
DISTURBED CONDITION OF THE COUNTRY.

JANUARY 14, 1861.—Ordered to be printed, and made the special order for Monday the 21st instant, at 1 o'clock, and continued from day to day thereafter until disposed of

Mr. C. C. WASHBURNE and Mr. TAPPAN, from the select committee of thirty-three, made the following

MINORITY REPORT.

The undersigned, comprising a part of the minority of the committee of one from each State, to whom was referred so much of the President's message as related to the present disturbed condition of the country, respectfully submit the following report :

On the 6th day of November last the people of the United States were in a condition of tranquillity and peace. They were at peace with other nations, and at peace among themselves. The excitement of a general election was then at its height, but as such excitements necessarily result from our republican system of government, and had always before passed away with the announcement of the general result, the people always before having gracefully yielded their submission to the popular verdict, and shown their loyalty to the Constitution and laws, it was believed and hoped by all good men and patriots that the excitement then existing would pass away with the election. It was not supposed that there were any considerable number of people in the Union who would turn traitors to the country in the event of a party defeat. The leading idea in a republican government is, that the majority under the Constitution shall rule, and when the people of the several States join in a general election of a Chief Magistrate, it has always been with this recognized tacit understanding. To abide by the result was the paramount duty of every one who took part in the election, and to refuse acquiescence was such manifest bad faith as no one could be guilty of without a palpable repudiation of an implied contract. But the result of this last election had scarcely been announced, when the people of one of the southern States proclaimed that they would not submit to the verdict of the majority. They declared that though a minority, they would rule the country or else destroy it. Certain it is that those who now propose to destroy the Union have for many years had the control of the government. Legislation has invariably been passed to suit them. The Supreme Court has been constituted expressly with the view to uphold their interests, and has not only given decisions to favor them, but has travelled out of its way to announce opinions upon subjects not before it. They

cannot, therefore, complain of any wrongs received from the general government, for they have had that entirely in their own way. But on that 6th day of November the people of the United States, at an election conducted with perfect order, and in strict accordance with the requirements of the Constitution, elected as Chief Magistrate one of her citizens, of most unblemished character, and whose principles we believe were in strict conformity with those of the founders of the republic. No sooner was the fact of his election known than the fires of sectional hate and long meditated treason, which had been smouldering for nearly thirty years in South Carolina, broke out in devastating fury, and great was the rejoicing among those misguided people, who hailed that event as the harbinger of their deliverance from a union that they had long regarded as a thing accursed.

A State convention was promptly called to adopt measures for secession. Other States that had lent a too willing ear to her syren song were induced to initiate measures in imitation of that deluded State. Such was the position of affairs when Congress assembled, on the 3d day of December. At this crisis the President of the United States, in his annual message, was guilty of the criminal folly of adding fuel to the flame by the most gross misrepresentations of the feelings, principles, and purposes of the people of the north, and while he palliated the course of the secessionists he declared his inability to stay the tide of treason and rebellion. On the delivery of that message, contrary to the usual practice, it was referred to a select committee, consisting of one from each State.

From this unusual proceeding, we, composing a part of the minority of the committee, could anticipate no good result, and voted against the formation of said committee. But having been appointed members of it, we entered upon the discharge of our duties ready and eager to co-operate with the other members of the committee in any measures promising peace to the country, and requiring no sacrifice of principle or humiliating concession on the part of those people who had ever been loyal to the Constitution.

The first resolution that passed this committee confirmed us in our previous impressions. It was as follows :

Resolved, That, in the opinion of this committee, the existing discontents among the southern people, and the growing hostility among them to the federal government, are greatly to be regretted; and that, whether such discontents and hostility are without just cause or not, any reasonable, proper, and constitutional remedies, and additional and more specific and effectual guarantees of their peculiar rights and interests as recognized by the Constitution, necessary to preserve the peace of the country and the perpetuation of the Union, should be promptly and cheerfully granted."

The above resolution laid down a basis of action which to our minds was entirely inadmissible, declaring, as it did, that a groundless complaint was entitled to receive the same measure of redress as a complaint founded on just cause. Establish that principle, and there will be no end to the frivolous complaints and absurd exactions that will arise from disaffected States. Acting on this principle, and not inquiring into the right or justice of alleged grievances, the majority of the

committee have adopted several propositions from which we are obliged to dissent. It is understood that the design of these various propositions is to restore harmony and concord between the two sections of the country. Will they do it? We say no, for the reason that they do not, in our judgment, touch any real ground of complaint. Their adoption will not appease the south, while it will only incense the north. The successful party in the last election did not elect their candidates to have their principles sacrificed.

The first of these measures, from which we are compelled to dissent, is embraced in the following resolution :

Resolved by the Senate and House of Representatives, That the several States be respectfully requested to cause their statutes to be revised, with a view to ascertain if any of them are in conflict with or tend to embarrass or hinder the execution of the laws of the United States, made in pursuance of the second section of the fourth article of the Constitution of the United States for the delivery up of persons held to labor by the laws of any State, and escaping therefrom ; and the Senate and House of Representatives earnestly request that all enactments having such tendency be forthwith repealed, as required by a just sense of constitutional obligations and by a due regard for the peace of the republic ; and the President of the United States is requested to communicate these resolutions to the governors of the several States, with a request that they will lay the same before the legislatures thereof respectively."

The presumption is, that each and every State knows what is due to herself and her own citizens as well as what is due to her sister States, and that they will make their legislation conform to what is right, just, and proper, without any outside interference.

If any of the States have passed unconstitutional laws, the Constitution has provided a tribunal by which that fact is to be determined, and that tribunal is not the Congress of the United States. If any unconstitutional laws have been passed, when that fact shall be determined in a proper way, they will no doubt be promptly repealed, or amended so as to conform to the Constitution. The courts of the north are always open, and history records no instance where the constitutionality of any law in a northern State was sought to be tested, that it was prevented by an armed mob. Had it been otherwise, there would be some excuse for the present interference of Congress ; and here we deem it not impertinent to inquire of gentlemen, and particularly of northern gentlemen, who are now so anxious to convey their advice to sovereign States, how it is that they have so long delayed an expression of opinion, and withheld their advice in regard to well known unconstitutional laws, long in existence, which deprive the citizens of some of the northern States of the confederacy of the "rights and immunities of the citizens of the several States." This last class of laws are practically oppressive ; the former have never in a single instance been the means of depriving a southern man of a single right. The resolution goes further than to request the repeal of all unconstitutional laws, but also asks them to repeal all such as "delay" the operation of the fugitive slave laws. States are justly sensitive in regard to their reserved rights, and look with just concern upon

all attempts to usurp them on the part of the general government. Concede the point that Congress has the right to advise or indicate the character of their legislation, or pronounce, even indirectly, upon the constitutionality of their laws, will only lead to additional usurpations. We prefer to meet all such attempts on the part of the central government at the threshold. While we would not recommend to any State to pass or maintain unconstitutional laws upon any subject, we are willing to leave all such questions to the sense of justice of each State to determine; and when the present excitement shall have passed away, and the public mind, especially at the south, shall become more calm and reasonable, if any northern State, being appealed to in the spirit of kindness and conciliation to revise any laws that may be deemed unconstitutional, and which bear unjustly upon any of her sister States, we have no doubt such appeal would be effective.

Some of these personal liberty laws were passed nearly twenty years ago, and before the passage of the present fugitive slave law. Their object and design was the prevention of the crime of kidnaping. Their constitutionality in a few of the States has been disputed by men of equal legal ability. The clamor now against them is a mere excuse for long meditated treason. The rights of no man have ever been prejudiced by them. If such laws are wrong now, they were so when they were enacted. They have been amply discussed and considered heretofore by the States in which they have been passed, both before and since their enactment. If wrong or unconstitutional, they never should have been enacted, or, having been enacted, should be repealed. This proposition is too plain to require us to communicate it to a State. While the country was at peace, and the public mind in a condition to fairly and justly consider such laws, the States that have passed them have considered them right, just, and proper. Shall they now be required, while a portion of the country is in arms, and threatening dissolution and civil war, to review their legislation? Is this the time when they can fairly review it? Would their repeal pacify the malcontents? Would it not rather be justly regarded as an acknowledgment of a disposition to do injustice heretofore which nothing but an open rebellion could induce them to rectify? It will be in vain for the States to say that they repeal these laws because they are wrong, and not because they are threatened with evil consequences should they fail to do so. While upon this subject we desire to notice another and kindred proposition of the committee which is embodied in the following resolution:

Resolved, That each State be requested to revise its statutes, and, if necessary, so to amend the same as to secure, without legislation by Congress, to citizens of other States travelling therein the same protection as citizens of such State enjoy; and also to protect the citizens of other States travelling or sojourning therein against popular violence or illegal summary punishment, without trial in due form of law, for imputed crimes."

It will readily be seen that the objection which we have before interposed to the resolution in regard to personal liberty bills will apply to this resolution. We will do no southern State the injustice to sup-

pose that they have not now laws to protect recognized citizens of the north who travel or sojourn among them. The outrages that have been perpetrated on northern men do not result from the want of proper laws on their statute-books, but from the public sentiment of those States.

But not to dwell longer on this subject, we pass to consider the proposed amendment to the Constitution. The substance of it is embodied in the following resolution adopted by the committee:

Resolved, That it is expedient to propose an amendment to the Constitution of the United States, providing that no amendment having for its object any interference within the States with the relation between their citizens and those described in the section second of the first article of the Constitution as "all other persons," shall originate with any State that does not recognize that relation within its own limits, or shall be valid without the assent of every one of the States composing the Union."

Let us give this proposed amendment a moment's examination. While no party in the Union proposes to interfere in any way with slavery in the States, and the present dominant party expressly disclaim any such right or intention, we are asked to say, not only in our own behalf, but in behalf of millions yet unborn, that no matter what may be the change of circumstances of the people, no matter what may be the wishes of vast majorities north and south, no measures shall be adopted that any way interfere with the relation between the citizens of any State and those described in the second section of the first article in the Constitution as "all other persons," that does not receive the sanction of all the States in the Union. This we regard as a constitutional decree of perpetual bondage in the United States.

To any such amendment of the Constitution we are opposed, and at the present time to any amendment.

The Constitution, as our fathers made it, in our judgment, if maintained, sufficiently guarantees the rights of all parties living under it. Distinguished men who have lately spoken, and who are deeply involved in the revolutionary designs of the southern section of the confederacy, have declared that all they asked was that the existing Constitution should be lived up to and fairly interpreted. If the present Constitution is violated, what reason have we for believing that any new one will be better observed? The present Constitution gives no right to any party to interfere with slavery in the States, and no party desires so to interfere—certainly we desire no such interference, and protest against the possession of any such power.

The platform of the republican party adopted at Chicago declares "That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions, according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends; and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter under what pretext, as among the gravest of crimes."

By the above declaration the people of the north will faithfully abide; and in our judgment, they will not assent to any greater guarantees of

good faith than the present Constitution gives. What good is likely to result from the submission of the proposed amendment? Will it be adopted? In our judgment, it will not. It will be rejected, not because the people of the north desire or intend to interfere with slavery, but because they will regard it as a humiliating requirement, proposing, as it does, that they shall enter into bonds for their good behaviour when they have neither committed nor meditated wrong. The submission of such an amendment is a virtual acknowledgment by Congress that there is danger of such interference, and the voting of it down will be claimed by the south as such a declaration of intention to interfere as will greatly add to the present hostile feeling; and as we can see that no good is likely to arise from the submission of this amendment, but only evil, we feel constrained to oppose it.

The majority of the committee, as a further remedy for existing ills, propose to admit New Mexico and Arizona into the Union as a State "as soon as may be," with or without slavery, as her constitution may determine. To this proposition we also feel bound to interpose our protest. The people of New Mexico have not asked to be admitted into the Union, and there was no evidence before the committee that they had any such desire, or that they possess the population or ability to maintain a State government. On the contrary, it was satisfactorily shown before the committee that the entire population of the country sought to be brought in as a State did not exceed 75,000, scattered over a vast extent of territory. Of this number all but about seven hundred are natives of that country, who do not speak our language, and the great mass of whom are sunk in the lowest ignorance. Over one-half of the entire population are peons, or persons held as slaves for a limited period. The number of persons of pure Caucasian blood is very small, but the great majority are a mixture of Mexicans and Indians. They are a pastoral people, generally poor, unused to paying taxes, and unable and unwilling to do so. Small as is the population, it is believed to be quite as large as can be sustained there from the products of the soil of that country. As an inducement to create New Mexico and Arizona into a State, it will, no doubt, be claimed by some that the moment it is admitted the free people of the north will go there and control its destinies. How far they will be likely to do so we will presently inquire. We express the opinion that it will come into the Union as a slave State, and it cannot be supported as a measure of adjustment upon any other assumption. In saying that it will come in as a slave State, we do not mean to say that it is a country where it will ever be profitable to take slaves in any considerable numbers; but that it is a country where the sentiment is not adverse to holding slaves is proven by the fact that the Territory, which was free when it was acquired, has established slavery, and adopted a slave code of a most barbarous character. If a State is admitted, the laws now existing establishing slavery will remain in force; and the same power that established it in the Territory will maintain it in the State. But were we certain that it would come in without slavery, our objections to its admission would still remain. The lack of population, the inability to support

a State government, and the mongrel character of its inhabitants, all interpose obstacles of the gravest character.

To give such a State the same weight and influence in controlling the legislation of the country as is possessed by the old States would be a serious objection under any circumstances; but it might be overcome was there a prospect that within a reasonable time they would have a population entitling them to any such control or influence. If it comes in as a free State, it will only further add to the excitement of the south, and they will maintain that it was the object and intention in bringing it in to still further destroy the balance between the two sections of the country, and that it discloses a determination on the part of the north to create States for the purpose of overwhelming them, regardless of their want of population or other fitting reasons to entitle them to admission.

To those who intend to vote for her admission on the ground that it will be a free State, and in the expectation that free white laboring men will seek that country as a place of settlement, and control its institutions, we beg to submit a few facts. It is now over twelve years since the most of that country was acquired, and yet to-day it is believed that it contains less population than at the time of its acquisition. Why is this? It is certainly not because that country has not been sufficiently puffed into notice, for it is well known that persons interested in imaginary gold and silver mines there have been indefatigable in their efforts to commend that country to the favorable notice of the public.

To gentlemen who see in this measure a new State opened out to the world, which is to invite the free men of Massachusetts, Ohio, and other States to take possession of it, we beg to commend some descriptions of that country.

In 1846, Major Emory passed, with General Kearney and his military force, across this portion of the continent. He says, speaking of the country where the San Pedro joins the Gila—

“In one spot only we found a few bunches of grass. More than four-fifths of the plain was destitute of vegetation. The soil, a light brown, loose, sandy earth, I supposed contained something deleterious to vegetation.”

Passing along that region, he says of it:

“We travelled till long after dark, and dropped down into a dust hole. There was not a sprig of grass or a drop of water, and during the whole night the mules kept up a piteous cry for both.”

He says further:

“From information collected from the Indians and others, it appears that we shall meet with no more grass from this spot to the settlement, estimated to be three hundred miles distant.”

In speaking of the long route over which he had passed, he says:

“In no part of this vast tract can the rains from heaven be relied on (to any extent) for the cultivation of the soil. The earth is destitute of trees, and in a great part also of any vegetation whatever.”

Lieutenant Michler, who was attached to the boundary survey, speaking of this country, says :

“The climate of this region is in accordance with everything else relating to it.”

“Having returned the following August to Fort Yuma, the thermometer, in the shade at the post, was found to be 116° Fahrenheit, and over 120° in the shade along the river.”

One hundred and twenty degrees! Mr. Blodgett says, in his work on Climatology, (page 191,) that—

“At Fort Yuma the mean for the year is $73^{\circ} 5'$, and that for the warmest month 93° —measures only equalled in the lowest basins and valleys of Arabia.”

Giving an account of his travels from Sonoyta to Fort Yuma and back, in the middle of August, 1855, Lieutenant Michler says :

“It was the most dreary and tiresome I have ever experienced. Imagination cannot picture a more dreary, sterile country, and we named it ‘Mal Pais.’ The burnt, limelike appearance of the soil is ever before you; the very stones look like the scoriae of a furnace. There is no grass, and but a sickly vegetation, more unpleasant to the sight than the barren earth itself; scarce an animal to be seen, not even the wolf or the hare, to attract the attention; and save the lizard and the horned frog, naught to give life and animation to this region.

“The eye may watch in vain for the flight of a bird; to add to all this, is the knowledge that there is not one drop of water to be depended upon from the Sonoyta to the Colorado or Gila. All traces of the road are sometimes erased by the high winds sweeping the unstable soil before them, but death has strewn a continuous line of bleached bones and withered carcasses of horses and cattle, as monuments to mark the way.”

We could add numerous other testimonials in regard to this delightful region, which, in the estimation of some, is to become the future abode of freemen, but we think that we have given enough.

The majority have also reported an amendment to the fugitive slave law. The design of this amendment is understood to be to make the law more efficient and at the same time render it less offensive to the people of the north. That they have succeeded in the former there is no doubt, but that it will in its practical operation be of any benefit to the alleged fugitive, or satisfy the north that it is any improvement on the old law is very questionable. It provides for the conducting of all the operations of slave catching at the expense of the United States, and affords no indemnity or just protection to persons who may be wrongfully seized, and transported for trial to a distant State. Under it a free man may be seized in the State of Maine and transported to Texas, and there held in custody until the next term of the circuit court, which may not be for months, and if he should finally be adjudged a free man, the only satisfaction he can obtain for his loss of time and restraint of his liberty is in being transported back again at the expense of the United States. The last

section of the bill is designed to remove an offensive provision in the existing law, that authorized the marshal to summon to his aid any person or persons he saw proper; the amendment only authorizes it in case the marshal reasonably apprehends that he shall need their aid. Practically, there is very little difference between the existing law and the proposed amendment, and the whole of the amendment is so doubtful an improvement on the present law that we feel justified in withholding from it our support.

The majority of the committee also recommend an amendment of the law of 1793 in regard to fugitives from justice, making it the duty of the United States judges to surrender fugitives instead of the executive of the State to which the fugitive had fled. The people are justly jealous of the power of the United States courts, and, as we have before said, are particularly sensitive in regard to measures that propose to abridge the rights of the States, and enlarge the power of the general government. The disposition of the United States courts to enlarge their power has been so manifest heretofore, that we feel unwilling to assent to any proposal that will enable them to do so.

Having thus expressed our views on all the propositions of the committee that contemplate any action, we feel compelled to say that in our judgment they are, one and all, powerless for permanent good. The present dissatisfaction and discontent does not arise from the fact that the north has passed personal liberty bills or that the fugitive slave law is not faithfully executed; neither does it arise from an apprehension that the north proposes to interfere with slavery in the States where it exists.

The treasonable purposes of South Carolina are not of recent origin. In the recent convention of that State leading members made use of the following language in the debate on the passage of the ordinance of secession:

“Mr. Parker—Mr. President, it appears to me, with great deference to the opinions that have been expressed, that the public mind is fully made up to the great occasion that now awaits us. *It is no spasmodic effort that has come suddenly upon us, but it has been gradually culminating for a long series of years, until at last it has come to that point when we may say the matter is entirely right.*

“Mr. Ingliss—Mr. President, if there is any gentleman present who wishes to debate this matter, of course this body will hear him; but as to delay for the purpose of a discussion, I for one am opposed to it. As my friend (Mr. Parker) has said, *most of us have had this matter under consideration for the last twenty years, and I presume we have by this time arrived at a decision upon the subject.*

“Mr. Keitt—Sir, we are performing a great act, which involves not only the stirring present, but embraces the whole great future of ages to come. *I have been engaged in this movement ever since I entered political life.* I am content with what has been done to-day, and content with what will take place to-morrow. We have carried the body of this Union to its last resting place, and now we will drop the flag over its grave. After that is done I am ready to adjourn and leave the remaining ceremonies for to-morrow.

“Mr. Rhett—*The secession of South Carolina is not an event of a*

day. It is not anything produced by Mr. Lincoln's election, or by non-execution of the fugitive slave law. It has been a matter which has been gathering head for thirty years. The election of Lincoln and Hamlin was the last straw on the back of the camel. But it was not the only one. The back was nearly broken before. The point upon which I differ from my friend is this: He says he thought it expedient for us to put this great question before the world upon this simple matter of wrongs on the question of slavery, and that question turned upon the fugitive slave law. Now, in regard to the fugitive slave law, I myself doubt its constitutionality, and I doubted it on the floor of the Senate, when I was a member of that body. The States, acting in their sovereign capacity, should be responsible for the rendition of fugitive slaves. That was our best security."

Such sentiments, expressing the opinions of leading representative men in the South Carolina movement, ought to satisfy, it seems to us, any reasonable man that the proposed measures of the majority of the committee will be powerless for good.

South Carolina is our "sick man" that is laboring under the influence of the most distressing of maladies. A morbid disease which has been preying upon that State for a long series of years has at last assumed the character of acute mania, and has extended to other members of the confederacy, and to think of restoring the patient to health by the nostrums proposed is, in our judgment, perfectly idle.

But we hear it said that "something must be done or the Union will be dissolved." We do not care to go into a nice calculation of the benefits and disadvantages to the several States arising from the Union, with a view of striking a balance between them. Should we do so, we are convinced that that balance would largely favor the southern section of the confederacy. The north has never felt inclined to calculate the value of the Union. It may not be improper to inquire, in this connexion, whether the State of South Carolina and the other ultra secession States have been so oppressed by our government as to render their continuance in the Union intolerable to their citizens.

It is not pretended that they ever lose fugitive slaves, or that any escaping from these States have not been delivered up when demanded; nor is it pretended that the personal liberty laws of any State have practically affected any of their citizens; neither do they complain that they cannot now go with their slaves into any territory of the United States. The Supreme Court has decided that they have that right.

Is it then complained that their citizens, under the operation of the federal laws, are compelled to contribute an undue proportion of the means to maintain the government? If so, and the complaint is well founded, it is deserving of notice.

But it is not true in point of fact. We could easily demonstrate, by official figures, that the government of the United States annually expends for the exclusive use and benefit of South Carolina a much larger sum than that State contributes for the support of the government. This same will hold true in regard to most of the States that are now so anxious to dissolve their connexion with the Union.

Florida, a State that contains less than one five hundredth part of the white population of the Union, and a State which has cost us, directly and indirectly, not less than \$40,000,000, and upon which the general government annually expends sums of money for her benefit more than four times in excess of her contributions to the support of the government, has raised her arm against the power which has so liberally sustained her.

But we will not pursue this subject further. The union of these States is a necessity, and will be preserved long after the misguided men who seek its overthrow are dead and forgotten, or, if not forgotten, only remembered as the attempted destroyers of the fairest fabric erected for the preservation of human liberty that the world ever saw.

It is not to be preserved by compromises or sacrifices of principle. South Carolina, it is believed, is fast learning the value of the Union, and the experience she is now acquiring, will be of immeasurable value to her and her sister States when she shall return to her allegiance. If other States insist upon the purchase of that knowledge in the school of experience at the price paid by South Carolina, while we may deprecate their folly, we cannot doubt its lasting value to them.

Regarding the present discontent and hostility in the south as wholly without just cause, we submit the following resolution, which is the same as that recently offered in the United States Senate by Mr. Clark, of New Hampshire:

Resolved, That the provisions of the Constitution are ample for the preservation of the Union, and the protection of all the material interests of the country; that it needs to be obeyed rather than amended; and our extrication from present difficulties is to be looked for in efforts to preserve and protect the public property and enforce the laws, rather than in new guarantees for particular interests, or compromises or concessions to unreasonable demands.

C. C. WASHBURN.
MASON W. TAPPAN.