of slave property into a Territory, and that no one deriving authority from Congress can do so, and the Senator from Illinois holds that the inhabitants derive their power from the organic act of Congress, what restrains his acknowledgment of our right to go into the Territories, and his recognition of the case being closed by the opinion of the court? I can understand how one who has followed to its logical consequences the original doctrine of squatter sovereignty might still stand out, and say this inherent right can not be taken away by judicial decision; but is not one who claims to derive the power of the territorial legislation from a law of Congress, and who finds the opinion of the court conclusive as to Congress, and to all deriving their authority from it, estopped from any further argument?

Much of what the Senator said about the condition of public affairs can only be regarded as the presentation of his own case, and requires no notice from me. His witticism upon the honorable Senator, the Chairman of the Committee on the Judiciary [Mr. Bayard], who is now absent, because of the size of the State which he represents, reminds one that it was mentioned as an evidence of the stupidity of a German, that he questioned the greatness of Napoleon because he was born in the little island of Corsica. I know not what views the Senator entertained when he measured the capacity of the Senator from Delaware by the size of that State, or the dignity of his action at Charleston by the number of his constituents. If there be any political feature which stands more prominently out than another in the Union, it is the equality of the States. Our stars have no variant size; they shine with no unequal brilliancy. A Senator from Delaware holds a position entitled to the same respect, as such, as the Senator from any other State of the Union. More than that, the character, the conduct, the information, the capacity of that Senator might claim respect, if he was not entitled to it from his position.

Twice on this occasion, and more than the same number of times heretofore, has the Senator referred to the great benefit derived from that provision which grants a trial in the local court, an appeal to the Supreme Court of the Territory, and an appeal from thence to the Supreme Court of the United States, on every question involving title to slaves. I wish to say that whatever merit attaches to that belongs to a Senator to whom the advocates of negro slavery have not often been in the habit of acknowledging their obligations – the Senator from New Hampshire [Mr. Hale], who introduced it in 1850 as an amendment to the New Mexico Bill. We adopted it as a fair proposition, equally acceptable upon one side and the other. On its adoption, no one voted against it. That proposition was incorporated in the Kansas Bill, but unless we acknowledge obligations to the Senator from New Hampshire, how shall they be accorded for that to the Senator from Illinois?

I am asked whether the resolutions of the Senate can have the force of law. Of course not. The Senate, however, is an independent member of the Government, and from its organization should be peculiarly watchful of State rights. Before the meeting of the Charleston Convention, it was untruly stated that these resolutions were concocted to affect the action of the Charleston Convention. Now we are asked if they are to affect the Baltimore Convention. They were not designed for the one; they are not pressed in view of the other. They were introduced to obtain an expression of the opinion of the Senate, a proceeding quite frequent in the history of this body. It was believed that they would have a beneficial effect, and that they were stated in terms which would show the public the error of supposing that there was a purpose on the part of the Democracy, or of the South, to enact what was called a slave code for the Territories of the United States. It was believed that the assertion of sound principles at this time would direct public opinion, and might be fruitful of such reuniting, harmonizing results as we all desire, and which the public need. Whether it is to have this effect or not; whether at last we are to be shorn of our national strength by personal or sectional strife, depends upon the conduct of those who have it in their power to control the result. The Democratic party, in its history, presents a high example of nationality; its power and its usefulness has been its co-extension with the Union. The Democrats of the Northern States who vote for these resolutions, but affirm that which we have so often announced with pride, that there was a political opinion which

pervaded the whole country; there was a party capable to save the Union, because it belonged to all the States. If the two Democratic Senators who alone have declared their opposition should so vote, to that extent the effect would be impaired, and they will stand in that isolation to which the Senator points as a consequence so dreadful to the Southern men at Charleston.

[Here Mr. Davis gave way for a motion to adjourn, and on the 17th resumed.]

Mr. Davis. At the close of the session of yesterday, I was speaking of the hope entertained that the Democratic party would yet be united; that the party which had so long wielded the destinies of the country, for its honor, for its glory, and its progress, was not about to be checked midway in its career – to be buried in a premature grave; but that it was to go on, with concentrated energy, toward the great ends for which it has striven since 1800, by a long pull, and a strong pull, and a pull altogether, to bring the ship of State into that quiet harbor where

“Vessels safe, without their hawsers, ride.”

This was a hope, however, not founded on any supposition that we were to escape from the issues which are presented – a hope not based on the proposition that every man should have his own construction of our creed, and that we should unite together merely for success; but that the party, as heretofore, in each succeeding quadrennial convention, would add to the resolutions of the preceding one such declarations as passing events indicated, and the exigencies of the country demanded.

In the last four years a division has arisen in the Democratic party, upon the construction of one of the articles of its creed. It behooves us, in that state of the case, to decide what the true construction is; for, if the party be not a union of men upon principle, the sooner it is dissolved the better; and if it be such a union, why shall not those principles be defined, so as to remove doubt or cavil, and be applied in every emergency to meet the demands of each succeeding case? Thus only can we avoid division in council and confusion in action.

The Senator from Illinois, who preceded me, announced that he had performed a pleasing duty in defending the Democratic party. That party might well cry out, Save me from my defender. It was a defense of the party by the arraignment of its prominent members. It was the preservation of the body by the destruction of its head – for the President of the United States is, for the time being, the head of the party that placed him in position; and the head of the party thus in position can not be destroyed without the disintegration of the members and the destruction of the body itself. I suppose the Senator, however, was at his favorite amusement of “shooting at the lump.” The “lump” heretofore has been those Democratic Senators who dissented from him: this time he involved Democrats all over the country. Not even the presiding officer, whose position seals his lips, could escape him. And here let me say that I found nothing in the extract read from that gentleman’s address, which, construed as was no doubt intended, does not meet my approval; but if tried by the modern lexicon of the Senator, it might be rendered a contradiction to his avowed opinions, and by the same mode of expounding, non-intervention would be a sin of which the whole Democracy might be convicted, under the indictment of squatter sovereignty. The language quoted from the address of the Vice-President is to be construed as understood at the time, at the place, and by men such as the one who used it.

With that force which usually enters into his addresses – with even more than his usual eloquence – the Senator referred to the scene which awaited him upon his return to Chicago, when, as represented, he met an infuriated mob, who assailed him for having maintained the measures of 1850 – those compromises which, in the Northern section, it was urged had been passed in the interest of the South. But, pray, what one of those measures was it which excited the mob so described? Only one, I believe, was put in issue at the North – the fugitive slave law; that one he did not vote for. But it was the part of manliness to say that, though absent and not voting for it, he approved

of it. Such, I believe, was his commendable course on that occasion. I give him, therefore, all due credit for not escaping from a responsibility to which they might not have held him. Are we to give perpetual thanks to any one because he did not yield to so senseless a clamor, but conceded to us that small measure of constitutional right – because he has complied with a requirement so plain that my regret is that it ever required congressional intervention to enforce it? It belonged to the honor of the States to execute that clause of the Constitution. They should have executed it without congressional intervention; congressional action should only have been useful to give that uniformity of proceeding which State action could not have secured.

Concurring in the depicted evil of the destruction of the Democratic organization, it must be admitted that such consequence is the inevitable result of a radical difference of principle. The Senator laments the disease, but instead of healing, aggravates it. While pleading the evils of the disruption of the party, it is quite apparent that, in his mind, there is another still greater calamity; for, through all his arraignment of others, all his self-laudation, all his complaints of persecution, like an air through its variations, appears and re-appears the action of the Charleston Convention. That seemed to be the beginning and the end of his solicitude. The oft-told tale of his removal from the chairmanship of the Committee on Territories had to be renewed and connected with that convention, and even assumed as the basis on which his strength was founded in that convention. I think the Senator did himself injustice. I think his long Career and distinguished labors, his admitted capacity for good hereafter, constitute a better reason for the support which he received, than the fact that his associates in the Senate had not chosen to put him in a particular position in the organization of this body. It is enough that that fact did not divert support from him; and I am aware of none of his associates here who have forced it upon public attention with a view to affect him.

He claims that an arraignment made against his Democracy has been answered by the action of a majority of the Convention at Charleston; and then proceeds to inform the minority men that he would scorn to be the candidate of a party unless he received a majority of its votes. There was no use in making that declaration; it requires not only a majority, but, under our ruling, a vote of two-thirds, for a nomination. It was unnecessary for any body to feel scorn toward that which he could not receive. Other unfortunate wights might mourn the event; it belonged to the Senator from Illinois to scorn it. The remark of Mr. Lowndes, which has been so often quoted, and which, beautiful in itself, has acquired additional value by time, that the Presidency was an office neither to be sought nor declined, has no application, therefore, to the Senator, for, under certain contingencies, he says he would decline it. It does not devolve on me to decide whether he has sought it or not.

But, sir, what is the danger which now besets the Democratic party? Is it, as has been asserted, the doctrine of intervention by Congress, and is that doctrine new? Is the idea that protection, by Congress, to all rights of person or property, wherever it has jurisdiction, so dangerous that, in the language employed by the Senator, it would sweep the Democratic party from the face of the earth? For what was our Government instituted? Why did the States confer upon the Federal Government the great functions which it possesses? For protection – mainly for protection beyond the municipal power of the States. I shall have occasion, in the progress of my remarks, to cite some authority, and to trace this from a very early period. I will first, however, notice an assault which the Senator has thought proper to make upon certain States, one of which is, in part, represented by myself. He says they are seceders, bolters, because they withdrew from a party convention when it failed to announce their principles. There can be no tie to bind me to a party beyond my will. I will admit no bond that holds me to a party a day longer than I agree to its principles. When men meet together to confer, and ascertain whether or not they do agree, and find that they differ – radically, essentially, irreconcilably differ – what belongs to an honorable position except to part? They can not consistently act together any longer. It devolves upon them frankly to announce the difference, and each to pursue his separate course.

The letter of Mr. Yancey – acknowledged to be a private letter, an unguarded letter, but which, somehow or other, got into the press – was read to sustain this general accusation against what are called the Cotton States. I do not pretend to judge how far the Senator has the right here to read a private letter, which, without the authority of the writer, has gone into the public press. It is one of those questions which every man's sense of propriety must, in his own case, decide. Whether or not the use of that letter was justifiable, how is it to be assumed that the Southern States are bound by any opinion there enunciated? How to be asserted that we, the residents in those States, have pinned our faith to the sleeve of any man, and that we will follow his behest, no matter whither he may go? But was this the only source of information, or was the impression otherwise sustained? Did Mr. Yancey, in his speech delivered at Charleston, justify the conclusions which the Senator draws from this letter? Did he admit them to be correct? There he might have found the latest evidence, and the best authority. Speaking to that point, Mr. Yancey said:

“It has been charged, in order to demoralize whatever influence we might be entitled to, either from our personal or political characteristics, or as representatives of the State of Alabama, that we are disruptionists, disunionists *per se*; that we desire to break up the party in the State of Alabama – to break up the party of the Union, and to dissolve the Union itself. Each and all of these allegations, come from what quarter they may, I pronounce to be false. There is no disunionist, that I know of, in the delegation from the State of Alabama. There is no disruptionist that I know of; and if there are factionists in our delegation, they could not have got in there, with the knowledge upon the part of our State Convention that they were of so unenviable a character. We come here with two great purposes: first, to save the constitutional rights of the South, if it lay in our power to do so. We desire to save the South by the best means that present themselves to us; and the State of Alabama believes that the best means now in existence is the organization of the Democratic party, if we shall be able to persuade it to adopt the constitutional basis upon which we think the South alone can be saved.”

He further says:

“We have come here, then, with the twofold purpose of saving the country and saving the Democracy; and if the Democracy will not lend itself to that high, holy, and elevated purpose; if it can not elevate itself above the mere question of how perfect shall be its mere personal organization, and how wide-spread shall be its mere voting success, then we say to you, gentlemen, mournfully and regretfully, that, in the opinion of the State of Alabama, and, I believe, of the whole South, you have failed in your mission, and it will be our duty to go forth, and make an appeal to the loyalty of the country to stand by that Constitution which party organizations have deliberately rejected.” [Applause.]

Mr. Yancey answers for himself. It was needless to go back to old letters. Here were his remarks delivered before the convention, speaking to the point in issue, and answering both as to his purposes and as to the motives of those with whom he conferred and acted.

The Senator next cited the resolutions of the State of Alabama; and here he seemed to rest the main point in his argument. The Senator said that Alabama, in 1856, had demanded of the Democratic convention, non-intervention, and that, in 1860, she had retired from the convention because it insisted upon non-intervention. He read one of the resolutions of the Alabama Convention of 1856; but the one which bore upon the point was not read. The one which was conclusive as to the position of Alabama then, and its relation to her position now, was exactly the one that was omitted – I read from the resolutions of this year – was as follows:

“*Resolved, further*, That we re-affirm so much of the first resolution of the platform adopted in the convention by the Democracy of this State, on the 8th of January, 1856, as relates to the subject of slavery, to-wit.”

It then goes on to quote from that resolution of 1856, as follows:

“The unqualified right of the people of the slaveholding States to the protection of their property in the States, in the Territories, and in the wilderness, in which territorial governments are as yet unorganized.”

That was the resolution of 1856; and like it was one of February, 1848:

“That it is the duty of the General Government by all proper legislation, to secure an entry into those Territories to all the citizens of the United States, together with their property, of every description; and that the same shall be protected by the United States, while the Territories are under its authority.”

So stands the record of that State which is now held responsible for retiring, and is alleged to have withdrawn because she received now what, in former times, she had demanded as the full measure of her rights. Did she receive it? The argument could only be made by concealing the fact that her resolutions of 1848 and 1856 asserted the right to protection, and claimed it from the General Government. What, then, is the necessary inference? That, in the Cincinnati platform, they believed they obtained that which they asserted, or that which necessarily involved it. So much for the point of faith; so much for the point of consistency in the assertion of right. But if it were otherwise; if they had neglected to assert a right; would that destroy it? If they had failed at some time to claim this protection, are they to be estopped, in all time to come, from claiming it? Constitutional right is eternal – not to be sacrificed by any body of men. A single man may revive it at any period of the existence of the Constitution. So the argument would be worthless, if the facts were as stated. That they are not so stated, is shown by the record.

Here allow me to say, in all sincerity, that I dislike thus to speak about conventions; it does not belong to the duties of the Senate; we did not assemble here to make a President, except in the single contingency of a failure by the people and by the House of Representatives to elect. When that contingency arrives, the question will be before us. I am sorry that it should have been prematurely introduced. But since the action of the recent convention at Charleston is presented as the basis of argument, it may be as well to refer to it, and see what it is. The majority report, presented by seventeen States of the Union, and those the States most reliable to give Democratic votes – the States counted so certain to give Democratic votes that they have been regarded as a fixed basis, a nucleus to which others were to be attracted – these seventeen States reported to the convention a series of resolutions, one of which asserted the right to protection. A minority of States reported another series, excluding the avowal of the right – not exactly denying it, but not avowing it – and a second minority report was submitted, being the Cincinnati platform, pure and simple. It is true that a majority of delegates adopted the minority report, but not a majority of States, nor does it appear, by an analysis of the votes, and the best evidence I have been able to obtain, that it was by a majority of delegates, if each had been left to his own choice; but that, by one of those ingenious arrangements – one of those incidents which, among jurists, is described as the favor the vigilant receives from the law – it so happened that, in certain States, the delegates were instructed to vote as a unit; in other States they were not; so that, wherever they were instructed to vote as a unit, the vote must so be cast, and wherever they were not, they might disintegrate. Thus minorities were bound in one instance, and released in another; and, by a comparison made by those who had an opportunity to know, it appears that the minority report could not have got a majority of the delegates, if each delegate had been permitted to cast his own vote in the Convention. Neither could it have obtained, as appears by the action of the committee, in a majority of the States, if they had been spoken as such. So that this vaunt

as to the effect of the adoption of the platform by a majority, seems to have very little of substance in it. Again, I find that, after this adoption of a platform, a delegate from Tennessee offered a resolution:

“That all the citizens of the United States have an equal right to settle, with their property, in the Territories of the United States; and that, under the decision of the Supreme Court of the United States, which we recognize as a correct exposition of the Constitution of the United States, neither their rights of person or property can be destroyed or impaired by congressional or territorial legislation.”

It does not appear that a vote was taken on it. There is a current belief that it would have been adopted. If it had been, it would have been an acknowledgment by the Democracy, in convention assembled, that the question had been settled by the decisions of the Supreme Court. But in the progress of the convention, when they came to balloting, it appears, by an analysis of the vote for candidates, that the Senator from Illinois received from seventeen undoubted Democratic States of the Union, casting one hundred and twenty-seven electoral votes, but eleven votes. It is not such a great triumph, then, in the Democratic view, as is claimed. It does not suffice to add up the number of votes where they do not avail. It is not fair to bring the votes of Vermont, where I believe nobody expects we shall be successful, and count them for a particular candidate. The electoral votes – and these alone, tell upon the result; and it appears that in those States which have been counted certain to cast their electoral votes for the candidate who might have been nominated at that convention, the Senator received but eleven. This is but meagre claim to bind us to his car as the successful champion of the majority. This is but small basis for the boast that his hopes were gratified, that he would not receive the nomination unless sustained by a majority of the party, and that his opinions had received the indorsement of the Democracy.

My devotion to the party is life-long. If the assertion be allowable, it may be said that I inherited my political principles. I derive them from a revolutionary father – one of the earnest friends of Mr. Jefferson; who, after the revolution which achieved our independence, bore his full part in the civil revolution of 1800, which emancipated us from federal usurpation and consolidation. I therefore have all that devotion to party which belongs to habitual reverence and confidence. But, sir, that devotion to party rests on the assumption that it is to maintain sound principles; that it is to strive hereafter, as heretofore, to carry out the great cardinal creed in which the Democratic party was founded. When the resolutions of 1798 and 1799 are discarded; when we fly from the extreme of monarchy to land in the danger to republics, anarchy, and the Democratic party says its arm is paralyzed – can not be raised to maintain constitutional rights, my devotion to its organization is at an end. It fails thenceforward in the purposes for which it was established; and if there be a constitutional party in the land which, in the language of Mr. Jefferson, would find in the vigor of the Federal Government the best hope for our liberty and security, to that party I should attach myself whenever that sad contingency arose.

The resolutions of 1798 and 1799, though directed against usurpation, were equally directed against the dangers of anarchy. Their principles are alike applicable to both. Their cardinal creed was a Federal Government, according to the grants conferred upon it, and these righteously administered. It is not fair to the men who taught us the lessons of Democracy that they should be held responsible for a theory which leaves the Federal Government, as one who has abdicated all authority, to stand at the mercy of local usurpations. Least of all does their teaching maintain that this Government has no power over the Territories; that this Government has no obligation to protect the rights of person and property in the Territories; for, among the first acts under the Constitution, was one which both asserted and exercised the power.

After the adoption of the Constitution, in 1789, an act was passed, to which reference is frequently made as being a confirmation of the ordinance of 1787; and this has been repeated so often that it has received general belief. There was a constitutional provision which required all obligations and engagements under the confederation to hold good under the Constitution. If there was

an obligation or an engagement growing out of the ordinance of 1787, out of the deed of cession by Virginia, it was transmitted to the Government established under the Constitution; but that Congress under the Constitution gave it no vitality – that they added no force to it, is apparent from the fact which is so often relied upon as authority. It was in view of this fact, in full remembrance of this and of other facts connected with it, that Mr. Madison said, in relation to passing regulations for the Territories, that “Congress did not regard the interdiction of slavery among the needful regulations contemplated by the Constitution, since, in none of the territorial governments created by them, was such an interdict found.” I am aware that Justice McLean has viewed this as an historical error of Mr. Madison. I shall not assume to decide between such high authorities. The act is as follows:

### **“An Act to provide for the government of the Territory north-west of the Ohio River**

“Whereas, In order that the ordinance of the United States in Congress assembled, for the government of the territory north-west of the river Ohio, may continue to have full effect, it is requisite that certain provisions should be made so as to adapt the same to the present Constitution of the United States.

“Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in all cases in which, by the said ordinance, any information is to be given, or communication made, by the governor of the said Territory to the United States in Congress assembled, or to any of their officers, it shall be the duty of the said governor to give such information, and to make such communication, to the President of the United States; and the President shall nominate, and, by and with the advice and consent of the Senate, shall appoint all officers which, by the said ordinance, were to have been appointed by the United States in Congress assembled; and all officers so appointed shall be commissioned by him; and in all cases where the United States in Congress assembled might, by the said ordinance, make any commission, or remove from any office, the President is hereby declared to have the same powers to revocation and removal.

“Sec. 2. *And be it further enacted,* That in the case of the death, removal, resignation, or necessary absence of the governor of the said Territory, the secretary thereof shall be, and he is hereby authorized and required to execute all the powers and perform all the duties of the governor during the vacancy occasioned by the removal, resignation, or necessary absence of the said governor.

“Approved August 7, 1789.”

All that is to be found in this act which favors the supposition and frequent assertion that, under the Constitution, the ordinance of 1787 was ratified and confirmed is to be found in the preamble, and that preamble so vaguely alludes to it that the idea is refuted by reference to an act which followed soon afterwards – the act of 1793 – from which I will read a single section:

“Sec. 3. *And be it further enacted,* That when a person held to labor in any of the United States, or in either of the Territories on the north-west or south of the river Ohio, under the laws thereof, shall escape into any other of the said States or Territories, the person to whom such service or labor may be due, his agent, or attorney, is hereby empowered to seize or arrest such fugitive from labor,” etc.

Is it not apparent that, when the Congress legislated in 1793, they recognized the existence of slavery and protected that kind of property in the territory north-west of the river Ohio, and is it

not conclusive that they did not intend, by the act of 1789, to confirm, ratify, and give effect to the ordinance of 1787, which would have excluded it?

This doctrine of protection, then, is not new. It goes back to the foundation of the Government. It is traceable down through all the early controversies; and they arose at least as early as 1790. It is found in the messages of Mr. Jefferson and Mr. Madison, and in the legislation of Congress; and also in the messages of the elder Adams. There was not one of the first four Presidents of the United States who did not recognize this obligation of protection, who did not assert this power on the part of the Federal Government; and not one of them ever attempted to pervert it to a power to destroy. If division in the Democratic party is to arise now, because of this doctrine, it is not from the change by those who assert it, but of those who deny it. It is not from the introduction of a new feature in the theory of our Government, but from the denial of that which was recognized in its very beginning.

As I understood the main argument of the Senator, it was based upon the general postulate that the Democratic Convention of 1848 recognized a new doctrine, a doctrine which inhibited the General Government from interfering in any way, either for the protection of property or otherwise, with the local affairs of a Territory; he held the party responsible for all the opinions entertained by the candidate in 1848, because the party had nominated him, and he quoted the record to show what States, by voting for him, had committed themselves to the doctrine of the "Nicholson letter." He even quoted South Carolina, represented by that man who became famous for a single act, and, as South Carolinians said, without authority at home to sustain it. But this was cited as pledging the faith of South Carolina to the doctrine of the "Nicholson letter;" and, worse than all, the Senator did this, though he knew that the doctrine of the "Nicholson letter" was the subject of controversy for years subsequently; that, what was the true construction of that letter, entered into the canvass in the Southern States; that the construction which Mr. Cass himself placed upon it at a subsequent period was there denied; and the Senator might have remembered, if he had chosen to recollect so unimportant a thing, that I once had to explain to him, ten years ago, the fact that I repudiated the doctrine of that letter at the time it was published, and that the Democracy of Mississippi had well-nigh crucified me for the construction which I placed upon it; there were men mean enough to suspect that the construction I gave to the Nicholson letter was prompted by the confidence and affection I felt for General Taylor. At a subsequent period, however, Mr. Cass thoroughly reviewed it. He uttered, for him, very harsh language against all who had doubted the true construction of his letter, and he construed it just as I had done during the canvass of 1848. It remains only to add that I supported Mr. Cass, not because of the doctrine of the Nicholson letter, but in despite of it; because I believed a Democratic President, with a Democratic cabinet and Democratic counselors in the two houses of Congress, and he as honest a man as I believed Mr. Cass to be, would be a safer reliance than his opponent, who personally possessed my confidence as much as any man living, but who was of and must draw his advisers from a party, the tenets of which I believed to be opposed to the interests of the country as they were to all my political convictions.

I little thought at that time that my advocacy of Mr. Cass, upon such grounds as these, or his support by the State of which I am a citizen, would at any future day be quoted as an indorsement of the opinions contained in the Nicholson letter, as those opinions were afterwards defined. But it is not only upon this letter, but equally upon the resolutions of the convention as constructive of that letter, that he rested his argument. I will here say to the Senator that if, at any time, I do him the least injustice, speaking as I do from such notes as I could take while he progressed, I will thank him to correct me.

But this letter entered into the canvass; there was a doubt about its construction; there were men who asserted that they had positive authority for saying that it meant that the people of a Territory could only exclude slavery when the Territory should form a constitution and be admitted as a State. This doubt continued to hang over the construction, and it was that doubt alone which secured Mr. Cass the vote of Mississippi. If the true construction had been certainly known he would have had

no chance to get it. Our majority went down from thousands to hundreds, as it was. In Alabama the decrease was greater. It was not that the doctrine was countenanced, but the doubt as to the true meaning of the letter, and the constantly reiterated assertion that it only meant the Territories when they should be admitted as States, enabled him to carry those States.

But if I mistook the Senator there, I think probably I did not on another point: that he claimed the support of certain Southern men for Mr. Richardson as Speaker of the House to be by them an acknowledgment of the doctrine of squatter sovereignty.

I suppose those Southern men who voted for Mr. Richardson voted for him as I did for Mr. Cass, in despite of his opinions on that question, because they preferred Mr. Richardson to Mr. Banks, even with squatter sovereignty. They considered that the latter was carrying an amount of heresies which greatly exceeded the value of squatter sovereignty. It was a choice of evils – not an indorsement of his opinions. Neither did they this year indorse the opinions on that point of Mr. McClernand when they voted for him. According to the Senator's argument I could show him that Illinois was committed to the doctrine of federal protection to property in the Territories and the remedy of secession as a State right; committed irrevocably, unmistakably, with no right to plead any ignorance of the political creed of the individual, or the meaning of his words.

In 1852 – I refer to it with pride – Illinois did me the honor to vote consistently for me for the Vice-Presidency, up to the time of adjournment; though in 1850, and in 1851, I had done all these acts which have been spoken of, and the Senator has admitted my consistency, in opinions which were avowed with at least such perspicuity as left nobody in doubt as to my opinion. Did Illinois then adopt my theory of protection in the Territories, or of the right of State secession? No, sir. I hold them to no such consequences. Some of the old inhabitants of Illinois may have remembered me when their northern frontier was a wilderness, when they and I had kind relations in the face of hostile Indians. Some of them may have remembered me, and, I believe, kindly, as associated with them, at a later period, on the fields of Mexico. The Senator himself, I know, remembered kindly his association with me in the halls of Congress. It was these bonds which gave me the confidence of the State of Illinois. I never misconstrued it. I never pretended to put them in the attitude of adopting all my opinions. Never required it, never desired it, save as in so far as wishing all men would agree with me, confidently believing my position to be true. At a later period, and when these questions were more important in the public mind, when public attention has been more directed to them, when public opinion has been more matured, at the very time when the Senator claims that his doctrine culminated, the State of Illinois voted for a gentleman for Vice-President at Cincinnati who held the same opinions with myself, or, if there was a difference, held them to a greater extreme – I mean General Quitman.

Mr. Douglas. We made no test on any one.

Mr. Davis. Then, how did the South become responsible for the doctrine of General Cass, by consenting to his nomination in 1848, and supporting his election? But at a later period, down to the present session, what is the position in which the Senator places his friends – those sterling Democrats, uncompromising Anti-Know-Nothings; men who give no quarter to the American party, and yet who voted this year for Mr. Smith, of North Carolina, to be Speaker of the House of Representatives. Is the Senator answered? Does he not see that there is no justice in assuming a vote for an individual to be the entire adoption of his opinions?

He cited, in this connection, a resolution of 1848, as having been framed to cover the doctrines of the Nicholson letter; and he claimed thus to have shown that the convention not only understood it, but adopted it, and made it the party creed, and that we were bound to it from that period forward. He even had that resolution of 1848 read, in order that there should be, at no future time, any question as to the principle which the party then avowed; that it should be fixed as a starting point in all the future progress of Democracy. I was surprised at the importance the Senator attached to that resolution of 1848, because it was not new; it was not framed to meet the opinions of the Nicholson letter, but came down from a period as remote as 1840; was copied into the platform of 1844, and again into that of

1848, being the expression which the condition of the country in 1840 had induced – a declaration of opinion growing out of the agitation in the two houses of Congress at that day, and the fearful strides which antislavery was making, and which Mr. Calhoun had labored to check by the declaration of constitutional truths, as set forth in his Senate resolutions of 1837-'8.

That there may be no mistake on this point, and particularly as the Senator attached special importance to it, I will turn to the platform of 1840, and read from it, so that it shall be found to be —  
Mr. Douglas. It is conceded.

Mr. Davis. The Senator concedes the fact, that the resolution of 1848 was a copy of that of 1840, and with the concession falls his argument. The platforms of 1840 and 1844 were re-affirmed in 1848; and, consequently, the resolution of '48 being identical with that of '40, was not a construction of the letter written in 1847.

True to its instincts and to its practices, the Democratic party, from time to time, continued to add to their “platform” whatever was needful for action by the Government in the condition of the country. Thus, in 1844, they re-asserted the platform of 1840; and they added thereto, because of a question then pending, that —

“The re-annexation of Texas, at the earliest practicable period, is a great American measure, which the convention recommend to the cordial support of the Democracy of the Union.”

In 1848 they re-adopted the resolutions of 1844; and were not a little laughed at for keeping up the question of Texas after it had been annexed. In 1852 a new question had arisen; the measures of 1850 had presented, with great force to the public mind, the necessity for some expression of opinion upon the disturbing questions which the measures of 1850 had been designed to quiet. Therefore, in 1852, the party, true to its obligation to announce its principles, and to meet issues as they arise, said:

“*Resolved*, That the foregoing proposition (referring to the resolution of 1848) covers, and was intended to embrace, the whole subject of slavery agitation in Congress; and, therefore, the Democratic party in the Union, standing on this national platform, will abide by and adhere to a faithful execution of the act known as the compromise measure, settled by the last Congress, the act for reclaiming fugitives from labor included; which act, being designed to carry out an express provision of the Constitution, can not, with fidelity thereto, be repealed, or so changed as to destroy or impair its efficacy.

“*Resolved*, That the Democratic party will restrain all attempts at renewing, in Congress or out of it, the agitation of the slave question, under whatever shape or color the attempt may be made.”

This was the addition made in 1852, and it was made because of the agitation which then prevailed through the country against the fugitive slave act, and it was because the fugitive slave act, and that alone, was assailed, that the Democratic convention met the issue on that measure specifically, and for the same reason it received the approbation of the Southern States. Had this been considered as the indorsement of the slave trade bill for the District of Columbia, it would not have received their approval. The agitation was in relation to recovering fugitive slaves, and the Democratic party boldly and truly met the living issue, and declared its position upon it.

In 1856 other questions had arisen. It was necessary to meet them. The convention did meet them, and met them in a manner which was satisfactory, because it was believed to be full. I will not weary the Senate by reading the resolutions of 1856; they are familiar to every body. I only quote a portion of them:

“The American Democracy recognize and adopt the principles contained in the organic laws establishing the Territories of Kansas and Nebraska as embodying

the only sound and safe solution of the 'slavery question' upon which the great national idea of the people of this whole country can repose in its determined conservatism of the Union – non-interference by Congress with slavery in State and Territory, or in the District of Columbia.

“That, by the uniform application of this Democratic principle to the organization of Territories, and to the admission of new States, with or without domestic slavery, as they may elect, the equal rights of all States will be preserved intact, the original compacts of the Constitution maintained inviolate, and the perpetuity and expansion of this Union insured to its utmost capacity of embracing, in peace and harmony, every future American State that may be constituted or annexed with a republican form of government.”

Pray, what can this mean? Squatter sovereignty? Incapacity of the Federal Government to enact any law for the protection of slave property anywhere? Could that be in the face of a struggle that we were constantly carrying on against the opponents of the fugitive slave law? Could that be, in the face of the fact that a majority had trodden down our constitutional rights in the District of Columbia, by legislating in relation to that particular character of property, and that they had failed to redeem a promise they had sacredly made to pass a law for the protection of slave property, so as to punish any one who should seduce, or entice, or abduct it from an owner in this District?

With all these things fresh in mind, what did they mean? They meant that Congress should not decide the question, whether that institution should exist within a Territory or not. They did not mean to withdraw from the inhabitants of the District of Columbia that protection to which they were entitled, and which is almost annually given by legislation; and yet States and Territories and the District of Columbia are all grouped together, as the points upon which this idea rests, and to which it is directed. It meant that Congress was not to legislate to interfere with the rights of property anywhere; not to attempt to decide what should be the institutions maintained anywhere; but surely not to disclaim the right to protect property, whether on sea or on land, wherever the Federal Government had jurisdiction and power. But some stress has been laid upon the resolution, which says that this principle should be applied to

“The organization of the Territories, and to the admission of new States, with or without domestic slavery, as they may elect.”

What does “may elect” mean? Does it refer to organization of the Territory? Who may elect? Congress organizes the Territories. Did it mean that the Territories were to elect? It does not say so. What does it say?

“That by the uniform application of this Democratic principle to the organization of Territories, and to the admission of new States, with or without domestic slavery, as they may elect.”

And here it met a question which had disturbed the peace of the country, and well-nigh destroyed the Union – the right of a State holding slaves to be admitted into the Union. It was declared here that the State so admitted should elect whether it would or would not have slaves. There is nothing in that which logically applies to the organization of a Territory. But if this be in doubt, let us come to the last resolution, which says:

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