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Title: American Eloquence, Volume 3

Editor: Alexander Johnston

Editor: James Albert Woodburn

Release date: March 17, 2005 [EBook #15393]

Most recently updated: December 14, 2020

Language: English

Credits: Produced by David Widger

\*\*\* START OF THE PROJECT GUTENBERG EBOOK AMERICAN ELOQUENCE, VOLUME 3 \*\*\*

**AMERICAN ELOQUENCE**  
**STUDIES IN AMERICAN POLITICAL HISTORY**

**Edited with Introduction by Alexander Johnston**

**Reedited by James Albert Woodburn**

**Volume III. (of 4)**

**V. —THE ANTI-SLAVERY STRUGGLE (Continued from Vol.  
II.)**

**VI.—SECESSION.**

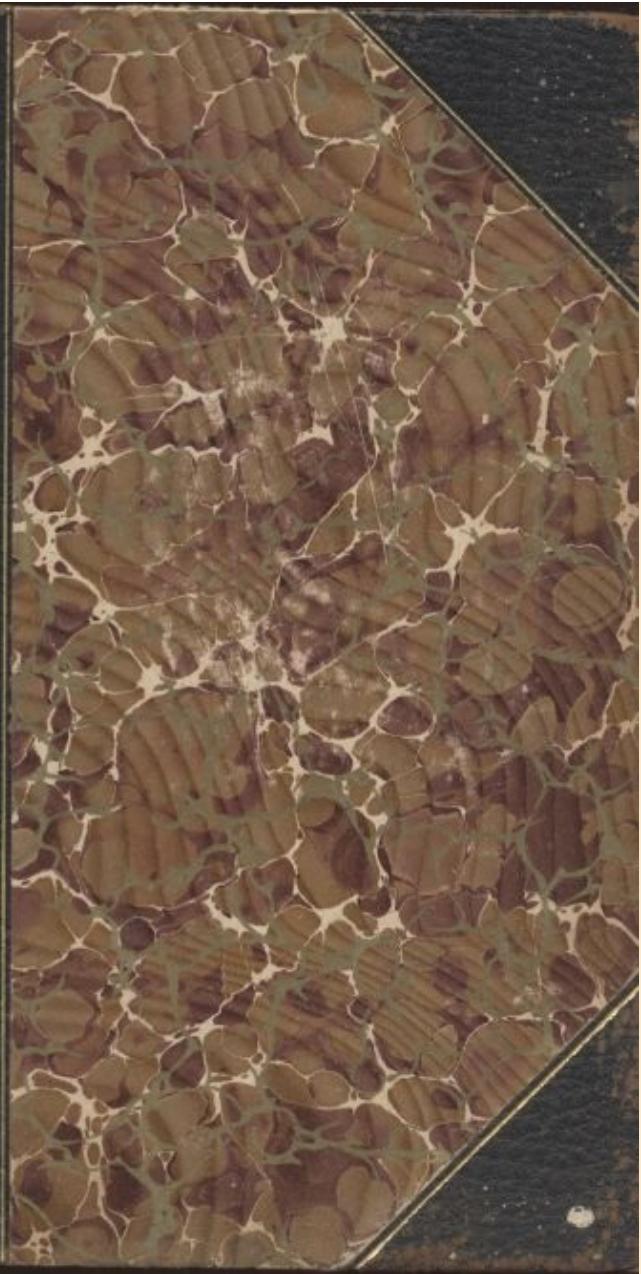
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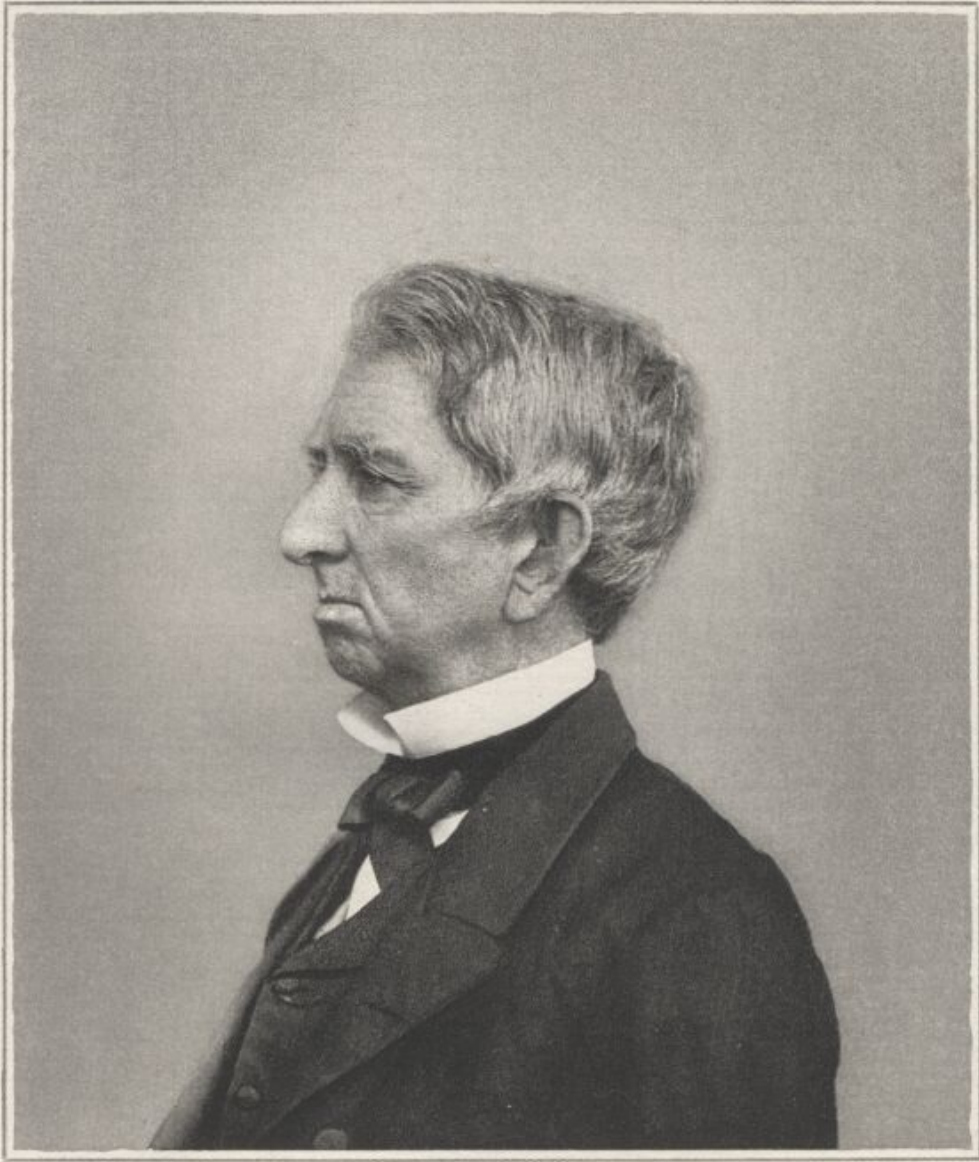
STUDIES IN  
AMERICAN POLITICAL  
HISTORY

—  
JOHNSTON  
WOODBURN




PUTNAM





*William H. Seward*

AMERICAN   
ELOQUENCE

STUDIES IN AMERICAN  
POLITICAL HISTORY

EDITED, WITH INTRODUCTIONS, BY

**ALEXANDER JOHNSTON**

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VOLUME III.  
—

New York and London  
**G. P. Putnam's Sons**  
Subscription Department

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**CONTENTS**

*INTRODUCTION TO THE REVISED VOLUME.*

*V. —THE ANTI-SLAVERY STRUGGLE (Cont.)*

*SALMON PORTLAND CHASE.*

*EDWARD EVERETT.*

*STEPHEN ARNOLD DOUGLAS.*

CHARLES SUMNER.  
PRESTON S. BROOKS.  
JUDAH P. BENJAMIN.  
ABRAHAM LINCOLN.  
ABRAHAM LINCOLN.  
STEPHEN ARNOLD DOUGLAS.  
WILLIAM. H. SEWARD.

**VI. — SECESSION.**

JOHN PARKER HALE.  
ALFRED IVERSON.  
BENJAMIN WADE.  
JOHN JORDON CRITTENDEN.  
ROBERT TOOMBS.  
SAMUEL SULLIVAN COX.  
JEFFERSON DAVIS.

***ILLUSTRATIONS***

Frontispiece  
Titlepage  
Almon Portland Chase  
Edward Everett  
Stephen Douglas  
William H. Steward  
Jefferson Davis

---

***PORTRAITS***

*WILLIAM H. SEWARD — Frontispiece From a photograph.*  
*SALMON P. CHASE — From a daguerreotype, engraved by F. E. JONES.*  
*EDWARD EVERETT — From a painting by R. M. STAIGG.*  
*STEPHEN A. DOUGLAS — From a steel engraving.*  
*JEFFERSON DAVIS — From a photograph.*

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The third volume of the American Eloquence is devoted to the continuation of the slavery controversy and to the progress of the secession movement which culminated in civil war.

To the speeches of the former edition of the volume have been added: Everett on the Nebraska bill; Benjamin on the Property Doctrine and Slavery in the Territories; Lincoln on the Dred Scott Decision; Wade on Secession and the State of the Union; Crittenden on the Crittenden Compromise; and Jefferson Davis's notable speech in which he took leave of the United State Senate, in January, 1861.

Judged by its political consequences no piece of legislation in American history is of greater historical importance than the Kansas-Nebraska bill. By that act the Missouri Compromise was repealed and the final conflict entered upon with the slave power. In addition to the speeches of Douglas and Chase, representing the best word on the opposing sides of the famous Nebraska controversy, the new volume includes the notable contribution by Edward Everett to the Congressional debates on that subject. Besides being an orator of high rank and of literary renown, Everett represented a distinct body of political opinion. As a conservative Whig he voiced the sentiment of the great body of the followers of Webster and Clay who had helped to establish the Compromise of 1850 and who wished to leave that settlement undisturbed. The student of the Congressional struggles of 1854 will be led by a speech like that of Everett to appreciate that moderate and conservative spirit toward slavery which would not persist in any anti-slavery action having a tendency to disturb the harmony of the Union. That this conservative opinion looked upon the repeal of the Missouri Compromise as an act of aggression in the interest of slavery is indicated by Everett's speech, and this gives the speech its historic significance.

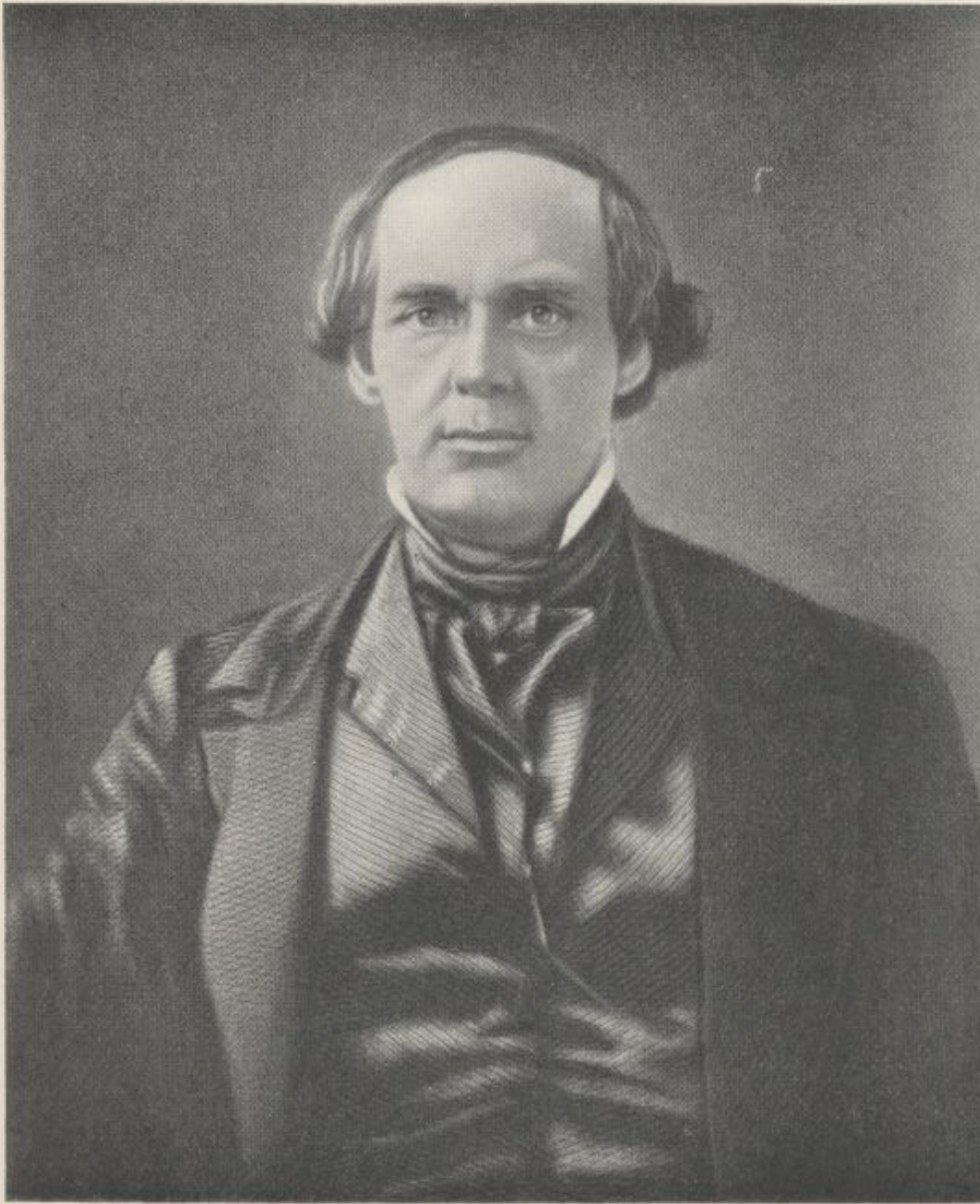
Judah P. Benjamin may be said to have been the ablest legal defender of slavery in public life during the decade of 1850-60. His speech on the right of property in slaves and the right of slavery to national protection in the territories was probably the ablest on that side of the controversy. Lincoln's speech on the Dred Scott Decision has been substituted for one by John C. Breckinridge on the same subject; this will serve to bring into his true proportions this great leader of the combined anti-slavery forces. No voice, in the beginnings of secession and disunion, could better reflect the positive and uncompromising Republicanism of the Northwest than that of Wade. The speech from him which we have appropriated is in many ways worthy of the attention of the historical student.

We may look to Crittenden as the best expositor of the Crittenden Compromise, the leading attempt at compromise and conciliation in the memorable session of Congress of 1860-61. Crittenden's subject and personality add historical prominence to his speech. The Crittenden Compromise would probably have been accepted by Southern leaders like Davis and Toombs if it had been acceptable to the Republican leaders of the North. The failure of that Compromise made disunion and war inevitable. Jefferson Davis' memorable farewell to the Senate, following the assured failure of compromise, seems a fitting close to the period of our history which brings us to the eve of the Civil War.

The introduction of Professor Johnston on "Secession" is retained as originally prepared. A study of the speeches, with this introduction and the appended notes, will give a fair idea of the political issues dividing the country in the important years immediately preceding the war. Limitations of space prevent the publication of the full speeches from the exhaustive Congressional debates, but in several instances where it has seemed especially desirable omissions from the former volume have been supplied with the purpose of more fully representing the subjects and the speakers. To the reader who is interested in historical politics in America these productions of great political leaders need no recommendation from the editor.

J. A. W.

## **V. —THE ANTI-SLAVERY STRUGGLE (Continued from Vol. II.)**



*S. P. Chase*

**SALMON PORTLAND CHASE,  
OF OHIO. (BORN 1808, DIED 1873.)**

ON THE KANSAS-NEBRASKA BILL; SENATE, FEBRUARY 3, 1854.

The bill for the organization of the Territories of Nebraska and Kansas being under consideration—Mr. CHASE submitted the following amendment:

Strike out from section 14 the words "was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and; so that the clause will read:

"That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which is hereby declared inoperative."

Mr. CHASE said:

Mr. President, I had occasion, a few days ago to expose the utter groundlessness of the personal charges made by the Senator from Illinois (Mr. Douglas) against myself and the other signers of the Independent Democratic Appeal. I now move to strike from this bill a statement which I will to-day demonstrate to be

without any foundation in fact or history. I intend afterward to move to strike out the whole clause annulling the Missouri prohibition.

I enter into this debate, Mr. President, in no spirit of personal unkindness. The issue is too grave and too momentous for the indulgence of such feelings. I see the great question before me, and that question only.

Sir, these crowded galleries, these thronged lobbies, this full attendance of the Senate, prove the deep, transcendent interest of the theme.

A few days only have elapsed since the Congress of the United States assembled in this Capitol. Then no agitation seemed to disturb the political elements. Two of the great political parties of the country, in their national conventions, had announced that slavery agitation was at an end, and that henceforth that subject was not to be discussed in Congress or out of Congress. The President, in his annual message, had referred to this state of opinion, and had declared his fixed purpose to maintain, as far as any responsibility attached to him, the quiet of the country. Let me read a brief extract from that message:

"It is no part of my purpose to give prominence to any subject which may properly be regarded as set at rest by the deliberate judgment of the people. But while the present is bright with promise, and the future full of demand and inducement for the exercise of active intelligence, the past can never be without useful lessons of admonition and instruction. If its dangers serve not as beacons, they will evidently fail to fulfil the object of a wise design. When the grave shall have closed over all those who are now endeavoring to meet the obligations of duty, the year 1850 will be recurred to as a period filled with anxious apprehension. A successful war had just terminated. Peace brought with it a vast augmentation of territory. Disturbing questions arose, bearing upon the domestic institutions of one portion of the Confederacy, and involving the constitutional rights of the States. But, notwithstanding differences of opinion and sentiment, which then existed in relation to details and specific provisions, the acquiescence of distinguished citizens, whose devotion to the Union can never be doubted, had given renewed vigor to our institutions, and restored a sense of repose and security to the public mind throughout the Confederacy. That this repose is to suffer no shock during my official term, if I have power to avert it, those who placed me here may be assured."

The agreement of the two old political parties, thus referred to by the Chief Magistrate of the country, was complete, and a large majority of the American people seemed to acquiesce in the legislation of which he spoke.

A few of us, indeed, doubted the accuracy of these statements, and the permanency of this repose. We never believed that the acts of 1850 would prove to be a permanent adjustment of the slavery question. We believed no permanent adjustment of that question possible except by a return to that original policy of the fathers of the Republic, by which slavery was restricted within State limits, and freedom, without exception or limitation, was intended to be secured to every person outside of State limits and under the exclusive jurisdiction of the General Government.

But, sir, we only represented a small, though vigorous and growing, party in the country. Our number was small in Congress. By some we were regarded as visionaries—by some as factionists; while almost all agreed in pronouncing us mistaken.

And so, sir, the country was at peace. As the eye swept the entire circumference of the horizon and upward to mid-heaven not a cloud appeared; to common observation there was no mist or stain upon the clearness of the sky.

But suddenly all is changed. Rattling thunder breaks from the cloudless firmament. The storm bursts forth in fury. Warring winds rush into conflict.

*"Eurus, Notusque ruunt, creberque procellis Africus."*

Yes, sir, "*creber procellis Africus*"—the South wind thick with storm. And now we find ourselves in the midst of an agitation, the end and issue of which no man can foresee.

Now, sir, who is responsible for this renewal of strife and controversy? Not we, for we have introduced no question of territorial slavery into Congress—not we who are denounced as agitators and factionists. No, sir: the quietists and the finalists have become agitators; they who told us that all agitation was quieted, and that the resolutions of the political conventions put a final period to the discussion of slavery.

This will not escape the observation of the country. It is Slavery that renews the strife. It is Slavery that again wants room. It is Slavery, with its insatiate demands for more slave territory and more slave States.

And what does Slavery ask for now? Why, sir, it demands that a time-honored and sacred compact shall be rescinded—a compact which has endured through a whole generation—a compact which has been universally regarded as inviolable, North and South—a compact, the constitutionality of which few have doubted, and by which all have consented to abide.

It will not answer to violate such a compact without a pretext. Some plausible ground must be discovered or invented for such an act; and such a ground is supposed to be found in the doctrine which was advanced the other day by the Senator from Illinois, that the compromise acts of 1850 "superseded" the prohibition of slavery north of 36° 30', in the act preparatory for the admission of Missouri. Ay, sir, "superseded" is the phrase—"superseded by the principles of the legislation of 1850, commonly called the compromise measures."

It is against this statement, untrue in fact, and without foundation in history, that the amendment which I have proposed is directed.

Sir, this is a novel idea. At the time when these measures were before Congress in 1850, when the questions involved in them were discussed from day to day, from week to week, and from month to month, in this Senate chamber, who ever heard that the Missouri prohibition was to be superseded? What man, at what time, in what speech, ever suggested the idea that the acts of that year were to affect the Missouri compromise? The Senator from Illinois the other day invoked the authority of Henry Clay—that departed statesman, in respect to whom, whatever may be the differences of political opinion, none question that, among the great men of this country, he stood proudly eminent. Did he, in the report made by him as the



chairman of the Committee of Thirteen, or in any speech in support of the compromise acts, or in any conversation in the committee, or out of the committee, ever even hint at this doctrine of supersedure? Did any supporter or any opponent of the compromise acts ever vindicate or condemn them on the ground that the Missouri prohibition would be affected by them? Well, sir, the compromise acts were passed. They were denounced North, and they were denounced South. Did any defender of them at the South ever justify his support of them upon the ground that the South had obtained through them the repeal of the Missouri prohibition? Did any objector to them at the North ever even suggest as a ground of condemnation that that prohibition was swept away by them? No, sir! No man, North or South, during the whole of the discussion of those acts here, or in that other discussion which followed their enactment throughout the country, ever intimated any such opinion.

Now, sir, let us come to the last session of Congress. A Nebraska bill passed the House and came to the Senate, and was reported from the Committee on Territories by the Senator from Illinois, as its chairman. Was there any provision in it which even squinted toward this notion of repeal by supersedure? Why, sir, Southern gentlemen opposed it on the very ground that it left the Territory under the operation of the Missouri prohibition. The Senator from Illinois made a speech in defence of it. Did he invoke Southern support upon the ground that it superseded the Missouri prohibition? Not at all. Was it opposed or vindicated by anybody on any such ground? Every Senator knows the contrary. The Senator from Missouri (Mr. Atchison), now the President of this body, made a speech upon the bill, in which he distinctly declared that the Missouri prohibition was not repealed, and could not be repealed.

I will send this speech to the Secretary, and ask him to read the paragraphs marked. The Secretary read as follows:

"I will now state to the Senate the views which induced me to oppose this proposition in the early part of this session.

"I had two objections to it. One was that the Indian title in that Territory had not been extinguished, or, at least, a very small portion of it had been. Another was the Missouri compromise, or, as it is commonly called, the slavery restriction. It was my opinion at that time—and I am not now very clear on that subject—that the law of Congress, when the State of Missouri was admitted into the Union, excluding slavery from the Territory of Louisiana north of 36° 30', would be enforced in that Territory unless it was specially rescinded, and whether that law was in accordance with the Constitution of the United States or not, it would do its work, and that work would be to preclude slave-holders from going into that Territory. But when I came to look into that question, I found that there was no prospect, no hope, of a repeal of the Missouri compromise excluding slavery from that Territory. Now, sir, I am free to admit, that at this moment, at this hour, and for all time to come, I should oppose the organization or the settlement of that Territory unless my constituents, and the constituents of the whole South—of the slave States of the Union,—could go into it upon the same footing, with equal rights and equal privileges, carrying that species of property with them as other people of this Union. Yes, sir, I acknowledge that that would have governed me, but I have no hope that the restriction will ever be repealed.

"I have always been of opinion that the first great error committed in the political history of this country was the ordinance of 1787, rendering the Northwest Territory free territory. The next great error was the Missouri compromise. But they are both irremediable. There is no remedy for them. We must submit to them. I am prepared to do it. It is evident that the Missouri compromise cannot be re-pealed. So far as that question is concerned, we might as well agree to the admission of this Territory now as next year, or five or ten years hence."—*Congressional Globe*, Second Session, 32d Cong., vol. xxvi., page 1113.

That, sir, is the speech of the Senator from Missouri (Mr. Atchison), whose authority, I think, must go for something upon this question. What does he say? "When I came to look into that question"—of the possible repeal of the Missouri prohibition—that was the question he was looking into—"I found that there was no prospect, no hope, of a repeal of the Missouri compromise excluding slavery from that Territory." And yet, sir, at that very moment, according to this new doctrine of the Senator from Illinois, it had been repealed three years!

Well, the Senator from Missouri said further, that if he thought it possible to oppose this restriction successfully, he never would consent to the organization of the territory until it was rescinded. But, said he, "I acknowledge that I have no hope that the restriction will ever be repealed." Then he made some complaint, as other Southern gentlemen have frequently done, of the ordinance of 1787, and the Missouri prohibition; but went on to say: "They are both irremediable; there is no remedy for them; we must submit to them; I am prepared to do it; it is evident that the Missouri compromise cannot be repealed."

Now, sir, when was this said? It was on the morning of the 4th of March, just before the close of the last session, when that Nebraska bill, reported by the Senator from Illinois, which proposed no repeal, and suggested no supersedure, was under discussion. I think, sir, that all this shows pretty clearly that up to the very close of the last session of Congress nobody had ever thought of a repeal by supersedure. Then what took place at the commencement of the present session? The Senator from Iowa, early in December, introduced a bill for the organization of the Territory of Nebraska. I believe it was the same bill which was under discussion here at the last session, line for line, word for word. If I am wrong, the Senator will correct me.

Did the Senator from Iowa, then, entertain the idea that the Missouri prohibition had been superseded? No, sir, neither he nor any other man here, so far as could be judged from any discussion, or statement, or remark, had received this notion.

Well, on the 4th day of January, the Committee on Territories, through their chairman, the Senator from Illinois, made a report on the territorial organization of Nebraska; and that report was accompanied by a bill. Now, sir, on that 4th day of January, just thirty days ago, did the Committee on Territories entertain the opinion that the compromise acts of 1850 superseded the Missouri prohibition? If they did, they were very careful to keep it to themselves. We will judge the committee by their own report. What do they say in that? In the first place they describe the character of the controversy, in respect to the Territories acquired from

Mexico. They say that some believed that a Mexican law prohibiting slavery was in force there, while others claimed that the Mexican law became inoperative at the moment of acquisition, and that slave-holders could take their slaves into the Territory and hold them there under the provisions of the Constitution. The Territorial Compromise acts, as the committee tell us, steered clear of these questions. They simply provided that the States organized out of these Territories might come in with or without slavery, as they should elect, but did not affect the question whether slaves could or could not be introduced before the organization of State governments. That question was left entirely to judicial decision.

Well, sir, what did the committee propose to do with the Nebraska Territory? In respect to that, as in respect to the Mexican Territory, differences of opinion exist in relation to the introduction of slaves. There are Southern gentlemen who contend that notwithstanding the Missouri prohibition, they can take their slaves into the territory covered by it, and hold them there by virtue of the Constitution. On the other hand the great majority of the American people, North and South, believe the Missouri prohibition to be constitutional and effectual. Now, what did the committee propose? Did they propose to repeal the prohibition? Did they suggest that it had been superseded? Did they advance any idea of that kind? No, sir. This is their language:

"Under this section, as in the case of the Mexican law in New Mexico and Utah, it is a disputed point whether slavery is prohibited in the Nebraska country by valid enactment. The decision of this question involves the constitutional power of Congress to pass laws prescribing and regulating the domestic institutions of the various Territories of the Union. In the opinion of those eminent statesmen who hold that Congress is invested with no rightful authority to legislate upon the subject of slavery in the Territories, the eighth section of the act preparatory to the admission of Missouri is null and void, while the prevailing sentiment in a large portion of the Union sustains the doctrine that the Constitution of the United States secures to every citizen an inalienable right to move into any of the Territories with his property, of whatever kind and description, and to hold and enjoy the same under the sanction of law. Your committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850."

This language will bear repetition:

"Your committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850."

And they go on to say:

"Congress deemed it wise and prudent to refrain from deciding the matters in controversy then, either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the Constitution and the extent of the protection afforded by it to slave property in the Territories; so your committee are not prepared now to recommend a departure from the course pursued on that memorable occasion, either by affirming or repealing the eighth section of the Missouri act, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute."

Mr. President, here are very remarkable facts. The Committee on Territories declared that it was not wise, that it was not prudent, that it was not right, to renew the old controversy, and to arouse agitation. They declared that they would abstain from any recommendation of a repeal of the prohibition, or of any provision declaratory of the construction of the Constitution in respect to the legal points in dispute.

Mr. President, I am not one of those who suppose that the question between Mexican law and the slave-holding claims was avoided in the Utah and New Mexico Act; nor do I think that the introduction into the Nebraska bill of the provisions of those acts in respect to slavery would leave the question between the Missouri prohibition and the same slave-holding claims entirely unaffected. I am of a very different opinion. But I am dealing now with the report of the Senator from Illinois, as chairman of the committee, and I show, beyond all controversy, that that report gave no countenance whatever to the doctrine of repeal by supersedure.

Well, sir, the bill reported by the committee was printed in the Washington Sentinel on Saturday, January 7th. It contained twenty sections; no more, no less. It contained no provisions in respect to slavery, except those in the Utah and New Mexico bills. It left those provisions to speak for themselves. This was in harmony with the report of the committee. On the 10th of January—on Tuesday—the act appeared again in the Sentinel; but it had grown longer during the interval. It appeared now with twenty-one sections. There was a statement in the paper that the twenty-first section had been omitted by a clerical error.

But, sir, it is a singular fact that this twenty-first section is entirely out of harmony with the committee's report. It undertakes to determine the effect of the provision in the Utah and New Mexico bills. It declares, among other things, that all questions pertaining to slavery in the Territories, and in the new States to be formed therefrom, are to be left to the decision of the people residing therein, through their appropriate representatives. This provision, in effect, repealed the Missouri prohibition, which the committee, in their report, declared ought not to be done. Is it possible, sir, that this was a mere clerical error? May it not be that this twenty-first section was the fruit of some Sunday work, between Saturday the 7th, and Tuesday the 10th?

But, sir, the addition of this section, it seems, did not help the bill. It did not, I suppose, meet the approbation of Southern gentlemen, who contended that they have a right to take their slaves into the Territories, notwithstanding any prohibition, either by Congress or by a Territorial Legislature. I dare say it was found that the votes of these gentlemen could not be had for the bill with that clause in it. It was not enough that the committee had abandoned their report, and added this twenty-first section, in direct contravention of its reasonings and principles. The twenty-first section itself must be abandoned, and the repeal of the Missouri prohibition placed in a shape which would not deny the slave-holding claim.

The Senator from Kentucky (Mr. Dixon), on the 16th of January, submitted an amendment which came square up to repeal, and to the claim. That amendment, probably, produced some fluttering and some consultation. It met the views of Southern Senators, and probably determined the shape which the bill has finally assumed. Of the various mutations which it has undergone, I can hardly be mistaken in attributing the

last to the amendment of the Senator from Kentucky. That there is no effect without a cause, is among our earliest lessons in physical philosophy, and I know of no causes which will account for the remarkable changes which the bill underwent after the 16th of January, other than that amendment, and the determination of Southern Senators to support it, and to vote against any provision recognizing the right of any Territorial Legislature to prohibit the introduction of slavery.

It was just seven days, Mr. President, after the Senator from Kentucky had offered his amendment, that a fresh amendment was reported from the Committee on Territories, in the shape of a new bill, enlarged to forty sections. This new bill cuts off from the proposed Territory half a degree of latitude on the south, and divides the residue into two Territories—the southern Territory of Kansas, and the northern Territory of Nebraska. It applies to each all the provisions of the Utah and New Mexico bills; it rejects entirely the twenty-first clerical-error section, and abrogates the Missouri prohibition by the very singular provision, which I will read:

"The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is therefore declared inoperative."

Doubtless, Mr. President, this provision operates as a repeal of the prohibition. The Senator from Kentucky was right when he said it was in effect the equivalent of his amendment. Those who are willing to break up and destroy the old compact of 1820 can vote for this bill with full assurance that such will be its effect. But I appeal to them not to vote for this supersedure clause. I ask them not to incorporate into the legislation of the country a declaration which every one knows to be wholly untrue.

I have said that this doctrine of supersedure is new. I have now proved that it is a plant of but ten days' growth. It was never seen or heard of until the 23d day of January, 1854. It was upon that day that this tree of Upas was planted; we already see its poison fruits. \* \* \*

The truth is, that the compromise acts of 1850 were not intended to introduce any principles of territorial organization applicable to any other Territory except that covered by them. The professed object of the friends of the compromise acts was to compose the whole slavery agitation. There were various matters of complaint. The non-surrender of fugitives from service was one. The existence of slavery and the slave-trade here in this District and elsewhere, under the exclusive jurisdiction of Congress, was another. The apprehended introduction of slavery into the Territories furnished other grounds of controversy. The slave States complained of the free States, and the free States complained of the slave States. It was supposed by some that this whole agitation might be stayed, and finally put at rest by skilfully adjusted legislation. So, sir, we had the omnibus bill, and its appendages the fugitive-slave bill and the District slave-trade suppression bill. To please the North—to please the free States—California was to be admitted, and the slave depots here in the District were to be broken up. To please the slave States, a stringent fugitive-slave act was to be passed, and slavery was to have a chance to get into the new Territories. The support of the Senators and Representatives from Texas was to be gained by a liberal adjustment of boundary, and by the assumption of a large portion of their State debt. The general result contemplated was a complete and final adjustment of all questions relating to slavery. The acts passed. A number of the friends of the acts signed a compact pledging themselves to support no man for any office who would in any way renew the agitation. The country was required to acquiesce in the settlement as an absolute finality. No man concerned in carrying those measures through Congress, and least of all the distinguished man whose efforts mainly contributed to their success, ever imagined that in the Territorial acts, which formed a part of the series, they were planting the germs of a new agitation. Indeed, I have proved that one of these acts contained an express stipulation which precludes the revival of the agitation in the form in which it is now thrust upon the country, without manifest disregard of the provisions of those acts themselves.

I have thus proved beyond controversy that the averment of the bill, which my amendment proposes to strike out, is untrue. Senators, will you unite in a statement which you know to be contradicted by the history of the country? Will you incorporate into a public statute an affirmation which is contradicted by every event which attended or followed the adoption of the compromise acts? Will you here, acting under your high responsibility as Senators of the States, assert as a fact, by a solemn vote, that which the personal recollection of every Senator who was here during the discussion of those compromise acts disproves? I will not believe it until I see it. If you wish to break up the time-honored compact embodied in the Missouri compromise, transferred into the joint resolution for the annexation of Texas, preserved and affirmed by these compromise acts themselves, do it openly—do it boldly. Repeal the Missouri prohibition. Repeal it by a direct vote. Do not repeal it by indirection. Do not "declare" it "inoperative," "because superseded by the principles of the legislation of 1850."

Mr. President, three great eras have marked the history of this country in respect to slavery. The first may be characterized as the Era of ENFRANCHISEMENT. It commenced with the earliest struggles for national independence. The spirit which inspired it animated the hearts and prompted the efforts of Washington, of Jefferson, of Patrick Henry, of Wythe, of Adams, of Jay, of Hamilton, of Morris—in short, of all the great men of our early history. All these hoped for, all these labored for, all these believed in, the final deliverance of the country from the curse of slavery. That spirit burned in the Declaration of Independence, and inspired the provisions of the Constitution, and the Ordinance of 1787. Under its influence, when in full vigor, State after State provided for the emancipation of the slaves within their limits, prior to the adoption of the Constitution. Under its feebler influence at a later period, and during the administration of Mr. Jefferson, the importation of slaves was prohibited into Mississippi and Louisiana, in the faint hope that those Territories might finally become free States. Gradually that spirit ceased to influence our public councils, and lost its control over the American heart and the American policy. Another era succeeded, but by such imperceptible gradations that the lines which separate the two cannot be traced with absolute precision. The facts of the two eras meet and mingle as the currents of confluent streams mix so imperceptibly that the observer cannot fix the spot where the meeting waters blend.

This second era was the Era of CONSERVATISM. Its great maxim was to preserve the existing condition. Men said: Let things remain as they are; let slavery stand where it is; exclude it where it is not; refrain from disturbing the public quiet by agitation; adjust all difficulties that arise, not by the application of principles, but by compromises.

It was during this period that the Senator tells us that slavery was maintained in Illinois, both while a Territory and after it became a State, in despite of the provisions of the ordinance. It is true, sir, that the slaves held in the Illinois country, under the French law, were not regarded as absolutely emancipated by the provisions of the ordinance. But full effect was given to the ordinance in excluding the introduction of slaves, and thus the Territory was preserved from eventually becoming a slave State. The few slave-holders in the Territory of Indiana, which then included Illinois, succeeded in obtaining such an ascendancy in its affairs, that repeated applications were made not merely by conventions of delegates, but by the Territorial Legislature itself, for a suspension of the clause in the ordinance prohibiting slavery. These applications were reported upon by John Randolph, of Virginia, in the House, and by Mr. Franklin in the Senate. Both the reports were against suspension. The grounds stated by Randolph are specially worthy of being considered now. They are thus stated in the report:

"That the committee deem it highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the Northwestern country, and to give strength and security to that extensive frontier. In the salutary operation of this sagacious and benevolent restraint, it is believed that the inhabitants of Indiana will, at no very distant day, find ample remuneration for a temporary privation of labor and of emigration."

Sir, these reports, made in 1803 and 1807, and the action of Congress upon them, in conformity with their recommendation, saved Illinois, and perhaps Indiana, from becoming slave States. When the people of Illinois formed their State constitution, they incorporated into it a section providing that neither slavery nor involuntary servitude shall hereafter be introduced into this State. The constitution made provision for the continued service of the few persons who were originally held as slaves, and then bound to service under the Territorial laws, and for the freedom of their children, and thus secured the final extinction of slavery. The Senator thinks that this result is not attributable to the ordinance. I differ from him. But for the ordinance, I have no doubt slavery would have been introduced into Indiana, Illinois, and Ohio. It is something to the credit of the Era of Conservatism, uniting its influences with those of the expiring Era of Enfranchisement, that it maintained the ordinance of 1787 in the Northwest.

The Era of CONSERVATISM passed, also by imperceptible gradations, into the Era of SLAVERY PROPAGANDISM. Under the influences of this new spirit we opened the whole territory acquired from Mexico, except California, to the ingress of slavery. Every foot of it was covered by a Mexican prohibition; and yet, by the legislation of 1850, we consented to expose it to the introduction of slaves. Some, I believe, have actually been carried into Utah and New Mexico. They may be few, perhaps, but a few are enough to affect materially the probable character of their future governments. Under the evil influences of the same spirit, we are now called upon to reverse the original policy of the Republic; to support even a solemn compact of the conservative period, and open Nebraska to slavery.

Sir, I believe that we are upon the verge of another era. That era will be the Era of REACTION. The introduction of this question here, and its discussion, will greatly hasten its advent. We, who insist upon the denationalization of slavery, and upon the absolute divorce of the General Government from all connection with it, will stand with the men who favored the compromise acts, and who yet wish to adhere to them, in their letter and in their spirit, against the repeal of the Missouri prohibition. But you may pass it here. You may send it to the other House. It may become a law. But its effect will be to satisfy all thinking men that no compromises with slavery will endure, except so long as they serve the interests of slavery; and that there is no safe and honorable ground for non-slaveholders to stand upon, except that of restricting slavery within State limits, and excluding it absolutely from the whole sphere of Federal jurisdiction. The old questions between political parties are at rest. No great question so thoroughly possesses the public mind as this of slavery. This discussion will hasten the inevitable reorganization of parties upon the new issues which our circumstances suggest. It will light up a fire in the country which may, perhaps, consume those who kindle it.

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*Edward Everett.*

**EDWARD EVERETT,  
OF MASSACHUSETTS.**

(BORN 1794, DIED 1865.) ON THE KANSAS-NEBRASKA BILL; SENATE OF THE UNITED STATES, FEBRUARY 8, 1854

I will not take up the time of the Senate by going over the somewhat embarrassing and perplexed history of the bill, from its first entry into the Senate until the present time. I will take it as it now stands, as it is printed on our tables, and with the amendment which was offered by the Senator from Illinois (Mr. Douglas) yesterday, and which, I suppose, is now printed, and on our tables; and I will state, as briefly as I can, the difficulties which I have found in giving my support to this bill, either as it stands, or as it will stand when the amendment shall be adopted. My chief objections are to the provisions on the subject of slavery, and especially to the exception which is contained in the 14th section, in the following words:

"Except the 8th section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is hereby declared inoperative."

On the day before yesterday the chairman of the Committee on Territories proposed to change the words "superseded by" to "inconsistent with," as expressing more distinctly all that he meant to convey by that impression. Yesterday, however, he brought in an amendment drawn up with great skill and care, on notice given the day before, which is to strike out the words "which was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is hereby declared inoperative," and to insert in lieu of them the following:

"Which being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

Now, sir, I think, in the first place, that the language of this proposed enactment, being obscure, is of somewhat doubtful import, and for that reason, unsatisfactory. I should have preferred a little more directness. What is the condition of an enactment which is declared by a subsequent act of Congress to be "inoperative and void?" Does it remain in force? I take it, not. That would be a contradiction in terms, to say that an enactment which had been declared by act of Congress inoperative and void is still in force. Then, if it is not in force, if it is not only inoperative and void, as it is to be declared, but is not in force, it is of course repealed. If it is to be repealed, why not say so? I think it would have been more direct and more parliamentary to say "shall be and is hereby repealed." Then we should know precisely, so far as legal and technical terms go, what the amount of this new legislative provision is.

If the form is somewhat objectionable, I think the substance is still more so. The amendment is to strike out the words "which was superseded by," and to insert a provision that the act of 1820 is inconsistent with the principle of congressional non-intervention, and is therefore inoperative and void. I do not quite understand how much is conveyed in this language. The Missouri restriction of 1820, it is said, is inconsistent with the principle of the legislation of 1850. If anything more is meant by "the principle" of the legislation of 1850, than the measures which were adopted at that time in reference to the territories of New Mexico and Utah—for I may assume that those are the legislative measures referred to—if anything more is meant than that a certain measure was adopted, and enacted in reference to those territories, I take issue on that point. I do not know that it could be proved that, even in reference to those territories, a principle was enacted at all. A certain measure, or, if you please, a course of measures, was enacted in reference to the Territories of New Mexico and Utah; but I do not know that you can call this enacting a principle. It is certainly not enacting a principle which is to carry with it a rule for other Territories lying in other parts of the country, and in a different legal position. As to the principle of non-intervention on the part of Congress in the question of slavery, I do not find that, either as principle or as measure, it was enacted in those territorial bills of 1850. I do not, unless I have greatly misread them, find that there is anything at all which comes up to that. Every legislative act of those territorial governments must come before Congress for allowance or disallowance, and under those bills without repealing them, without departing from them in the slightest degree, it would be competent for Congress to-morrow to pass any law on that subject.

How then can it be said that the principle of non-intervention on the part of Congress in the subject of slavery was enacted and established by the compromise measures of 1850? But, whether that be so or not, how can you find, in a simple measure applying in terms to these individual Territories, and to them alone, a rule which is to govern all other Territories with a retrospective and with a prospective action? Is it not a mere begging of the question to say that those compromise measures, adopted in this specific case, amount to such a general rule?

But, let us try it in a parallel case. In the earlier land legislation of the United States, it was customary, without exception, when a Territory became a State, to require that there should be a stipulation in their State constitution that the public lands sold within their borders should be exempted from taxation for five years after the sale. This, I believe, continued to be the uniform practice down to the year 1820, when the State of Missouri was admitted. She was admitted under the stipulation. If I mistake not, the next State which was admitted into the Union—but it is not important whether it was the next or not—came in without that stipulation, and they were left free to tax the public lands the moment when they were sold. Here was a principle; as much a principle as it is contended was established in the Utah and New Mexico territorial bill; but did any one suppose that it acted upon the other Territories? I believe the whole system is now abolished under the operation of general laws, and the influence of that example may have led to the change. But, until it was made by legislation, the mere fact that public lands sold in Arkansas were immediately subject to taxation, could not alter the law in regard to the public lands sold in Missouri, or in any other to where they were they were exempt.

There is a case equally analogous to the very matter we are now considering—the prohibition or permission of slavery. The ordinance of 1787 prohibited slavery in the territory northwest of the Ohio. In 1790 Congress passed an act accepting the cession which the State of North Carolina had made of the western part of her territory, with the proviso, that in reference to the territory thus ceded Congress should pass no laws "tending to the emancipation of the slaves." Here was a precisely parallel case. Here was a territory in which, in 1787, slavery was prohibited. Here was a territory ceded by North Carolina, which became the territory of the United States south of the Ohio, in reference to which it was stipulated with North Carolina, that Congress should pass no laws tending to the emancipation of slaves. But I believe it never occurred to any one that the legislation of 1790 acted back upon the ordinance of 1787, or furnished a rule by which any effect could be produced upon the state of things existing under that ordinance, in the territory to which it applied.

I certainly intend to do the distinguished chairman of the committee no injustice; and I am not sure that I fully comprehend his argument in this respect; but I think his report sustains the view which I now take of the subject: that is, that the legislation of 1850 did not establish a principle which was designed to have any such effect as he intimates. That report states how matters stood in those new Mexican territories. It was alleged

on the one hand that by the Mexican *lex loci* slavery was prohibited. On the other hand that was denied, and it was maintained that the Constitution of the United States secures to every citizen the right to go there and take with him any property recognized as such by any of the States of the Union. The report considers that a similar state of things now exists in Nebraska—that the validity of the eighth section of the Missouri Act, by which slavery is prohibited in that Territory, is doubtful, and that it is maintained by many distinguished statesmen that Congress has no power to legislate on the subject. Then, in this state of the controversy, the report maintains that the legislation of Congress in 1850 did not undertake to decide these questions. Surely, if they did not undertake to decide them, they could not settle the principle which is at stake in them; and, unless they did decide them, the measures then adopted must be considered as specific measures, relating only to those case and not establishing a principle of general operation. This seems to me to be as direct and conclusive as anything can be.

At all events, these are not impressions which are put forth by me under the exigencies of the present debate or of the present occasion. I have never entertained any other opinion. I was called upon for a particular purpose, of a literary nature, to which I will presently allude more distinctly, shortly after the close of the session of 1850, to draw up a narrative of the events that had taken place relative to the passage of the compromise measures of that year. I had not, I own, the best sources of information. I was not a member of Congress, and had not heard the debates, which is almost indispensable to come to a thorough understanding of questions of this nature; but I inquired of those who had heard them, I read the reports, and I had an opportunity of personal intercourse with some who had taken a prominent part in all those measures. I never formed the idea—I never received the intimation until I got it from this report of the committee—that those measures were intended to have any effect beyond the Territories of Utah and New Mexico, for which they were enacted. I cannot but think that if it was intended that they should have any larger application, if it was intended that they should furnish the rule which is now supposed, it would have been a fact as notorious as the light of day.

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And now, sir, having alluded to the speech of Mr. Webster, of the 7th March, 1850, allow me to dwell upon it for a moment. I was in a position the next year—having been requested by that great and lamented man to superintend the publication of his works—to know very particularly the comparative estimate which he placed upon his own parliamentary efforts. He told me more than once that he thought his second speech on Foot's resolution was that in which he had best succeeded as a senatorial effort, and as a specimen of parliamentary dialectics; but he added, with an emotion which even he was unable to suppress, "The speech of the 7th of March, 1850, much as I have been reviled for it, when I am dead, will be allowed to be of the greatest importance to the country." Sir, he took the greatest interest in that speech. He wished it to go forth with a specific title; and, after considerable deliberation, it was called, by his own direction, "A Speech for the Constitution and the Union." He inscribed it to the people of Massachusetts, in a dedication of the most emphatic tenderness, and he prefixed to it that motto—which you all remember—from Livy, the most appropriate and felicitous quotation, perhaps, that was ever made: "True things rather than pleasant things"—*Vera progratis*: and with that he sent it forth to the world.

In that speech his gigantic intellect brought together all that it could gather from the law of nature, from the Constitution of the United States, from our past legislation, and from the physical features of the region, to strengthen him in that plan of conciliation and peace, in which he feared that he might not carry along with him the public sentiment of the whole of that, portion of the country which he particularly represented here. At its close, when he dilated upon the disastrous effects of separation, he rose to a strain of impassioned eloquence which had never been surpassed within these walls. Every topic, every argument, every fact, was brought to bear upon the point; and he felt that all his vast popularity was at stake on the issue. Let me commend to the attention of Senators, and let me ask them to consider what weight is due to the authority of such a man, speaking under such circumstances, and on such an occasion, when he tells you that the condition of every foot of land in the country, for slavery or non-slavery, is fixed by some irrevocable law. And you are now about to repeal the principal law which ascertained and fixed that condition. And, sir, if the Senate will take any heed of the opinion of one so humble as myself, I will say that I believe Mr. Webster, in that speech, went to the very verge of the public sentiment in the non-slaveholding States, and that to have gone a hair's-breadth further, would have been a step too bold even for his great weight of character.

I conclude, therefore, sir, that the compromise measures of 1850 ended where they began, with the Territories of Utah and New Mexico, to which they specifically referred; at any rate, that they established no principle which was to govern in other cases; that they had no prospective action to the organization of territories in all future time; and certainly no retrospective action upon lands subject to the restriction of 1820, and to the positive enactment that you now propose to declare inoperative and void.

I trust that nothing which I have now said will be taken in derogation of the compromises of 1850. I adhere to them; I stand by them. I do so for many reasons. One is respect for the memory of the great men who were the authors of them—lights and ornaments of the country, but now taken from its service. I would not so soon, if it were in my power, undo their work, if for no other reason. But beside this, I am one of those—I am not ashamed to avow it—who believed at that time, and who still believe, that at that period the union of these States was in great danger, and that the adoption of the compromise measures of 1850 contributed materially to avert that danger; and therefore, sir, I say, as well out of respect to the memory of the great men who were the authors of them, as to the healing effect of the measures themselves, I would adhere to them. They are not perfect. I suppose that nobody, either North or South, thinks them perfect. They contain some provisions not satisfactory to the South, and other provisions contrary to the public sentiment of the North; but I believed at the time they were the wisest, the best, the most effective measures which, under the circumstances, could be adopted. But you do not strengthen them, you do not show your respect for them, by giving them an application which they were never intended to bear.

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A single word, sir, in respect to this supposed principle of non-intervention on the part of Congress in the subject of slavery in the territories. I confess I am surprised to find this brought forward, and stated with so

much confidence, as an established principle of the Government. I know that distinguished gentlemen hold the opinion. The very distinguished Senator from Michigan (Mr. Cass) holds it, and has propounded it; and I pay all due respect and deference to his authority, which I conceive to be very high. But I was not aware that any such principle was considered a settled principle of the territorial policy of this country. Why, sir, from the first enactment in 1789, down to the bill before us, there is no such principle in our legislation. As far as I can see it would be perfectly competent even now for Congress to pass any law that they pleased on the subject in the Territories under this bill. But however that may be, even by this bill, there is not a law which the Territories can pass admitting or excluding slavery, which it is of in the power of this Congress to disallow the next day. This is not a mere *brutum fulmen*. It is not an unexpected power. Your statute-book shows case after case. I believe, in reference to a single Territory, that there have been fifteen or twenty cases where territorial legislation has been disallowed by Congress. How, then, can it be said that this principle of non-intervention in the government of the Territories is now to be recognized as an established principle in the public policy of the Congress of the United States?

Do gentlemen recollect the terms, almost of disdain, with which this supposed established principle of our constitutional policy is treated in that last valedictory speech of Mr. Calhoun, which, unable to pronounce it himself, he was obliged to give to the Senate through the medium of his friend, the Senator from Virginia. He reminded the Senate that the occupants of a Territory were not even called the people—but simply the inhabitants—till they were allowed by Congress to call a convention and form a State constitution.

A word more, sir, and I have done. With reference to the great question of slavery—that terrible question—the only one on which the North and South of this great Republic differ irreconcilably—I have not, on this occasion, a word to say. My humble career is drawing near its close, and I shall end it as I began, with using no other words on that subject than those of moderation, conciliation, and harmony between the two great sections of the country. I blame no one who differs from me in this respect. I allot to others, what I claim for myself, the credit of honesty and purity of motive. But for my own part, the rule of my life, as far as circumstances have enabled me to act up to it, has been, to say nothing that would tend to kindle unkind feeling on this subject. I have never known men on this, or any other subject, to be convinced by harsh epithets or denunciation.

I believe the union of these States is the greatest possible blessing—that it comprises within itself all other blessings, political, national, and social; and I trust that my eyes may close long before the day shall come—if it ever shall come—when that Union shall be at an end. Sir, I share the opinions and the sentiments of the part of the country where I was born and educated, where my ashes will be laid, and where my children will succeed me. But in relation to my fellow-citizens in other parts of the country, I will treat their constitutional and their legal rights with respect, and their characters and their feelings with tenderness. I believe them to be as good Christians, as good patriots, as good men, as we are, and I claim that we, in our turn, are as good as they.

I rejoiced to hear my friend from Kentucky, (Mr. Dixon), if he will allow me to call him so—I concur most heartily in the sentiment—utter the opinion that a wise and gracious Providence, in his own good time, will find the ways and the channels to remove from the land what I consider this great evil, but I do not expect that what has been done in three centuries and a half is to be undone in a day or a year, or a few years; and I believe that, in the mean time, the desired end will be retarded rather than promoted by passionate sectional agitation. I believe, further, that the fate of the great and interesting continent in the elder world, Africa, is closely intertwined and wrapped up with the fortunes of her children in all the parts of the earth to which they have been dispersed, and that at some future time, which is already in fact beginning, they will go back to the land of their fathers, the voluntary missionaries of Civilization and Christianity; and finally, sir, I doubt not that in His own good time the Ruler of all will vindicate the most glorious of His prerogatives, "From seeming evil still educing good."





*S. A. Douglas*  
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**STEPHEN ARNOLD DOUGLAS,  
OF ILLINOIS. (BORN 1813, DIED 1861.)**

ON THE KANSAS-NEBRASKA BILL; SENATE, MARCH 3, 1854.

It has been urged in debate that there is no necessity for these Territorial organizations; and I have been called upon to point out any public and national considerations which require action at this time. Senators seem to forget that our immense and valuable possessions on the Pacific are separated from the States and organized Territories on this side of the Rocky Mountains by a vast wilderness, filled by hostile savages—that nearly a hundred thousand emigrants pass through this barbarous wilderness every year, on their way to California and Oregon—that these emigrants are American citizens, our own constituents, who are entitled to the protection of law and government, and that they are left to make their way, as best they may, without the protection or aid of law or government. The United States mails for New Mexico and Utah, and official communications between this Government and the authorities of those Territories, are required to be carried over these wild plains, and through the gorges of the mountains, where you have made no provisions for roads, bridges, or ferries to facilitate travel, or forts or other means of safety to protect life. As often as I have brought forward and urged the adoption of measures to remedy these evils, and afford security against the damages to which our people are constantly exposed, they have been promptly voted down as not being of sufficient importance to command the favorable consideration of Congress. Now, when I propose to organize the Territories, and allow the people to do for themselves what you have so often refused to do for them, I am

told that there are not white inhabitants enough permanently settled in the country to require and sustain a government. True; there is not a very large population there, for the very reason that your Indian code and intercourse laws exclude the settlers, and forbid their remaining there to cultivate the soil. You refuse to throw the country open to settlers, and then object to the organization of the Territories, upon the ground that there is not a sufficient number of inhabitants. \* \* \*

I will now proceed to the consideration of the great principle involved in the bill, without omitting, however, to notice some of those extraneous matters which have been brought into this discussion with the view of producing another anti-slavery agitation. We have been told by nearly every Senator who has spoken in opposition to this bill, that at the time of its introduction the people were in a state of profound quiet and repose, that the anti-slavery agitation had entirely ceased, and that the whole country was acquiescing cheerfully and cordially in the compromise measures of 1850 as a final adjustment of this vexed question. Sir, it is truly refreshing to hear Senators, who contested every inch of ground in opposition to those measures, when they were under discussion, who predicted all manner of evils and calamities from their adoption, and who raised the cry of appeal, and even resistance, to their execution, after they had become the laws of the land—I say it is really refreshing to hear these same Senators now bear their united testimony to the wisdom of those measures, and to the patriotic motives which induced us to pass them in defiance of their threats and resistance, and to their beneficial effects in restoring peace, harmony, and fraternity to a distracted country. These are precious confessions from the lips of those who stand pledged never to assent to the propriety of those measures, and to make war upon them, so long as they shall remain upon the statute-book. I well understand that these confessions are now made, not with the view of yielding their assent to the propriety of carrying those enactments into faithful execution, but for the purpose of having a pretext for charging upon me, as the author of this bill, the responsibility of an agitation which they are striving to produce. They say that I, and not they, have revived the agitation. What have I done to render me obnoxious to this charge? They say that I wrote and introduced this Nebraska bill. That is true; but I was not a volunteer in the transaction. The Senate, by a unanimous vote, appointed me chairman of the Territorial Committee, and associated five intelligent and patriotic Senators with me, and thus made it our duty to take charge of all Territorial business. In like manner, and with the concurrence of these complaining Senators, the Senate referred to us a distinct proposition to organize this Nebraska Territory, and required us to report specifically upon the question. I repeat, then, we were not volunteers in this business. The duty was imposed upon us by the Senate. We were not unmindful of the delicacy and responsibility of the position. We were aware that, from 1820 to 1850, the abolition doctrine of Congressional interference with slavery in the Territories and new States had so far prevailed as to keep up an incessant slavery agitation in Congress, and throughout the country, whenever any new Territory was to be acquired or organized. We were also aware that, in 1850, the right of the people to decide this question for themselves, subject only to the Constitution, was submitted for the doctrine of Congressional intervention. This first question, therefore, which the committee were called upon to decide, and indeed the only question of any material importance in framing this bill, was this: Shall we adhere to and carry out the principle recognized by the compromise measures of 1850, or shall we go back to the old exploded doctrine of Congressional interference, as established in 1820, in a large portion of the country, and which it was the object of the Wilmot proviso to give a universal application, not only to all the territory which we then possessed, but all which we might hereafter acquire? There are no alternatives. We were compelled to frame the bill upon the one or the other of these two principles. The doctrine of 1820 or the doctrine of 1850 must prevail. In the discharge of the duty imposed upon us by the Senate, the committee could not hesitate upon this point, whether we consulted our own individual opinions and principles, or those which were known to be entertained and boldly avowed by a large majority of the Senate. The two great political parties of the country stood solemnly pledged before the world to adhere to the compromise measures of 1850, "in principle and substance." A large majority of the Senate—indeed, every member of the body, I believe, except the two avowed Abolitionists (Mr. Chase and Mr. Sumner)—profess to belong to one or the other of these parties, and hence were supposed to be under a high moral obligation to carry out "the principle and substance" of those measures in all new Territorial organizations. The report of the committee was in accordance with this obligation. I am arraigned, therefore, for having endeavored to represent the opinions and principles of the Senate truly—for having performed my duty in conformity with parliamentary law—for having been faithful to the trust imposed in me by the Senate. Let the vote this night determine whether I have thus faithfully represented your opinions. When a majority of the Senate shall have passed the bill—when the majority of the States shall have endorsed it through their representatives upon this floor—when a majority of the South and a majority of the North shall have sanctioned it—when a majority of the Whig party and a majority of the Democratic party shall have voted for it—when each of these propositions shall be demonstrated by the vote this night on the final passage of the bill, I shall be willing to submit the question to the country, whether, as the organ of the committee, I performed my duty in the report and bill which have called down upon my head so much denunciation and abuse.

Mr. President, the opponents of this measure have had much to say about the mutations and modifications which this bill has undergone since it was first introduced by myself, and about the alleged departure of the bill, in its present form, from the principle laid down in the original report of the committee as a rule of action in all future Territorial organizations. Fortunately there is no necessity, even if your patience would tolerate such a course of argument at this late hour of the night, for me to examine these speeches in detail, and reply to each charge separately. Each speaker seems to have followed faithfully in the footsteps of his leader in the path marked out by the Abolition confederates in their manifesto, which I took occasion to expose on a former occasion. You have seen them on their winding way, meandering the narrow and crooked path in Indian file, each treading close upon the heels of the other, and neither venturing to take a step to the right or left, or to occupy one inch of ground which did not bear the footprint of the Abolition champion. To answer one, therefore, is to answer the whole. The statement to which they seem to attach the most importance, and which they have repeated oftener, perhaps, than any other, is, that, pending the compromise measures of 1850, no man in or out of Congress ever dreamed of abrogating the Missouri compromise; that from that period down to the present session nobody supposed that its validity had been impaired, or any thing done which ended it obligatory upon us to make it inoperative hereafter; that at the time of submitting the report

and bill to the Senate, on the fourth of January last, neither I nor any member of the committee ever thought of such a thing; and that we could never be brought to the point of abrogating the eighth section of the Missouri act until after the Senator from Kentucky introduced his amendment to my bill.

Mr. President, before I proceed to expose the many misrepresentations contained in this complicated charge, I must call the attention of the Senate to the false issue which these gentlemen are endeavoring to impose upon the country, for the purpose of diverting public attention from the real issue contained in the bill. They wish to have the people believe that the abrogation of what they call the Missouri compromise was the main object and aim of the bill, and that the only question involved is, whether the prohibition of slavery north of 36° 30' shall be repealed or not? That which is a mere incident they choose to consider the principle. They make war on the means by which we propose to accomplish an object, instead of openly resisting the object itself. The principle which we propose to carry into effect by the bill is this: That Congress shall neither legislate slavery into any Territories or State, nor out of the same; but the people shall be left free to regulate their domestic concerns in their own way, subject only to the Constitution of the United States.

In order to carry this principle into practical operation, it becomes necessary to remove whatever legal obstacles might be found in the way of its free exercise. It is only for the purpose of carrying out this great fundamental principle of self-government that the bill renders the eighth section of the Missouri act inoperative and void.

Now, let me ask, will these Senators who have arraigned me, or any one of them, have the assurance to rise in his place and declare that this great principle was never thought of or advocated as applicable to Territorial bills, in 1850; that from that session until the present, nobody ever thought of incorporating this principle in all new Territorial organizations; that the Committee on Territories did not recommend it in their report; and that it required the amendment of the Senator from Kentucky to bring us up to that point? Will any one of my accusers dare to make this issue, and let it be tried by the record? I will begin with the compromises of 1850. Any Senator who will take the trouble to examine our journals, will find that on the 25th of March of that year I reported from the Committee on Territories two bills including the following measures; the admission of California, a Territorial government for New Mexico, and the adjustment of the Texas boundary. These bills proposed to leave the people of Utah and New Mexico free to decide the slavery question for themselves, in the precise language of the Nebraska bill now under discussion. A few weeks afterward the committee of thirteen took those two bills and put a wafer between them, and reported them back to the Senate as one bill, with some slight amendments. One of these amendments was, that the Territorial Legislatures should not legislate upon the subject of African slavery. I objected to that provision upon the ground that it subverted the great principle of self-government upon which the bill had been originally framed by the Territorial Committee. On the first trial, the Senate refused to strike it out, but subsequently did so, after full debate, in order to establish that principle as the rule of action in Territorial organizations. \* \* \* But my accusers attempt to raise up a false issue, and thereby divert public attention from the real one, by the cry that the Missouri compromise is to be repealed or violated by the passage of this bill. Well, if the eighth section of the Missouri act, which attempted to fix the destinies of future generations in those Territories for all time to come, in utter disregard of the rights and wishes of the people when they should be received into the Union as States, be inconsistent with the great principles of self-government and the Constitution of the United States. it ought to be abrogated. The legislation of 1850 abrogated the Missouri compromise, so far as the country embraced within the limits of Utah and New Mexico was covered by the slavery restriction. It is true, that those acts did not in terms and by name repeal the act of 1820, as originally adopted, or as extended by the resolutions annexing Texas in 1845, any more than the report of the Committee on Territories proposed to repeal the same acts this session. But the acts of 1850 did authorize the people of those Territories to exercise "all rightful powers of legislation consistent with the Constitution," not excepting the question of slavery; and did provide that, when those Territories should be admitted into the Union, they should be received with or without slavery as the people thereof might determine at the date of their admission. These provisions were in direct conflict with a clause in the former enactment, declaring that slavery should be forever prohibited in any portion of said Territories, and hence rendered such clause inoperative and void to the extent of such conflict. This was an inevitable consequence, resulting from the provisions in those acts, which gave the people the right to decide the slavery question for themselves, in conformity with the Constitution. It was not necessary to go further and declare that certain previous enactments, which were incompatible with the exercise of the powers conferred in the bills, are hereby repealed. The very act of granting those powers and rights has the legal effect of removing all obstructions to the exercise of them by the people, as prescribed in those Territorial bills. Following that example, the Committee on Territories did not consider it necessary to declare the eighth section of the Missouri act repealed. We were content to organize Nebraska in the precise language of the Utah and New Mexico bills. Our object was to leave the people entirely free to form and regulate their domestic institutions and internal concerns in their own way, under the Constitution; and we deemed it wise to accomplish that object in the exact terms in which the same thing had been done in Utah and New Mexico by the acts of 1850. This was the principle upon which the committee voted; and our bill was supposed, and is now believed, to have been in accordance with it. When doubts were raised whether the bill did fully carry out the principle laid down in the report, amendments were made from time to time, in order to avoid all misconception, and make the true intent of the act more explicit. The last of these amendments was adopted yesterday, on the motion of the distinguished Senator from North Carolina (Mr. Badger), in regard to the revival of any laws or regulations which may have existed prior to 1820. That amendment was not intended to change the legal effect of the bill. Its object was to repel the slander which had been propagated by the enemies of the measure in the North—that the Southern supporters of the bill desired to legislate slavery into these Territories. The South denies the right of Congress either to legislate slavery into any Territory or State, or out of any Territory or State. Non-intervention by Congress with slavery in the States or Territories is the doctrine of the bill, and all the amendments which have been agreed to have been made with the view of removing all doubt and cavil as to the true meaning and object of the measure. \* \* \*

Well, sir, what is this Missouri compromise, of which we have heard so much of late? It has been read so often that it is not necessary to occupy the time of the Senate in reading it again. It was an act of Congress,

passed on the 6th of March, 1820, to authorize the people of Missouri to form a constitution and a State government, preparatory to the admission of such State into the Union. The first section provided that Missouri should be received into the Union "on an equal footing with the original States in all respects whatsoever." The last and eighth section provided that slavery should be "forever prohibited" in all the territory which had been acquired from France north of 36° 30', and not included within the limits of the State of Missouri. There is nothing in the terms of the law that purports to be a compact, or indicates that it was any thing more than an ordinary act of legislation. To prove that it was more than it purports to be on its face, gentlemen must produce other evidence, and prove that there was such an understanding as to create a moral obligation in the nature of a compact. Have they shown it?

Now, if this was a compact, let us see how it was entered into. The bill originated in the House of Representatives, and passed that body without a Southern vote in its favor. It is proper to remark, however, that it did not at that time contain the eighth section, prohibiting slavery in the Territories; but in lieu of it, contained a provision prohibiting slavery in the proposed State of Missouri. In the Senate, the clause prohibiting slavery in the State was stricken out, and the eighth section added to the end of the bill, by the terms of which slavery was to be forever prohibited in the territory not embraced in the State of Missouri north of 36° 30'. The vote on adding this section stood in the Senate, 34 in the affirmative, and 10 in the negative. Of the Northern Senators, 20 voted for it, and 2 against it. On the question of ordering the bill to a third reading as amended, which was the test vote on its passage, the vote stood 24 yeas and 20 nays. Of the Northern Senators, 4 only voted in the affirmative, and 18 in the negative. Thus it will be seen that if it was intended to be a compact, the North never agreed to it. The Northern Senators voted to insert the prohibition of slavery in the Territories; and then, in the proportion of more than four to one, voted against the passage of the bill. The North, therefore, never signed the compact, never consented to it, never agreed to be bound by it. This fact becomes very important in vindicating the character of the North for repudiating this alleged compromise a few months afterward. The act was approved and became a law on the 6th of March, 1820. In the summer of that year, the people of Missouri formed a constitution and State government preparatory to admission into the Union in conformity with the act. At the next session of Congress the Senate passed a joint resolution declaring Missouri to be one of the States of the Union, on an equal footing with the original States. This resolution was sent to the House of Representatives, where it was rejected by Northern votes, and thus Missouri was voted out of the Union, instead of being received into the Union under the act of the 6th of March, 1820, now known as the Missouri compromise. Now, sir, what becomes of our plighted faith, if the act of the 6th of March, 1820, was a solemn compact, as we are now told? They have all rung the changes upon it, that it was a sacred and irrevocable compact, binding in honor, in conscience, and morals, which could not be violated or repudiated without perfidy and dishonor! \* \* \* Sir, if this was a compact, what must be thought of those who violated it almost immediately after it was formed? I say it is a calumny upon the North to say that it was a compact. I should feel a flush of shame upon my cheek, as a Northern man, if I were to say that it was a compact, and that the section of the country to which I belong received the consideration, and then repudiated the obligation in eleven months after it was entered into. I deny that it was a compact, in any sense of the term. But if it was, the record proves that faith was not observed—that the contract was never carried into effect—that after the North had procured the passage of the act prohibiting slavery in the Territories, with a majority in the House large enough to prevent its repeal, Missouri was refused admission into the Union as a slave-holding State, in conformity with the act of March 6, 1820. If the proposition be correct, as contended for by the opponents of this bill—that there was a solemn compact between the North and the South that, in consideration of the prohibition of slavery in the Territories, Missouri was to be admitted into the Union, in conformity with the act of 1820—that compact was repudiated by the North, and rescinded by the joint action of the two parties within twelve months from its date. Missouri was never admitted under the act of the 6th of March, 1820. She was refused admission under that act. She was voted out of the Union by Northern votes, notwithstanding the stipulation that she should be received; and, in consequence of these facts, a new compromise was rendered necessary, by the terms of which Missouri was to be admitted into the Union conditionally—admitted on a condition not embraced in the act of 1820, and, in addition, to a full compliance with all the provisions of said act. If, then, the act of 1820, by the eighth section of which slavery was prohibited in Missouri, was a compact, it is clear to the comprehension of every fair-minded man that the refusal of the North to admit Missouri, in compliance with its stipulations, and without further conditions, imposes upon us a high, moral obligation to remove the prohibition of slavery in the Territories, since it has been shown to have been procured upon a condition never performed. \* \* \*

Mr. President, I did not wish to refer to these things. I did not understand them fully in all their bearings at the time I made my first speech on this subject; and, so far as I was familiar with them, I made as little reference to them as was consistent with my duty; because it was a mortifying reflection to me, as a Northern man, that we had not been able, in consequence of the abolition excitement at the time, to avoid the appearance of bad faith in the observance of legislation, which has been denominated a compromise. There were a few men then, as there are now, who had the moral courage to perform their duty to the country and the Constitution, regardless of consequences personal to themselves. There were ten Northern men who dared to perform their duty by voting to admit Missouri into the Union on an equal footing with the original States, and with no other restriction than that imposed by the Constitution. I am aware that they were abused and denounced as we are now—that they were branded as dough-faces—traitors to freedom, and to the section of country whence they came. \* \* \*

I think I have shown that if the act of 1820, called the Missouri compromise, was a compact, it was violated and repudiated by a solemn vote of the House of Representatives in 1821, within eleven months after it was adopted. It was repudiated by the North by a majority vote, and that repudiation was so complete and successful as to compel Missouri to make a new compromise, and she was brought into the Union under the new compromise of 1821, and not under the act of 1820. This reminds me of another point made in nearly all the speeches against this bill, and, if I recollect right, was alluded to in the abolition manifesto; to which, I regret to say, I had occasion to refer so often. I refer to the significant hint that Mr. Clay was dead before any one dared to bring forward a proposition to undo the greatest work of his hands. The Senator from New York

(Mr. Seward) has seized upon this insinuation and elaborated, perhaps, more fully than his compeers; and now the Abolition press, suddenly, and, as if by miraculous conversion, teems with eulogies upon Mr. Clay and his Missouri compromise of 1820.

Now, Mr. President, does not each of these Senators know that Mr. Clay was not the author of the act of 1820? Do they not know that he disclaimed it in 1850 in this body? Do they not know that the Missouri restriction did not originate in the House, of which he was a member? Do they not know that Mr. Clay never came into the Missouri controversy as a compromiser until after the compromise of 1820 was repudiated, and it became necessary to make another? I dislike to be compelled to repeat what I have conclusively proven, that the compromise which Mr. Clay effected was the act of 1821, under which Missouri came into the Union, and not the act of 1820. Mr. Clay made that compromise after you had repudiated the first one. How, then, dare you call upon the spirit of that great and gallant statesman to sanction your charge of bad faith against the South on this question? \* \* \*

Now, Mr. President, as I have been doing justice to Mr. Clay on this question, perhaps I may as well do justice to another great man, who was associated with him in carrying through the great measures of 1850, which mortified the Senator from New York so much, because they defeated his purpose of carrying on the agitation. I allude to Mr. Webster. The authority of his great name has been quoted for the purpose of proving that he regarded the Missouri act as a compact, an irrevocable compact. Evidently the distinguished Senator from Massachusetts (Mr. Everett) supposed he was doing Mr. Webster entire justice when he quoted the passage which he read from Mr. Webster's speech of the 7th of March, 1850, when he said that he stood upon the position that every part of the American continent was fixed for freedom or for slavery by irrevocable law. The Senator says that by the expression "irrevocable law," Mr. Webster meant to include the compromise of 1820. Now, I will show that that was not Mr. Webster's meaning—that he was never guilty of the mistake of saying that the Missouri act of 1820 was an irrevocable law. Mr. Webster said in that speech that every foot of territory in the United States was fixed as to its character for freedom or slavery by an irrevocable law. He then inquired if it was not so in regard to Texas? He went on to prove that it was; because, he said, there was a compact in express terms between Texas and the United States. He said the parties were capable of contracting and that there was a valuable consideration; and hence, he contended, that in that case there was a contract binding in honor and morals and law; and that it was irrevocable without a breach of faith.

He went on to say:

"Now, as to California and New Mexico, I hold slavery to be excluded from these Territories by a law even superior to that which admits and sanctions it in Texas—I mean the law of nature—of physical geography—the law of the formation of the earth."

That was the irrevocable law which he said prohibited slavery in the Territories of Utah and New Mexico. He went on to speak of the prohibition of slavery in Oregon, and he said it was an "entirely useless and, in that connection, senseless proviso."

He went further, and said:

"That the whole territory of the States of the United States, or in the newly-acquired territory of the United States, has a fixed and settled character, now fixed and settled by law, which cannot be repealed in the case of Texas without a violation of public faith, and cannot be repealed by any human power in regard to California or New Mexico; that, under one or other of these laws, every foot of territory in the States or in the Territories has now received a fixed and decided character."

What irrevocable laws? One or the other of those which he had stated. One was the Texas compact; the other, the law of nature and physical geography; and he contended that one or the other fixed the character of the whole American continent for freedom or for slavery. He never alluded to the Missouri compromise, unless it was by the allusion to the Wilmot proviso in the Oregon bill, and therein said it was a useless and, in that connection, senseless thing. Why was it a useless and senseless thing? Because it was reenacting the law of God; because slavery had already been prohibited by physical geography. Sir, that was the meaning of Mr. Webster's speech. \* \* \*

Mr. President, I have occupied a good deal of time in exposing the cant of these gentlemen about the sanctity of the Missouri compromise, and the dishonor attached to the violation of plighted faith. I have exposed these matters in order to show that the object of these men is to withdraw from public attention the real principle involved in the bill. They well know that the abrogation of the Missouri compromise is the incident and not the principle of the bill. They well understand that the report of the committee and the bill propose to establish the principle in all Territorial organizations, that the question of slavery shall be referred to the people to regulate for themselves, and that such legislation should be had as was necessary to remove all legal obstructions to the free exercise of this right by the people. The eighth section of the Missouri act standing in the way of this great principle must be rendered inoperative and void, whether expressly repealed or not, in order to give the people the power of regulating their own domestic institutions in their own way, subject only to the Constitution.

Now, sir, if these gentlemen have entire confidence in the correctness of their own position, why do they not meet the issue boldly and fairly, and controvert the soundness of this great principle of popular sovereignty in obedience to the Constitution? They know full well that this was the principle upon which the colonies separated from the crown of Great Britain, the principle upon which the battles of the Revolution were fought, and the principle upon which our republican system was founded. They cannot be ignorant of the fact that the Revolution grew out of the assertion of the right on the part of the imperial Government to interfere with the internal affairs and domestic concerns of the colonies. \* \* \*

The Declaration of Independence had its origin in the violation of that great fundamental principle which secured to the colonies the right to regulate their own domestic affairs in their own way; and the Revolution resulted in the triumph of that principle, and the recognition of the right asserted by it. Abolitionism proposes to destroy the right and extinguish the principle for which our forefathers waged a seven years' bloody war, and upon which our whole system of free government is founded. They not only deny the application of this

principle to the Territories, but insist upon fastening the prohibition upon all the States to be formed out of those Territories. Therefore, the doctrine of the Abolitionists—the doctrine of the opponents of the Nebraska and Kansas bill, and the advocates of the Missouri restriction—demands Congressional interference with slavery not only in the Territories, but in all the new States to be formed therefrom. It is the same doctrine, when applied to the Territories and new States of this Union, which the British Government attempted to enforce by the sword upon the American colonies. It is this fundamental principle of self-government which constitutes the distinguishing feature of the Nebraska bill. The opponents of the principle are consistent in opposing the bill. I do not blame them for their opposition. I only ask them to meet the issue fairly and openly, by acknowledging that they are opposed to the principle which it is the object of the bill to carry into operation. It seems that there is no power on earth, no intellectual power, no mechanical power, that can bring them to a fair discussion of the true issue. If they hope to delude the people and escape detection for any considerable length of time under the catch-words "Missouri compromise" and "faith of compacts," they will find that the people of this country have more penetration and intelligence than they have given them credit for.

Mr. President, there is an important fact connected with this slavery regulation, which should never be lost sight of. It has always arisen from one and the same cause. Whenever that cause has been removed, the agitation has ceased; and whenever the cause has been renewed, the agitation has sprung into existence. That cause is, and ever has been, the attempt on the part of Congress to interfere with the question of slavery in the Territories and new States formed therefrom. Is it not wise then to confine our action within the sphere of our legitimate duties, and leave this vexed question to take care of itself in each State and Territory, according to the wishes of the people thereof, in conformity to the forms, and in subjection to the provisions, of the Constitution?

The opponents of the bill tell us that agitation is no part of their policy; that their great desire is peace and harmony; and they complain bitterly that I should have disturbed the repose of the country by the introduction of this measure! Let me ask these professed friends of peace, and avowed enemies of agitation, how the issue could have been avoided. They tell me that I should have let the question alone; that is, that I should have left Nebraska unorganized, the people unprotected, and the Indian barrier in existence, until the swelling tide of emigration should burst through, and accomplish by violence what it is the part of wisdom and statesmanship to direct and regulate by law. How long could you have postponed action with safety? How long could you maintain that Indian barrier, and restrain the onward march of civilization, Christianity, and free government by a barbarian wall? Do you suppose that you could keep that vast country a howling wilderness in all time to come, roamed over by hostile savages, cutting off all safe communication between our Atlantic and Pacific possessions? I tell you that the time for action has come, and cannot be postponed. It is a case in which the "let-alone" policy would precipitate a crisis which must inevitably result in violence, anarchy, and strife.

You cannot fix bounds to the onward march of this great and growing country. You cannot fetter the limbs of the young giant. He will burst all your chains. He will expand, and grow, and increase, and extend civilization, Christianity, and liberal principles. Then, sir, if you cannot check the growth of the country in that direction, is it not the part of wisdom to look the danger in the face, and provide for an event which you cannot avoid? I tell you, sir, you must provide for lines of continuous settlement from the Mississippi valley to the Pacific ocean. And in making this provision, you must decide upon what principles the Territories shall be organized; in other words, whether the people shall be allowed to regulate their domestic institutions in their own way, according to the provisions of this bill, or whether the opposite doctrine of Congressional interference is to prevail. Postpone it, if you will; but whenever you do act, this question must be met and decided.

The Missouri compromise was interference; the compromise of 1850 was non-interference, leaving the people to exercise their rights under the Constitution. The Committee on Territories were compelled to act on this subject. I, as their chairman, was bound to meet the question. I chose to take the responsibility regardless of consequences personal to myself. I should have done the same thing last year, if there had been time; but we know, considering the late period at which the bill then reached us from the House, that there was not sufficient time to consider the question fully, and to prepare a report upon the subject.

I was, therefore, persuaded by my friends to allow the bill to be reported to the Senate, in order that such action might be taken as should be deemed wise and proper. The bill was never taken up for action—the last night of the session having been exhausted in debate on a motion to take up the bill. This session, the measure was introduced by my friend from Iowa (Mr. Dodge), and referred to the Territorial Committee during the first week of the session. We have abundance of time to consider the subject; it is a matter of pressing necessity, and there was no excuse for not meeting it directly and fairly. We were compelled to take our position upon the doctrine either of intervention or non-intervention. We chose the latter for two reasons: first, because we believed that the principle was right; and, second, because it was the principle adopted in 1850, to which the two great political parties of the country were solemnly pledged.

There is another reason why I desire to see this principle recognized as a rule of action in all time to come. It will have the effect to destroy all sectional parties and sectional agitations. If, in the language of the report of the committee, you withdraw the slavery question from the halls of Congress and the political arena, and commit it to the arbitration of those who are immediately interested in and alone responsible for its consequences, there is nothing left out of which sectional parties can be organized. It never was done, and never can be done on the bank, tariff, distribution, or any party issue which has existed, or may exist, after this slavery question is withdrawn from politics. On every other political question these have always supporters and opponents in every portion of the Union—in each State, county, village, and neighborhood—residing together in harmony and good fellowship, and combating each other's opinions and correcting each other's errors in a spirit of kindness and friendship. These differences of opinion between neighbors and friends, and the discussions that grow out of them, and the sympathy which each feels with the advocates of his own opinions in every portion of this widespread Republic, add an overwhelming and irresistible moral weight to the strength of the Confederacy. Affection for the Union can never be alienated or diminished by

any other party issues than those which are joined upon sectional or geographical lines. When the people of the North shall all be rallied under one banner, and the whole South marshalled under another banner, and each section excited to frenzy and madness by hostility to the institutions of the other, then the patriot may well tremble for the perpetuity of the Union. Withdraw the slavery question from the political arena, and remove it to the States and Territories, each to decide for itself, such a catastrophe can never happen. Then you will never be able to tell, by any Senator's vote for or against any measure, from what State or section of the Union he comes.

Why, then, can we not withdraw this vexed question from politics? Why can we not adopt the principle of this bill as a rule of action in all new Territorial organizations? Why can we not deprive these agitators of their vocation and render it impossible for Senators to come here upon bargains on the slavery question? I believe that the peace, the harmony, and perpetuity of the Union require us to go back to the doctrines of the Revolution, to the principles of the Constitution, to the principles of the Compromise of 1850, and leave the people, under the Constitution, to do as they may see proper in respect to their own internal affairs.

Mr. President, I have not brought this question forward as a Northern man or as a Southern man. I am unwilling to recognize such divisions and distinctions. I have brought it forward as an American Senator, representing a State which is true to this principle, and which has approved of my action in respect to the Nebraska bill. I have brought it forward not as an act of justice to the South more than to the North. I have presented it especially as an act of justice to the people of those Territories and of the States to be formed therefrom, now and in all time to come. I have nothing to say about Northern rights or Southern rights. I know of no such divisions or distinctions under the Constitution. The bill does equal and exact justice to the whole Union, and every part of it; it violates the right of no State or Territory; but places each on a perfect equality, and leaves the people thereof to the free enjoyment of all their rights under the Constitution.

Now, sir, I wish to say to our Southern friends that if they desire to see this great principle carried out, now is their time to rally around it, to cherish it, preserve it, make it the rule of action in all future time. If they fail to do it now, and thereby allow the doctrine of interference to prevail, upon their heads the consequences of that interference must rest. To our Northern friends, on the other hand, I desire to say, that from this day henceforward they must rebuke the slander which has been uttered against the South, that they desire to legislate slavery into the Territories. The South has vindicated her sincerity, her honor, on that point by bringing forward a provision negating, in express terms, any such effect as a result of this bill. I am rejoiced to know that while the proposition to abrogate the eighth section of the Missouri act comes from a free State, the proposition to negative the conclusion that slavery is thereby introduced, comes from a slave-holding State. Thus, both sides furnish conclusive evidence that they go for the principle, and the principle only, and desire to take no advantage of any possible misconstruction.

Mr. President, I feel that I owe an apology to the Senate for having occupied their attention so long, and a still greater apology for having discussed the question in such an incoherent and desultory manner. But I could not forbear to claim the right of closing this debate. I thought gentlemen would recognize its propriety when they saw the manner in which I was assailed and misrepresented in the course of this discussion, and especially by assaults still more disreputable in some portions of the country. These assaults have had no other effect upon me than to give me courage and energy for a still more resolute discharge of duty. I say frankly that, in my opinion, this measure will be as popular at the North as at the South, when its provisions and principles shall have been fully developed, and become well understood. The people at the North are attached to the principles of self-government, and you cannot convince them that that is self-government which deprives a people of the right of legislating for themselves, and compels them to receive laws which are forced upon them by a Legislature in which they are not represented. We are willing to stand upon this great principle of self-government every-where; and it is to us a proud reflection that, in this whole discussion, no friend of the bill has urged an argument in its favor which could not be used with the same propriety in a free State as in a slave State, and vice versed. No enemy of the bill has used an argument which would bear repetition one mile across Mason and Dixon's line. Our opponents have dealt entirely in sectional appeals. The friends of the bill have discussed a great principle of universal application, which can be sustained by the same reasons, and the same arguments, in every time and in every corner of the Union.

## **CHARLES SUMNER,**

**OF MASSACHUSETTS (BORN 1811, DIED 1874.)**

ON THE CRIME AGAINST KANSAS; SENATE, MAY 19-20, 1856. MR. PRESIDENT:

You are now called to redress a great transgression. Seldom in the history of nations has such a question been presented. Tariffs, Army bills, Navy bills, Land bills, are important, and justly occupy your care; but these all belong to the course of ordinary legislation. As means and instruments only, they are necessarily subordinate to the conservation of government itself. Grant them or deny them, in greater or less degree, and you will inflict no shock. The machinery of government will continue to move. The State will not cease to exist. Far otherwise is it with the eminent question now before you, involving, as it does, Liberty in a broad territory, and also involving the peace of the whole country, with our good name in history forever more.

Take down your map, sir, and you will find that the Territory of Kansas, more than any other region, occupies the middle spot of North America, equally distant from the Atlantic on the east, and the Pacific on the west; from the frozen waters of Hudson's Bay on the north, and the tepid Gulf Stream on the south, constituting the precise territorial centre of the whole vast continent. To such advantages of situation, on the very highway between two oceans, are added a soil of unsurpassed richness, and a fascinating, undulating beauty of surface, with a health-giving climate, calculated to nurture a powerful and generous people, worthy

to be a central pivot of American institutions. A few short months only have passed since this spacious and mediterranean country was open only to the savage who ran wild in its woods and prairies; and now it has already drawn to its bosom a population of freemen larger than Athens crowded within her historic gates, when her sons, under Miltiades, won liberty for man-kind on the field of Marathon; more than Sparta contained when she ruled Greece, and sent forth her devoted children, quickened by a mother's benediction, to return with their shields, or on them; more than Rome gathered on her seven hills, when, under her kings, she commenced that sovereign sway, which afterward embraced the whole earth; more than London held, when, on the fields of Crecy and Agincourt, the English banner was carried victoriously over the chivalrous hosts of France.

Against this Territory, thus fortunate in position and population, a crime has been committed, which is without example in the records of the past. Not in plundered provinces or in the cruelties of selfish governors will you find its parallel; and yet there is an ancient instance, which may show at least the path of justice. In the terrible impeachment by which the great Roman orator has blasted through all time the name of Verres, amidst charges of robbery and sacrilege, the enormity which most aroused the indignant voice of his accuser, and which still stands forth with strongest distinctness, arresting the sympathetic indignation of all who read the story, is, that away in Sicily he had scourged a citizen of Rome—that the cry, "I am a Roman citizen," had been interposed in vain against the lash of the tyrant governor. Other charges were, that he had carried away productions of art, and that he had violated the sacred shrines. It was in the presence of the Roman Senate that this arraignment proceeded; in a temple of the Forum; amidst crowds—such as no orator had ever before drawn together—thronging the porticos and colonnades, even clinging to the house-tops and neighboring slopes—and under the anxious gaze of witnesses summoned from the scene of crime. But an audience grander far—of higher dignity—of more various people, and of wider intelligence—the countless multitude of succeeding generations, in every land, where eloquence has been studied, or where the Roman name has been recognized,—has listened to the accusation, and throbbed with condemnation of the criminal. Sir, speaking in an age of light, and a land of constitutional liberty, where the safeguards of elections are justly placed among the highest triumphs of civilization, I fearlessly assert that the wrongs of much-abused Sicily, thus memorable in history, were small by the side of the wrongs of Kansas, where the very shrines of popular institutions, more sacred than any heathen altar, have been desecrated; where the ballot-box, more precious than any work, in ivory or marble, from the cunning hand of art, has been plundered; and where the cry, "I am an American citizen," has been interposed in vain against outrage of every kind, even upon life itself. Are you against sacrilege? I present it for your execration. Are you against robbery? I hold it up to your scorn. Are you for the protection of American citizens? I show you how their dearest rights have been cloven down, while a Tyrannical Usurpation has sought to install itself on their very necks!

But the wickedness which I now begin to expose is immeasurably aggravated by the motive which prompted it. Not in any common lust for power did this uncommon tragedy have its origin. It is the rape of a virgin Territory, compelling it to the hateful embrace of Slavery; and it may be clearly traced to a depraved longing for a new slave State, the hideous off-spring of such a crime, in the hope of adding to the power of slavery in the National Government. Yes, sir, when the whole world, alike Christian and Turk, is rising up to condemn this wrong, and to make it a hissing to the nations, here in our Republic, force—ay, sir, FORCE—has been openly employed in compelling Kansas to this pollution, and all for the sake of political power. There is the simple fact, which you will in vain attempt to deny, but which in itself presents an essential wickedness that makes other public crimes seem like public virtues.

But this enormity, vast beyond comparison, swells to dimensions of wickedness which the imagination toils in vain to grasp, when it is understood that for this purpose are hazarded the horrors of intestine feud not only in this distant Territory, but everywhere throughout the country. Already the muster has begun. The strife is no longer local, but national. Even now, while I speak, portents hang on all the arches of the horizon threatening to darken the broad land, which already yawns with the mutterings of civil war. The fury of the propagandists of Slavery, and the calm determination of their opponents, are now diffused from the distant Territory over widespread communities, and the whole country, in all its extent—marshalling hostile divisions, and foreshadowing a strife which, unless happily averted by the triumph of Freedom, will become war—fratricidal, parricidal war—with an accumulated wickedness beyond the wickedness of any war in human annals; justly provoking the avenging judgment of Providence and the avenging pen of history, and constituting a strife, in the language of the ancient writer, more than foreign, more than social, more than civil; but something compounded of all these strifes, and in itself more than war; *sal potius commune quoddam ex omnibus, et plus quam bellum.*

Such is the crime which you are to judge. But the criminal also must be dragged into day, that you may see and measure the power by which all this wrong is sustained. From no common source could it proceed. In its perpetration was needed a spirit of vaulting ambition which would hesitate at nothing; a hardihood of purpose which was insensible to the judgment of mankind; a madness for Slavery which would disregard the Constitution, the laws, and all the great examples of our history; also a consciousness of power such as comes from the habit of power; a combination of energies found only in a hundred arms directed by a hundred eyes; a control of public opinion through venal pens and a prostituted press; an ability to subsidize crowds in every vocation of life—the politician with his local importance, the lawyer with his subtle tongue, and even the authority of the judge on the bench; and a familiar use of men in places high and low, so that none, from the President to the lowest border postmaster, should decline to be its tool; all these things and more were needed, and they were found in the slave power of our Republic. There, sir, stands the criminal, all unmasked before you—heartless, grasping, and tyrannical—with an audacity beyond that of Verres, a subtlety beyond that of Machiavel, a meanness beyond that of Bacon, and an ability beyond that of Hastings. Justice to Kansas can be secured only by the prostration of this influence; for this the power behind—greater than any President—which succors and sustains the crime. Nay, the proceedings I now arraign derive their fearful consequences only from this connection.

In now opening this great matter, I am not insensible to the austere demands of the occasion; but the dependence of the crime against Kansas upon the slave power is so peculiar and important, that I trust to be pardoned while I impress it with an illustration, which to some may seem trivial. It is related in Northern



mythology that the god of Force, visiting an enchanted region, was challenged by his royal entertainer to what seemed an humble feat of strength—merely, sir, to lift a cat from the ground. The god smiled at the challenge, and, calmly placing his hand under the belly of the animal, with superhuman strength strove, while the back of the feline monster arched far up-ward, even beyond reach, and one paw actually forsook the earth, until at last the discomfited divinity desisted; but he was little surprised at his defeat when he learned that this creature, which seemed to be a cat, and nothing more, was not merely a cat, but that it belonged to and was a part of the great Terrestrial Serpent, which, in its innumerable folds, encircled the whole globe. Even so the creature, whose paws are now fastened upon Kansas, whatever it may seem to be, constitutes in reality a part of the slave power, which, in its loathsome folds, is now coiled about the whole land. Thus do I expose the extent of the present contest, where we encounter not merely local resistance, but also the unconquered sustaining arm behind. But out of the vastness of the crime attempted, with all its woe and shame, I derive a well-founded assurance of a commensurate vastness of effort against it by the aroused masses of the country, determined not only to vindicate Right against Wrong, but to redeem the Republic from the thralldom of that Oligarchy which prompts, directs, and concentrates the distant wrong.

Such is the crime, and such the criminal, which it is my duty in this debate to expose, and, by the blessing of God, this duty shall be done completely to the end. \* \* \*

But, before entering upon the argument, I must say something of a general character, particularly in response to what has fallen from Senators who have raised themselves to eminence on this floor in championship of human wrongs. I mean the Senator from South Carolina (Mr. Butler), and the Senator from Illinois (Mr. Douglas), who, though unlike as Don Quixote and Sancho Panza, yet, like this couple, sally forth together in the same adventure. I regret much to miss the elder Senator from his seat; but the cause, against which he has run a tilt, with such activity of animosity, demands that the opportunity of exposing him should not be lost; and it is for the cause that I speak. The Senator from South Carolina has read many books of chivalry, and believes himself a chivalrous knight, with sentiments of honor and courage. Of course he has chosen a mistress to whom he has made his vows, and who, though ugly to others, is always lovely to him; though polluted in the sight of the world, is chaste in his sight—I mean the harlot, Slavery. For her, his tongue is always profuse in words. Let her be impeached in character, or any proposition made to shut her out from the extension of her wantonness, and no extravagance of manner or hardihood of assertion is then too great for this Senator. The frenzy of Don Quixote, in behalf of his wench, Dulcinea del Toboso, is all surpassed. The asserted rights of Slavery, which shock equality of all kinds, are cloaked by a fantastic claim of equality. If the slave States cannot enjoy what, in mockery of the great fathers of the Republic, he misnames equality under the Constitution—in other words, the full power in the National Territories to compel fellow-men to unpaid toil, to separate husband and wife, and to sell little children at the auction block—then, sir, the chivalric Senator will conduct the State of South Carolina out of the Union! Heroic knight! Exalted Senator! A second Moses come for a second exodus!!

But not content with this poor menace, which we have been twice told was "measured," the Senator in the unrestrained chivalry of his nature, has undertaken to apply opprobrious words to those who differ from him on this floor. He calls them "sectional and fanatical;" and opposition to the usurpation in Kansas he denounces as "an uncalculating fanaticism." To be sure these charges lack all grace of originality, and all sentiment of truth; but the adventurous Senator does not hesitate. He is the uncompromising, unblushing representative on this floor of a flagrant sectionalism, which now domineers over the Republic, and yet with a ludicrous ignorance of his own position—unable to see himself as others see him—or with an effrontery which even his white head ought not to protect from rebuke, he applies to those here who resist his sectionalism the very epithet which designates himself. The men who strive to bring back the Government to its original policy, when Freedom and not Slavery was sectional, he arraigns as sectional. This will not do. It involves too great a perversion of terms. I tell that Senator that it is to himself, and to the "organization" of which he is the "committed advocate," that this epithet belongs. I now fasten it upon them. For myself, I care little for names; but since the question has been raised here, I affirm that the Republican party of the Union is in no just sense sectional, but, more than any other party, national; and that it now goes forth to dislodge from the high places of the Government the tyrannical sectionalism of which the Senator from South Carolina is one of the maddest zealots. \* \* \*

As the Senator from South Carolina, is the Don Quixote, the Senator from Illinois (Mr. Douglas) is the Squire of Slavery, its very Sancho Panza, ready to do all its humiliating offices. This Senator, in his labored address, vindicating his labored report—piling one mass of elaborate error upon another mass—constrained himself, as you will remember, to unfamiliar decencies of speech. Of that address I have nothing to say at this moment, though before I sit down I shall show something of its fallacies. But I go back now to an earlier occasion, when, true to his native impulses, he threw into this discussion, "for a charm of powerful trouble," personalities most discreditably to this body. I will not stop to repel the imputations which he cast upon myself; but I mention them to remind you of the "sweltered venom sleeping got," which, with other poisoned ingredients, he cast into the caldron of this debate. Of other things I speak. Standing on this floor, the Senator issued his rescript, requiring submission to the Usurped Power of Kansas; and this was accompanied by a manner—all his own—such as befits the tyrannical threat. Very well. Let the Senator try. I tell him now that he cannot enforce any such submission. The Senator, with the slave power at his back, is strong; but he is not strong enough for this purpose. He is bold. He shrinks from nothing. Like Danton, he may cry, "l'audace! l'audace! toujours l'au-dace!" but even his audacity cannot compass this work. The Senator copies the British officer who, with boastful swagger, said that with the hilt of his sword he would cram the "stamps" down the throats of the American people, and he will meet a similar failure. He may convulse this country with a civil feud. Like the ancient madman, he may set fire to this Temple of Constitutional Liberty, grander than the Ephesian dome; but he cannot enforce obedience to that Tyrannical Usurpation.

The Senator dreams that he can subdue the North. He disclaims the open threat, but his conduct still implies it. How little that Senator knows himself or the strength of the cause which he persecutes! He is but a mortal man; against him is an immortal principle. With finite power he wrestles with the infinite, and he must fall. Against him are stronger battalions than any marshalled by mortal arm—the inborn, ineradicable, invincible sentiments of the human heart; against him is nature in all her subtle forces; against him is God.

Let him try to subdue these. \* \* \*

With regret, I come again upon the Senator from South Carolina (Mr. Butler), who, omnipresent in this debate, overflowed with rage at the simple suggestion that Kansas had applied for admission as a State; and, with incoherent phrases, discharged the loose exhortation of his speech, now upon her representative, and then upon her people. There was no extravagance of the ancient parliamentary debate, which he did not repeat; nor was there any possible deviation from truth which he did not make, with so much of passion, I am glad to add, as to save him from the suspicion of intentional aberration. But the Senator touches nothing which he does not disfigure—with error, sometimes of principle, sometimes of fact. He shows an incapacity of accuracy, whether in stating the Constitution, or in stating the law, whether in the details of statistics or the diversions of scholarship. He cannot open his mouth, but out there flies a blunder. Surely he ought to be familiar with the life of Franklin; and yet he referred to this household character, while acting as agent of our fathers in England, as above suspicion; and this was done that he might give point to a false contrast with the agent of Kansas—not knowing that, however they may differ in genius and fame, in this experience they are alike: that Franklin, when entrusted with the petition of Massachusetts Bay, was assaulted by a foul-mouthed speaker, where he could not be heard in defence, and denounced as a "thief," even as the agent of Kansas has been assaulted on this floor, and denounced as a "forger." And let not the vanity of the Senator be inspired by the parallel with the British statesman of that day; for it is only in hostility to Freedom that any parallel can be recognized.

But it is against the people of Kansas that the sensibilities of the Senator are particularly aroused. Coming, as he announces, "from a State"—ay, sir, from South Carolina—he turns with lordly disgust from this newly-formed community, which he will not recognize even as a "body politic." Pray, sir, by what title does he indulge in this egotism? Has he read the history of "the State" which he represents? He cannot surely have forgotten its shameful imbecility from Slavery, confessed throughout the Revolution, followed by its more shameful assumptions for Slavery since. He cannot have forgotten its wretched persistence in the slave-trade as the very apple of its eye, and the condition of its participation in the Union. He cannot have forgotten its constitution, which is Republican only in name, confirming power in the hands of the few, and founding the qualifications of its legislators on "a settled freehold estate and ten negroes." And yet the Senator, to whom that "State" has in part committed the guardianship of its good name, instead of moving, with backward treading steps, to cover its nakedness, rushes forward in the very ecstasy of madness, to expose it by provoking a comparison with Kansas. South Carolina is old; Kansas is young. South Carolina counts by centuries; where Kansas counts by years. But a beneficent example may be born in a day; and I venture to say, that against the two centuries of the older "State," may be already set the two years of trial, evolving corresponding virtue, in the younger community. In the one, is the long wail of Slavery; in the other, the hymns of Freedom. And if we glance at special achievements, it will be difficult to find any thing in the history of South Carolina which presents so much of heroic spirit in an heroic cause as appears in that repulse of the Missouri invaders by the beleaguered town of Lawrence, where even the women gave their effective efforts to Freedom. The matrons of Rome, who poured their jewels into the treasury for the public defence—the wives of Prussia, who, with delicate fingers, clothed their defenders against French invasion—the mothers of our own Revolution, who sent forth their sons, covered with prayers and blessings, to combat for human rights, did nothing of self-sacrifice truer than did these women on this occasion. Were the whole history of South Carolina blotted out of existence, from its very beginning down to the day of the last election of the Senator to his present seat on this floor, civilization might lose—I do not say how little; but surely less than it has already gained by the example of Kansas, in its valiant struggle against oppression, and in the development of a new science of emigration. Already, in Lawrence alone, there are newspapers and schools, including a High School, and throughout this infant Territory there is more mature scholarship far, in proportion to its inhabitants, than in all South Carolina. Ah, sir, I tell the Senator that Kansas, welcomed as a free State, will be a "ministering angel" to the Republic, when South Carolina, in the cloak of darkness which she hugs, "lies howling."

The Senator from Illinois (Mr. Douglas) naturally joins the Senator from South Carolina in this warfare, and gives to it the superior intensity of his nature. He thinks that the National Government has not completely proved its power, as it has never hanged a traitor; but, if the occasion requires, he hopes there will be no hesitation; and this threat is directed at Kansas, and even at the friends of Kansas throughout the country. Again occurs the parallel with the struggle of our fathers, and I borrow the language of Patrick Henry, when, to the cry from the Senator, of "treason," "treason," I reply, "if this be treason, make the most of it." Sir, it is easy to call names; but I beg to tell the Senator that if the word "traitor" is in any way applicable to those who refuse submission to a Tyrannical Usurpation, whether in Kansas or elsewhere, then must some new word, of deeper color, be invented, to designate those mad spirits who could endanger and degrade the Republic, while they betray all the cherished sentiments of the fathers and the spirit of the Constitution, in order to give new spread to Slavery. Let the Senator proceed. It will not be the first time in history, that a scaffold erected for punishment has become a pedestal of honor. Out of death comes life, and the "traitor" whom he blindly executes will live immortal in the cause.

*"For Humanity sweeps onward; where to-day the martyr stands,  
On the morrow crouches Judas, with the silver in his hands;  
While the hooting mob of yesterday in silent awe return,  
To glean up the scattered ashes into History's golden urn."*

Among these hostile Senators, there is yet another, with all the prejudices of the Senator from South Carolina, but without his generous impulses, who, on account of his character before the country, and the rancor of his opposition, deserves to be named. I mean the Senator from Virginia (Mr. Mason), who, as the author of the Fugitive-Slave bill, has associated himself with a special act of inhumanity and tyranny. Of him I shall say little, for he has said little in this debate, though within that little was compressed the bitterness of a life absorbed in the support of Slavery. He holds the commission of Virginia; but he does not represent that early Virginia, so dear to our hearts, which gave to us the pen of Jefferson, by which the equality of men was declared, and the sword of Washington, by which Independence was secured; but he represents that other Virginia, from which Washington and Jefferson now avert their faces, where human beings are bred as cattle

for the shambles, and where a dungeon rewards the pious matron who teaches little children to relieve their bondage by reading the Book of Life. It is proper that such a Senator, representing such a State, should rail against free Kansas.

Senators such as these are the natural enemies of Kansas, and I introduce them with reluctance, simply that the country may understand the character of the hostility which must be overcome. Arrayed with them, of course, are all who unite, under any pretext or apology, in the propagandism of human Slavery. To such, indeed, the time-honored safeguards of popular rights can be a name only, and nothing more. What are trial by jury, habeas corpus, the ballot-box, the right of petition, the liberty of Kansas, your liberty, sir, or mine, to one who lends himself, not merely to the support at home, but to the propagandism abroad, of that preposterous wrong, which denies even the right of a man to himself! Such a cause can be maintained only by a practical subversion of all rights. It is, therefore, merely according to reason that its partisans should uphold the Usurpation in Kansas.

To overthrow this Usurpation is now the special, importunate duty of Congress, admitting of no hesitation or postponement. To this end it must lift itself from the cabals of candidates, the machinations of party, and the low level of vulgar strife. It must turn from that Slave Oligarchy which now controls the Republic, and refuse to be its tool. Let its power be stretched forth toward this distant Territory, not to bind, but to unbind; not for the oppression of the weak, but for the subversion of the tyrannical; not for the prop and maintenance of a revolting Usurpation, but for the confirmation of Liberty.

*"These are imperial arts and worthy thee!"*

Let it now take its stand between the living and dead, and cause this plague to be stayed. All this it can do; and if the interests of Slavery did not oppose, all this it would do at once, in reverent regard for justice, law, and order, driving away all the alarms of war; nor would it dare to brave the shame and punishment of this great refusal. But the slave power dares anything; and it can be conquered only by the united masses of the people. From Congress to the People I appeal. \* \* \*

The contest, which, beginning in Kansas, has reached us, will soon be transferred from Congress to a broader stage, where every citizen will be not only spectator, but actor; and to their judgment I confidently appeal. To the People, now on the eve of exercising the electoral franchise, in choosing a Chief Magistrate of the Republic, I appeal, to vindicate the electoral franchise in Kansas. Let the ballot-box of the Union, with multitudinous might, protect the ballot-box in that Territory. Let the voters everywhere, while rejoicing in their own rights, help to guard the equal rights of distant fellow-citizens; that the shrines of popular institutions, now desecrated, may be sanctified anew; that the ballot-box, now plundered, may be restored; and that the cry, "I am an American citizen," may not be sent forth in vain against outrage of every kind. In just regard for free labor in that Territory, which it is sought to blast by unwelcome association with slave labor; in Christian sympathy with the slave, whom it is proposed to task and sell there; in stern condemnation of the crime which has been consummated on that beautiful soil; in rescue of fellow-citizens now subjugated to a Tyrannical Usurpation; in dutiful respect for the early fathers, whose aspirations are now ignobly thwarted; in the name of the Constitution, which has been outraged—of the laws trampled down—of Justice banished—of Humanity degraded—of Peace destroyed—of Freedom crushed to earth; and, in the name of the Heavenly Father, whose service is perfect Freedom, I make this last appeal.

May 20, 1856.

MR. DOUGLAS:—I shall not detain the Senate by a detailed reply to the speech of the Senator from Massachusetts. Indeed, I should not deem it necessary to say one word, but for the personalities in which he has indulged, evincing a depth of malignity that issued from every sentence, making it a matter of self-respect with me to repel the assaults which have been made.

As to the argument, we have heard it all before. Not a position, not a fact, not an argument has he used, which has not been employed on the same side of the chamber, and replied to by me twice. I shall not follow him, therefore, because it would only be repeating the same answer which I have twice before given to each of his positions. He seems to get up a speech as in Yankee land they get up a bedquilt. They take all the old calico dresses of various colors, that have been in the house from the days of their grandmothers, and invite the young ladies of the neighborhood in the afternoon, and the young men to meet them at a dance in the evening. They cut up these pieces of old dresses and make pretty figures, and boast of what beautiful ornamental work they have made, although there was not a new piece of material in the whole quilt. Thus it is with the speech which we have had re-hashed here to-day, in regard to matters of fact, matters of law, and matters of argument—every thing but the personal assaults and the malignity. \* \* \*

His endeavor seems to be an attempt to whistle to keep up his courage by defiant assaults upon us all. I am in doubt as to what can be his object. He has not hesitated to charge three fourths of the Senate with fraud, with swindling, with crime, with infamy, at least one hundred times over in his speech. Is it his object to provoke some of us to kick him as we would a dog in the street, that he may get sympathy upon the just chastisement? What is the object of this denunciation against the body of which we are members? A hundred times he has called the Nebraska bill a "swindle," an act of crime, an act of infamy, and each time went on to illustrate the complicity of each man who voted for it in perpetrating the crime. He has brought it home as a personal charge to those who passed the Nebraska bill, that they were guilty of a crime which deserved the just indignation of heaven, and should make them infamous among men.

Who are the Senators thus arraigned? He does me the honor to make me the chief. It was my good luck to have such a position in this body as to enable me to be the author of a great, wise measure, which the Senate has approved, and the country will endorse. That measure was sustained by about three fourths of all the members of the Senate. It was sustained by a majority of the Democrats and a majority of the Whigs in this body. It was sustained by a majority of Senators from the slave-holding States, and a majority of Senators from the free States. The Senator, by his charge of crime, then, stultifies three fourths of the whole body, a majority of the North, nearly the whole South, a majority of Whigs, and a majority of Democrats here. He says they are infamous. If he so believed, who could suppose that he would ever show his face among such a body of men? How dare he approach one of those gentlemen to give him his hand after that act? If he felt the

courtesies between men he would not do it. He would deserve to have himself spit in the face for doing so. \* \*

The attack of the Senator from Massachusetts now is not on me alone. Even the courteous and the accomplished Senator from South Carolina (Mr. Butler) could not be passed by in his absence.

MR. MASON:—Advantage was taken of it.

MR. DOUGLAS:—It is suggested that advantage is taken of his absence. I think that this is a mistake. I think the speech was written and practised, and the gestures fixed; and, if that part had been stricken out the Senator would not have known how to repeat the speech. All that tirade of abuse must be brought down on the head of the venerable, the courteous, and the distinguished Senator from South Carolina. I shall not defend that gentleman here. Every Senator who knows him loves him. The Senator from Massachusetts may take every charge made against him in his speech, and may verify by his oath, and by the oath of every one of his confederates, and there is not an honest man in this chamber who will not repel it as a slander. Your oaths cannot make a Senator feel that it was not an outrage to assail that honorable gentleman in the terms in which he has been attacked. He, however, will be here in due time to speak for himself, and to act for himself too. I know what will happen. The Senator from Massachusetts will go to him, whisper a secret apology in his ear, and ask him to accept that as satisfaction for a public outrage on his character! I know the Senator from Massachusetts is in the habit of doing those things. I have had some experience of his skill in that respect. \* \*

Why these attacks on individuals by name, and two thirds of the Senate collectively? Is it the object to drive men here to dissolve social relations with political opponents? Is it to turn the Senate into a bear garden, where Senators cannot associate on terms which ought to prevail between gentlemen? These attacks are heaped upon me by man after man. When I repel them, it is intimated that I show some feeling on the subject. Sir, God grant that when I denounce an act of infamy I shall do it with feeling, and do it under the sudden impulses of feeling, instead of sitting up at night writing out my denunciation of a man whom I hate, copying it, having it printed, punctuating the proof-sheets, and repeating it before the glass, in order to give refinement to insult, which is only pardonable when it is the outburst of a just indignation.

Mr. President, I shall not occupy the time of the Senate. I dislike to be forced to repel these attacks upon myself, which seem to be repeated on every occasion. It appears that gentlemen on the other side of the chamber think they would not be doing justice to their cause if they did not make myself a personal object of bitter denunciation and malignity. I hope that the debate on this bill may be brought to a close at as early a day as possible. I shall do no more in these side discussions than vindicate myself and repel unjust attacks, but I shall ask the Senate to permit me to close the debate, when it shall close, in a calm, kind summary of the whole question, avoiding personalities.

MR. SUMNER: Mr. President, To the Senator from Illinois, I should willingly leave the privilege of the common scold—the last word; but I will not leave to him, in any discussion with me, the last argument, or the last semblance of it. He has crowned the audacity of this debate by venturing to rise here and calumniate me. He said that I came here, took an oath to support the Constitution, and yet determined not to support a particular clause in that Constitution. To that statement I give, to his face, the flattest denial. When it was made on a former occasion on this floor by the absent Senator from South Carolina (Mr. Butler), I then repelled it. I will read from the debate of the 28th of June, 1854, as published in the Globe, to show what I said in response to that calumny when pressed at that hour. Here is what I said to the Senator from South Carolina:

"This Senator was disturbed, when to his inquiry, personally, pointedly, and vehemently addressed to me, whether I would join in returning a fellow-man to slavery? I exclaimed, 'Is thy servant a dog, that he should do this thing?'"

You will observe that the inquiry of the Senator from South Carolina, was whether I would join in returning a fellow-man to slavery. It was not whether I would support any clause of the Constitution of the United States—far from that. \* \* \*

Sir, this is the Senate of the United States, an important body, under the Constitution, with great powers. Its members are justly supposed, from age, to be above the intemperance of youth, and from character to be above the gusts of vulgarity. They are supposed to have something of wisdom, and something of that candor which is the handmaid of wisdom. Let the Senator bear these things in mind, and let him remember hereafter that the bowie-knife and bludgeon are not the proper emblems of Senatorial debate. Let him remember that the swagger of Bob Acres and the ferocity of the Malay cannot add dignity to this body. The Senator has gone on to infuse into his speech the venom which has been sweltering for months—ay, for years; and he has alleged facts that are entirely without foundation, in order to heap upon me some personal obloquy. I will not go into the details which have flowed out so naturally from his tongue. I only brand them to his face as false. I say, also, to that Senator, and I wish him to bear it in mind, that no person with the upright form of man can be allowed—(Hesitation.)

MR. DOUGLAS:—Say it.

MR. SUMNER:—I will say it—no person with the upright form of man can be allowed, without violation to all decency, to switch out from his tongue the perpetual stench of offensive personality. Sir, that is not a proper weapon of debate, at least, on this floor. The noisome, squat, and nameless animal, to which I now refer, is not a proper model for an American Senator. Will the Senator from Illinois take notice?

MR. DOUGLAS:—I will; and therefore will not imitate you, sir.

MR. SUMNER:—I did not hear the Senator.

MR. DOUGLAS:—I said if that be the case I would certainly never imitate you in that capacity, recognizing the force of the illustration.

MR. SUMNER:—Mr. President, again the Senator has switched his tongue, and again he fills the Senate with its offensive odor. \* \* \*

MR. DOUGLAS:—I am not going to pursue this subject further. I will only say that a man who has been

branded by me in the Senate, and convicted by the Senate of falsehood, cannot use language requiring a reply, and therefore I have nothing more to say.

## **PRESTON S. BROOKS,**

### **OF SOUTH CAROLINA. (BORN 1819, DIED 1857.)**

ON THE SUMNER ASSAULT; HOUSE OF REPRESENTATIVES, JULY 14, 1856. MR. SPEAKER:

Some time since a Senator from Massachusetts allowed himself, in an elaborately prepared speech, to offer a gross insult to my State, and to a venerable friend, who is my State representative, and who was absent at the time.

Not content with that, he published to the world, and circulated extensively, this uncalled-for libel on my State and my blood. Whatever insults my State insults me. Her history and character have commanded my pious veneration; and in her defence I hope I shall always be prepared, humbly and modestly, to perform the duty of a son. I should have forfeited my own self-respect, and perhaps the good opinion of my countrymen, if I had failed to resent such an injury by calling the offender in question to a personal account. It was a personal affair, and in taking redress into my own hands I meant no disrespect to the Senate of the United States or to this House. Nor, sir, did I design insult or disrespect to the State of Massachusetts. I was aware of the personal responsibilities I incurred, and was willing to meet them. I knew, too, that I was amenable to the laws of the country, which afford the same protection to all, whether they be members of Congress or private citizens. I did not, and do not now believe, that I could be properly punished, not only in a court of law, but here also, at the pleasure and discretion of the House. I did not then, and do not now, believe that the spirit of American freemen would tolerate slander in high places, and permit a member of Congress to publish and circulate a libel on another, and then call upon either House to protect him against the personal responsibilities which he had thus incurred.

But if I had committed a breach of privilege, it was the privilege of the Senate, and not of this House, which was violated. I was answerable there, and not here. They had no right, as it seems to me, to prosecute me in these Halls, nor have you the right in law or under the Constitution, as I respectfully submit, to take jurisdiction over offences committed against them. The Constitution does not justify them in making such a request, nor this House in granting it. If, unhappily, the day should ever come when sectional or party feeling should run so high as to control all other considerations of public duty or justice, how easy it will be to use such precedents for the excuse of arbitrary power, in either House, to expel members of the minority who may have rendered themselves obnoxious to the prevailing spirit in the House to which they belong.

Matters may go smoothly enough when one House asks the other to punish a member who is offensive to a majority of its own body; but how will it be when, upon a pretence of insulted dignity, demands are made of this House to expel a member who happens to run counter to its party predilections, or other demands which it may not be so agreeable to grant? It could never have been designed by the Constitution of the United States to expose the two Houses to such temptations to collision, or to extend so far the discretionary power which was given to either House to punish its own members for the violation of its rules and orders. Discretion has been said to be the law of the tyrant, and when exercised under the color of the law, and under the influence of party dictation, it may and will become a terrible and insufferable despotism.

This House, however, it would seem, from the unmistakable tendency of its proceedings, takes a different view from that which I deliberately entertain in common with many others.

So far as public interests or constitutional rights are involved, I have now exhausted my means of defence. I may, then, be allowed to take a more personal view of the question at issue. The further prosecution of this subject, in the shape it has now assumed, may not only involve my friends, but the House itself, in agitations which might be unhappy in their consequences to the country. If these consequences could be confined to myself individually, I think I am prepared and ready to meet them, here or elsewhere; and when I use this language I mean what I say. But others must not suffer for me. I have felt more on account of my two friends who have been implicated, than for myself, for they have proven that "there is a friend that sticketh closer than a brother." I will not constrain gentlemen to assume a responsibility on my account, which possibly they would not run on their own.

Sir, I cannot, on any own account, assume the responsibility, in the face of the American people, of commencing a line of conduct which in my heart of hearts I believe would result in subverting the foundations of this Government, and in drenching this Hall in blood. No act of mine, on my personal account, shall inaugurate revolution; but when you, Mr. Speaker, return to your own home, and hear the people of the great North—and they are a great people—speak of me as a bad man, you will do me the justice to say that a blow struck by me at this time would be followed by revolution—and this I know. (Applause and hisses in the gallery.)

Mr. Brooks (resuming):—If I desired to kill the Senator, why did not I do it? You all admit that I had him in my power. Let me tell the member from New Jersey that it was expressly to avoid taking life that I used an ordinary cane, presented to me by a friend in Baltimore, nearly three months before its application to the "bare head" of the Massachusetts Senator. I went to work very deliberately, as I am charged—and this is admitted,—and speculated somewhat as to whether I should employ a horsewhip or a cowhide; but knowing that the Senator was my superior in strength, it occurred to me that he might wrest it from my hand, and then—for I never attempt anything I do not perform—I might have been compelled to do that which I would have regretted the balance of my natural life.

The question has been asked in certain newspapers, why I did not invite the Senator to personal combat in

the mode usually adopted. Well, sir, as I desire the whole truth to be known about the matter, I will for once notice a newspaper article on the floor of the House, and answer here.

My answer is, that the Senator would not accept a message; and having formed the unalterable determination to punish him, I believed that the offence of "sending a hostile message," superadded to the indictment for assault and battery, would subject me to legal penalties more severe than would be imposed for a simple assault and battery. That is my answer.

Now, Mr. Speaker, I have nearly finished what I intended to say. If my opponents, who have pursued me with unparalleled bitterness, are satisfied with the present condition of this affair, I am. I return my thanks to my friends, and especially to those who are from nonslave-owning States, who have magnanimously sustained me, and felt that it was a higher honor to themselves to be just in their judgment of a gentleman than to be a member of Congress for life. In taking my leave, I feel that it is proper that I should say that I believe that some of the votes that have been cast against me have been extorted by an outside pressure at home, and that their votes do not express the feelings or opinions of the members who gave them.

To such of these as have given their votes and made their speeches on the constitutional principles involved, and without indulging in personal vilification, I owe my respect. But, sir, they have written me down upon the history of the country as worthy of expulsion, and in no unkindness I must tell them that for all future time my self-respect requires that I shall pass them as strangers.

And now, Mr. Speaker, I announce to you and to this House, that I am no longer a member of the Thirty-Fourth Congress.

(Mr. Brooks then walked out of the House of Representatives.)

## **JUDAH P. BENJAMIN,**

**OF LOUISIANA. (BORN 1811, DIED 1864.)**

ON THE PROPERTY DOCTRINE, OR THE RIGHT OF PROPERTY IN SLAVES; SENATE OF THE UNITED STATES, MARCH 11, 1858.

MR. PRESIDENT, the whole subject of slavery, so far as it is involved in the issue now before the country, is narrowed down at last to a controversy on the solitary point, whether it be competent for the Congress of the United States, directly or indirectly, to exclude slavery from the Territories of the Union. The Supreme Court of the United States have given a negative answer to this proposition, and it shall be my first effort to support that negation by argument, independently of the authority of the decision.

It seems to me that the radical, fundamental error which underlies the argument in affirmation of this power, is the assumption that slavery is the creature of the statute law of the several States where it is established; that it has no existence outside of the limits of those States; that slaves are not property beyond those limits; and that property in slaves is neither recognized nor protected by the Constitution of the United States, nor by international law. I controvert all these propositions, and shall proceed at once to my argument.

Mr. President, the thirteen colonies, which on the 4th of July, 1776, asserted their independence, were British colonies, governed by British laws. Our ancestors in their emigration to this country brought with them the common law of England as their birthright. They adopted its principles for their government so far as it was not incompatible with the peculiarities of their situation in a rude and unsettled country. Great Britain then having the sovereignty over the colonies, possessed undoubted power to regulate their institutions, to control their commerce, and to give laws to their intercourse, both with the mother and the other nations of the earth. If I can show, as I hope to be able to establish to the satisfaction of the Senate, that the nation thus exercising sovereign power over these thirteen colonies did establish slavery in them, did maintain and protect the institution, did originate and carry on the slave trade, did support and foster that trade, that it forbade the colonies permission either to emancipate or export their slaves, that it prohibited them from inaugurating any legislation in diminution or discouragement of the institution—nay, sir, more, if, at the date of our Revolution I can show that African slavery existed in England as it did on this continent, if I can show that slaves were sold upon the slave mart, in the Exchange and other public places of resort in the city of London as they were on this continent, then I shall not hazard too much in the assertion that slavery was the common law of the thirteen States of the Confederacy at the time they burst the bonds that united them to the mother country.

This legislation, Mr. President, as I have said before, emanating from the mother country, fixed the institution upon the colonies. They could not resist it. All their right was limited to petition, to remonstrance, and to attempts at legislation at home to diminish the evil. Every such attempt was sternly repressed by the British Crown. In 1760, South Carolina passed an act prohibiting the further importation of African slaves. The act was rejected by the Crown; the Governor was reprimanded; and a circular was sent to all the Governors of all the colonies, warning them against presuming to countenance such legislation. In 1765, a similar bill was twice read in the Assembly of Jamaica. The news reached Great Britain before its final passage. Instructions were sent out to the royal Governor; he called the House of Assembly before him, communicated his instructions, and forbade any further progress of the bill. In 1774, in spite of this discountenancing action of the mother Government, two bills passed the Legislative Assembly of Jamaica; and the Earl of Dartmouth, then Secretary of State, wrote to Sir Basil Keith, the Governor of the colony, that "these measures had created alarm to the merchants of Great Britain engaged in that branch of commerce;" and forbidding him, "on pain of removal from his Government, to assent to such laws."

Finally, in 1775—mark the date—1775—after the revolutionary struggle had commenced, whilst the Continental Congress was in session, after armies had been levied, after Crown Point and Ticonderoga had been taken possession of by the insurgent colonists, and after the first blood shed in the Revolution had reddened the spring sod upon the green at Lexington, this same Earl of Dartmouth, in remonstrance from the agent of the colonies, replied:

"We cannot allow the colonies to check or discourage in any degree a traffic so beneficial to the nation."

I say, then, that down to the very moment when our independence was won, slavery, by the statute law of England, was the common law of the old thirteen colonies. But, sir, my task does not end here. I desire to show you that by her jurisprudence, that by the decisions of her judges, and the answers of her lawyers to questions from the Crown and from public bodies, this same institution was declared to be recognized by the common law of England; and slaves were declared to be, in their language, merchandise, chattels, just as much private property as any other merchandise or any other chattel.

A short time prior to the year 1713, a contract had been formed between Spain and a certain company, called the Royal Guinea Company, that had been established in France. This contract was technically called in those days an *assiento*. By the treaty of Utrecht of the 11th of April, 1713, Great Britain, through her diplomatists, obtained a transfer of that contract. She yielded considerations for it. The obtaining of that contract was greeted in England with shouts of joy. It was considered a triumph of diplomacy. It was followed in the month of May, 1713, by a new contract in form, by which the British Government undertook, for the term of thirty years then next to come, to transport annually 4800 slaves to the Spanish American colonies, at a fixed price. Almost immediately after this new contract, a question arose in the English Council as to what was the true legal character of the slaves thus to be exported to the Spanish American colonies; and, according to the forms of the British constitution, the question was submitted by the Crown in council to the twelve judges of England. I have their answer here; it is in these words:

"In pursuance of His Majesty's order in council, hereunto annexed, we do humbly certify our opinion to be that negroes are merchandise."

Signed by Lord Chief-Justice Holt, Judge Pollexfen, and eight other judges of England.

Mr. Mason. What is the date of that?

Mr. Benjamin. It was immediately after the treaty of Utrecht, in 1713. Very soon afterwards the nascent spirit of fanaticism began to obtain a foothold in England; and although large numbers of negro slaves were owned in Great Britain, and, as I said before, were daily sold on the public exchange in London, questions arose as to the right of the owners to retain property in their slaves; and the merchants of London, alarmed, submitted the question to Sir Philip Yorke, who afterwards became Lord Hardwicke, and to Lord Talbot, who were then the solicitor and attorney-general of the kingdom. The question was propounded to them, "What are the rights of a British owner of a slave in England?" and this is the answer of those two legal functionaries. They certified that "a slave coming from the West Indies to England with or without his master, doth not become free; and his master's property in him is not thereby determined nor varied, and the master may legally compel him to return to the plantations."

And, in 1749, the same question again came up before Sir Philip Yorke, then Lord Chancellor of England, under the title of Lord Hardwicke, and, by a decree in chancery in the case before him, he affirmed the doctrine which he had uttered when he was attorney-general of Great Britain.

Things thus stood in England until the year 1771, when the spirit of fanaticism, to which I have adverted, acquiring strength, finally operated upon Lord Mansfield, who, by a judgment rendered in a case known as the celebrated *Sommersett* case, subverted the common law of England by judicial legislation, as I shall prove in an instant. I say it not on my own authority. I would not be so presumptuous. The Senator from Maine (Mr. Fessenden) need not smile at my statement. I will give him higher authority than anything I can dare assert. I say that in 1771 Lord Mansfield subverted the common law of England in the *Sommersett* case, and decided, not that a slave carried to England from the West Indies by his master thereby became free, but that by the law of England, if the slave resisted the master, there was no remedy by which the master could exercise his control; that the colonial legislation which afforded the master means of controlling his property had no authority in England, and that England by her laws had provided no substitute for that authority. That was what Lord Mansfield decided. I say this was judicial legislation. I say it subverted the entire previous jurisprudence of Great Britain. I have just adverted to the authorities for that position. Lord Mansfield felt it. The case was argued before him over and over again, and he begged the parties to compromise. They said they would not. "Why," said he, "I have known six of these cases already, and in five out of the six there was a compromise; you had better compromise this matter"; but the parties said no, they would stand on the law; and then, after holding the case up two terms, Lord Mansfield mustered up courage to say just what I have asserted to be his decision; that there was no law in England affording the master control over his slave; and that therefore the master's putting him on board of a vessel in irons, being unsupported by authority derived from English law, and the colonial law not being in force in England, he would discharge the slave from custody on *habeas corpus*, and leave the master to his remedy as best he could find one.

Mr. Fessenden. Decided so unwillingly.

Mr. Benjamin. The gentleman is right—very unwillingly. He was driven to the decision by the paramount power which is now perverting the principles, and obscuring the judgment of the people of the North; and of which I must say there is no more striking example to be found than its effect on the clear and logical intellect of my friend from Maine.

Mr. President, I make these charges in relation to that judgment, because in them I am supported by an intellect greater than Mansfield's; by a judge of resplendent genius and consummate learning; one who, in all questions of international law, on all subjects not dependent upon the peculiar municipal technical common law of England, has won for himself the proudest name in the annals of her jurisprudence—the gentleman knows well that I refer to Lord Stowell. As late as 1827, twenty years after Great Britain had abolished the slave trade, six years before she was brought to the point of confiscating the property of her colonies which she had forced them to buy, a case was brought before that celebrated judge; a case known to all lawyers by

the name of the slave Grace. It was pretended in the argument that the slave Grace was free, because she had been carried to England, and it was said, under the authority of Lord Mansfield's decision in the *Sommersett* case, that, having once breathed English air, she was free; that the atmosphere of that favored kingdom was too pure to be breathed by a slave. Lord Stowell, in answering that legal argument, said that after painful and laborious research into historical records, he did not find anything touching the peculiar fitness of the English atmosphere for respiration during the ten centuries that slaves had lived in England.

After that decision had been rendered, Lord Stowell, who was at that time in correspondence with Judge Story, sent him a copy of it, and wrote to him upon the subject of his judgment. No man will doubt the anti-slavery feelings and proclivities of Judge Story. He was asked to take the decision into consideration and give his opinion about it. Here is his answer:

"I have read, with great attention, your judgment in the slave case. Upon the fullest consideration which I have been able to give the subject, I entirely concur in your views. If I had been called upon to pronounce a judgment in a like case, I should have certainly arrived at the same result."

That was the opinion of Judge Story in 1827; but, sir, whilst contending, as I here contend, as a proposition, based in history, maintained by legislation, supported by judicial authority of the greatest weight, that slavery, as an institution, was protected by the common law of these colonies at the date of the Declaration of Independence, I go further, though not necessary to my argument, and declare that it was the common law of North and South America alike.

Thus, Mr. President, I say that even if we admit for the moment that the common law of the nations which colonized this continent, the institution of slavery at the time of our independence, was dying away by the manumissions either gratuitous or for a price of those who held the people as slaves, yet, so far as the continent of America was concerned, North and South, there did not breathe a being who did not know that a negro, under the common law of the continent, was merchandise, was property, was a slave, and that he could only extricate himself from that status, stamped upon him by the common law of the country, by positive proof of manumission. No man was bound to show title to his negro slave. The slave was bound to show manumission under which he had acquired his freedom, by the common law of every colony. Why, sir, can any man doubt, is there a gentleman here, even the Senator from Maine, who doubts that if, after the Revolution, the different States of this Union had not passed laws upon the subject to abolish slavery, to subvert this common law of the continent, every one of these States would be slave States yet? How came they free States? Did not they have this institution of slavery imprinted upon them by the power of the mother country? How did they get rid of it? All, all must admit that they had to pass positive acts of legislation to accomplish this purpose. Without that legislation they would still be slave States. What, then, becomes of the pretext that slavery only exists in those States where it was established by positive legislation, that it has no inherent vitality out of those States, and that slaves are not considered as property by the Constitution of the United States?

When the delegates of the several colonies which had thus asserted their independence of the British Crown met in convention, the decision of Lord Mansfield in the *Sommersett* case was recent, was known to all. At the same time, a number of the northern colonies had taken incipient steps for the emancipation of their slaves. Here permit me to say, sir, that, with a prudent regard to what the Senator from Maine (Mr. Hamlin) yesterday called the "sensitive pocket-nerve," they all made these provisions prospective. Slavery was to be abolished after a certain future time—just enough time to give their citizens convenient opportunity for selling the slaves to southern planters, putting the money in their pockets, and then sending to us here, on this floor, representatives who flaunt in robes of sanctimonious holiness; who make parade of a cheap philanthropy, exercised at our expense; and who say to all men: "Look ye now, how holy, how pure we are; you are polluted by the touch of slavery; we are free from it."

Now, sir, because the Supreme Court of the United States says—what is patent to every man who reads the Constitution of the United States—that it does guaranty property in slaves, it has been attacked with vituperation here, on this floor, by Senators on all sides. Some have abstained from any indecent, insulting remarks in relation to the Court. Some have confined themselves to calm and legitimate argument. To them I am about to reply. To the others, I shall have something to say a little later. What says the Senator from Maine (Mr. Fessenden)? He says:

"Had the result of that election been otherwise, and had not the (Democratic) party triumphed on the dogma which they had thus introduced, we should never have heard of a doctrine so utterly at variance with all truth; so utterly destitute of all legal logic; so founded on error, and unsupported by anything like argument, as is the opinion of the Supreme Court."

He says, further:

"I should like, if I had time, to attempt to demonstrate the fallacy of that opinion. I have examined the view of the Supreme Court of the United States on the question of the power of the Constitution to carry slavery into free territory belonging to the United States, and I tell you that I believe any tolerably respectable lawyer in the United States can show, beyond all question, to any fair and unprejudiced mind, that the decision has nothing to stand upon except assumption, and bad logic from the assumptions made. The main proposition on which that decision is founded, the corner-stone of it, without which it is nothing, without which it fails entirely to satisfy the mind of any man, is this: that the Constitution of the United States recognizes property in slaves, and protects it as such. I deny it. It neither recognizes slaves as property, nor does it protect slaves as property."

The Senator here, you see, says that the whole decision is based on that assumption, which is false. He says that the Constitution does not recognize slaves as property, nor protect them as property, and his reasoning, a little further on, is somewhat curious. He says:

"On what do they found the assertion that the Constitution recognizes slavery as property? On the provision of the Constitution by which Congress is prohibited from passing a law to prevent the African slave trade for



twenty years; and therefore they say the Constitution recognizes slaves as property."

I should think that was a pretty fair recognition of it. On this point the gentleman declares:

"Will not anybody see that this constitutional provision, if it works one way, must work the other? If, by allowing the slave trade for twenty years, we recognize slaves as property, when we say that at the end of twenty years we will cease to allow it, or may cease to do so, is not that denying them to be property after that period elapses?"

That is the argument. Nothing but my respect for the logical intellect of the Senator from Maine could make me treat this argument as serious, and nothing but having heard it myself would make me believe that he ever uttered it. What, sir! The Constitution of our country says to the South, "you shall count as the basis of your representation five slaves as being three white men; you may be protected in the natural increase of your slaves; nay, more, as a matter of compromise you may increase their number if you choose, for twenty years, by importation; when these twenty years are out, you shall stop." The Supreme Court of the United States says, "well; is not this a recognition of slavery, of property in slaves?" "Oh, no," says the gentleman, "the rule must work both ways; there is a converse to the proposition." Now, sir, to an ordinary, uninstructed intellect, it would seem that the converse of the proposition was simply that at the end of twenty years you should not any longer increase your numbers by importation; but the gentleman says the converse of the proposition is that at the end of the twenty years, after you have, under the guarantee of the Constitution, been adding by importation to the previous number of your slaves, then all those that you had before, and all those that, under that Constitution, you have imported, cease to be recognized as property by the Constitution, and on this proposition he assails the Supreme Court of the United States—a proposition which he says will occur to anybody.

Mr. Fessenden. Will the Senator allow me?

Mr. Benjamin. I should be very glad to enter into this debate now, but I fear it is so late that I shall not be able to get through to-day.

Mr. Fessenden. I suppose it is of no consequence.

Mr. Benjamin. What says the Senator from Vermont (Mr. Collamer), who also went into this examination somewhat extensively. I read from his printed speech:

"I do not say that slaves are never property. I do not say that they are, or are not. Within the limits of a State which declares them to be property, they are property, because they are within the jurisdiction of that government which makes the declaration; but I should wish to speak of it in the light of a member of the United States Senate, and in the language of the United States Constitution. If this be property in the States, what is the nature and extent of it? I insist that the Supreme Court has often decided, and everybody has understood, that slavery is a local institution, existing by force of State law; and of course that law can give it no possible character beyond the limits of that State." I shall no doubt find the idea better expressed in the opinion of Judge Nelson, in this same Dred Scott decision. I prefer to read his language.

"Here is the law; and under it exists the law of slavery in the different States. By virtue of this very principle it cannot extend one inch beyond its own territorial limits. A State cannot regulate the relation of master and slave, of owner and property, the manner and title of descent, or anything else, one inch beyond its territory. Then you cannot, by virtue of the law of slavery, if it makes slaves property in a State, if you please, move that property out of the State. It ends whenever you pass from that State. You may pass into another State that has a like law; and if you do, you hold it by virtue of that law; but the moment you pass beyond the limits of the slaveholding States, all title to the property called property in slaves, there ends. Under such a law slaves cannot be carried as property into the Territories, or anywhere else beyond the States authorizing it. It is not property anywhere else. If the Constitution of the United States gives any other and further character than this to slave property, let us acknowledge it fairly and end all strife about it. If it does not, I ask in all candor, that men on the other side shall say so, and let this point be settled. What is the point we are to inquire into? It is this: does the Constitution of the United States make slaves property beyond the jurisdiction of the States authorizing slavery? If it only acknowledges them as property within that jurisdiction, it has not extended the property one inch beyond the State line; but if, as the Supreme Court seems to say, it does recognize and protect them as property further than State limits, and more than the State laws do, then, indeed, it becomes like other property. The Supreme Court rests this claim upon this clause of the Constitution: 'No person held to service or labor in one State, under the laws thereof, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.' Now the question is, does that guaranty it? Does that make it the same as other property? The very fact that this clause makes provision on the subject of persons bound to service, shows that the framers of the Constitution did not regard it as other property. It was a thing that needed some provision; other property did not. The insertion of such a provision shows that it was not regarded as other property. If a man's horse stray from Delaware into Pennsylvania, he can go and get it. Is there any provision in the Constitution for it? No. How came this to be there, if a slave is property? If it is the same as other property, why have any provision about it?"

It will undoubtedly have struck any person, in hearing this passage read from the speech of the Senator from Vermont, whom I regret not to see in his seat to-day, that the whole argument, ingeniously as it is put, rests upon this fallacy—if I may say so with due respect to him—that a man cannot have title in property wherever the law does not give him a remedy or process for the assertion of his title; or, in other words, his whole argument rests upon the old confusion of ideas which considers a man's right and his remedy to be one and the same thing. I have already shown to you, by the passages I have cited from the opinions of Lord Stowell and of Judge Story, how they regard this subject. They say that the slave who goes to England, or goes to Massachusetts, from a slave State, is still a slave, that he is still his master's property; but that his master has lost control over him, not by reason of the cessation of his property, but because those States grant no remedy to the master by which he can exercise his control.

There are numerous illustrations upon this point—illustrations furnished by the copyright laws, illustrations furnished by patent laws. Let us take a case, one that appeals to us all. There lives now a man in England who

from time to time sings to the enchanted ear of the civilized world strains of such melody that the charmed senses seem to abandon the grosser regions of earth, and to rise to purer and serener regions above. God has created that man a poet. His inspiration is his; his songs are his by right divine; they are his property so recognized by human law; yet here in these United States men steal Tennyson's works and sell his property for their profit; and this because, in spite of the violated conscience of the nation, we refuse to give him protection for his property. Examine your Constitution; are slaves the only species of property there recognized as requiring peculiar protection? Sir, the inventive genius of our brethren of the North is a source of vast wealth to them and vast benefit to the nation. I saw a short time ago in one of the New York journals, that the estimated value of a few of the patents now before us in this Capital for renewal, was \$40,000,000. I cannot believe that the entire capital, invested in inventions of this character in the United States can fall short of one hundred and fifty or two hundred million dollars. On what protection does this vast property rest? Just upon that same constitutional protection which gives a remedy to the slave owner when his property is, also found outside of the limits of the State in which he lives.

Without this protection, what would be the condition of the northern inventor? Why, sir, the Vermont inventor protected by his own law would come to Massachusetts, and there say to the pirate who had stolen his property, "Render me up my property or pay me value for its use." The Senator from Vermont would receive for answer, if he were the counsel of the Vermont inventor, "Sir, if you want protection for your property go to your own State; property is governed by the laws of the State within whose jurisdiction it is found; you have no property in your invention outside of the limits of your State; you cannot go an inch beyond it." Would not this be so? Does not every man see at once that the right of the inventor to his discovery, that the right of the poet to his inspiration, depends upon those principles of eternal justice which God has implanted in the heart of man, and that wherever he cannot exercise them it is because man, faithless to the trust that he has received from God, denies them the protection to which they are entitled?

Sir, follow out the illustration which the Senator from Vermont himself has given; take his very case of the Delaware owner of a horse riding him across the line into Pennsylvania. The Senator says: "Now, you see that slaves are not property like other property; if slaves were property like other property, why have you this special clause in your Constitution to protect a slave? You have no clause to protect the horse, because horses are recognized as property everywhere." Mr. President, the same fallacy lurks at the bottom of this argument, as of all the rest. Let Pennsylvania exercise her undoubted jurisdiction over persons and things within her own boundary; let her do as she has a perfect right to do—declare that hereafter, within the State of Pennsylvania, there shall be no property in horses, and that no man shall maintain a suit in her courts for the recovery of property in a horse; and where will your horse-owner be then? Just where the English poet is now; just where the slaveholder and the inventor would be if the Constitution, foreseeing a difference of opinion in relation to rights in these subject-matters, had not provided the remedy in relation to such property as might easily be plundered. Slaves, if you please, are not property like other property in this: that you can easily rob us of them; but as to the right in them, that man has to overthrow the whole history of the world, he has to overthrow every treatise on jurisprudence, he has to ignore the common sentiment of mankind, he has to repudiate the authority of all that is considered sacred with man, ere he can reach the conclusion that the person who owns a slave, in a country where slavery has been established for ages, has no other property in that slave than the mere title which is given by the statute law of the land where it is found. \* \* \*

## **ABRAHAM LINCOLN,**

### **OF ILLINOIS. (BORN 1809, DIED 1865.)**

ON THE DRED SCOTT DECISION, SPRINGFIELD, ILLINOIS, JUNE 26, 1857.

And now as to the Dred Scott decision. That decision declares two propositions—first, that a negro cannot sue in the United States courts; and secondly, that Congress cannot prohibit slavery in the Territories. It was made by a divided court—dividing differently on the different points. Judge Douglas does not discuss the merits of the decision, and in that respect I shall follow his example, believing I could no more improve on McLean and Curtis than he could on Taney.

He denounces all who question the correctness of that decision, as offering violent resistance to it. But who resists it? Who has, in spite of the decision, declared Dred Scott free, and resisted the authority of his master over him?

Judicial decisions have two uses,—first, to absolutely determine the case decided; and secondly, to indicate to the public how other similar cases will be decided when they arise. For the latter use they are called "precedents" and "authorities."

We believe as much as Judge Douglas (perhaps more) in obedience to, and respect for, the judicial department of government. We think its decisions on constitutional questions, when fully settled, should control not only the particular cases decided, but the general policy of the country, subject to be disturbed only by amendments to the Constitution as provided in that instrument itself. More than this would be revolution. But we think the Dred Scott decision is erroneous. We know the court that made it has often overruled its own decisions, and we shall do what we can to have it to overrule this. We offer no resistance to it.

Judicial decisions are of greater or less authority as precedents according to circumstances. That this should be so accords both with common sense and the customary understanding of the legal profession.

If this important decision had been made by the unanimous concurrence of the judges, and without any

apparent partisan bias, and in accordance with legal public expectation and with the steady practice of the departments throughout our history, and had been in no part based on assumed historical facts which are not really true; or, if wanting in some of these, it had been before the court more than once, and had there been affirmed and reaffirmed through a course of years, it then might be, perhaps would be, factious, nay, even revolutionary, not to acquiesce in it as a precedent.

But when, as is true, we find it wanting in all these claims to the public confidence, it is not factious, it is not even disrespectful, to treat it as not having yet quite established a settled doctrine for the country. But Judge Douglas considers this view awful. Hear him:

"The courts are the tribunals prescribed by the Constitution and created by the authority of the people to determine, expound, and enforce the law. Hence, whoever resists the final decision of the highest judicial tribunal aims a deadly blow at our whole republican system of government—a blow which, if successful, would place all our rights and liberties at the mercy of passion, anarchy, and violence. I repeat, therefore, that if resistance to the decisions of the Supreme Court of the United States, in a matter like the points decided in the Dred Scott case, clearly within their jurisdiction as defined by the Constitution, shall be forced upon the country as a political issue, it will become a distinct and naked issue between the friends and enemies of the Constitution—the friends and the enemies of the supremacy of the laws."

I have said, in substance, that the Dred Scott decision was in part based on assumed historical facts which were not really true, and I ought not to leave the subject without giving some reasons for saying this; I therefore give an instance or two, which I think fully sustain me. Chief-Justice Taney, in delivering the opinion of the majority of the court, insists at great length that the negroes were no part of the people who made, or for whom was made, the Declaration of Independence, or the Constitution of the United States.

On the contrary, Judge Curtis, in his dissenting opinion, shows that in five of the then thirteen States—to wit, New Hampshire, Massachusetts, New York, New Jersey, and North Carolina—free negroes were voters, and in proportion to their numbers had the same part in making the Constitution that the white people had. He shows this with so much particularity as to leave no doubt of its truth; and as a sort of conclusion on that point, holds the following language:

"The Constitution was ordained and established by the people of the United States, through the action in each State, of those persons who were qualified by its laws to act thereon in behalf of themselves and all other citizens of the State. In some of the States, as we have seen, colored persons were among those qualified by law to act on the subject. These colored persons were not only included in the body of 'the people of the United States' by whom the Constitution was ordained and established; but in at least five of the States they had the power to act, and doubtless, did act, by their suffrages, upon the question of its adoption."

Again, Chief-Justice Taney says:

"It is difficult at this day to realize the state of public opinion, in relation to that unfortunate race which prevailed in the civilized and enlightened portions of the world at the time of the Declaration of Independence, and when the Constitution of the United States was framed and adopted."

And again, after quoting from the Declaration, he says:

"The general words above quoted would seem to include the whole human family, and if they were used in a similar instrument at this day, would be so understood."

In these the Chief-Justice does not directly assert, but plainly assumes, as a fact, that the public estimate of the black man is more favorable now than it was in the days of the Revolution. This assumption is a mistake. In some trifling particulars the condition of that race has been ameliorated; but as a whole, in this country, the change between then and now is decidedly the other way; and their ultimate destiny has never appeared so hopeless as in the last three or four years. In two of the five States—New Jersey and North Carolina—that then gave the free negro the right of voting, the right has since been taken away, and in the third—New York—it has been greatly abridged; while it has not been extended, so far as I know, to a single additional State, though the number of the States has more than doubled. In those days, as I understand, masters could, at their own pleasure, emancipate their slaves; but since then such legal restraints have been made upon emancipation as to amount almost to prohibition. In those days legislatures held the unquestioned power to abolish slavery in their respective States, but now it is becoming quite fashionable for State constitutions to withhold that power from the legislatures. In those days, by common consent, the spread of the black man's bondage to the new countries was prohibited, but now Congress decides that it will not continue the prohibition, and the Supreme Court decides that it could not if it would. In those days our Declaration of Independence was held sacred by all, and thought to include all; but now, to aid in making the bondage of the negro universal and eternal, it is assailed and sneered at and construed, and hawked at and torn, till, if its framers could rise from their graves, they could not at all recognize it. All the powers of earth seem rapidly combining against him. Mammon is after him, ambition follows, philosophy follows, and the theology of the day is fast joining the cry. They have him in his prison-house; they have searched his person, and left no prying instrument with him. One after another they have closed the heavy iron doors upon him; and now they have him, as it were, bolted in with a lock of a hundred keys, which can never be unlocked without the concurrence of every key—the keys in the hands of a hundred different men, and they scattered to a hundred different and distant places; and they stand musing as to what invention, in all the dominions of mind and matter, can be produced to make the impossibility of his escape more complete than it is.

It is grossly incorrect to say or assume that the public estimate of the negro is more favorable now than it was at the origin of the government.

Three years and a half ago, Judge Douglas brought forward his famous Nebraska bill. The country was at once in a blaze. He scorned all opposition, and carried it through Congress. Since then he has seen himself superseded in a presidential nomination by one indorsing the general doctrine of his measure, but at the same time standing clear of the odium of its untimely agitation and its gross breach of national faith; and he has seen that successful rival constitutionally elected, not by the strength of friends, but by the division of adversaries, being in a popular minority of nearly four hundred thousand votes. He has seen his chief aids in his own State, Shields and Richardson, politically speaking, successively tried, convicted, and executed, for

an offense not their own, but his. And now he sees his own case standing next on the docket for trial.

There is a natural disgust in the minds of nearly all white people at the idea of an indiscriminate amalgamation of the white and black races; and Judge Douglas evidently is basing his chief hope upon the chances of his being able to appropriate the benefit of this disgust to himself. If he can, by much drumming and repeating, fasten the odium of that idea upon his adversaries, he thinks he can struggle through the storm. He therefore clings to this hope, as a drowning man to the last plank. He makes an occasion for lugging it in from the opposition to the Dred Scott decision. He finds the Republicans insisting that the Declaration of Independence includes all men, black as well as white, and forthwith he boldly denies that it declares negroes at all, and proceeds to argue gravely that all who contend it does, do so only because they want to vote, and eat, and sleep, and marry with negroes. He will have it that they cannot be consistent else. Now I protest against the counterfeit logic which concludes that, because I do not want a black woman for a slave I must necessarily want her for a wife. I need not have her for either. I can just leave her alone. In some respects she certainly is not my equal; but in her natural right to eat the bread she earns with her own hands without asking leave of any one else, she is my equal, and the equal of all others.

Chief-Justice Taney, in his opinion in the Dred Scott case, admits that the language of the Declaration is broad enough to include the whole human family, but he and Judge Douglas argue that the authors of that instrument did not intend to include negroes, by the fact that they did not at once actually place them on an equality with the whites. Now this grave argument comes to just nothing at all, by the other fact that they did not at once, or ever afterward, actually place all white people on an equality with one another. And this is the staple argument of both the Chief-Justice and the Senator for doing this obvious violence to the plain, unmistakable language of the Declaration.

I think the authors of that notable instrument intended to include all men, but they did not intend to declare all men equal in all respects. They did not mean to say all were equal in color, size, intellect, moral developments, or social capacity. They defined with tolerable distinctness in what respects they did consider all men created equal—equal with "certain inalienable rights, among which are life, liberty, and the pursuit of happiness." This they said, and this they meant. They did not mean to assert the obvious untruth that all were then actually enjoying that equality, nor yet that they were about to confer it immediately upon them. In fact, they had no power to confer such a boon. They meant simply to declare the right, so that enforcement of it might follow as fast as circumstances should permit.

They meant to set up a standard maxim for free society, which should be familiar to all, and revered by all; constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated, and thereby constantly spreading and deepening its influence and augmenting the happiness and value of life to all people of all colors everywhere. The assertion that "all men are created equal" was of no practical use in effecting our separation from Great Britain; and it was placed in the Declaration not for that, but for future use. Its authors meant it to be—as, thank God, it is now proving itself—a stumbling-block to all those who in after times might seek to turn a free people back into the hateful paths of despotism. They knew the proneness of prosperity to breed tyrants, and they meant when such should reappear in this fair land and commence their vocation, they should find left for them at least one hard nut to crack.

I have now briefly expressed my view of the meaning and object of that part of the Declaration of Independence which declares that "all men are created equal."

Now let us hear Judge Douglas's view of the same subject as I find it in the printed report of his late speech. Here it is:

"No man can vindicate the character, motives, and conduct of the signers of the Declaration of Independence, except upon the hypothesis that they referred to the white race alone, and not to the African, when they declared all men to have been created equal; that they were speaking of British subjects on this continent being equal to British subjects born and residing in Great Britain; that they were entitled to the same inalienable rights, and among them were enumerated life, liberty, and the pursuit of happiness. The Declaration was adopted for the purpose of justifying the colonists in the eyes of the civilized world in withdrawing their allegiance from the British crown, and dissolving their connection with the mother country."

My good friends, read that carefully over in some leisure hour, and ponder well upon it; see what a mere wreck—mangled ruin—it makes of our once glorious Declaration.

"They were speaking of British subjects on this continent being equal to British subjects born and residing in Great Britain." Why, according to this, not only negroes but white people outside of Great Britain and America were not spoken of in that instrument. The English, Irish, and Scotch, along with white Americans, were included, to be sure, but the French, Germans, and other white people of the world are all gone to pot along with the Judge's inferior races.

I had thought the Declaration promised something better than the condition of British subjects; but no, it only meant that we should be equal to them in their own oppressed and unequal condition. According to that, it gave no promise that, having kicked off the king and lords of Great Britain, we should not at once be saddled with a king and lords of our own.

I had thought the Declaration contemplated the progressive improvement in the condition of all men everywhere; but no, it merely "was adopted for the purpose of justifying the colonists in the eyes of the civilized world, in withdrawing their allegiance from the British crown, and dissolving their connection with the mother country." Why, that object having been effected some eighty years ago, the Declaration is of no practical use now—mere rubbish—old wadding left to rot on the battle-field after the victory is won.

I understand you are preparing to celebrate the "Fourth," to-morrow week. What for? The doings of that day had no reference to the present; and quite half of you are not even descendants of those who were referred to at that day. But I suppose you will celebrate, and will even go so far as to read the Declaration. Suppose, after you read it once in the old-fashioned way, you read it once more with Judge Douglas's version. It will then run thus: "We hold these truths to be self-evident, that all British subjects who were on this continent eighty-one years ago, were created equal to all British subjects born and then residing in Great

Britain."

And now I appeal to all—to Democrats as well as others—are you really willing that the Declaration shall thus be frittered away?—thus left no more, at most, than an interesting memorial of the dead past?—thus shorn of its vitality and practical value, and left without the germ or even the suggestion of the individual rights of man in it?

## ABRAHAM LINCOLN,

OF ILLINOIS. (BORN 1809, DIED 1865.)

ON HIS NOMINATION TO THE UNITED STATES SENATE, AT THE REPUBLICAN STATE CONVENTION, SPRINGFIELD, ILLS., JUNE 16, 1858. MR. PRESIDENT AND GENTLEMEN OF THE CONVENTION:

If we could first know where we are, and whither we are tending, we could better judge what to do, and how to do it. We are now far into the fifth year since a policy was initiated with the avowed object, and confident promise, of putting an end to slavery agitation. Under the operation of that policy, that agitation not only has not ceased, but has constantly augmented. In my opinion, it will not cease until a crisis shall have been reached and passed. "A house divided against itself cannot stand." I believe this Government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved; I do not expect the house to fall; but I do expect that it will cease to be divided. It will become all one thing, or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push it forward till it shall become alike lawful in all the States, old as well as new, North as well as South. Have we no tendency to the latter condition? Let any one who doubts carefully contemplate that now almost complete legal combination piece of machinery, so to speak—compounded of the Nebraska doctrine and the Dred Scott decision. Let him consider not only what work the machinery is adapted to do, and how well adapted, but also let him study the history of its construction, and trace, if he can, or rather fail, if he can, to trace the evidences of design and concert of action among its chief architects from the beginning.

The new year of 1854 found slavery excluded from more than half the States by State constitutions, and from most of the national territory by Congressional prohibition. Four days later commenced the struggle which ended in repealing that Congressional prohibition. This opened all the national territory to slavery, and was the first point gained. But, so far, Congress only had acted, and an indorsement, by the people, real or apparent, was indispensable, to save the point already gained and give chance for more. This necessity had not been overlooked, but had been provided for, as well as might be, in the notable argument of "squatter sovereignty," otherwise called "sacred right of self-government";—which latter phrase though expressive of the only rightful basis of any government, was so perverted in this attempted use of it as to amount to just this: That, if any one man choose to enslave another, no third man shall be allowed to object. That argument was incorporated with the Nebraska bill itself, in the language which follows: "It being the true intent and meaning of this act, not to legislate slavery into any Territory or State, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." Then opened the roar of loose declamation in favor of "squatter sovereignty," and "sacred right of self-government." "But," said opposition members, "let us amend the bill so as to expressly declare that the people of the Territory may exclude slavery." "Not we," said the friends of the measure; and down they voted the amendment.

While the Nebraska bill was passing through Congress, a law-case, involving the question of a negro's freedom, by reason of his owner having voluntarily taken him first into a free State, and then into a Territory covered by the Congressional prohibition, and held him as a slave for a long time in each, was passing through the United States Circuit Court for the District of Missouri; and both Nebraska bill and lawsuit were brought to a decision in the same month of May, 1854. The negro's name was Dred Scott, which name now designates the decision finally made in the case. Before the then next Presidential election, the law-case came to, and was argued in, the Supreme Court of the United States; but the decision of it was deferred until after the election. Still, before the election, Senator Trumbull, on the floor of the Senate, requested the leading advocate of the Nebraska bill to state his opinion whether the people of a Territory can constitutionally exclude slavery from their limits; and the latter answers: "That is a question for the Supreme Court."

The election came, Mr. Buchanan was elected, and the indorsement, such as it was, secured. That was the second point gained. The indorsement, however, fell short of a clear popular majority by nearly four hundred thousand votes, and so, perhaps, was not overwhelmingly reliable and satisfactory. The outgoing President, in his last annual message, as impressively as possible, echoed back upon the people the weight and authority of the indorsement. The Supreme Court met again, did not announce their decision, but ordered a re-argument. The Presidential inauguration came, and still no decision of the court; but the incoming President, in his inaugural address, fervently exhorted the people to abide by the forthcoming decision, whatever it might be. Then, in a few days, came the decision. The reputed author of the Nebraska bill finds an early occasion to make a speech at this capital, indorsing the Dred Scott decision, and vehemently denouncing all opposition to it. The new President, too, seizes the early occasion of the Silliman letter to indorse and strongly construe that decision, and to express his astonishment that any different view had ever been entertained.

At length a squabble springs up between the President and the author of the Nebraska bill, on the mere question of fact, whether the Lecompton constitution was, or was not, in any just sense, made by the people of Kansas; and in that quarrel the latter declares that all he wants is a fair vote for the people, and that he cares not whether slavery be voted down or voted up.' I do not understand his declaration, that he cares not whether slavery be voted *down* or voted *up*, to be intended by him other than as an apt definition of the policy

he would impress upon the public mind—the principle for which he declares he has suffered so much, and is ready to suffer to the end. And well may he cling to that principle. If he has any parental feeling, well may he cling to it. That principle is the only shred left of his original Nebraska doctrine. Under the Dred Scott decision, squatter sovereignty squatted out of existence—tumbled down like temporary scaffolding—like the mould at the foundry, served through one blast, and fell back into loose sand,—helped to carry an election, and then was kicked to the winds. His late joint struggle with the Republicans against the Lecompton constitution involves nothing of the original Nebraska doctrine. That struggle was made on a point—the right of a people to make their own constitution—upon which he and the Republicans have never differed.

The several points of the Dred Scott decision, in connection with Senator Douglas's "care-not" policy, constitute the piece of machinery in its present state of advancement. This was the third point gained. The working points of that machinery are: (1) That no negro slave, imported as such from Africa, and no descendant of such slave, can ever be a citizen of any State, in the sense of that term as used in the Constitution of the United States. This point is made in order to deprive the negro, in every possible event, of the benefit of that provision of the United States Constitution, which declares that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." (2) That, "subject to the Constitution of the United States," neither Congress nor a Territorial Legislature can exclude slavery from any United States Territory. This point is made in order that individual men may fill up the Territories with slaves, without danger of losing them as property, and thus to enhance the chances of permanency to the institution through all the future. (3) That whether the holding a negro in actual slavery in a free State makes him free, as against the holder, the United States courts will not decide, but will leave to be decided by the courts of any slave State the negro may be forced into by the master. This point is made, not to be pressed immediately; but, if acquiesced in for a while, and apparently indorsed by the people at an election, then to sustain the logical conclusion that what Dred Scott's master might lawfully do with Dred Scott, in the State of Illinois, every other master may lawfully do with any other one or one thousand slaves, in Illinois, or in any other free State.

Auxiliary to all this, and working hand in hand with it, the Nebraska doctrine, or what is left of it, is to educate and mould public opinion, at least Northern public opinion, not to care whether slavery is voted down or voted up. This shows exactly where we now are, and partially, also, whither we are tending.

It will throw additional light on the latter to go back, and run the mind over the string of historical facts already stated. Several things will now appear less dark and mysterious than they did when they were transpiring. The people were to be left "perfectly free," "subject only to the Constitution." What the Constitution had to do with it, outsiders could not then see. Plainly enough now, it was an exactly fitted niche for the Dred Scott decision to come in afterward, and declare the perfect freedom of the people to be just no freedom at all. Why was the amendment expressly declaring the right of the people voted down? Plainly enough now, the adoption of it would have spoiled the niche for the Dred Scott decision. Why was the court decision held up? Why even a Senator's individual opinion withheld till after the Presidential election? Plainly enough now: the speaking out then would have damaged the "perfectly free" argument upon which the election was to be carried. Why the outgoing President's felicitation on the indorsement? Why the delay of a re-argument? Why the incoming President's advance exhortation in favor of the decision? These things look like the cautious patting and petting of a spirited horse preparatory to mounting him, when it is dreaded that he may give the rider a fall. And why the hasty after indorsement of the decision by the President and others?

We cannot absolutely know that all these exact adaptations are the result of preconcert. But when we see a lot of framed timbers, different portions of which we know have been gotten out at different times and places, and by different workmen—Stephen, Franklin, Roger, and James, for instance,—and when we see these timbers joined together, and see that they exactly make the frame of a house or a mill, all the tenons and mortices exactly fitting, and all the lengths and proportions of the different pieces exactly adapted to their respective places, and not a piece too many or too few—not omitting even scaffolding,—or, if a single piece be lacking, we see the place in the frame exactly fitted and prepared yet to bring such piece in,—in such a case, we find it impossible not to believe that Stephen and Franklin and Roger and James all understood one another from the beginning, and all worked upon a common plan or draft drawn up before the first blow was struck.

It should not be overlooked that, by the Nebraska bill, the people of a State, as well as Territory, were to be left "perfectly free," "subject only to the Constitution." Why mention a State? They were legislating for Territories, and not for or about States. Certainly, the people of a State are and ought to be subject to the Constitution of the United States; but why is mention of this lugged into this merely Territorial law? Why are the people of a Territory and the people of a State therein lumped together, and their relation to the Constitution therein treated as being precisely the same? While the opinion of the court, by Chief-Justice Taney, in the Dred Scott case, and the separate opinions of all the concurring judges, expressly declare that the Constitution of the United States permits neither Congress nor a Territorial Legislature to exclude slavery from any United States Territory, they all omit to declare whether or not the same Constitution permits a State, or the people of a State, to exclude it. Possibly, this is a mere omission; but who can be quite sure, if McLean or Curtis had sought to get into the opinion a declaration of unlimited power in the people of a State to exclude slavery from their limits, just as Chase and Mace sought to get such declaration, in behalf of the people of a territory, into the Nebraska bill—I ask, who can be quite sure that it would not have been voted down in the one case as it had been in the other? The nearest approach to the point of declaring the power of a State over slavery is made by Judge Nelson. He approaches it more than once, using the precise idea, and almost the language, too, of the Nebraska act. On one occasion, his exact language is: "Except in cases when the power is restrained by the Constitution of the United States, the law of the State is supreme over the subjects of slavery within its jurisdiction." In what cases the power of the States is so restrained by the United States Constitution is left an open question, precisely as the same question, as to the restraint on the power of the Territories, was left open in the Nebraska act. Put this and that together, and we have another nice little niche, which we may, ere long, see filled with another Supreme Court decision, declaring that the Constitution of the United States does not permit a State to exclude slavery from its limits. And this may especially be expected if the doctrine of "care not whether slavery be voted down or voted up," shall gain

upon the public mind sufficiently to give promise that such a decision can be maintained when made.

Such a decision is all that slavery now lacks of being alike lawful in all the States. Welcome or unwelcome, such decision is probably coming, and will soon be upon us, unless the power of the present political dynasty shall be met and overthrown. We shall lie down pleasantly dreaming that the people of Missouri are on the verge of making their State free, and we shall awake to the reality, instead, that the Supreme Court has made Illinois a slave State. To meet and overthrow that dynasty is the work before all those who would prevent that consummation. That is what we have to do. How can we best do it?

There are those who denounce us openly to their own friends, and yet whisper us softly that Senator Douglas is the aptest instrument there is with which to effect that object. They wish us to infer all, from the fact that he now has a little quarrel with the present head of the dynasty; and that he has regularly voted with us on a single point, upon which he and we have never differed. They remind us that he is a great man, and that the largest of us are very small ones. Let this be granted. "But a living dog is better than a dead lion." Judge Douglas, if not a dead lion, for this work, is at least a caged and toothless one. How can he oppose the advances of slavery? He don't care anything about it. His avowed mission is impressing the "public heart" to care nothing about it. A leading Douglas Democratic newspaper thinks Douglas's superior talent will be needed to resist the revival of the African slave-trade. Does Douglas believe an effort to revive that trade is approaching? He has not said so. Does he really think so? But if it is, how can he resist it? For years he has labored to prove it a sacred right of white men to take negro slaves into the new Territories. Can he possibly show that it is less a sacred right to buy them where they can be bought cheapest? And unquestionably they can be bought cheaper in Africa than in Virginia. He has done all in his power to reduce the whole question of slavery to one of a mere right of property; and as such, how can he oppose the foreign slave-trade? How can he refuse that trade in that "property" shall be "perfectly free," unless he does it as a protection to the home production? And as the home producers will probably ask the protection, he will be wholly without a ground of opposition. Senator Douglas holds, we know, that a man may rightfully be wiser to-day than he was yesterday—that he may rightfully change when he finds himself wrong. But can we, for that reason, run ahead, and infer that he will make any particular change, of which he himself has given no intimation? Can we safely base our action upon any such vague inference? Now, as ever, I wish not to misrepresent Judge Douglas's position, question his motives, or do aught that can be personally offensive to him. Whenever, if ever, he and we can come together on principle, so that our cause may have assistance from his great ability, I hope to have interposed no adventitious obstacle. But, clearly, he is not now with us—he does not pretend to be, he does not promise ever to be.

Our cause, then, must be entrusted to, and conducted by its own undoubted friends—those whose hands are free, whose hearts are in the work—who do care for the result. Two years ago the Republicans of the nation mustered over thirteen hundred thousand strong. We did this under the single impulse of resistance to a common danger. With every external circumstance against us, of strange, discordant, and even hostile elements, we gathered from the four winds, and formed and fought the battle through, under the constant hot fire of a disciplined, proud, and pampered enemy. Did we brave all then, to falter now?—now, when that same enemy is wavering, dissevered, and belligerent! The result is not doubtful. We shall not fail—if we stand firm, we shall not fail. Wise counsels may accelerate, or mistakes delay it; but, sooner or later, the victory is sure to come.

**STEPHEN ARNOLD DOUGLAS,  
OF ILLINOIS. (BORN 1813, DIED 1861.)**

IN REPLY TO MR. LINCOLN; FREEPORT, ILLS., AUGUST 27, 1858. LADIES AND GENTLEMEN:

I am glad that at last I have brought Mr. Lincoln to the conclusion that he had better define his position on certain political questions to which I called his attention at Ottawa. \* \* \* In a few moments I will proceed to review the answers which he has given to these interrogatories; but, in order to relieve his anxiety, I will first respond to those which he has presented to me. Mark you, he has not presented interrogatories which have ever received the sanction of the party with which I am acting, and hence he has no other foundation for them than his own curiosity.

First he desires to know, if the people of Kansas shall form a constitution by means entirely proper and unobjectionable, and ask admission as a State, before they have the requisite population for a member of Congress, whether I will vote for that admission. Well, now, I regret exceedingly that he did not answer that interrogatory himself before he put it to me, in order that we might understand, and not be left to infer, on which side he is. Mr. Trumbull, during the last session of Congress, voted from the beginning to the end against the admission of Oregon, although a free State, because she had not the requisite population for a member of Congress. Mr. Trumbull would not consent, under any circumstances, to let a State, free or slave, come into the Union until it had the requisite population. As Mr. Trumbull is in the field fighting for Mr. Lincoln, I would like to have Mr. Lincoln answer his own question and tell me whether he is fighting Trumbull on that issue or not. But I will answer his question. \* \* \* Either Kansas must come in as a free State, with whatever population she may have, or the rule must be applied to all the other Territories alike. I therefore answer at once that, it having been decided that Kansas has people enough for a slave State, I hold that she has enough for a free State. I hope Mr. Lincoln is satisfied with my answer; and now I would like to get his answer to his own interrogatory—whether or not he will vote to admit Kansas before she has the requisite population. I want to know whether he will vote to admit Oregon before that Territory has the requisite population. Mr. Trumbull will not, and the same reason that commits Mr. Trumbull against the admission of Oregon commits him against Kansas, even if she should apply for admission as a free State. If there is any

sincerity, any truth, in the argument of Mr. Trumbull in the Senate against the admission of Oregon, because she had not 93,420 people, although her population was larger than that of Kansas, he stands pledged against the admission of both Oregon and Kansas until they have 93,420 inhabitants. I would like Mr. Lincoln to answer this question. I would like him to take his own medicine. If he differs with Mr. Trumbull, let him answer his argument against the admission of Oregon, instead of poking questions at me.

The next question propounded to me by Mr. Lincoln is, Can the people of the Territory in any lawful way, against the wishes of any citizen of the United States, exclude slavery from their limits prior to the formation of a State Constitution? I answer emphatically, as Mr. Lincoln has heard me answer a hundred times from every stump in Illinois, that in my opinion the people of a Territory can, by lawful means, exclude slavery from their limits prior to the formation of a State Constitution. Mr. Lincoln knew that I had answered that question over and over again. He heard me argue the Nebraska bill on that principle all over the State in 1854, in 1855, and in 1856; and he has no excuse for pretending to be in doubt as to my position on that question. It matters not what way the Supreme Court may hereafter decide as to the abstract question whether slavery may or may not go into a Territory under the Constitution; the people have the lawful means to introduce it or exclude it as they please, for the reason that slavery cannot exist a day or an hour anywhere unless it is supported by local police regulations. Those police regulations can only be established by the local Legislature; and, if the people are opposed to slavery, they will elect representatives to that body who will by unfriendly legislation effectually prevent the introduction of it into their midst. If, on the contrary, they are for it, their legislation will favor its extension. Hence, no matter what the decision of the Supreme Court may be on that abstract question, still the right of the people to make a slave Territory or a free Territory is perfect and complete under the Nebraska bill. I hope Mr. Lincoln deems my answer satisfactory on that point.

In this connection, I will notice the charge which he has introduced in relation to Mr. Chase's amendment. I thought that I had chased that amendment out of Mr. Lincoln's brain at Ottawa; but it seems that it still haunts his imagination, and that he is not yet satisfied. I had supposed that he would be ashamed to press that question further. He is a lawyer, and has been a member of Congress, and has occupied his time and amused you by telling you about parliamentary proceedings. He ought to have known better than to try to palm off his miserable impositions upon this intelligent audience. The Nebraska bill provided that the legislative power and authority of the said Territory should extend to all rightful subjects of legislation, consistent with the organic act and the Constitution of the United States. It did not make any exception as to slavery, but gave all the power that it was possible for Congress to give, without violating the Constitution, to the Territorial Legislature, with no exception or limitation on the subject of slavery at all. The language of that bill, which I have quoted, gave the full power and the fuller authority over the subject of slavery, affirmatively and negatively, to introduce it or exclude it, so far as the Constitution of the United States would permit. What more could Mr. Chase give by his amendment? Nothing! He offered his amendment for the identical purpose for which Mr. Lincoln is using it, to enable demagogues in the country to try and deceive the people. His amendment was to this effect. It provided that the Legislature should have power to exclude slavery; and General Cass suggested: "Why not give the power to introduce as well as to exclude?" The answer was—they have the power already in the bill to do both. Chase was afraid his amendment would be adopted if he put the alternative proposition, and so made it fair both ways, and would not yield. He offered it for the purpose of having it rejected. He offered it, as he has himself avowed over and over again, simply to make capital out of it for the stump. He expected that it would be capital for small politicians in the country, and that they would make an effort to deceive the people with it; and he was not mistaken, for Lincoln is carrying out the plan admirably. \* \* \*

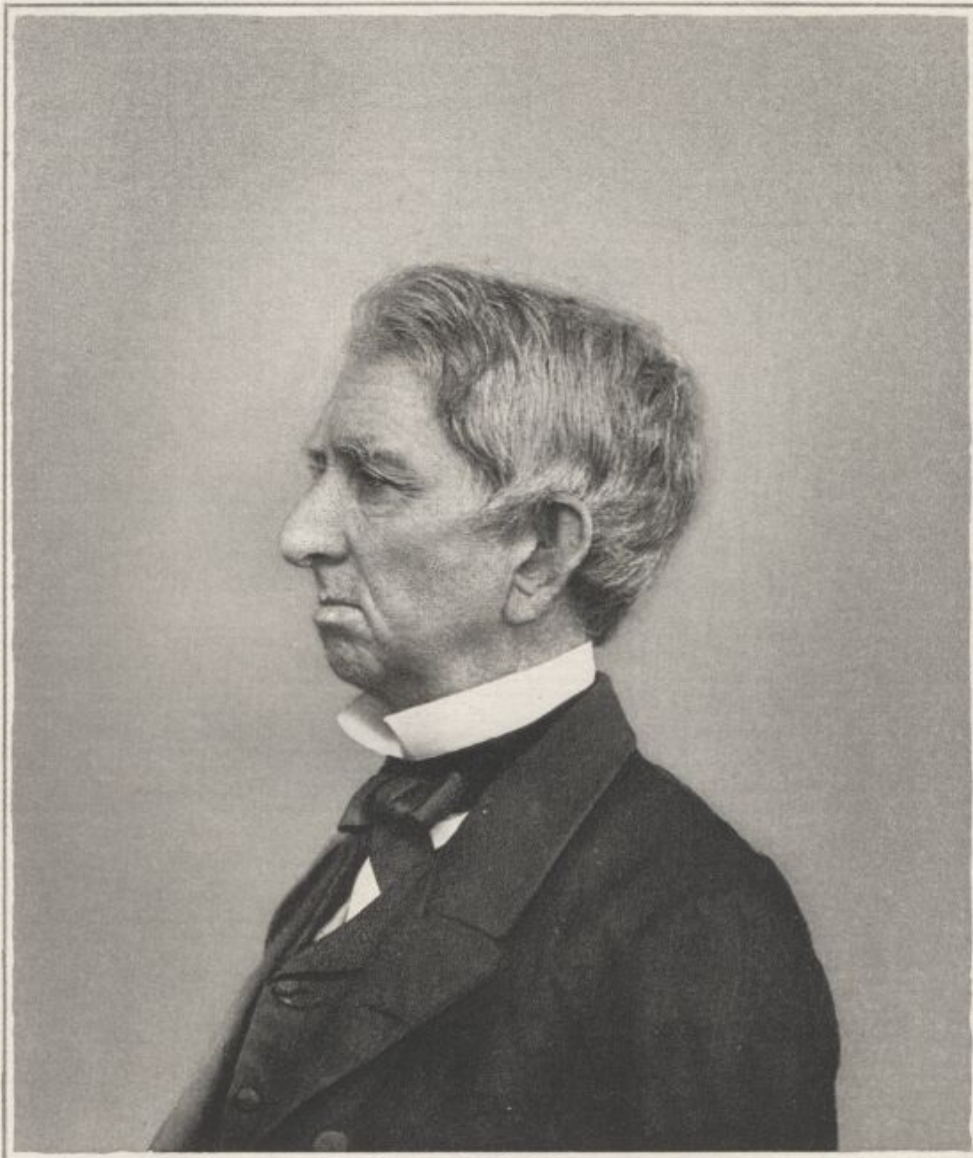
The third question which Mr. Lincoln presented is—If the Supreme Court of the United States shall decide that a State of this Union cannot exclude slavery from its own limits, will I submit to it? I am amazed that Mr. Lincoln should ask such a question. Mr. Lincoln's object is to cast an imputation upon the Supreme Court. He knows that there never was but one man in America, claiming any degree of intelligence or decency, who ever for a moment pretended such a thing. It is true that the *Washington Union*, in an article published on the 17th of last December, did put forth that doctrine, and I denounced the article on the floor of the Senate. \* \* \* Lincoln's friends, Trumbull, and Seward, and Hale, and Wilson, and the whole Black Republican side of the Senate were silent. They left it to me to denounce it. And what was the reply made to me on that occasion? Mr. Toombs, of Georgia, got up and undertook to lecture me on the ground that I ought not to have deemed the article worthy of notice, and ought not to have replied to it; that there was not one man, woman, or child south of the Potomac, in any slave State, who did not repudiate any such pretension. Mr. Lincoln knows that reply was made on the spot, and yet now he asks this question! He might as well ask me—Suppose Mr. Lincoln should steal a horse, would I sanction it; and it would be as genteel in me to ask him, in the event he stole a horse, what ought to be done with him. He casts an imputation upon the Supreme Court of the United States, by supposing that they would violate the Constitution of the United States. I tell him that such a thing is not possible. It would be an act of moral treason that no man on the bench could ever descend to. Mr. Lincoln himself would never, in his partisan feelings, so far forget what was right as to be guilty of such an act.

The fourth question of Mr. Lincoln is—Are you in favor of acquiring additional territory in disregard as to how such acquisition may affect the Union on the slavery question? This question is very ingeniously and cunningly put. The Black Republican crowd lays it down expressly that under no circumstances shall we acquire any more territory unless slavery is first prohibited in the country. I ask Mr. Lincoln whether he is in favor of that proposition? Are you opposed to the acquisition of any more territory, under any circumstances, unless slavery is prohibited in it? That he does not like to answer. When I ask him whether he stands up to that article in the platform of his party, he turns, Yankee fashion, and, without answering it, asks me whether I am in favor of acquiring territory without regard to how it may affect the Union on the slavery question. I answer that, whenever it becomes necessary, in our growth and progress, to acquire more territory, I am in favor of it without reference to the question of slavery, and when we have acquired it, I will leave the people free to do as they please, either to make it slave or free territory, as they prefer. It is idle to tell me or you that we have territory enough. \* \* \* With our natural increase, growing with a rapidity unknown in any other part of the globe, with the tide of emigration that is fleeing from despotism in the old world to seek refuge in



our own, there is a constant torrent pouring into this country that requires more land, more territory upon which to settle; and just as fast as our interest and our destiny require additional territory in the North, in the South, or in the islands of the ocean, I am for it, and, when we acquire it, will leave the people, according to the Nebraska bill, free to do as they please on the subject of slavery and every other question.

I trust now that Mr. Lincoln will deem him-self answered on his four points. He racked his brain so much in devising these four questions that he exhausted himself, and had not strength enough to invent the others. As soon as he is able to hold a council with his advisers, Love-joy, Farnsworth, and Fred Douglas, he will frame and propound others ("Good," "good!"). You Black Republicans who say "good," I have no doubt, think that they are all good men. I have reason to recollect that some people in this country think that Fred Douglas is a very good man. The last time I came here to make a speech, while talking from a stand to you, people of Freeport, as I am doing to-day, I saw a carriage, and a magnificent one it was, drive up and take a position on the outside of the crowd; a beautiful young lady was sitting on the box seat, whilst Fred Douglas and her mother reclined inside, and the owner of the carriage acted as driver. I saw this in your own town. ("What of it?") All I have to say of it is this, that if you Black Republicans think that the negro ought to be on a social equality with your wives and daughters, and ride in a carriage with your wife, whilst you drive the team, you have a perfect right to do so. I am told that one of Fred Douglas' kinsmen, another rich black negro, is now travelling in this part of the State making speeches for his friend Lincoln as the champion of black men. ("What have you to say against it?") All I have to say on that subject is, that those of you who believe that the negro is your equal, and ought to be on an equality with you socially, politically, and legally, have a right to entertain those opinions, and of course will vote for Mr. Lincoln.



*William H. Seward*

**WILLIAM. H. SEWARD,**  
**OF NEW YORK. (BORN 1801, DIED 1872.)**

ON THE IRREPRESSIBLE CONFLICT; ROCHESTER, OCTOBER 25, 1858.

THE unmistakable outbreaks of zeal which occur all around me, show that you are earnest men—and such a man am I. Let us therefore, at least for a time, pass all secondary and collateral questions, whether of a personal or of a general nature, and consider the main subject of the present canvass. The Democratic party, or, to speak more accurately, the party which wears that attractive name—is in possession of the Federal Government. The Republicans propose to dislodge that party, and dismiss it from its high trust.

The main subject, then, is, whether the Democratic party deserves to retain the confidence of the American people. In attempting to prove it unworthy, I think that I am not actuated by prejudices against that party, or by pre-possession in favor of its adversary; for I have learned, by some experience, that virtue and patriotism, vice and selfishness, are found in all parties, and that they differ less in their motives than in the policies they pursue.

Our country is a theatre, which exhibits, in full operation, two radically different political systems; the one resting on the basis of servile or slave labor, the other on voluntary labor of freemen. The laborers who are enslaved are all negroes, or persons more or less purely of African derivation. But this is only accidental. The principle of the system is, that labor in every society, by whomsoever performed, is necessarily unintellectual, grovelling and base; and that the laborer, equally for his own good and for the welfare of the State, ought to be enslaved. The white laboring man, whether native or foreigner, is not enslaved, only because he cannot, as yet, be reduced to bondage.

You need not be told now that the slave system is the older of the two, and that once it was universal. The emancipation of our own ancestors, Caucasians and Europeans as they were, hardly dates beyond a period of five hundred years. The great melioration of human society which modern times exhibit, is mainly due to the incomplete substitution of the system of voluntary labor for the one of servile labor, which has already taken place. This African slave system is one which, in its origin and in its growth, has been altogether foreign from the habits of the races which colonized these States, and established civilization here. It was introduced on this continent as an engine of conquest, and for the establishment of monarchical power, by the Portuguese and the Spaniards, and was rapidly extended by them all over South America, Central America, Louisiana, and Mexico. Its legitimate fruits are seen in the poverty, imbecility, and anarchy which now pervade all Portuguese and Spanish America. The free-labor system is of German extraction, and it was established in our country by emigrants from Sweden, Holland, Germany, Great Britain and Ireland. We justly ascribe to its influences the strength, wealth, greatness, intelligence, and freedom, which the whole American people now enjoy. One of the chief elements of the value of human life is freedom in the pursuit of happiness. The slave system is not only intolerable, unjust, and inhuman, toward the laborer, whom, only because he is a laborer, it loads down with chains and converts into merchandise, but is scarcely less severe upon the freeman, to whom, only because he is a laborer from necessity, it denies facilities for employment, and whom it expels from the community because it cannot enslave and convert into merchandise also. It is necessarily improvident and ruinous, because, as a general truth, communities prosper and flourish, or droop and decline, in just the degree that they practise or neglect to practise the primary duties of justice and humanity. The free-labor system conforms to the divine law of equality, which is written in the hearts and consciences of man, and therefore is always and everywhere beneficent.

The slave system is one of constant danger, distrust, suspicion, and watchfulness. It debases those whose toil alone can produce wealth and resources for defence, to the lowest degree of which human nature is capable, to guard against mutiny and insurrection, and thus wastes energies which otherwise might be employed in national development and aggrandizement.

The free-labor system educates all alike, and by opening all the fields of industrial employment and all the departments of authority, to the unchecked and equal rivalry of all classes of men, at once secures universal contentment, and brings into the highest possible activity all the physical, moral, and social energies of the whole state. In states where the slave system prevails, the masters, directly or indirectly, secure all political power, and constitute a ruling aristocracy. In states where the free-labor system prevails, universal suffrage necessarily obtains, and the state inevitably becomes, sooner or later, a republic or democracy.

Russia yet maintains slavery, and is a despotism. Most of the other European states have abolished slavery, and adopted the system of free labor. It was the antagonistic political tendencies of the two systems which the first Napoleon was contemplating when he predicted that Europe would ultimately be either all Cossack or all republican. Never did human sagacity utter a more pregnant truth. The two systems are at once perceived to be incongruous. But they are more than incongruous—they are incompatible. They never have permanently existed together in one country, and they never can. It would be easy to demonstrate this impossibility, from the irreconcilable contrast between their great principles and characteristics. But the experience of mankind has conclusively established it. Slavery, as I have already intimated, existed in every state in Europe. Free labor has supplanted it everywhere except in Russia and Turkey. State necessities developed in modern times are now obliging even those two nations to encourage and employ free labor; and already, despotic as they are, we find them engaged in abolishing slavery. In the United States, slavery came into collision with free labor at the close of the last century, and fell before it in New England, New York, New Jersey, and Pennsylvania, but triumphed over it effectually, and excluded it for a period yet undetermined, from Virginia, the Carolinas, and Georgia. Indeed, so incompatible are the two systems, that every new State which is organized within our ever-extending domain makes its first political act a choice of the one and the exclusion of the other, even at the cost of civil war, if necessary. The slave States, without

law, at the last national election, successfully forbade, within their own limits, even the casting of votes for a candidate for President of the United States supposed to be favorable to the establishment of the free-labor system in new States.

Hitherto, the two systems have existed in different States, but side by side within the American Union. This has happened because the Union is a confederation of States. But in another aspect the United States constitute only one nation. Increase of population, which is filling the States out to their very borders, together with a new and extended network of railroads and other avenues, and an internal commerce which daily becomes more intimate, is rapidly bringing the States into a higher and more perfect social unity or consolidation. Thus, these antagonistic systems are continually coming into closer contact, and collision results.

Shall I tell you what this collision means? They who think that it is accidental, unnecessary, the work of interested or fanatical agitators, and therefore ephemeral, mistake the case altogether. It is an irrepressible conflict between opposing and enduring forces, and it means that the United States must and will, sooner or later, become either entirely a slave-holding nation, or entirely a free-labor nation. Either the cotton- and rice-fields of South Carolina and the sugar plantations of Louisiana will ultimately be tilled by free-labor, and Charleston and New Orleans become marts of legitimate merchandise alone, or else the rye-fields and wheat-fields of Massachusetts and New York must again be surrendered by their farmers to slave culture and to the production of slaves, and Boston and New York become once more markets for trade in the bodies and souls of men. It is the failure to apprehend this great truth that induces so many unsuccessful attempts at final compromises between the slave and free States, and it is the existence of this great fact that renders all such pretended compromises, when made, vain and ephemeral. Startling as this saying may appear to you, fellow-citizens, it is by no means an original or even a modern one. Our forefathers knew it to be true, and unanimously acted upon it when they framed the Constitution of the United States. They regarded the existence of the servile system in so many of the States with sorrow and shame, which they openly confessed, and they looked upon the collision between them, which was then just revealing itself, and which we are now accustomed to deplore, with favor and hope. They knew that one or the other system must exclusively prevail.

Unlike too many of those who in modern time invoke their authority, they had a choice between the two. They preferred the system of free labor, and they determined to organize the government, and so direct its activity, that that system should surely and certainly prevail. For this purpose, and no other, they based the whole structure of the government broadly on the principle that all men are created equal, and therefore free—little dreaming that, within the short period of one hundred years, their descendants would bear to be told by any orator, however popular, that the utterance of that principle was merely a rhetorical rhapsody; or by any judge, however venerated, that it was attended by mental reservation, which rendered it hypocritical and false. By the ordinance of 1787, they dedicated all of the national domain not yet polluted by slavery to free labor immediately, thenceforth and forever; while by the new Constitution and laws they invited foreign free labor from all lands under the sun, and interdicted the importation of African slave labor, at all times, in all places, and under all circumstances whatsoever. It is true that they necessarily and wisely modified this policy of freedom by leaving it to the several States, affected as they were by different circumstances, to abolish slavery in their own way and at their own pleasure, instead of confiding that duty to Congress; and that they secured to the slave States, while yet retaining the system of slavery, a three-fifths representation of slaves in the Federal Government, until they should find themselves able to relinquish it with safety. But the very nature of these modifications fortifies my position, that the fathers knew that the two systems could not endure within the Union, and expected within a short period slavery would disappear forever. Moreover, in order that these modifications might not altogether defeat their grand design of a republic maintaining universal equality, they provided that two thirds of the States might amend the Constitution.

It remains to say on this point only one word, to guard against misapprehension. If these States are to again become universally slave-holding, I do not pretend to say with what violations of the Constitution that end shall be accomplished. On the other hand, while I do confidently believe and hope that my country will yet become a land of universal freedom, I do not expect that it will be made so otherwise than through the action of the several States cooperating with the Federal Government, and all acting in strict conformity with their respective constitutions.

The strife and contentions concerning slavery, which gently-disposed persons so habitually deprecate, are nothing more than the ripening of the conflict which the fathers themselves not only thus regarded with favor, but which they may be said to have instituted.

\* \* \* I know—few, I think, know better than I—the resources and energies of the Democratic party, which is identical with the slave power. I do ample justice to its traditional popularity. I know further—few, I think, know better than I—the difficulties and disadvantages of organizing a new political force, like the Republican party, and the obstacles it must encounter in laboring without prestige and without patronage. But, understanding all this, I know that the Democratic party must go down, and that the Republican party must rise into its place. The Democratic party derived its strength, originally, from its adoption of the principles of equal and exact justice to all men. So long as it practised this principle faithfully, it was invulnerable. It became vulnerable when it renounced the principle, and since that time it has maintained itself, not by virtue of its own strength, or even of its traditional merits, but because there as yet had appeared in the political field no other party that had the conscience and the courage to take up, and avow, and practise the life-inspiring principle which the Democratic party had surrendered. At last, the Republican party has appeared. It avows, now, as the Republican party of 1800 did, in one word, its faith and its works, "Equal and exact justice to all men." Even when it first entered the field, only half organized, it struck a blow which only just failed to secure complete and triumphant victory. In this, its second campaign, it has already won advantages which render that triumph now both easy and certain.

The secret of its assured success lies in that very characteristic which, in the mouth of scoffers, constitutes its great and lasting imbecility and reproach. It lies in the fact that it is a party of one idea; but that is a noble one—an idea that fills and expands all generous souls; the idea of equality—the equality of all men before human tribunals and human laws, as they all are equal before the Divine tribunal and Divine laws.

I know, and you know, that a revolution has begun. I know, and all the world knows, that revolutions never go backward. Twenty Senators and a hundred Representatives proclaim boldly in Congress to-day sentiments and opinions and principles of freedom which hardly so many men, even in this free State, dared to utter in their own homes twenty years ago. While the Government of the United States, under the conduct of the Democratic party, has been all that time surrendering one plain and castle after another to slavery, the people of the United States have been no less steadily and perseveringly gathering together the forces with which to recover back again all the fields and all the castles which have been lost, and to confound and overthrow, by one decisive blow, the betrayers of the Constitution and freedom forever.

## VI. — SECESSION.

From the beginning of our history it has been a mooted question whether we are to consider the United States as a political state or as a congeries of political states, as a *Bundesstaat* or as a *Staatenbund*. The essence of the controversy seems to be contained in the very title of the republic, one school laying stress on the word United, as the other does on the word States. The phases of the controversy have been beyond calculation, and one of its consequences has been a civil war of tremendous energy and cost in blood and treasure.

Looking at the facts alone of our history, one would be most apt to conclude that the United States had been a political state from the beginning, its form being entirely revolutionary until the final ratification of the Articles of Confederation in 1781, then under the very loose and inefficient government of the Articles until 1789, and thereafter under the very efficient national government of the Constitution; that, in the final transformation of 1787-9, there were features which were also decidedly revolutionary; but that there was no time when any of the colonies had the prospect or the power of establishing a separate national existence of its own. The facts are not consistent with the theory that the States ever were independent political states, in any scientific sense.

It cannot be said, however, that the actors in the history always had a clear perception of the facts as they took place. In the teeth of the facts, our early history presents a great variety of assertions of State independence by leading men, State Legislatures, or State constitutions, which still form the basis of the argument for State sovereignty. The State constitutions declared the State to be sovereign and independent, even though the framers knew that the existence of the State depended on the issue of the national struggle against the mother country. The treaty of 1783 with Great Britain recognized the States separately and by name as "free, sovereign, and independent," even while it established national boundaries outside of the States, covering a vast western territory in which no State would have ventured to forfeit its interest by setting up a claim to practical freedom, sovereignty, or independence. All our early history is full of such contradictions between fact and theory. They are largely obscured by the indiscriminating use of the word "people." As used now, it usually means the national people; but many apparently national phrases as to the "sovereignty of the people," as they were used in 1787-9, would seem far less national if the phraseology could show the feeling of those who then used them that the "people" referred to was the people of the State. In that case the number of the contradictions would be indefinitely increased; and the phraseology of the Constitution's preamble, "We, the people of the United States," would not be offered as a consciously nationalizing phrase of its framers. It is hardly to be doubted, from the current debates, that the conventions of Massachusetts, New Hampshire, Rhode Island, New York, Virginia, North Carolina, and South Carolina, seven of the thirteen States, imagined and assumed that each ratified the Constitution in 1788-90 by authority of the State's people alone, by the State's sovereign will; while the facts show that in each of these conventions a clear majority was coerced into ratification by a strong minority in its own State, backed by the unanimous ratifications of the other States. If ratification or rejection had really been open to voluntary choice, to sovereign will, the Constitution would never have had a moment's chance of life; so far from being ratified by nine States as a condition precedent to going into effect, it would have been summarily rejected by a majority of the States. In the language of John Adams, the Constitution was "extorted from the grinding necessities of a reluctant people." The theory of State sovereignty was successfully contradicted by national necessities.

The change from the Articles of Confederation to the Constitution, though it could not help antagonizing State sovereignty, was carefully managed so as to do so as little as possible. As soon as the plans by which the Federal party, under Hamilton's leadership, proposed to develop the national features of the Constitution became evident, the latent State feeling took fire. Its first symptom was the adoption of the name Republican by the new opposition party which took form in 1792-3 under Jefferson's leadership. Up to this time the States had been the only means through which Americans had known any thing of republican government; they had had no share in the government of the mother country in colonial times, and no efficient national government to take part in under the Articles of Confederation. The claim of an exclusive title to the name of Republican does not seem to have been fundamentally an implication of monarchical tendencies against the Federalists so much as an implication that they were hostile to the States, the familiar exponents of republican government. When the Federalist majority in Congress forced through, in the war excitement against France in 1798, the Alien and Sedition laws, which practically empowered the President to suppress all party criticism of and opposition to the dominant party, the Legislatures of Kentucky and Virginia, in 1798-9, passed series of resolutions, prepared by Jefferson and Madison respectively, which for the first time asserted in plain terms the sovereignty of the States. The two sets of resolutions agreed in the assertion that the Constitution was a "compact," and that the States were the "parties" which had formed it. In these two propositions lies the gist of State sovereignty, of which all its remotest consequences are only natural developments. If it were true that the States, of their sovereign will, had formed such a compact; if it were not true that the adoption of the Constitution was a mere alteration of the form of a political state already in

existence; it would follow, as the Kentucky resolutions asserted, that each State had the exclusive right to decide for itself when the compact had been broken, and the mode and measure of redress. It followed, also, that, if the existence and force of the Constitution in a State were due solely to the sovereign will of the State, the sovereign will of the State was competent, on occasion, to oust the Constitution from the jurisdiction covered by the State. In brief, the Union was wholly voluntary in its formation and in its continuance; and each State reserved the unquestionable right to secede, to abandon the Union, and assume an independent existence whenever due reason, in the exclusive judgment of the State, should arise. These latter consequences, not stated in the Kentucky resolutions, and apparently not contemplated by the Virginia resolutions, were put into complete form by Professor Tucker, of the University of Virginia, in 1803, in the notes to his edition of "Blackstone's Commentaries." Thereafter its statements of American constitutional law controlled the political training of the South.

Madison held a modification of the State sovereignty theory, which has counted among its adherents the mass of the ability and influence of American authorities on constitutional law. Holding that the Constitution was a compact, and that the States were the parties to it, he held that one of the conditions of the compact was the abandonment of State sovereignty; that the States were sovereign until 1787-8, but thereafter only members of a political state, the United States. This seems to have been the ground taken by Webster, in his debates with Hayne and Calhoun. It was supported by the instances in which the appearance of a sovereignty in each State was yielded in the fourteen years before 1787; but, unfortunately for the theory, Calhoun was able to produce instances exactly parallel after 1787. If the fact that each State predicated its own sovereignty as an essential part of the steps preliminary to the convention of 1787 be a sound argument for State sovereignty before 1787, the fact that each State predicated its sovereignty as an essential part of the ratification of the Constitution must be taken as an equally sound argument for State sovereignty under the Constitution; and it seems difficult, on the Madison theory, to resist Calhoun's triumphant conclusion that, if the States went into the convention as sovereign States, they came out of it as sovereign States, with, of course, the right of secession. Calhoun himself had a sincere desire to avoid the exercise of the right of secession, and it was as a substitute for it that he evolved his doctrine of nullification, which has been placed in the first volume. When it failed in 1833, the exercise of the right of secession was the only remaining remedy for an asserted breach of State sovereignty.

The events which led up to the success of the Republican party in electing Mr. Lincoln to the Presidency in 1860 are so intimately connected with the anti-slavery struggle that they have been placed in the preceding volume. They culminated in the first organized attempt to put the right of secession to a practical test. The election of Lincoln, the success of a "sectional party," and the evasion of the fugitive-slave law through the passage of "personal-liberty laws" by many of the Northern States, are the leading reasons assigned by South Carolina for her secession in 1860. These were intelligible reasons, and were the ones most commonly used to influence the popular vote. But all the evidence goes to show that the leaders of secession were not so weak in judgment as to run the hazards of war by reason of "injuries" so minute as these. Their apprehensions were far broader, if less calculated to influence a popular vote. In 1789 the proportions of population and wealth in the two sections were very nearly equal. The slave system of labor had hung as a clog upon the progress of the South, preventing the natural development of manufactures and commerce, and shutting out immigration. As the numerical disproportion between the two sections increased, Southern leaders ceased to attempt to control the House of Representatives, contenting themselves with balancing new Northern with new Southern States, so as to keep an equal vote in the Senate. Since 1845 this resource had failed. Five free States, Iowa, Wisconsin, California, Minnesota, and Oregon, had been admitted, with no new slave States; Kansas was calling almost imperatively for admission; and there was no hope of another slave State in future. When the election of 1860 demonstrated that the progress of the antislavery struggle had united all the free States, it was evident that it was but a question of time when the Republican party would control both branches of Congress and the Presidency, and have the power to make laws according to its own interpretation of the constitutional powers of the Federal Government.

The peril to slavery was not only the probable prohibition of the inter-State slave-trade, though this itself would have been an event which negro slavery in the South could hardly have long survived. The more pressing danger lay in the results of such general Republican success on the Supreme Court. The decision of that Court in the Dred Scott case had fully sustained every point of the extreme Southern claims as to the status of slavery in the Territories; it had held that slaves were property in the view of the Constitution; that Congress was bound to protect slave-holders in this property right in the Territories, and, still more, bound not to prohibit slavery or allow a Territorial Legislature to prohibit slavery in the Territories, and that the Missouri compromise of 1820 was unconstitutional and void. The Southern Democrats entered the election of 1860 with this distinct decision of the highest judicial body of the country to back them. The Republican party had refused to admit that the decision of the Dred Scott case was law or binding. Given a Republican majority in both Houses and a Republican President, there was nothing to hinder the passage of a law increasing the number of Supreme Court justices to any desired extent, and the new appointments would certainly be of such a nature as to make the reversal of the Dred Scott decision an easy matter. The election of 1860 had brought only a Republican President; the majority in both Houses was to be against him until 1863 at least. But the drift in the North and West was too plain to be mistaken, and it was felt that 1860—would be the last opportunity for the Gulf States to secede with dignity and with the prestige of the Supreme Court's support.

Finally, there seems to have been a strong feeling among the extreme secessionists, who loved the right of secession for its own sake, that the accelerating increase in the relative power of the North would soon make secession, on any grounds, impossible. Unless the right was to be forfeited by non-user, it must be established by practical exercise, and at once.

Until about 1825-9 Presidential electors were chosen in most of the States by the Legislature. After that period the old practice was kept up only in South Carolina. On election day of November, 1860, the South Carolina Legislature was in session for the purpose of choosing electors, but it continued its session after this duty was performed. As soon as Lincoln's election was assured, the Legislature called a State Convention for Dec. 17th, took the preliminary steps toward putting the State on a war footing, and adjourned. The convention met at the State capital, adjourned to Charleston, and here, Dec. 20, 1860, passed unanimously an

Ordinance of Secession. By its terms the people of South Carolina, in convention assembled, repealed the ordinance of May 23, 1788, by which the Constitution had been ratified, and all Acts of the Legislature ratifying amendments to the Constitution, and declared the union between the State and other States, under the name of the United States of America, to be dissolved. By a similar process, similar ordinances were adopted by the State Conventions of Mississippi (Jan. 9th), Florida (Jan. 10th), Alabama (Jan. 11th), Georgia (Jan. 19th), Louisiana (Jan. 25th), and Texas (Feb. 1st),—seven States in all.

Outside of South Carolina, the struggle in the States named turned on the calling of the convention; and in this matter the opposition was unexpectedly strong. We have the testimony of Alexander H. Stephens that the argument most effective in overcoming the opposition to the calling of a convention was: "We can make better terms out of the Union than in it." The necessary implication was that secession was not to be final; that it was only to be a temporary withdrawal until terms of compromise and security for the fugitive-slave law and for slavery in the Territories could be extorted from the North and West. The argument soon proved to be an intentional sham.

There has always been a difference between the theory of the State Convention at the North and at the South. At the North, barring a few very exceptional cases, the rule has been that no action of a State Convention is valid until confirmed by popular vote. At the South, in obedience to the strictest application of State sovereignty, the action of the State Convention was held to be the voice of the people of the State, which needed no popular ratification. There was, therefore, no remedy when the State Conventions, after passing the ordinances of secession, went on to appoint delegates to a Confederate Congress, which met at Montgomery, Feb. 4, 1861, adopted a provisional constitution Feb. 8th, and elected a President and Vice-President Feb. 9th. The conventions ratified the provisional constitution and adjourned, their real object having been completely accomplished; and the people of the several seceding States, by the action of their omnipotent State Conventions, and without their having a word to say about it, found themselves under a new government, totally irreconcilable with the jurisdiction of the United States, and necessarily hostile to it. The only exception was Texas, whose State Convention had been called in a method so utterly revolutionary that it was felt to be necessary to condone its defects by a popular vote.

No declaration had ever been made by any authority that the erection of such hostile power within the national boundaries of the United States would be followed by war; such a declaration would hardly seem necessary. The recognition of the original national boundaries of the United States had been extorted from Great Britain by successful warfare. They had been extended by purchase from France and Spain in 1803 and 1819, and again by war from Mexico in 1848. The United States stood ready to guarantee their integrity by war against all the rest of the world; was an ordinance of South Carolina, or the election of a *de facto* government within Southern borders, likely to receive different treatment than was given British troops at Bunker Hill, or Santa Anna's lancers at Buena Vista? Men forgot that the national boundaries had been so drawn as to include Vermont before Vermont's admission and without Vermont's consent; that unofficial propositions to divide Rhode Island between Connecticut and Massachusetts, to embargo commerce with North Carolina, and demand her share of the Confederation debt, had in 1789-90 been a sufficient indication that it was easier for a State to get into the American Union than to get out of it. It was a fact, nevertheless, that the national power to enforce the integrity of the Union had never been formally declared; and the mass of men in the South, even though they denied the expediency, did not deny the right of secession, or acknowledge the right of coercion by the Federal Government. To reach the original area of secession with land-forces, it was necessary for the Federal Government to cross the Border States, whose people in general were no believers in the right of coercion. The first attempt to do so extended the secession movement by methods which were far more openly revolutionary than the original secessions. North Carolina and Arkansas seceded in orthodox fashion as soon as President Lincoln called for volunteers after the capture of Fort Sumter. The State governments of Virginia and Tennessee concluded "military leagues" with the Confederacy, allowed Confederate troops to take possession of their States, and then submitted an ordinance of secession to the form of a popular vote. The State officers of Missouri were chased out of the State before they could do more than begin this process. In Maryland, the State government arrayed itself successfully against secession.

In selecting the representative opinions for this period, all the marked shades of opinion have been respected, both the Union and the anti-coercion sentiment of the Border States, the extreme secession spirit of the Gulf States, and, from the North, the moderate and the extreme Republican, and the orthodox Democratic, views. The feeling of the so-called "peace Democrats" of the North differed so little from those of Toombs or Iverson that it has not seemed advisable to do more than refer to Vallandigham's speech in opposition to the war, under the next period.

## **JOHN PARKER HALE,**

### **OF NEW HAMPSHIRE (BORN 1806, DIED 1873.)**

ON SECESSION; MODERATE REPUBLICAN OPINION; IN THE UNITED STATES SENATE, DECEMBER 5, 1860. MR. PRESIDENT:

I was very much in hopes when the message was presented that it would be a document which would commend itself cordially to somebody. I was not so sanguine about its pleasing myself, but I was in hopes that it would be one thing or another. I was in hopes that the President would have looked in the face the crisis in which he says the country is, and that his message would be either one thing or another. But, sir, I have read it somewhat carefully. I listened to it as it was read at the desk; and, if I understand it—and I think I do—it is this: South Carolina has just cause for seceding from the Union; that is the first proposition. The second is,

that she has no right to secede. The third is, that we have no right to prevent her from seceding. That is the President's message, substantially. He goes on to represent this as a great and powerful country, and that no State has a right to secede from it; but the power of the country, if I understand the President, consists in what Dickens makes the English constitution to be—a power to do nothing at all.

Now, sir, I think it was incumbent upon the President of the United States to point out definitely and recommend to Congress some rule of action, and to tell us what he recommended us to do. But, in my judgment, he has entirely avoided it. He has failed to look the thing in the face. He has acted like the ostrich, which hides her head and thereby thinks to escape danger. Sir, the only way to escape danger is to look it in the face. I think the country did expect from the President some exposition of a decided policy; and I confess that, for one, I was rather indifferent as to what that policy was that he recommended; but I hoped that it would be something; that it would be decisive. He has utterly failed in that respect.

I think we may as well look this matter right clearly in the face; and I am not going to be long about doing it. I think that this state of affairs looks to one of two things: it looks to absolute submission, not on the part of our Southern friends and the Southern States, but of the North, to the abandonment of their position,—it looks to a surrender of that popular sentiment which has been uttered through the constituted forms of the ballot-box, or it looks to open war. We need not shut our eyes to the fact. It means war, and it means nothing else; and the State which has put herself in the attitude of secession, so looks upon it. She has asked no council, she has considered it as a settled question, and she has armed herself. As I understand the aspect of affairs, it looks to that, and it looks to nothing else except unconditional submission on the part of the majority. I did not read the paper—I do not read many papers—but I understand that there was a remedy suggested in a paper printed, I think, in this city, and it was that the President and the Vice-President should be inaugurated (that would be a great concession!) and then, being inaugurated, they should quietly resign! Well, sir, I am not entirely certain that that would settle the question. I think that after the President and Vice-President-elect had resigned, there would be as much difficulty in settling who was to take their places as there was in settling it before.

I do not wish, sir, to say a word that shall increase any irritation; that shall add any feeling of bitterness to the state of things which really exists in the country, and I would bear and forbear before I would say any thing which would add to this bitterness. But I tell you, sir, the plain, true way is to look this thing in the face—see where we are. And I avow here—I do not know whether or not I shall be sustained by those who usually act with me—if the issue which is presented is that the constitutional will of the public opinion of this country, expressed through the forms of the Constitution, will not be submitted to, and war is the alternative, let it come in any form or in any shape. The Union is dissolved and it cannot be held together as a Union, if that is the alternative upon which we go into an election. If it is pre-announced and determined that the voice of the majority, expressed through the regular and constituted forms of the Constitution, will not be submitted to, then, sir, this is not a Union of equals; it is a Union of a dictatorial oligarchy on one side, and a herd of slaves and cowards on the other. That is it, sir; nothing more, nothing less. \* \* \*

## **ALFRED IVERSON,**

**OF GEORGIA. (BORN 1798, DIED 1874.)**

ON SECESSION; SECESSIONIST OPINION; IN THE UNITED STATES SENATE, DECEMBER 5, 1860

I do not rise, Mr. President, for the purpose of entering, at any length into this discussion, or to defend the President's message, which has been attacked by the Senator from New Hampshire.\* I am not the mouth-piece of the President. While I do not agree with some portions of the message, and some of the positions that have been taken by the President, I do not perceive all the inconsistencies in that document which the Senator from New Hampshire has thought proper to present.

It is true, that the President denies the constitutional right of a State to secede from the Union; while, at the same time, he also states that this Federal Government has no constitutional right to enforce or to coerce a State back into the Union which may take upon itself the responsibility of secession. I do not see any inconsistency in that. The President may be right when he asserts the fact that no State has a constitutional right to secede from the Union. I do not myself place the right of a State to secede from the Union upon constitutional grounds. I admit that the Constitution has not granted that power to a State. It is exceedingly doubtful even whether the right has been reserved. Certainly it has not been reserved in express terms. I therefore do not place the expected action of any of the Southern States, in the present contingency, upon the constitutional right of secession; and I am not prepared to dispute therefore, the position which the President has taken upon that point.

I rather agree with the President that the secession of a State is an act of revolution taken through that particular means or by that particular measure. It withdraws from the Federal compact, disclaims any further allegiance to it, and sets itself up as a separate government, an independent State. The State does it at its peril, of course, because it may or may not be cause of war by the remaining States composing the Federal Government. If they think proper to consider it such an act of disobedience, or if they consider that the policy of the Federal Government be such that it cannot submit to this dismemberment, why then they may or may not make war if they choose upon the seceding States. It will be a question of course for the Federal Government or the remaining States to decide for themselves, whether they will permit a State to go out of the Union, and remain as a separate and independent State, or whether they will attempt to force her back at the point of the bayonet. That is a question, I presume, of policy and expediency, which will be considered by the remaining States composing the Federal Government, through their organ, the Federal Government, whenever the contingency arises.

But, sir, while a State has no power, under the Constitution, conferred upon it to secede from the Federal Government or from the Union, each State has the right of revolution, which all admit. Whenever the burdens of the government under which it acts become so onerous that it cannot bear them, or if anticipated evil shall be so great that the State believes it would be better off—even risking the perils of secession—out of the Union than in it, then that State, in my opinion, like all people upon earth has the right to exercise the great fundamental principle of self-preservation, and go out of the Union—though, of course, at its own peril—and bear the risk of the consequences. And while no State may have the constitutional right to secede from the Union, the President may not be wrong when he says the Federal Government has no power under the Constitution to compel the State to come back into the Union. It may be a *casus omissus* in the Constitution; but I should like to know where the power exists in the Constitution of the United States to authorize the Federal Government to coerce a sovereign State. It does not exist in terms, at any rate, in the Constitution. I do not think there is any inconsistency, therefore, between the two positions of the President in the message upon these particular points.

The only fault I have to find with the message of the President, is the inconsistency of another portion. He declares that, as the States have no power to secede, the Federal Government is in fact a consolidated government; that it is not a voluntary association of States. I deny it. It was a voluntary association of States. No State was ever forced to come into the Federal Union. Every State came voluntarily into it. It was an association, a voluntary association of States; and the President's position that it is not a voluntary association is, in my opinion, altogether wrong.

But whether that be so or not, the President declares and assumes that this government is a consolidated government to this extent: that all the laws of the Federal Government are to operate directly upon each individual of the States, if not upon the States themselves, and must be enforced; and yet, at the same time, he says that the State which secedes is not to be coerced. He says that the laws of the United States must be enforced against every individual of a State.

Of course, the State is composed of individuals within its limits, and if you enforce the laws and obligations of the Federal Government against each and every individual of the State, you enforce them against a State. While, therefore, he says that a State is not to be coerced, he declares, in the same breath, his determination to enforce the laws of the Union, and therefore to coerce the State if a State goes out. There is the inconsistency, according to my idea, which I do not see how the President or anybody else can reconcile. That the Federal Government is to enforce its laws over the seceding State, and yet not coerce her into obedience, is to me incomprehensible.

But I did not rise, Mr. President, to discuss these questions in relation to the message; I rose in behalf of the State that I represent, as well as other Southern States that are engaged in this movement, to accept the issue which the Senator from New Hampshire has seen fit to tender—that is, of war. Sir, the Southern States now moving in this matter are not doing it without due consideration. We have looked over the whole field. We believe that the only security for the institution to which we attach so much importance is secession and a Southern confederacy. We are satisfied, notwithstanding the disclaimers upon the part of the Black Republicans to the contrary, that they intend to use the Federal power, when they get possession of it, to put down and extinguish the institution of slavery in the Southern States. I do not intend to enter upon the discussion of that point. That, however, is my opinion. It is the opinion of a large majority of those with whom I associate at home, and I believe of the Southern people. Believing that this is the intention and object, the ultimate aim and design, of the Republican party, the Abolitionists of the North, we do not intend to stay in this Union until we shall become so weak that we shall not be able to resist when the time comes for resistance. Our true policy is the one which we have made up our minds to follow. Our true policy is to go out of this Union now, while we have strength to resist any attempt on the part of the Federal Government to coerce us. \* \* \*

We intend, Mr. President, to go out peaceably if we can, forcibly if we must; but I do not believe, with the Senator from New Hampshire, that there is going to be any war. If five or eight States go out, they will necessarily draw all the other Southern States after them. That is a consequence that nothing can prevent. If five or eight States go out of this Union, I should like to see the man that would propose a declaration of war against them, or attempt to force them into obedience to the Federal Government at the point of the bayonet or the sword.

Sir, there has been a good deal of vapping on this subject. A great many threats have been thrown out. I have heard them on this floor, and upon the floor of the other House of Congress; but I have also perceived this: they come from those who would be the very last men to attempt to put their threats into execution. Men talk sometimes about their eighteen million who are to whip us; and yet we have heard of cases in which just such men had suffered themselves to be switched in the face, and trembled like sheep-stealing dogs, expecting to be shot every minute. These threats generally come from men who would be the last to execute them. Some of these Northern editors talk about whipping the Southern States like spaniels. Brave words; but I venture to assert none of those men would ever volunteer to command an army to be sent down South to coerce us into obedience to Federal power. \* \* \*

But, sir, I apprehend that when we go out and form our confederacy—as I think and hope we shall do very shortly—the Northern States, or the Federal Government, will see its true policy to be to let us go in peace and make treaties of commerce and amity with us, from which they will derive more advantages than from any attempt to coerce us. They cannot succeed in coercing us. If they allow us to form our government without difficulty, we shall be very willing to look upon them as a favored nation and give them all the advantages of commercial and amicable treaties. I have no doubt that both of us—certainly the Southern States—would live better, more happily, more prosperously, and with greater friendship, than we live now in this Union.

Sir, disguise the fact as you will, there is an enmity between the Northern and Southern people that is deep and enduring, and you never can eradicate it—never! Look at the spectacle exhibited on this floor. How is it? There are the Republican Northern Senators upon that side. Here are the Southern Senators on this side. How much social intercourse is there between us? You sit upon your side, silent and gloomy; we sit upon ours



with knit brows and portentous scowls. Yesterday I observed that there was not a solitary man on that side of the Chamber came over here even to extend the civilities and courtesies of life; nor did any of us go over there. Here are two hostile bodies on this floor; and it is but a type of the feeling that exists between the two sections. We are enemies as much as if we were hostile States. I believe that the Northern people hate the South worse than ever the English people hated France; and I can tell my brethren over there that there is no love lost upon the part of the South.

In this state of feeling, divided as we are by interest, by a geographical feeling, by every thing that makes two people separate and distinct, I ask why we should remain in the same Union together? We have not lived in peace; we are not now living in peace. It is not expected or hoped that we shall ever live in peace. My doctrine is that whenever even man and wife find that they must quarrel, and cannot live in peace, they ought to separate; and these two sections—the North and South—manifesting, as they have done and do now, and probably will ever manifest, feelings of hostility, separated as they are in interests and objects, my own opinion is they can never live in peace; and the sooner they separate the better.

Sir, these sentiments I have thrown out crudely I confess, and upon the spur of the occasion. I should not have opened my mouth but that the Senator from New Hampshire seemed to show a spirit of bravado, as if he intended to alarm and scare the Southern States into a retreat from their movements. He says that war is to come, and you had better take care, therefore. That is the purport of his language; of course those are not his words; but I understand him very well, and everybody else, I apprehend, understands him that war is threatened, and therefore the South had better look out. Sir, I do not believe that there will be any war; but if war is to come, let it come. We will meet the Senator from New Hampshire and all the myrmidons of Abolitionism and Black Republicanism everywhere, upon our own soil; and in the language of a distinguished member from Ohio in relation to the Mexican War, we will "welcome you with bloody hands to hospitable graves."

## **BENJAMIN WADE,**

**OF OHIO, (BORN 1800, DIED 1878.)**

ON SECESSION, AND THE STATE OF THE UNION; REPUBLICAN OPINION; SENATE OF THE UNITED STATES, DECEMBER 17, 1860. MR. PRESIDENT:

At a time like this, when there seems to be a wild and unreasoning excitement in many parts of the country, I certainly have very little faith in the efficacy of any argument that may be made; but at the same time, I must say, when I hear it stated by many Senators in this Chamber, where we all raised our hands to Heaven, and took a solemn oath to support the Constitution of the United States, that we are on the eve of a dissolution of this Union, and that the Constitution is to be trampled under foot—silence under such circumstances seems to me akin to treason itself.

I have listened to the complaints on the other side patiently, and with an ardent desire to ascertain what was the particular difficulty under which they were laboring. Many of those who have supposed themselves aggrieved have spoken; but I confess that I am now totally unable to understand precisely what it is of which they complain. Why, sir, the party which lately elected their President, and are prospectively to come into power, have never held an executive office under the General Government, nor has any individual of them. It is most manifest, therefore, that the party to which I belong have as yet committed no act of which anybody can complain. If they have fears as to the course that we may hereafter pursue, they are mere apprehensions—a bare suspicion; arising, I fear, out of their unwarrantable prejudices, and nothing else.

I wish to ascertain at the outset whether we are right; for I tell gentlemen that, if they can convince me that I am holding any political principle that is not warranted by the Constitution under which we live, or that trenches upon their rights, they need not ask me to compromise it. I will be ever ready to grant redress, and to right myself whenever I am wrong. No man need approach me with a threat that the Government under which I live is to be destroyed; because I hope I have now, and ever shall have, such a sense of justice that, when any man shows me that I am wrong, I shall be ready to right it without price or compromise.

Now, sir, what is it of which gentlemen complain? When I left my home in the West to come to this place, all was calm, cheerful, and contented. I heard of no discontent. I apprehended that there was nothing to interrupt the harmonious course of our legislation. I did not learn that, since we adjourned from this place at the end of the last session, there had been any new fact intervening that should at all disturb the public mind. I do not know that there has been any encroachment upon the rights of any section of the country since that time; I came here, therefore, expecting to have a very harmonious session. It is very true, sir, that the great Republican party which has been organized ever since you repealed the Missouri Compromise, and who gave you, four years ago, full warning that their growing strength would probably result as it has resulted, have carried the late election; but I did not suppose that would disturb the equanimity of this body. I did suppose that every man who was observant of the signs of the times might well see that things would result as they have resulted. Nor do I understand now that anything growing out of that election is the cause of the present excitement that pervades the country.

Why, Mr. President, this is a most singular state of things. Who is it that is complaining? They that have been in a minority? They that have been the subjects of an oppressive and aggressive Government? No, sir. Let us suppose that when the leaders of the old glorious Revolution met at Philadelphia eighty-four years ago to draw up a bill of indictment against a wicked King and his ministers, they had been at a loss what they should set forth as the causes of their complaint. They had no difficulty in setting them forth so that the great article of impeachment will go down to all posterity as a full justification of all the acts they did. But let us suppose that, instead of its being these old patriots who had met there to dissolve their connection with the

British Government, and to trample their flag under foot, it had been the ministers of the Crown, the leading members of the British Parliament, of the dominant party that had ruled Great Britain for thirty years previous: who would not have branded every man of them as a traitor? It would be said: "You who have had the Government in your own hands: you who have been the ministers of the Crown, advising everything that has been done, set up here that you have been oppressed and aggrieved by the action of that very Government which you have directed yourselves." Instead of a sublime revolution, the uprising of an oppressed people, ready to battle against unequal power for their rights, it would have been an act of treason.

How is it with the leaders of this modern revolution? Are they in a position to complain of the action of this Government for years past? Why, sir, they have had more than two-thirds of the Senate for many years past, and until very recently, and have almost that now. You—who complain, I ought to say—represent but a little more than one-fourth of the free people of these United States, and yet your counsels prevail, and have prevailed all along for at least ten years past. In the Cabinet, in the Senate of the United States, in the Supreme Court, in every department of the Government, your officers, or those devoted to you, have been in the majority, and have dictated all the policies of this Government. Is it not strange, sir, that they who now occupy these positions should come here and complain that their rights are stricken down by the action of the Government?

But what has caused this great excitement that undoubtedly prevails in a portion of our country? If the newspapers are to be credited, there is a reign of terror in all the cities and large towns in the southern portion of this community that looks very much like the reign of terror in Paris during the French revolution. There are acts of violence that we read of almost every day, wherein the rights of northern men are stricken down, where they are sent back with indignities, where they are scourged, tarred, feathered, and murdered, and no inquiry made as to the cause. I do not suppose that the regular Government, in times of excitement like these, is really responsible for such acts. I know that these outbreaks of passion, these terrible excitements that sometimes pervade the community, are entirely irrepressible by the law of the country. I suppose that is the case now; because if these outrages against northern citizens were really authorized by the State authorities there, were they a foreign Government, everybody knows, if it were the strongest Government on earth, we should declare war upon her in one day.

But what has caused this great excitement? Sir, I will tell you what I suppose it is. I do not (and I say it frankly) so much blame the people of the South; because they believe, and they are led to believe by all the information that ever comes before them, that we, the dominant party to-day, who have just seized upon the reins of this Government, are their mortal enemies, and stand ready to trample their institutions under foot. They have been told so by our enemies at the North. Their misfortune, or their fault, is that they have lent a too easy ear to the insinuations of those who are our mortal enemies, while they would not hear us.

Now I wish to inquire, in the first place, honestly, candidly, and fairly, whether the Southern gentlemen on the other side of the Chamber that complain so much, have any reasonable grounds for that complaint—I mean when they are really informed as to our position.

Northern Democrats have sometimes said that we had personal liberty bills in some few of the States of the North, which somehow trenched upon the rights of the South under the fugitive bill to recapture their runaway slaves; a position that in not more than two or three cases, so far as I can see, has the slightest foundation in fact; and even if those where it is most complained of, if the provisions of their law are really repugnant to that of the United States, they are utterly void, and the courts would declare them so the moment you brought them up. Thus it is that I am glad to hear the candor of those gentlemen on the other side, that they do not complain of these laws. The Senator from Georgia (Mr. Iverson) himself told us that they had never suffered any injury, to his knowledge and belief, from those bills, and they cared nothing about them. The Senator from Virginia (Mr. Mason) said the same thing; and, I believe, the Senator from Mississippi (Mr. Brown). You all, then, have given up this bone of contention, this matter of complaint which Northern men have set forth as a grievance more than anybody else.

Mr. Mason. Will the Senator indulge me one moment.

Mr. Wade. Certainly.

Mr. Mason. I know he does not intend to misrepresent me or other gentlemen. What I said was, that the repeal of those laws would furnish no cause of satisfaction to the Southern States. Our opinions of those laws we gave freely. We said the repeal of those laws would give no satisfaction.

Mr. Wade. Mr. President, I do not intend to misrepresent anything. I understood those gentlemen to suppose that they had not been injured by them. I understood the Senator from Virginia to believe that they were enacted in a spirit of hostility to the institutions of the South, and to object to them not because the acts themselves had done them any hurt, but because they were really a stamp of degradation upon Southern men, or something like that—I do not quote his words. The other Senators that referred to it probably intended to be understood in the same way; but they did acquit these laws of having done them injury to their knowledge or belief.

I do not believe that these laws were, as the Senator supposed, enacted with a view to exasperate the South, or to put them in a position of degradation. Why, sir, these laws against kidnapping are as old as the common law itself, as that Senator well knows. To take a freeman and forcibly carry him out of the jurisdiction of the State, has ever been, by all civilized countries, adjudged to be a great crime; and in most of them, wherever I have understood anything about it, they have penal laws to punish such an offence. I believe the State of Virginia has one to-day as stringent in all its provisions as almost any other of which you complain. I have not looked over the statute-books of the South; but I do not doubt that there will be found this species of legislation upon all your statute-books.

Here let me say, because the subject occurs to me right here, the Senator from Virginia seemed not so much to point out any specific acts that Northern people had done injurious to your property as, what he took to be a dishonor and a degradation. I think I feel as sensitive upon that subject as any other man. If I know myself, I am the last man that would be the advocate of any law or any act that would humiliate or dishonor

any section of this country, or any individual in it; and, on the other hand, let me tell these gentlemen I am exceedingly sensitive upon that same point, whatever they may think about it. I would rather sustain an injury than an insult or dishonor; and I would be as unwilling to inflict it upon others as I would be to submit to it myself. I never will do either the one or the other if I know it.

I know that charges have been made and rung in our ears, and reiterated over and over again, that we have been unfaithful in the execution of your fugitive bill. Sir, that law is exceedingly odious to any free people. It deprives us of all the old guarantees of liberty that the Anglo-Saxon race everywhere have considered sacred—more sacred than anything else.

Mr. President, the gentleman says, if I understood him, that these fugitives might be turned over to the authorities of the State from whence they came. That would be a very poor remedy for a free man in humble circumstances who was taken under the provisions of this bill in a summary way, to be carried—where? Where he came from? There is no law that requires that he should be carried there. Sir, if he is a free man he may be carried into the market-place anywhere in a slave State; and what chance has he, a poor, ignorant individual, and a stranger, of asserting any rights there, even if there were no prejudices or partialities against him? That would be mere mockery of justice and nothing else, and the Senator well knows it. Sir, I know that from the stringent, summary provisions of this bill, free men have been kidnapped and carried into captivity and sold into everlasting slavery. Will any man who has a regard to the sovereign rights of the State rise here and complain that a State shall not make a law to protect her own people against kidnapping and violent seizures from abroad? Of all men, I believe those who have made most of these complaints should be the last to rise and deny the power of a sovereign State to protect her own citizens against any Federal legislation whatever. These liberty bills, in my judgment, have been passed, not with a view of degrading the South, but with an honest purpose of guarding the rights of their own citizens from unlawful seizures and abductions. I was exceedingly glad to hear that the Senators on the other side had arisen in their places and had said that the repeal of those laws would not relieve the case from the difficulties under which they now labor.

Gentlemen, it will be very well for us all to take a view of all the phases of this controversy before we come to such conclusions as seem to have been arrived at in some quarters. I make the assertion here that I do not believe, in the history of the world, there ever was a nation or a people where a law repugnant to the general feeling was ever executed with the same faithfulness as has been your most savage and atrocious fugitive bill in the North. You yourselves can scarcely point out any case that has come before any northern tribunal in which the law has not been enforced to the very letter. You ought to know these facts, and you do know them. You all know that when a law is passed anywhere to bind any people, who feel, in conscience, or for any other reason, opposed to its execution, it is not in human nature to enforce it with the same certainty as a law that meets with the approbation of the great mass of the citizens. Every rational man understands this, and every candid man will admit it. Therefore it is that I do not violently impeach you for your unfaithfulness in the execution of many of your laws. You have in South Carolina a law by which you take free citizens of Massachusetts or any other maritime State, who visit the city of Charleston, and lock them up in jail under the penalty, if they cannot pay the jail-fees, of eternal slavery staring them in the face—a monstrous law, revolting to the best feelings of humanity and violently in conflict with the Constitution of the United States. I do not say this by way of recrimination; for the excitement pervading the country is now so great that I do not wish to add a single coal to the flame; but nevertheless I wish the whole truth to appear.

Now, Mr. President, I have shown, I think, that the dominant majority here have nothing to complain of in the legislation of Congress, or in the legislation of any of the States, or in the practice of the people of the North, under the fugitive slave bill, except so far as they say certain State legislation furnishes some evidence of hostility to their institutions. And here, sir, I beg to make an observation. I tell the Senator, and I tell all the Senators, that the Republican party of the Northern States, so far as I know, and of my own State in particular, hold the same opinions with regard to this peculiar institution of yours that are held by all the civilized nations of the world. We do not differ from the public sentiment of England, of France, of Germany, of Italy, and every other civilized nation on God's earth; and I tell you frankly that you never found, and you never will find, a free community that are in love with your peculiar institution. The Senator from Texas (Mr. Wigfall) told us the other day that cotton was king, and that by its influence it would govern all creation. He did not say so in words, but that was the substance of his remark: that cotton was king, and that it had its subjects in Europe who dared not rebel against it. Here let me say to that Senator, in passing, that it turns out that they are very rebellious subjects, and they are talking very disrespectfully at present of that king that he spoke of. They defy you to exercise your power over them. They tell you that they sympathize in this controversy with what you call the black Republicans. Therefore, I hope that, so far as Europe is concerned at least, we shall hear no more of this boast that cotton is king; and that he is going to rule all the civilized nations of the world, and bring them to his footstool. Sir, it will never be done.

But, sir, I wish to inquire whether the Southern people are injured by, or have any just right to complain of that platform of principles that we put out, and on which we have elected a President and Vice-President. I have no concealments to make, and I shall talk to you, my Southern friends, precisely as I would talk upon the stump on the subject. I tell you that in that platform we did lay it down that we would, if we had the power, prohibit slavery from another inch of free territory under this Government. I stand on that position to-day. I have argued it probably to half a million people. They stand there, and have commissioned and enjoined me to stand there forever; and, so help me God, I will. I say to you frankly, gentlemen, that while we hold this doctrine, there is no Republican, there is no convention of Republicans, there is no paper that speaks for them, there is no orator that sets forth their doctrines, who ever pretends that they have any right in your States to interfere with your peculiar institution; but, on the other hand, our authoritative platform repudiates the idea that we have any right or any intention ever to invade your peculiar institution in your own States.

Now, what do you complain of? You are going to break up this Government; you are going to involve us in war and blood, from a mere suspicion that we shall justify that which we stand everywhere pledged not to do. Would you be justified in the eyes of the civilized world in taking so monstrous a position, and predicating it on a bare, groundless suspicion? We do not love slavery. Did you not know that before to-day, before this session commenced? Have you not a perfect confidence that the civilized world is against you on this subject of loving slavery or believing that it is the best institution in the world? Why, sir, everything remains precisely as it was a year ago. No great catastrophe has occurred. There is no recent occasion to accuse us of anything. But all at once, when we meet here, a kind of gloom pervades the whole community and the Senate Chamber. Gentlemen rise and tell us that they are on the eve of breaking up this Government, that seven or eight States are going to break off their connection with the Government, retire from the Union, and set up a hostile government of their own, and they look imploringly over to us, and say to us: "You can prevent it; we can do nothing to prevent it; but it all lies with you." Well, sir, what can we do to prevent it? You have not even condescended to tell us what you want; but I think I see through the speeches that I have heard from gentlemen on the other side. If we would give up the verdict of the people, and take your platform, I do not know but you would be satisfied with it. I think the Senator from Texas rather intimated, and I think the Senator from Georgia more than intimated, that if we would take what is exactly the Charleston platform on which Mr. Breckenridge was placed, and give up that on which we won our victory, you would grumblingly and hesitatingly be satisfied.

Mr. Iverson. I would prefer that the Senator would look over my remarks before quoting them so confidently. I made no such statement as that. I did not say that I would be satisfied with any such thing. I would not be satisfied with it.

Mr. Wade. I did not say that the Senator said so; but by construction I gathered that from his speech. I do not know that I was right in it.

Mr. Iverson. The Senator is altogether wrong in his construction.

Mr. Wade. Well, sir, I have now found what the Senator said on the other point to which he called my attention a little while ago. Here it is:

"Nor do we suppose that there will be any overt acts upon the part of Mr. Lincoln. For one, I do not dread these overt acts. I do not propose to wait for them. Why, sir, the power of this Federal Government could be so exercised against the institution of slavery in the Southern States, as that, without an overt act, the institution would not last ten years. We know that, sir; and seeing the storm which is approaching, although it may be seemingly in the distance, we are determined to seek our own safety and security before it shall burst upon us and overwhelm us with its fury, when we are not in a situation to defend ourselves."

That is what the Senator said.

Mr. Iverson. Yes; that is what I said.

Mr. Wade. Well, then, you did not expect that Mr. Lincoln would commit any overt act against the Constitution—that was not it—you were not going to wait for that, but were going to proceed on your supposition that probably he might; and that is the sense of what I said before.

Well, Mr. President, I have disavowed all intention on the part of the Republican party to harm a hair of your heads anywhere. We hold to no doctrine that can possibly work you an inconvenience. We have been faithful to the execution of all the laws in which you have any interest, as stands confessed on this floor by your own party, and as is known to me without their confessions. It is not, then, that Mr. Lincoln is expected to do any overt act by which you may be injured; you will not wait for any; but anticipating that the Government may work an injury, you say you will put an end to it, which means simply, that you intend either to rule or ruin this Government. That is what your complaint comes to; nothing else. We do not like your institution, you say. Well, we never liked it any better than we do now. You might as well have dissolved the Union at any other period as now, on that account, for we stand in relation to it precisely as we have ever stood; that is, repudiating it among ourselves as a matter of policy and morals, but nevertheless admitting that where it is out of our jurisdiction, we have no hold upon it, and no designs upon it.

Then, sir, as there is nothing in the platform on which Mr. Lincoln was elected of which you complain, I ask, is there anything in the character of the President-elect of which you ought to complain? Has he not lived a blameless life? Did he ever transgress any law? Has he ever committed any violation of duty of which the most scrupulous can complain? Why, then, your suspicions that he will? I have shown that you have had the government all the time until, by some misfortune or maladministration, you brought it to the very verge of destruction, and the wisdom of the people had discovered that it was high time that the scepter should depart from you, and be placed in more competent hands; I say that this being so, you have no constitutional right to complain; especially when we disavow any intention so to make use of the victory we have won as to injure you at all.

This brings me, sir, to the question of compromises. On the first day of this session, a Senator rose in his place and offered a resolution for the appointment of a committee to inquire into the evils that exist between the different sections, and to ascertain what can be done to settle this great difficulty. That is the proposition substantially. I tell the Senator that I know of no difficulty; and as to compromises, I had supposed that we were all agreed that the day of compromises was at an end. The most solemn compromises we have ever made have been violated without a whereas. Since I have had a seat in this body, one of considerable antiquity, that had stood for more than thirty years, was swept away from your statute-books. When I stood here in the minority arguing against it; when I asked you to withhold your hand; when I told you it was a sacred compromise between the sections, and that when it was removed we should be brought face to face with all that sectional bitterness that has intervened; when I told you that it was a sacred compromise which no man should touch with his finger, what was your reply? That it was a mere act of Congress—nothing more, nothing less—and that it could be swept away by the same majority that passed it. That was true in point of fact, and true in point of law; but it showed the weakness of compromises. Now, sir, I only speak for myself; and I say that, in view of the manner in which other compromises have been heretofore treated, I should hardly think any two of the Democratic party would look each other in the face and say "compromise" without

a smile. (Laughter.) A compromise to be brought about by act of Congress, after the experience we have had, is absolutely ridiculous.

I say, then, that so far as I am concerned, I will yield to no compromise. I do not come here begging, either. It would be an indignity to the people that I represent if I were to stand here parleying as to the rights of the party to which I belong. We have won our right to the Chief Magistracy of this nation in the way that you have always won your predominance; and if you are as willing to do justice to others as to exact it from them, you would never raise an inquiry as to a committee for compromises. Here I beg, barely for myself, to say one thing more. Many of you stand in an attitude hostile to this Government; that is to say, you occupy an attitude where you threaten that, unless we do so and so, you will go out of this Union and destroy the Government. I say to you for myself, that, in my private capacity, I never yielded to anything by way of threat, and in my public capacity I have no right to yield to any such thing; and therefore I would not entertain a proposition for any compromise, for, in my judgment, this long, chronic controversy that has existed between us must be met, and met upon the principles of the Constitution and laws, and met now. I hope it may be adjusted to the satisfaction of all; and I know no other way to adjust it, except that way which is laid down by the Constitution of the United States. Whenever we go astray from that, we are sure to plunge ourselves into difficulties. The old Constitution of the United States, although commonly and frequently in direct opposition to what I could wish, nevertheless, in my judgment, is the wisest and best constitution that ever yet organized a free Government; and by its provisions I am willing, and intend, to stand or fall. Like the Senator from Mississippi, I ask nothing more. I ask no ingrafting upon it. I ask nothing to be taken away from it. Under its provisions a nation has grown faster than any other in the history of the world ever did before in prosperity, in power, and in all that makes a nation great and glorious. It has ministered to the advantages of this people; and now I am unwilling to add or take away anything till I can see much clearer than I can now that it wants either any addition or lopping off.

The Senator from Texas says—it is not exactly his language—we will force you to an ignominious treaty up in Faneuil Hall. Well, sir, you may. We know you are brave; we understand your prowess; we want no fight with you; but, nevertheless, if you drive us to that necessity, we must use all the powers of this Government to maintain it intact in its integrity. If we are overthrown, we but share the fate of a thousand other Governments that have been subverted. If you are the weakest then you must go to the wall; and that is all there is about it. That is the condition in which we stand, provided a State sets herself up in opposition to the General Government.

I say that is the way it seems to me, as a lawyer. I see no power in the Constitution to release a Senator from this position. Sir, if there was any other, if there was an absolute right of secession in the Constitution of the United States when we stepped up there to take our oath of office, why was there not an exception in that oath? Why did it not run "that we would support the Constitution of the United States unless our State shall secede before our term was out?" Sir, there is no such immunity. There is no way by which this can be done that I can conceive of, except it is standing upon the Constitution of the United States, demanding equal justice for all, and vindicating the old flag of the Union. We must maintain it, unless we are cloven down by superior force.

Well, sir, it may happen that you can make your way out of the Union, and that, by levying war upon the Government, you may vindicate your right to independence. If you should do so, I have a policy in my mind. No man would regret more than myself that any portion of the people of these United States should think themselves impelled, by grievances or anything else, to depart out of this Union, and raise a foreign flag and a hand against the General Government. If there was any just cause on God's earth that I could see that was within my reach of honorable release from any such pretended grievance, they should have it; but they set forth none; I can see none. It is all a matter of prejudice, superinduced unfortunately, I believe, as I intimated before, more because you have listened to the enemies of the Republican party and what they said of us, while, from your intolerance, you have shut out all light as to what our real principles are. We have been called and branded in the North and in the South and everywhere else, as John Brown men, as men hostile to your institutions, as meditating an attack upon your institutions in your own States—a thing that no Republican ever dreamed of or ever thought of, but has protested against as often as the question has been up; but your people believe it. No doubt they believe it because of the terrible excitement and reign of terror that prevails there. No doubt they think so, but it arises from false information, or the want of information—that is all. Their prejudices have been appealed to until they have become uncontrolled and uncontrollable.

Well, sir, if it shall be so; if that "glorious Union," as we call it, under which the Government has so long lived and prospered, is now about to come to a final end, as perhaps it may, I have been looking around to see what policy we should adopt; and through that gloom which has been mentioned on the other side, if you will have it so, I still see a glorious future for those who stand by the old flag of the nation.

But, sir, I am for maintaining the Union of these States. I will sacrifice everything but honor to maintain it. That glorious old flag of ours, by any act of mine, shall never cease to wave over the integrity of this Union as it is. But if they will not have it so, in this new, renovated Government of which I have spoken, the 4th of July, with all its glorious memories, will never be repealed. The old flag of 1776 will be in our hands, and shall float over this nation forever; and this capital, that some gentlemen said would be reserved for the Southern republic, shall still be the capital. It was laid out by Washington; it was consecrated by him; and the old flag that he vindicated in the Revolution shall still float from the Capitol.

I say, sir, I stand by the Union of these States. Washington and his compatriots fought for that good old flag. It shall never be hauled down, but shall be the glory of the Government to which I belong, as long as my life shall continue. To maintain it, Washington and his compatriots fought for liberty and the rights of man. And here I will add that my own father, although but a humble soldier, fought in the same great cause, and went through hardships and privations sevenfold worse than death, in order to bequeath it to his children. It is my inheritance. It was my protector in infancy, and the pride and glory of my riper years; and, Mr. President, although it may be assailed by traitors on every side, by the grace of God, under its shadow I will die.

# JOHN JORDON CRITTENDEN,

## OF KENTUCKY. (BORN 1787, DIED 1863.)

ON THE CRITTENDEN COMPROMISE; UNITED STATES SENATE, DECEMBER 18, 1860.

I am gratified, Mr. President, to see in the various propositions which have been made, such a universal anxiety to save the country from the dangerous dissensions which now prevail; and I have, under a very serious view and without the least ambitious feeling whatever connected with it, prepared a series of constitutional amendments, which I desire to offer to the Senate, hoping that they may form, in part at least, some basis for measures that may settle the controverted questions which now so much agitate our country. Certainly, sir, I do not propose now any elaborate discussion of the subject. Before presenting these resolutions, however, to the Senate, I desire to make a few remarks explanatory of them, that the Senate may understand their general scope.

The questions of an alarming character are those which have grown out of the controversy between the northern and southern sections of our country in relation to the rights of the slave-holding States in the Territories of the United States, and in relation to the rights of the citizens of the latter in their slaves. I have endeavored by these resolutions to meet all these questions and causes of discontent, and by amendments to the Constitution of the United States, so that the settlement, if we happily agree on any, may be permanent, and leave no cause for future controversy. These resolutions propose, then, in the first place, in substance, the restoration of the Missouri Compromise, extending the line throughout the Territories of the United States to the eastern border of California, recognizing slavery in all the territory south of that line, and prohibiting slavery in all the territory north of it; with a provision, however, that when any of those Territories, north or south, are formed into States, they shall then be at liberty to exclude or admit slavery as they please; and that, in the one case or the other, it shall be no objection to their admission into the Union. In this way, sir, I propose to settle the question, both as to territory and slavery, so far as it regards the Territories of the United States.

I propose, sir, also, that the Constitution be so amended as to declare that Congress shall have no power to abolish slavery in the District of Columbia so long as slavery exists in the States of Maryland and Virginia; and that they shall have no power to abolish slavery in any of the places under their special jurisdiction within the Southern States.

These are the constitutional amendments which I propose, and embrace the whole of them in regard to the questions of territory and slavery. There are other propositions in relation to grievances, and in relation to controversies, which I suppose are within the jurisdiction of Congress, and may be removed by the action of Congress. I propose, in regard to legislative action, that the fugitive slave law, as it is commonly called, shall be declared by the Senate to be a constitutional act, in strict pursuance of the Constitution. I propose to declare that it has been decided by the Supreme Court of the United States to be constitutional, and that the Southern States are entitled to a faithful and complete execution of that law, and that no amendment shall be made hereafter to it which will impair its efficiency. But, thinking that it would not impair its efficiency, I have proposed amendments to it in two particulars. I have understood from gentlemen of the North that there is objection to the provision giving a different fee where the commissioner decides to deliver the slave to the claimant, from that which is given where he decides to discharge the alleged slave; the law declares that in the latter case he shall have but five dollars, while in the other he shall have ten dollars—twice the amount in one case than in the other. The reason for this was very obvious. In case he delivers the servant to his claimant he is required to draw out a lengthy certificate, stating the principle and substantial grounds on which his decision rests, and to return him either to the marshal or to the claimant to remove him to the State from which he escaped. It was for that reason that a larger fee was given to the commissioner, where he had the largest service to perform. But, sir, the act being viewed unfavorably and with great prejudice, in a certain portion of our country, this was regarded as very obnoxious, because it seemed to give an inducement to the commissioner to return the slave to the master, as he thereby obtained the larger fee of ten dollars instead of the smaller one of five dollars. I have said, let the fee be the same in both cases.

I have understood, furthermore, sir, that inasmuch as the fifth section of that law was worded somewhat vaguely, its general terms had admitted of the construction in the Northern States that all the citizens were required, upon the summons of the marshal, to go with him to hunt up, as they express it, and arrest the slave; and this is regarded as obnoxious. They have said, "in the Southern States you make no such requisition on the citizen"; nor do we, sir. The section, construed according to the intention of the framers of it, I suppose, only intended that the marshal should have the same right in the execution of process for the arrest of a slave that he has in all other cases of process that he is required to execute—to call on the *posse comitatus* for assistance where he is resisted in the execution of his duty, or where, having executed his duty by the arrest, an attempt is made to rescue the slave. I propose such an amendment as will obviate this difficulty and limit the right of the master and the duty of the citizen to cases where, as in regard to all other process, persons may be called upon to assist in resisting opposition to the execution of the laws.

I have provided further, sir, that the amendment to the Constitution which I here propose, and certain other provisions of the Constitution itself, shall be unalterable, thereby forming a permanent and unchangeable basis for peace and tranquillity among the people. Among the provisions in the present Constitution, which I have by amendment proposed to render unalterable, is that provision in the first article of the Constitution which provides the rule for representation, including in the computation three-fifths of the slaves. That is to be rendered unchangeable. Another is the provision for the delivery of fugitive slaves. That is to be rendered unchangeable.

And with these provisions, Mr. President, it seems to me we have a solid foundation upon which we may rest our hopes for the restoration of peace and good-will among all the States of this Union, and all the people. I propose, sir, to enter into no particular discussion. I have explained the general scope and object of my proposition. I have provided further, which I ought to mention, that, there having been some difficulties experienced in the courts of the United States in the South in carrying into execution the laws prohibiting the African slave trade, all additions and amendments which may be necessary to those laws to render them effectual should be immediately adopted by Congress, and especially the provision of those laws which prohibit the importation of African slaves into the United States. I have further provided it as a recommendation to all the States of this Union, that whereas laws have been passed of an unconstitutional character, (and all laws are of that character which either conflict with the constitutional acts of Congress, or which in their operation hinder or delay the proper execution of the acts of Congress,) which laws are null and void, and yet, though null and void, they have been the source of mischief and discontent in the country, under the extraordinary circumstances in which we are placed; I have supposed that it would not be improper or unbecoming in Congress to recommend to the States, both North and South, the repeal of all such acts of theirs as were intended to control, or intended to obstruct the operation of the acts of Congress, or which in their operation and in their application have been made use of for the purpose of such hindrance and opposition, and that they will repeal these laws or make such explanations or corrections of them as to prevent their being used for any such mischievous purpose.

I have endeavored to look with impartiality from one end of our country to the other; I have endeavored to search up what appeared to me to be the causes of discontent pervading the land; and, as far as I am capable of doing so, I have endeavored to propose a remedy for them. I am far from believing that, in the shape in which I present these measures, they will meet with the acceptance of the Senate. It will be sufficiently gratifying if, with all the amendments that the superior knowledge of the Senate may make to them, they shall, to any effectual extent, quiet the country.

Mr. President, great dangers surround us. The Union of these States is dear to the people of the United States. The long experience of its blessings, the mighty hopes of the future, have made it dear to the hearts of the American people. Whatever politicians may say, whatever of dissension may, in the heat of party politics, be created among our people, when you come down to the question of the existence of the Constitution, that is a question beyond all politics; that is a question of life and death. The Constitution and the Union are the life of this great people—yes, sir, the life of life. We all desire to preserve them, North and South; that is the universal desire. But some of the Southern States, smarting under what they conceive to be aggressions of their Northern brethren and of the Northern States, are not contented to continue this Union, and are taking steps, formidable steps, towards a dissolution of the Union, and towards the anarchy and the bloodshed, I fear, that are to follow. I say, sir, we are in the presence of great events. We must elevate ourselves to the level of the great occasion. No party warfare about mere party questions or party measures ought now to engage our attention. They are left behind; they are as dust in the balance. The life, the existence of our country, of our Union, is the mighty question; and we must elevate ourselves to all those considerations which belong to this high subject.

I hope, therefore, gentlemen will be disposed to bring the sincerest spirit of conciliation, the sincerest spirit and desire to adjust all these difficulties, and to think nothing of any little concessions of opinions that they may make, if thereby the Constitution and the country can be preserved.

The great difficulty here, sir—I know it; I recognize it as the difficult question, particularly with the gentlemen from the North—is the admission of this line of division for the territory, and the recognition of slavery on the one side, and the prohibition of it on the other. The recognition of slavery on the southern side of that line is the great difficulty, the great question with them. Now, I beseech you to think, and you, Mr. President, and all, to think whether, for such a comparative trifle as that, the Union of this country is to be sacrificed. Have we realized to ourselves the momentous consequences of such an event? When has the world seen such an event? This is a mighty empire. Its existence spreads its influence throughout the civilized world. Its overthrow will be the greatest shock that civilization and free government have received; more extensive in its consequences; more fatal to mankind and to the great principles upon which the liberty of mankind depends, than the French revolution with all its blood, and with all its war and violence. And all for what? Upon questions concerning this line of division between slavery and freedom? Why, Mr. President, suppose this day all the Southern States, being refused this right; being refused this partition; being denied this privilege, were to separate from the Northern States, and do it peacefully, and then were to come to you peacefully and say, "let there be no war between us; let us divide fairly the Territories of the United States"; could the northern section of the country refuse so just a demand? What would you then give them? What would be the fair proportion? If you allowed them their fair relative proportion, would you not give them as much as is now proposed to be assigned on the southern side of that line, and would they not be at liberty to carry their slaves there, if they pleased? You would give them the whole of that; and then what would be its fate?

Is it upon the general principle of humanity, then, that you (addressing Republican Senators) wish to put an end to slavery, or is it to be urged by you as a mere topic and point of party controversy to sustain party power? Surely I give you credit for looking at it upon broader and more generous principles. Then, in the worst event, after you have encountered disunion, that greatest of all political calamities to the people of this country, and the disunionists come, the separating States come, and demand or take their portion of the Territories, they can take, and will be entitled to take, all that will now lie on the southern side of the line which I have proposed. Then they will have a right to permit slavery to exist in it; and what do you gain for the cause of anti-slavery? Nothing whatever. Suppose you should refuse their demand, and claim the whole for yourselves, that would be a flagrant injustice which you would not be willing that I should suppose would occur. But if you did, what would be the consequence? A State north and a State south, and all the States, north and south, would be attempting to grasp at and seize this territory, and to get all of it that they could. That would be the struggle, and you would have war; and not only disunion, but all these fatal consequences would follow from your refusal now to permit slavery to exist, to recognize it as existing, on the southern side of the proposed line, while you give to the people there the right to exclude it when they come to form a State

government, if such should be their will and pleasure.

Now, gentlemen, in view of this subject, in view of the mighty consequences, in view of the great events which are present before you, and of the mighty consequences which are just now to take effect, is it not better to settle the question by a division upon the line of the Missouri Compromise? For thirty years we lived quietly and peacefully under it. Our people, North and South, were accustomed to look at it as a proper and just line. Can we not do so again? We did it then to preserve the peace of the country. Now you see this Union in the most imminent danger. I declare to you that it is my solemn conviction that unless something be done, and something equivalent to this proposition, we shall be a separated and divided people in six months from this time. That is my firm conviction. There is no man here who deplures it more than I do; but it is my sad and melancholy conviction that that will be the consequence. I wish you to realize fully the danger. I wish you to realize fully the consequences which are to follow. You can give increased stability to this Union; you can give it an existence, a glorious existence, for great and glorious centuries to come, by now setting it upon a permanent basis, recognizing what the South considers as its rights; and this is the greatest of them all; it is that you should divide the territory by this line, and allow the people south of it to have slavery when they are admitted into the Union as States, and to have it during the existence of the territorial government. That is all. Is it not the cheapest price at which such a blessing as this Union was ever purchased? You think, perhaps, or some of you, that there is no danger, that it will but thunder and pass away. Do not entertain such a fatal delusion. I tell you it is not so. I tell you that as sure as we stand here disunion will progress. I fear it may swallow up even old Kentucky in its vortex—as true a State to the Union as yet exists in the whole Confederacy—unless something be done; but that you will have disunion, that anarchy and war will follow it, that all this will take place in six months, I believe as confidently as I believe in your presence. I want to satisfy you of the fact.

The present exasperation; the present feeling of disunion, is the result of a long-continued controversy on the subject of slavery and of territory. I shall not attempt to trace that controversy; it is unnecessary to the occasion, and might be harmful. In relation to such controversies, I will say, though, that all the wrong is never on one side, or all the right on the other. Right and wrong, in this world, and in all such controversies, are mingled together. I forbear now any discussion or any reference to the right or wrong of the controversy, the mere party controversy; but in the progress of party, we now come to a point where party ceases to deserve consideration, and the preservation of the Union demands our highest and our greatest exertions. To preserve the Constitution of the country is the highest duty of the Senate, the highest duty of Congress—to preserve it and to perpetuate it, that we may hand down the glories which we have received to our children and to our posterity, and to generations far beyond us. We are, Senators, in positions where history is to take notice of the course we pursue.

History is to record us. Is it to record that when the destruction of the Union was imminent; when we saw it tottering to its fall; when we saw brothers arming their hands for hostility with one another, we stood quarrelling about points of party politics; about questions which we attempted to sanctify and to consecrate by appealing to our conscience as the source of them? Are we to allow such fearful catastrophes to occur while we stand trifling away our time? While we stand thus, showing our inferiority to the great and mighty dead, showing our inferiority to the high positions which we occupy, the country may be destroyed and ruined; and to the amazement of all the world, the great Republic may fall prostrate and in ruins, carrying with it the very hope of that liberty which we have heretofore enjoyed; carrying with it, in place of the peace we have enjoyed, nothing but revolution and havoc and anarchy. Shall it be said that we have allowed all these evils to come upon our country, while we were engaged in the petty and small disputes and debates to which I have referred? Can it be that our name is to rest in history with this everlasting stigma and blot upon it?

Sir, I wish to God it was in my power to preserve this Union by renouncing or agreeing to give up every conscientious and other opinion. I might not be able to discard it from my mind; I am under no obligation to do that. I may retain the opinion, but if I can do so great a good as to preserve my country and give it peace, and its institutions and its Union stability, I will forego any action upon my opinions. Well, now, my friends (addressing the Republican Senators), that is all that is asked of you. Consider it well, and I do not distrust the result. As to the rest of this body, the gentlemen from the South, I would say to them, can you ask more than this? Are you bent on revolution, bent on disunion. God forbid it. I cannot believe that such madness possesses the American people. This gives reasonable satisfaction. I can speak with confidence only of my own State. Old Kentucky will be satisfied with it, and she will stand by the Union and die by the Union if this satisfaction be given. Nothing shall seduce her. The clamor of no revolution, the seductions and temptations of no revolution, will tempt her to move one step. She has stood always by the side of the Constitution; she has always been devoted to it, and is this day. Give her this satisfaction, and I believe all the States of the South that are not desirous of disunion as a better thing than the Union and the Constitution, will be satisfied and will adhere to the Union, and we shall go on again in our great career of national prosperity and national glory.

But, sir, it is not necessary for me to speak to you of the consequences that will follow disunion. Who of us is not proud of the greatness we have achieved? Disunion and separation destroy that greatness. Once disunited, we are no longer great. The nations of the earth who have looked upon you as a formidable Power, and rising to untold and immeasurable greatness in the future, will scoff at you. Your flag, that now claims the respect of the world, that protects American property in every port and harbor of the world, that protects the rights of your citizens everywhere, what will become of it? What becomes of its glorious influence? It is gone; and with it the protection of American citizens and property. To say nothing of the national honor which it displayed to all the world, the protection of your rights, the protection of your property abroad is gone with that national flag, and we are hereafter to conjure and contrive different flags for our different republics according to the feverish fancies of revolutionary patriots and disturbers of the peace of the world. No, sir; I want to follow no such flag. I want to preserve the union of my country. We have it in our power to do so, and we are responsible if we do not do it.

I do not despair of the Republic. When I see before me Senators of so much intelligence and so much



patriotism, who have been so honored by their country, sent here as the guardians of that very union which is now in question, sent here as the guardians of our national rights, and as guardians of that national flag, I cannot despair; I cannot despond. I cannot but believe that they will find some means of reconciling and adjusting the rights of all parties, by concessions, if necessary, so as to preserve and give more stability to the country and to its institutions.

## ROBERT TOOMBS,

OF GEORGIA. (BORN 1810—DIED 1885.)

ON SECESSION; SECESSIONIST OPINION; IN THE UNITED STATES SENATE, JANUARY 7, 1861. MR. PRESIDENT AND SENATORS:

The success of the Abolitionists and their allies, under the name of the Republican party, has produced its logical results already. They have for long years been sowing dragons' teeth, and have finally got a crop of armed men. The Union, sir, is dissolved. That is an accomplished fact in the path of this discussion that men may as well heed. One of your confederates has already, wisely, bravely, boldly, confronted public danger, and she is only ahead of many of her sisters because of her greater facility for speedy action. The greater majority of those sister States, under like circumstances, consider her cause as their cause; and I charge you in their name to-day, "Touch not Saguntum." It is not only their cause, but it is a cause which receives the sympathy and will receive the support of tens and hundreds of thousands of honest patriotic men in the non-slave-holding States, who have hitherto maintained constitutional rights, and who respect their oaths, abide by compacts, and love justice. And while this Congress, this Senate, and this House of Representatives, are debating the constitutionality and the expediency of seceding from the Union, and while the perfidious authors of this mischief are showering down denunciations upon a large portion of the patriotic men of this country, those brave men are coolly and calmly voting what you call revolution—ay, sir, doing better than that: arming to defend it. They appealed to the Constitution, they appealed to justice, they appealed to fraternity, until the Constitution, justice, and fraternity were no longer listened to in the legislative halls of their country, and then, sir, they prepared for the arbitrament of the sword; and now you see the glittering bayonet, and you hear the tramp of armed men from your Capitol to the Rio Grande. It is a sight that gladdens the eyes and cheers the heart of other millions ready to second them.

Inasmuch, sir, as I have labored earnestly, honestly, sincerely, with these men to avert this necessity so long as I deemed it possible, and inasmuch as I heartily approve their present conduct of resistance, I deem it my duty to state their case to the Senate, to the country, and to the civilized world.

Senators, my countrymen have demanded no new government; they have demanded no new constitution. Look to their records at home and here from the beginning of this national strife until its consummation in the disruption of the empire, and they have not demanded a single thing except that you shall abide by the Constitution of the United States; that constitutional rights shall be respected, and that justice shall be done. Sirs, they have stood by your Constitution; they have stood by all its requirements; they have performed all its duties unselfishly, uncalculatingly, disinterestedly, until a party sprang up in this country which endangered their social system—a party which they arraign, and which they charge before the American people and all mankind, with having made proclamation of outlawry against four thousand millions of their property in the Territories of the United States; with having put them under the ban of the empire in all the States in which their institutions exist, outside the protection of Federal laws; with having aided and abetted insurrection from within and invasion from without, with the view of subverting those institutions, and desolating their homes and their firesides. For these causes they have taken up arms. I shall proceed to vindicate the justice of their demands, the patriotism of their conduct. I will show the injustice which they suffer and the rightfulness of their resistance.

I shall not spend much time on the question that seems to give my honorable friend (Mr. Crittenden) so much concern—the constitutional right of a State to secede from this Union. Perhaps he will find out after a while that it is a fact accomplished. You have got it in the South pretty much both ways. South Carolina has given it to you regularly, according to the approved plan. You are getting it just below there (in Georgia), I believe, irregularly, outside of the law, without regular action. You can take it either way. You will find armed men to defend both. I have stated that the discontented States of this Union have demanded nothing but clear, distinct, unequivocal, well-acknowledged constitutional rights; rights affirmed by the highest judicial tribunals of their country; rights older than the Constitution; rights which are planted upon the immutable principles of natural justice; rights which have been affirmed by the good and the wise of all countries, and of all centuries. We demand no power to injure any man. We demand no right to injure our confederate States. We demand no right to interfere with their institutions, either by word or deed. We have no right to disturb their peace, their tranquillity, their security. We have demanded of them simply, solely—nothing else—to give us equality, security, and tranquillity. Give us these, and peace restores itself. Refuse them, and take what you can get.

I will now read my own demands, acting under my own convictions, and the universal judgment of my countrymen. They are considered the demands of an extremist. To hold to a constitutional right now makes one considered as an extremist—I believe that is the appellation these traitors and villains, North and South, employ. I accept their reproach rather than their principles. Accepting their designation of treason and rebellion, there stands before them as good a traitor, and as good a rebel as ever descended from revolutionary loins.

What do the rebels demand? First, "that the people of the United States shall have an equal right to emigrate and settle in the present or any future acquired territories, with whatever property they may

possess (including slaves), and be securely protected in its peaceable enjoyment until such Territory may be admitted as a State into the Union, with or without slavery, as she may determine, on an equality with all existing States." That is our territorial demand. We have fought for this Territory when blood was its price. We have paid for it when gold was its price. We have not proposed to exclude you, though you have contributed very little of blood or money. I refer especially to New England. We demand only to go into those Territories upon terms of equality with you, as equals in this great Confederacy, to enjoy the common property of the whole Union, and receive the protection of the common government, until the Territory is capable of coming into the Union as a sovereign State, when it may fix its own institutions to suit itself.

The second proposition is, "that property in slaves shall be entitled to the same protection from the Government of the United States, in all of its departments, everywhere, which the Constitution confers the power upon it to extend to any other property, provided nothing herein contained shall be construed to limit or restrain the right now belonging to every State to prohibit, abolish, or establish and protect slavery within its limits." We demand of the common government to use its granted powers to protect our property as well as yours. For this protection we pay as much as you do. This very property is subject to taxation. It has been taxed by you and sold by you for taxes. The title to thousands and tens of thousands of slaves is derived from the United States. We claim that the Government, while the Constitution recognizes our property for the purposes of taxation, shall give it the same protection that it gives yours. Ought it not to be so? You say no. Every one of you upon the committee said no. Your Senators say no. Your House of Representatives says no. Throughout the length and breadth of your conspiracy against the Constitution, there is but one shout of no! This recognition of this right is the price of my allegiance. Withhold it, and you do not get my obedience. This is the philosophy of the armed men who have sprung up in this country. Do you ask me to support a government that will tax my property; that will plunder me; that will demand my blood, and will not protect me? I would rather see the population of my native State laid six feet beneath her sod than they should support for one hour such a government. Protection is the price of obedience everywhere, in all countries. It is the only thing that makes government respectable. Deny it and you cannot have free subjects or citizens; you may have slaves.

We demand, in the next place, "that persons committing crimes against slave property in one State, and fleeing to another, shall be delivered up in the same manner as persons committing crimes against other property, and that the laws of the State from which such persons flee shall be the test of criminality." That is another one of the demands of an extremist and rebel. The Constitution of the United States, article four, section two, says:

"A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime." But the non-slave-holding States, treacherous to their oaths and compacts, have steadily refused, if the criminal only stole a negro, and that negro was a slave, to deliver him up. It was refused twice on the requisition of my own State as long as twenty-two years ago. It was refused by Kent and by Fairfield, Governors of Maine, and representing, I believe, each of the then Federal parties. We appealed then to fraternity, but we submitted; and this constitutional right has been practically a dead letter from that day to this. The next case came up between us and the State of New York, when the present senior Senator (Mr. Seward) was the Governor of that State; and he refused it. Why? He said it was not against the laws of New York to steal a negro, and therefore he would not comply with the demand. He made a similar refusal to Virginia. Yet these are our confederates; these are our sister States! There is the bargain; there is the compact. You have sworn to it. Both these Governors swore to it. The Senator from New York swore to it. The Governor of Ohio swore to it when he was inaugurated. You cannot bind them by oaths.

Yet they talk to us of treason; and I suppose they expect to whip freemen into loving such brethren! They will have a good time in doing it!

It is natural we should want this provision of the Constitution carried out. The Constitution says slaves are property; the Supreme Court says so; the Constitution says so. The theft of slaves is a crime; they are a subject-matter of felonious asportation. By the text and letter of the Constitution you agreed to give them up. You have sworn to do it, and you have broken your oaths. Of course, those who have done so look out for pretexts. Nobody expected them do otherwise. I do not think I ever saw a perjurer, however bald and naked, who could not invent some pretext to palliate his crime, or who could not, for fifteen shillings, hire an Old Bailey lawyer to invent some for him. Yet this requirement of the Constitution is another one of the extreme demands of an extremist and a rebel.

The next stipulation is that fugitive slaves shall be surrendered under the provisions of the fugitive-slave act of 1850, without being entitled either to a writ of *habeas corpus*, or trial by jury, or other similar obstructions of legislation, in the State to which he may flee. Here is the Constitution:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

This language is plain, and everybody understood it the same way for the first forty years of your government. In 1793, in Washington's time, an act was passed to carry out this provision. It was adopted unanimously in the Senate of the United States, and nearly so in the House of Representatives. Nobody then had invented pretexts to show that the Constitution did not mean a negro slave. It was clear; it was plain. Not only the Federal courts, but all the local courts in all the States, decide that this was a constitutional obligation. How is it now? The North sought to evade it; following the instincts of their natural character, they commenced with the fraudulent fiction that fugitives were entitled to *habeas corpus*, entitled to trial by jury in the State to which they fled. They pretended to believe that our fugitive slaves were entitled to more rights than their white citizens; perhaps they were right, they know one another better than I do. You may charge a white man with treason, or felony, or other crime, and you do not require any trial by jury before he is given up; there is nothing to determine but that he is legally charged with a crime and that he fled, and then he is to be delivered up upon demand. White people are delivered up every day in this way; but not

slaves. Slaves, black people, you say, are entitled to trial by jury; and in this way schemes have been invented to defeat your plain constitutional obligations. \* \* \*

The next demand made on behalf of the South is, "that Congress shall pass effective laws for the punishment of all persons in any of the States who shall in any manner aid and abet invasion or insurrection in any other State, or commit any other act against the laws of nations, tending to disturb the tranquillity of the people or government of any other State." That is a very plain principle. The Constitution of the United States now requires, and gives Congress express power, to define and punish piracies and felonies committed on the high seas, and offences against the laws of nations. When the honorable and distinguished Senator from Illinois (Mr. Douglas) last year introduced a bill for the purpose of punishing people thus offending under that clause of the Constitution, Mr. Lincoln, in his speech at New York, which I have before me, declared that it was a "sedition bill"; his press and party hooted at it. So far from recognizing the bill as intended to carry out the Constitution of the United States, it received their jeers and jibes. The Black Republicans of Massachusetts elected the admirer and eulogist of John Brown's courage as their governor, and we may suppose he will throw no impediments in the way of John Brown's successors. The epithet applied to the bill of the Senator from Illinois is quoted from a deliberate speech delivered by Lincoln in New York, for which, it was stated in the journals, according to some resolution passed by an association of his own party, he was paid a couple of hundred dollars. The speech should therefore have been deliberate. Lincoln denounced that bill. He places the stamp of his condemnation upon a measure intended to promote the peace and security of confederate States. He is, therefore, an enemy of the human race, and deserves the execration of all mankind.

We demand these five propositions. Are they not right? Are they not just? Take them in detail, and show that they are not warranted by the Constitution, by the safety of our people, by the principles of eternal justice. We will pause and consider them; but mark me, we will not let you decide the question for us. \* \* \*

Senators, the Constitution is a compact. It contains all our obligations and the duties of the Federal Government. I am content and have ever been content to sustain it. While I doubt its perfection, while I do not believe it was a good compact, and while I never saw the day that I would have voted for it as a proposition *de novo*, yet I am bound to it by oath and by that common prudence which would induce men to abide by established forms rather than to rush into unknown dangers. I have given to it, and intend to give to it, unfaltering support and allegiance, but I choose to put that allegiance on the true ground, not on the false idea that anybody's blood was shed for it. I say that the Constitution is the whole compact. All the obligations, all the chains that fetter the limbs of my people, are nominated in the bond, and they wisely excluded any conclusion against them, by declaring that "the powers not granted by the Constitution to the United States, or forbidden by it to the States, belonged to the States respectively or the people." Now I will try it by that standard; I will subject it to that test. The law of nature, the law of justice, would say—and it is so expounded by the publicists—that equal rights in the common property shall be enjoyed. Even in a monarchy the king cannot prevent the subjects from enjoying equality in the disposition of the public property. Even in a despotic government this principle is recognized. It was the blood and the money of the whole people (says the learned Grotius, and say all the publicists) which acquired the public property, and therefore it is not the property of the sovereign. This right of equality being, then, according to justice and natural equity, a right belonging to all States, when did we give it up? You say Congress has a right to pass rules and regulations concerning the Territory and other property of the United States. Very well. Does that exclude those whose blood and money paid for it? Does "dispose of" mean to rob the rightful owners? You must show a better title than that, or a better sword than we have.

But, you say, try the right. I agree to it. But how? By our judgment? No, not until the last resort. What then, by yours? No, not until the same time. How then try it? The South has always said, by the Supreme Court. But that is in our favor, and Lincoln says he "will not stand that judgment." Then each must judge for himself of the mode and manner of redress. But you deny us that privilege, and finally reduce us to accepting your judgment. The Senator from Kentucky comes to your aid, and says he can find no constitutional right of secession. Perhaps not; but the Constitution is not the place to look for State rights. If that right belongs to independent States, and they did not cede it to the Federal Government, it is reserved to the States, or to the people. Ask your new commentator where he gets the right to judge for us. Is it in the bond?

The Northern doctrine was, many years ago, that the Supreme Court was the judge. That was their doctrine in 1800. They denounced Madison for the report of 1799, on the Virginia resolutions; they denounced Jefferson for framing the Kentucky resolutions, because they were presumed to impugn the decisions of the Supreme Court of the United States; and they declared that that court was made, by the Constitution, the ultimate and supreme arbiter. That was the universal judgment—the declaration of every free State in this Union, in answer to the Virginia resolutions of 1798, or of all who did answer, even including the State of Delaware, then under Federal control.

The Supreme Court have decided that, by the Constitution, we have a right to go to the Territories and be protected there with our property. You say, we cannot decide the compact for ourselves. Well, can the Supreme Court decide it for us? Mr. Lincoln says he does not care what the Supreme Court decides, he will turn us out anyhow. He says this in his debate with the honorable member from Illinois [Mr. Douglas]. I have it before me. He said he would vote against the decision of the Supreme Court. Then you did not accept that arbiter. You will not take my construction; you will not take the Supreme Court as an arbiter; you will not take the practice of the government; you will not take the treaties under Jefferson and Madison; you will not take the opinion of Madison upon the very question of prohibition in 1820. What, then, will you take? You will take nothing but your own judgment; that is, you will not only judge for yourselves, not only discard the court, discard our construction, discard the practice of the government, but you will drive us out, simply because you will it. Come and do it! You have sapped the foundations of society; you have destroyed almost all hope of peace. In a compact where there is no common arbiter, where the parties finally decide for themselves, the sword alone at last becomes the real, if not the constitutional, arbiter. Your party says that you will not take the decision of the Supreme Court. You said so at Chicago; you said so in committee; every man of you in both Houses says so. What are you going to do? You say we shall submit to your construction. We shall do it,

if you can make us; but not otherwise, or in any other manner. That is settled. You may call it secession, or you may call it revolution; but there is a big fact standing before you, ready to oppose you—that fact is, freemen with arms in their hands. The cry of the Union will not disperse them; we have passed that point; they demand equal rights; you had better heed the demand. \* \* \*

## SAMUEL SULLIVAN COX, OF OHIO. (BORN, 1824-DIED, 1889.)

ON SECESSION; DOUGLAS DEMOCRATIC OPINION; IN THE HOUSE OF REPRESENTATIVES, JANUARY 14, 1861. MR. CHAIRMAN:

I speak from and for the capital of the greatest of the States of the great West. That potential section is beginning to be appalled at the colossal strides of revolution. It has immense interests at stake in this Union, as well from its position as its power and patriotism. We have had infidelity to the Union before, but never in such a fearful shape. We had it in the East during the late war with England. Even so late as the admission of Texas, Massachusetts resolved herself out of the Union. That resolution has never been repealed, and one would infer, from much of her conduct, that she did not regard herself as bound by our covenant. Since 1856, in the North, we have had infidelity to the Union, more insidious infractions of the Constitution than by open rebellion. Now, sir, as a consequence, in part, of these very infractions, we have rebellion itself, open and daring, in terrific proportions, with dangers so formidable as to seem almost remediless. \* \* \*

I would not exaggerate the fearful consequences of dissolution. It is the breaking up of a federative Union, but it is not like the breaking up of society. It is not anarchy. A link may fall from the chain, and the link may still be perfect, though the chain have lost its length and its strength. In the uniformity of commercial regulations, in matters of war and peace, postal arrangements, foreign relations, coinage, copyrights, tariff, and other Federal and national affairs, this great government may be broken; but in most of the essential liberties and rights which government is the agent to establish and protect, the seceding State has no revolution, and the remaining States can have none. This arises from that refinement of our polity which makes the States the basis of our instituted labor. Greece was broken by the Persian power, but her municipal institutions remained. Hungary lost her national crown, but her home institutions remain. South Carolina may preserve her constituted domestic authority, but she must be content to glimmer obscurely remote rather than shine and revolve in a constellated band. She even goes out by the ordinance of a so-called sovereign convention, content to lose by her isolation that youthful, vehement, exultant, progressive life, which is our NATIONALITY! She foregoes the hopes, the boasts, the flag, the music, all the emotions, all the traits, and all the energies which, when combined in our United States, have won our victories in war and our miracles of national advancement. Her Governor, Colonel Pickens, in his inaugural, regretfully "looks back upon the inheritance South Carolina had in the common glories and triumphant power of this wonderful confederacy, and fails to find language to express the feelings of the human heart as he turns from the contemplation." The ties of brotherhood, interest, lineage, and history are all to be severed. No longer are we to salute a South Carolinian with the "*idem sententiam de republica*," which makes unity and nationality. What a prestige and glory are here dimmed and lost in the contaminated reason of man!

Can we realize it? Is it a masquerade, to last for a night, or a reality to be dealt with, with the world's rough passionate handling? It is sad and bad enough; but let us not over-tax our anxieties about it as yet. It is not the sanguinary regime of the French revolution; not the rule of assignats and guillotine; not the cry of "*Vivent les Rouges! A mort les gendarmes!*" but as yet, I hope I may say, the peaceful attempt to withdraw from the burdens and benefits of the Republic. Thus it is unlike every other revolution. Still it is revolution. It may, according as it is managed, involve consequences more terrific than any revolution since government began.

If the Federal Government is to be maintained, its strength must not be frittered away by conceding the theory of secession. To concede secession as a right, is to make its pathway one of roses and not of thorns. I would not make its pathway so easy. If the government has any strength for its own preservation, the people demand it should be put forth in its civil and moral forces. Dealing, however, with a sensitive public sentiment, in which this strength reposes, it must not be rudely exercised. It should be the iron hand in the glove of velvet. Firmness should be allied with kindness. Power should assert its own prerogative, but in the name of law and love. If these elements are not thus blended in our policy, as the Executive proposes, our government will prove either a garment of shreds or a coat of mail. We want neither. \* \* \*

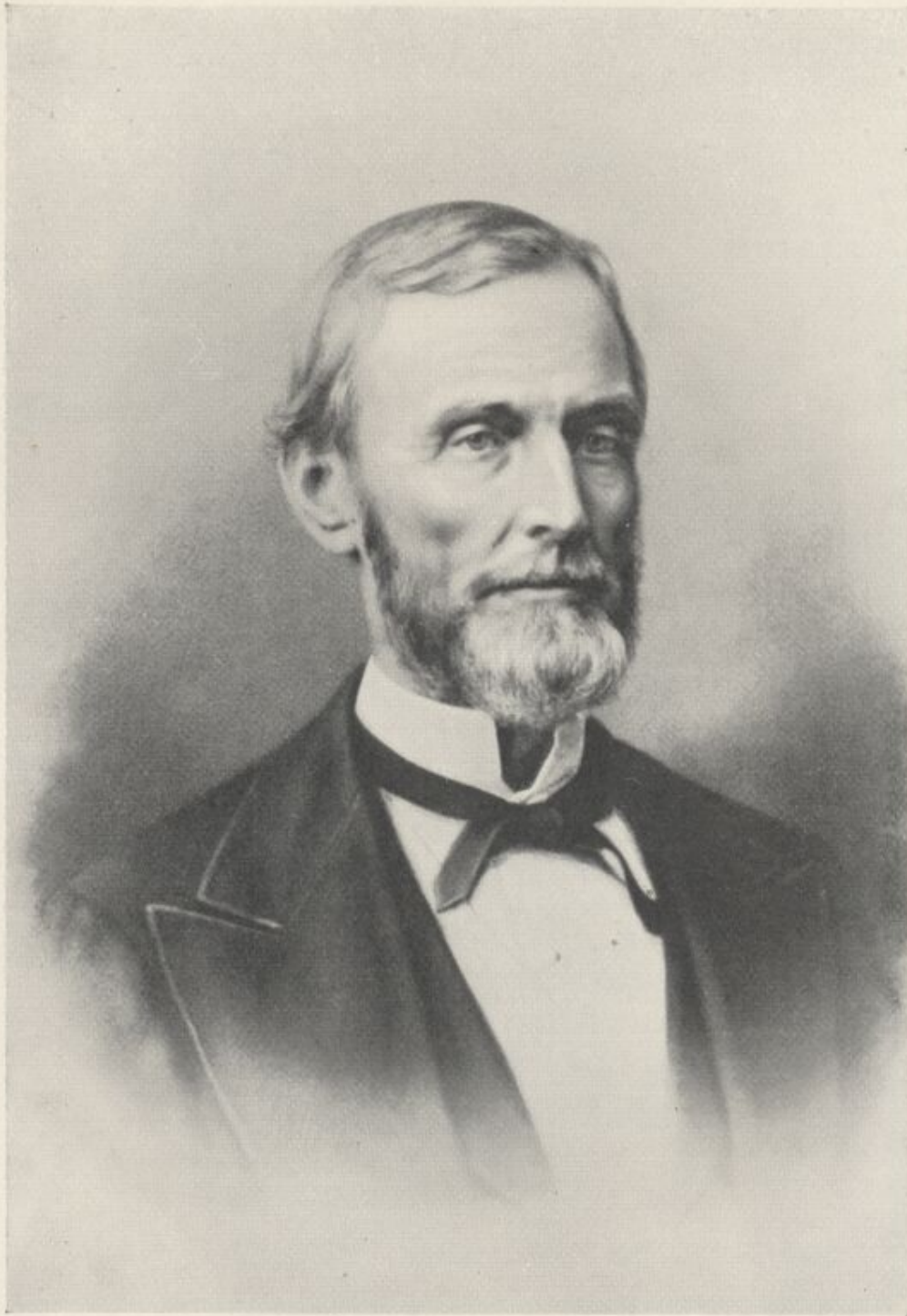
Before we enter upon a career of force, let us exhaust every effort at peace. Let us seek to excite love in others by the signs of love in ourselves. Let there be no needless provocation and strife. Let every reasonable attempt at compromise be considered. Otherwise we have a terrible alternative. War, in this age and in this country, sir, should be the *ultima ratio*. Indeed, it may well be questioned whether there is any reason in it for war. What a war! Endless in its hate, without truce and without mercy. If it ended ever, it would only be after a fearful struggle; and then with a heritage of hate which would forever forbid harmony. \* \* \*

Small States and great States; new States and old States; slave States and free States; Atlantic States and Pacific States; gold and silver States; iron and copper States; grain States and lumber States; river States and lake States;—all having varied interests and advantages, would seek superiority in armed strength. Pride, animosity, and glory would inspire every movement. God shield our country from such a fulfilment of the prophecy of the revered founders of the Union! Our struggle would be no short, sharp struggle. Law, and even religion herself, would become false to their divine purpose. Their voice would no longer be the voice of God, but of his enemy. Poverty, ignorance, oppression, and its hand-maid, cowardice, breaking out into merciless cruelty; slaves false; freemen slaves, and society itself poisoned at the cradle and dishonored at the grave;—its life, now so full of blessings, would be gone with the life of a fraternal and united Statehood. What

sacrifice is too great to prevent such a calamity? Is such a picture overdrawn? Already its outlines appear. What means the inaugural of Governor Pickens, when he says: "From the position we may occupy toward the Northern States, as well as from our own internal structure of society, the government may, from necessity, become strongly military in its organization"? What mean the minute-men of Governor Wise? What the Southern boast that they have a rifle or shot-gun to each family?

What means the Pittsburgh mob? What this alacrity to save Forts Moultrie and Pinckney? What means the boast of the Southern men of being the best-armed people in the world, not counting the two hundred thousand stand of United States arms stored in Southern arsenals? Already Georgia has her arsenals, with eighty thousand muskets. What mean these lavish grants of money by Southern Legislatures to buy more arms? What mean these rumors of arms and force on the Mississippi? These few facts have already verified the prophecy of Madison as to a disunited Republic.

Mr. Speaker, he alone is just to his country, he alone has a mind unwarped by section, and a memory unparalyzed by fear, who warns against precipitancy. He who could hurry this nation to the rash wager of battle is not fit to hold the seat of legislation. What can justify the breaking up of our institutions into belligerent fractions? Better this marble Capitol were levelled to the dust; better were this Congress struck dead in its deliberations; better an immolation of every ambition and passion which here have met to shake the foundations of society than the hazard of these consequences! \* \* \* I appeal to Southern men, who contemplate a step so fraught with hazard and strife, to pause. Clouds are about us! There is lightning in their frown! Cannot we direct it harmlessly to the earth? The morning and evening prayer of the people I speak for in such weakness rises in strength to that Supreme Ruler who, in noticing the fall of a sparrow, cannot disregard the fall of a nation, that our States may continue to be as they have been—one; one in the unreserve of a mingled national being; one as the thought of God is one!



*Jefferson Davis*

**JEFFERSON DAVIS,**

**OF MISSISSIPPI. (BORN 1808, DIED 1889.)**

ON WITHDRAWAL FROM THE UNION; SECESSIONIST OPINION; UNITED STATES SENATE, JANUARY 21, 1861.

I rise, Mr. President, for the purpose of announcing to the Senate that I have satisfactory evidence that the State of Mississippi, by a solemn ordinance of her people in convention assembled, has declared her separation from the United States. Under these circumstances, of course my functions are terminated here. It

has seemed to me proper, however, that I should appear in the Senate to announce that fact to my associates, and I will say but very little more. The occasion does not invite me to go into argument, and my physical condition would not permit me to do so if it were otherwise; and yet it seems to become me to say something on the part of the State I here represent, on an occasion so solemn as this.

It is known to Senators who have served with me here, that I have for many years advocated, as an essential attribute of State sovereignty, the right of a State to secede from the Union. Therefore, if I had not believed there was justifiable cause; if I had thought that Mississippi was acting without sufficient provocation, or without an existing necessity, I should still, under my theory of the Government, because of my allegiance to the State of which I am a citizen, have been bound by her action. I, however, may be permitted to say that I do think that she has justifiable cause, and I approve of her act. I conferred with her people before that act was taken, counselled them then that if the state of things which they apprehended should exist when the convention met, they should take the action which they have now adopted.

I hope none who hear me will confound this expression of mine with the advocacy of the right of a State to remain in the Union, and to disregard its constitutional obligations by the nullification of the law. Such is not my theory. Nullification and secession, so often confounded, are indeed antagonistic principles. Nullification is a remedy which it is sought to apply within the Union, and against the agent of the States. It is only to be justified when the agent has violated his constitutional obligation, and a State, assuming to judge for itself, denies the right of the agent thus to act, and appeals to the other States of the Union for a decision; but when the States themselves, and when the people of the States, have so acted as to convince us that they will not regard our constitutional rights, then, and then for the first time, arises the doctrine of secession in its practical application.

A great man who now reposes with his fathers, and who has been often arraigned for a want of fealty to the Union, advocated the doctrine of nullification, because it preserved the Union. It was because of his deep-seated attachment to the Union, his determination to find some remedy for existing ills short of a severance of the ties which bound South Carolina to the other States, that Mr. Calhoun advocated the doctrine of nullification, which he proclaimed to be peaceful, to be within the limits of State power, not to disturb the Union, but only to be a means of bringing the agent before the tribunal of the States for their judgment.

Secession belongs to a different class of remedies. It is to be justified upon the basis that the States are sovereign. There was a time when none denied it. I hope the time may come again, when a better comprehension of the theory of our Government, and the inalienable rights of the people of the States, will prevent any one from denying that each State is a sovereign, and thus may reclaim the grants which it has made to any agent whomsoever.

I therefore say I concur in the action of the people of Mississippi, believing it to be necessary and proper, and should have been bound by their action if my belief had been otherwise; and this brings me to the important point which I wish on this last occasion to present to the Senate. It is by this confounding of nullification and secession that the name of the great man, whose ashes now mingle with his mother earth, has been invoked to justify coercion against a seceded State. The phrase "to execute the laws," was an expression which General Jackson applied to the case of a State refusing to obey the laws while yet a member of the Union. That is not the case which is now presented. The laws are to be executed over the United States, and upon the people of the United States. They have no relation to any foreign country. It is a perversion of terms, at least it is a great misapprehension of the case, which cites that expression for application to a State which has withdrawn from the Union. You may make war on a foreign State. If it be the purpose of gentlemen, they may make war against a State which has withdrawn from the Union; but there are no laws of the United States to be executed within the limits of a seceded State. A State finding herself in the condition in which Mississippi has judged she is, in which her safety requires that she should provide for the maintenance of her rights out of the Union, surrenders all the benefits (and they are known to be many), deprives herself of the advantages (they are known to be great), severs all the ties of affection (and they are close and enduring) which have bound her to the Union; and thus divesting herself of every benefit, taking upon herself every burden, she claims to be exempt from any power to execute the laws of the United States within her limits.

I well remember an occasion when Massachusetts was arraigned before the bar of the Senate, and when then the doctrine of coercion was rife and to be applied against her because of the rescue of a fugitive slave in Boston. My opinion then was the same that it is now. Not in a spirit of egotism, but to show that I am not influenced in my opinion because the case is my own, I refer to that time and that occasion as containing the opinion which I then entertained, and on which my present conduct is based. I then said, if Massachusetts, following her through a stated line of conduct, chooses to take the last step which separates her from the Union, it is her right to go, and I will neither vote one dollar or one man to coerce her back; but will say to her, God speed, in memory of the kind associations which once existed between her and the other States.

It has been a conviction of pressing necessity, it has been a belief that we are to be deprived in the Union of the rights which our fathers bequeathed to us, which has brought Mississippi into her present decision. She has heard proclaimed the theory that all men are created free and equal, and this made the basis of an attack upon her social institutions; and the sacred Declaration of Independence has been invoked to maintain the position of the equality of the races. That Declaration of Independence is to be construed by the circumstances and purposes for which it was made. The communities were declaring their independence; the people of those communities were asserting that no man was born—to use the language of Mr. Jefferson—booted and spurred to ride over the rest of mankind; that men were created equal—meaning the men of the political community; that there was no divine right to rule; that no man inherited the right to govern; that there were no classes by which power and place descended to families, but that all stations were equally within the grasp of each member of the body-politic. These were the great principles they announced; these were the purposes for which they made their declaration; these were the end to which their enunciation was directed. They have no reference to the slave; else, how happened it that among the items of arraignment made against George III. was that he endeavored to do just what the North had been endeavoring of late to do—to stir up insurrection among our slaves? Had the Declaration announced that the negroes were free and

equal, how was the Prince to be arraigned for stirring up insurrection among them? And how was this to be enumerated among the high crimes which caused the colonies to sever their connection with the mother country? When our Constitution was formed, the same idea was rendered more palpable, for there we find provision made for that very class of persons as property; they were not put upon the footing of equality with white men—not even upon that of paupers and convicts; but, so far as representation was concerned, were discriminated against as a lower caste, only to be represented in the numerical proportion of three-fifths.

Then, Senators, we recur to the compact which binds us together; we recur to the principles upon which our Government was founded; and when you deny them, and when you deny to us the right to withdraw from a Government which, thus perverted, threatens to be destructive of our rights, we but tread in the path of our fathers when we proclaim our independence, and take the hazard. This is done not in hostility to others, not to injure any section of the country, not even for our own pecuniary benefit; but from the high and solemn motive of defending and protecting the rights we inherited, and which it is our sacred duty to transmit unshorn to our children.

I find in myself, perhaps, a type of the general feeling of my constituents towards yours. I am sure I feel no hostility to you, Senators from the North. I am sure there is not one of you, whatever sharp discussion there may have been between us, to whom I cannot now say, in the presence of my God, I wish you well; and such, I am sure, is the feeling of the people whom I represent towards those whom you represent. I therefore feel that I but express their desire when I say I hope, and they hope, for peaceful relations with you, though we must part. They may be mutually beneficial to us in the future, as they have been in the past, if you so will it. The reverse may bring disaster on every portion of the country; and if you will have it thus, we will invoke the God of our fathers, who delivered them from the power of the lion, to protect us from the ravages of the bear; and thus, putting our trust in God, and in our own firm hearts and strong arms, we will vindicate the right as best we may.

In the course of my service here, associated at different times with a great variety of Senators, I see now around me some with whom I have served long; there have been points of collision; but whatever of offense there has been to me, I leave here; I carry with me no hostile remembrance. Whatever offense I have given which has not been redressed, or for which satisfaction has not been demanded, I have, Senators, in this hour of our parting to offer you my apology for any pain which, in heat of discussion, I have inflicted. I go hence unencumbered of the remembrance of any injury received, and having discharged the duty of making the only reparation in my power for any injury offered.

Mr. President, and Senators, having made the announcement which the occasion seemed to me to require, it only remains for me to bid you a final adieu.

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