American Eloquence, Volume 2 eBook

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BOOKRAGS

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INTRODUCTION TO THE REVISED VOLUME II.

The second volume of the American Eloquence is devoted exclusively to the Slavery controversy. The new material of the revised edition includes Rufus King and William Pinkney on the Missouri Question; John Quincy Adams on the War Power of the Constitution over Slavery; Sumner on the Repeal of the Fugitive Slave Law. The addition of the new material makes necessary the reservation of the orations on the Kansas-Nebraska Bill, and on the related subjects, for the third volume.

In the anti-slavery struggle the Missouri question occupied a prominent place. In the voluminous Congressional material which the long debates called forth, the speeches of King and Pinkney are the best representatives of the two sides to the controversy, and they are of historical interest and importance. John Quincy Adams' leadership in the dramatic struggle over the right of petition in the House of Representatives, and his opinion on the constitutional power of the national government over the institution of slavery within the States, will always excite the attention of the historical student.

In the decade before the war no subject was a greater cause of irritation and antagonism between the States than the Fugitive Slave Law. Sumner's speech on this subject is the most valuable of his speeches from the historical point of view; and it is not only a worthy American oration, but it is a valuable contribution to the history of the slavery struggle itself. It has been thought desirable to include in a volume of this character orations of permanent value on these themes of historic interest. A study of the speeches of a radical innovator like Phillips with those of compromising conservatives like Webster and Clay, will lead the student into a comparison, or contrast, of these diverse characters. The volume retains the two orations of Phillips, the two greatest of all his contributions to the anti-slavery struggle. It is believed that the list of orations, on the whole, presents to the reader a series of subjects of first importance in the great slavery controversy.

The valuable introduction of Professor Johnston, on “The Anti-Slavery Struggle,” is re-printed entire.

J. A. W.

V. — THE ANTI-SLAVERY STRUGGLE

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Negro slavery was introduced into all the English colonies of North America as a custom, and not under any warrant of law. The enslavement of the negro race was simply a matter against which no white person chose to enter a protest, or make resistance, while the negroes themselves were powerless to resist or even protest. In due course of time laws were passed by the Colonial Assemblies to protect property in negroes, while the home government, to the very last, actively protected and encouraged the slave trade to the colonies. Negro slavery in all the colonies had thus passed from custom to law before the American Revolution broke out; and the course of the Revolution itself had little or no effect on the system.

From the beginning, it was evident that the course of slavery in the two sections, North and South, was to be altogether divergent. In the colder North, the dominant race found it easier to work than to compel negroes to work: in the warmer South, the case was exactly reversed. At the close of the Revolution, Massachusetts led the way in an abolition of slavery, which was followed gradually by the other States north of Virginia; and in 1787 the ordinance of Congress organizing the Northwest Territory made all the future States north of the Ohio free States. “Mason and Dixon’s line” and the Ohio River thus seemed, in 1790, to be the natural boundary between the free and the slave States.

Up to this point the white race in the two sections had dealt with slavery by methods which were simply divergent, not antagonistic. It was true that the percentage of slaves in the total population had been very rapidly decreasing in the North and not in the South, and that the gradual abolition of slavery was proceeding in the North alone, and that with increasing rapidity. But there was no positive evidence that the South was bulwarked in favor of slavery; there was no certainty but that the South would in its turn and in due time come to the point which the North had already reached, and begin its own abolition of slavery. The language of Washington, Jefferson, Madison, Henry, and Mason, in regard to the evils or the wickedness of the system of slavery, was too strong to be heard with patience in the South of after years; and in this section it seems to have been true, that those who thought at all upon the subject hoped sincerely for the gradual abolition of slavery in the South. The hope, indeed, was rather a sentiment than a purpose, but there seems to have been no good reason, before 1793, why the sentiment should not finally develop into a purpose.

All this was permanently changed, and the slavery policy of the South was made antagonistic to, and not merely divergent from, that of the North, by the invention of Whitney’s saw gin for cleansing cotton in 1793. It had been known, before that year, that cotton could be cultivated in the South, but its cultivation was made unprofitable, and checked by the labor required to separate the seeds from the

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cotton. Whitney's invention increased the efficiency of this labor hundreds of times, and it became evident at once that the South enjoyed a practical monopoly of the production of cotton. The effect on the slavery policy of the South was immediate and unhappy. Since 1865, it has been found that the cotton monopoly of the South is even more complete under a free than under a slave labor system, but mere theory could never have convinced the Southern people that such would be the case. Their whole prosperity hinged on one product; they began its cultivation under slave labor; and the belief that labor and prosperity were equally dependent on the enslavement of the laboring race very soon made the dominant race active defenders of slavery. From that time the system in the South was one of slowly but steadily increasing rigor, until, just before 1860, its last development took the form of legal enactments for the re-enslavement of free negroes, in default of their leaving the State in which they resided. Parallel with this increase of rigor, there was a steady change in the character of the system. It tended very steadily to lose its original patriarchal character, and take the aspect of a purely commercial speculation. After 1850, the commercial aspect began to be the rule in the black belt of the Gulf States. The plantation knew only the overseer; so many slaves died to so many bales of cotton; and the slave population began to lose all human connection with the dominant race.

The acquisition of Louisiana in 1803 more than doubled the area of the United States, and far more than doubled the area of the slave system. Slavery had been introduced into Louisiana, as usual, by custom, and had then been sanctioned by Spanish and French law. It is true that Congress did not forbid slavery in the new territory of Louisiana; but Congress did even worse than this; under the guise of forbidding the importation of slaves into Louisiana, by the act of March 26, 1804, organizing the territory, the phrase "except by a citizen of the United States, removing into said territory for actual settlement, and being at the time of such removal bona fide owner of such slave or slaves," impliedly legitimated the domestic slave trade to Louisiana, and legalized slavery wherever population should extend between the Mississippi and the Rocky Mountains. The Congress of 1803-05, which passed the act, should rightfully bear the responsibility for all the subsequent growth of slavery, and for all the difficulties in which it involved the South and the country.

There were but two centres of population in Louisiana, New Orleans and St. Louis. When the southern district, around New Orleans, applied for admission as the slave State of Louisiana, there seems to have been no surprise or opposition on this score; the Federalist opposition to the admission is exactly represented by Quincy's speech in the first volume. When the northern district, around St. Louis, applied

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for admission as the slave State of Missouri, the inevitable consequences of the act of 1804 became evident for the first time, and all the Northern States united to resist the admission. The North controlled the House of Representatives, and the South the Senate; and, after a severe parliamentary struggle, the two bodies united in the compromise of 1820. By its terms Missouri was admitted as a slave State, and slavery was forever forbidden in the rest of Louisiana Territory, north of latitude 36 deg. 30' (the line of the southerly boundary of Missouri). The instinct of this first struggle against slavery extension seems to have been much the same as that of 1846-60 the realization that a permission to introduce slavery by custom into the Territories meant the formation of slave States exclusively, the restriction of the free States to the district between the Mississippi and the Atlantic, and the final conversion of the mass of the United States to a policy of enslavement of labor. But, on the surface, it was so entirely a struggle for the balance of power between the two sections, that it has not seemed worth while to introduce any of the few reported speeches of the time. The topic is more fully and fairly discussed in the subsequent debates on the Kansas-Nebraska Act.

In 1830 William Lloyd Garrison, a Boston printer, opened the real anti-slavery struggle. Up to this time the anti-slavery sentiment, North and South, had been content with the notion of "gradual abolition," with the hope that the South would, in some yet unsuspected manner, be brought to the Northern policy. This had been supplemented, to some extent, by the colonization society for colonizing negroes on the west coast of Africa; which had two aspects: at the South it was the means of ridding the country of the free negro population; at the North it was a means of mitigating, perhaps of gradually abolishing, slavery. Garrison, through his newspaper, the Liberator, called for "immediate abolition" of slavery, for the conversion of anti-slavery sentiment into anti-slavery purpose. This was followed by the organization of his adherents into the American Anti-Slavery Society in 1833, and the active dissemination of the immediate abolition principle by tracts, newspapers, and lecturers.

The anti-slavery struggle thus begun, never ceased until, in 1865, the Liberator ceased to be published, with the final abolition of slavery. In its inception and in all its development the movement was a distinct product of the democratic spirit. It would not have been possible in 1790, or in 1810, or in 1820. The man came with the hour; and every new mile of railroad or telegraph, every new district open to population, every new influence toward the growth of democracy, broadened the power as well as the field of the abolition movement. It was but the deepening, the application to an enslaved race of laborers, of the work which Jeffersonian democracy had done, to remove the infinitely

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less grievous restraints upon the white laborer thirty year before. It could never have been begun until individualism at the North had advanced so far that there was a reserve force of mind—ready to reject all the influences of heredity and custom upon thought. Outside of religion there was no force so strong at the North as the reverence for the Constitution; it was significant of the growth of individualism, as well as of the anti-slavery sentiment, that Garrison could safely begin his work with the declaration that the Constitution itself was “a league with death and a covenant with hell.”

The Garrisonian programme would undoubtedly have been considered highly objectionable by the South, even under to comparatively colorless slavery policy of 1790. Under the conditions to which cotton culture had advanced in 1830, it seemed to the South nothing less than a proposal to destroy, root and branch, the whole industry of that section, and it was received with corresponding indignation. Garrisonian abolitionists were taken and regarded as public enemies, and rewards were even offered for their capture. The germ of abolitionism in the Border States found a new and aggressive public sentiment arrayed against it; and an attempt to introduce gradual abolition in Virginia in 1832-33 was hopelessly defeated. The new question was even carried into Congress. A bill to prohibit the transportation of abolition documents by the Post-Office department was introduced, taken far enough to put leading men of both parties on the record, and then dropped. Petitions for the abolition of slavery in the District of Columbia were met by rules requiring the reference of such petitions without reading or action; but this only increased the number of petitions, by providing a new grievance to be petitioned against, and in 1842 the “gag rule” was rescinded. Thence-forth the pro-slavery members of Congress could do nothing, and could only become more exasperated under a system of passive resistance.

Even at the North, indifferent or politically hostile as it had hitherto shown itself to the expansion of slavery, the new doctrines were received with an outburst of anger which seems to have been primarily a revulsion against their unheard of individualism. If nothing, which had been the object of unquestioning popular reverence, from the Constitution down or up to the church organizations, was to be sacred against the criticism of the Garrisonians, it was certain that the innovators must submit for a time to a general proscription. Thus the Garrisonians were ostracised socially, and became the Ishmalites of politics. Their meetings were broken up by mobs, their halls were destroyed, their schools were attacked by all the machinery of society and legislation, their printing presses were silenced by force or fraud, and their lecturers came to feel that they had not done their work with efficiency if a meeting passed without the throwing of stones or eggs at the building or the

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orators. It was, of course, inevitable that such a process should bring strong minds to the aid of the Garrisonians, at first from sympathy with persecuted individualism, and finally from sympathy with the cause itself; and in this way Garrisonianism was in a great measure relieved from open mob violence about 1840, though it never escaped it altogether until abolition meetings ceased to be necessary. One of the first and greatest reinforcements was the appearance of Wendell Phillips, whose speech at Faneuil Hall in 1839 was one of the first tokens of a serious break in the hitherto almost unanimous public opinion against Garrisonianism. Lovejoy, a Western anti-slavery preacher and editor, who had been driven from one place to another in Missouri and Illinois, had finally settled at Alton, and was there shot to death while defending his printing press against a mob. At a public meeting in Faneuil Hall, the Attorney-General of Massachusetts, James T. Austin, expressing what was doubtless the general sentiment of the time as to such individual insurrection against pronounced public opinion, compared the Alton mob to the Boston “tea-party,” and declared that Lovejoy, “presumptuous and imprudent,” had “died as the fool dieth.” Phillips, an almost unknown man, took the stand, and answered in the speech which opens this volume. A more powerful reinforcement could hardly have been looked for; the cause which could find such a defender was henceforth to be feared rather than despised. To the day of his death he was, fully as much as Garrison, the incarnation of the anti-slavery spirit. For this reason his address on the Philosophy of the Abolition Movement, in 1853, has been assigned a place as representing fully the abolition side of the question, just before it was overshadowed by the rise of the Republican party, which opposed only the extension of slavery to the territories.

The history of the sudden development of the anti-slavery struggle in 1847 and the following years, is largely given in the speeches which have been selected to illustrate it. The admission of Texas to the Union in 1845, and the war with Mexico which followed it, resulted in the acquisition of a vast amount of new territory by the United States. From the first suggestion of such an acquisition, the Wilmot proviso (so-called from David Wilmot, of Pennsylvania, who introduced it in Congress), that slavery should be prohibited in the new territory, was persistently offered as an amendment to every bill appropriating money for the purchase of territory from Mexico. It was passed by the House of Representatives, but was balked in the Senate; and the purchase was finally made without any proviso. When the territory came to be organized, the old question came up again: the Wilmot proviso was offered as an amendment. As the territory was now in the possession of the United States, and as it had been acquired in a war whose support had been much more cordial at the South

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than at the North, the attempt to add the Wilmot proviso to the territorial organization raised the Southern opposition to an intensity which it had not known before. Fuel was added to the flame by the application of California, whose population had been enormously increased by the discovery of gold within her limits, for admission as a free State. If New Mexico should do the same, as was probable, the Wilmot proviso would be practically in force throughout the best portion of the Mexican acquisition. The two sections were now so strong and so determined that compromise of any kind was far more difficult than in 1820; and it was not easy to reconcile or compromise the southern demand that slavery should be permitted, and the northern demand that slavery should be forbidden, to enter the new territories.

In the meantime, the Presidential election of 1848 had come and gone. It had been marked by the appearance of a new party, the Free Soilers, an event which was at first extremely embarrassing to the managers of both the Democratic and Whig parties. On the one hand, the northern and southern sections of the Whig party had always been very loosely joined together, and the slender tie was endangered by the least admission of the slavery issue. On the other hand, while the Democratic national organization had always been more perfect, its northern section had always been much more inclined to active anti-slavery work than the northern Whigs. Its organ, the Democratic Review, habitually spoke of the slaves as “our black brethren”; and a long catalogue could be made of leaders like Chase, Hale, Wilmot, Bryant, and Leggett, whose democracy was broad enough to include the negro. To both parties, therefore, the situation was extremely hazardous. The Whigs had less to fear, but were able to resist less pressure. The Democrats were more united, but were called upon to meet a greater danger. In the end, the Whigs did nothing; their two sections drew further apart; and the Presidential election of 1852 only made it evident that the national Whig party was no longer in existence. The Democratic managers evolved, as a solution of their problem, the new doctrine of “popular sovereignty,” which Calhoun re-baptized “squatter sovereignty.” They asserted as the true Democratic doctrine, that the question of slavery or freedom was to be left for decision of the people of the territory itself. To the mass of northern Democrats, this doctrine was taking enough to cover over the essential nature of the struggle; the more democratic leaders of the northern Democracy were driven off into the Free-Soil party; and Douglas, the champion of “popular sovereignty,” became the leading Democrat of the North.

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Clay had re-entered the Senate in 1849, for the purpose of compromising the sectional difficulties as he had compromised those of 1820 and of 1833. His speech, as given, will show something of his motives; his success resulted in the “compromise of 1850.” By its terms, California was admitted as a free State; the slave trade, but not slavery, was prohibited in the District of Columbia; a more stringent fugitive slave law was enacted; Texas was paid $10,000,000 for certain claims to the Territory of New Mexico; and the Territories of Utah and New Mexico, covering the Mexican acquisition outside of California, were organized without mentioning slavery. The last-named feature was carefully designed to please all important factions. It could be represented to the Webster Whigs that slavery was excluded from the Territories named by the operation of natural laws; to the Clay Whigs that slavery had already been excluded by Mexican law which survived the cession; to the northern Democrats, that the compromise was a formal endorsement of the great principle of popular sovereignty; and to the southern Democrats that it was a repudiation of the Wilmot proviso. In the end, the essence of the success went to the last-named party, for the legislatures of the two territories established slavery, and no bill to veto their action could pass both Houses of Congress until after 1861.

The Supreme Court had already decided that Congress had exclusive power to enforce the fugitive slave clause of the Constitution, though the fugitive slave law of 1793 had given a concurrent authority of execution to State officers. The law of 1850, carrying the Supreme Court’s decision further, gave the execution of the law to United States officers, and refused the accused a hearing. Its execution at the North was therefore the occasion of a profound excitement and horror. Cases of inhuman cruelty, and of false accusation to which no defence was permitted, were multiplied until a practical nullification of the law, in the form of “personal liberty laws,” securing a hearing for the accused before State magistrates, was forced by public opinion upon the legislature of the exposed northern States. Before the excitement had come to a head, the Whig convention of 1852 met and endorsed the compromise of 1850 “in all its parts.” Overwhelmed in the election which followed, the Whig party was popularly said to have “died of an attempt to swallow the fugitive-slave law”; it would have been more correct to have said that the southern section of the party had deserted in a body and gone over to the Democratic party. National politics were thus left in an entirely anomalous condition. The Democratic party was omnipotent at the South, though it was afterward opposed feebly by the American (or “Know Nothing “) organization, and was generally successful at the North, though it was still met by the Northern Whigs with vigorous opposition. Such a state of affairs was not calculated to satisfy thinking men; and this period seems to have been one in which very few thinking men of any party were at all satisfied with their party positions.

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This was the hazardous situation into which the Democratic managers chose to thrust one of the most momentous pieces of legislation in our political history-the Kansas-Nebraska bill. The responsibility for it is clearly on the shoulders of Stephen A. Douglas. The over-land travel to the Pacific coast had made it necessary to remove the Indian title to Kansas and Nebraska, and to organize them as Territories, in order to afford protection to emigrants; and Douglas, chairman of the Senate committee on Territories, introduced a bill for such organization in January, 1854. Both these prospective Territories had been made free soil forever by the compromise of 1820; the question of slavery had been settled, so far as they were concerned; but Douglas consented, after a show of opposition, to reopen Pandora's box. His original bill did not abrogate the Missouri compromise, and there seems to have been no general Southern demand that it should do so. But Douglas had become intoxicated by the unexpected success of his "popular sovereignty" make-shift in regard to the Territories of 1850; and a notice of an amendment to be offered by a southern senator, abrogating the Missouri compromise, was threat or excuse sufficient to bring him to withdraw the bill. A week later, it was re-introduced with the addition of "popular sovereignty": all questions pertaining to slavery in these Territories, and in the States to be formed from them, were to be left to the decision of the people, through their representatives; and the Missouri compromise of 1820 was declared "inoperative and void," as inconsistent with the principles of the territorial legislation of 1850. It must be remembered that the "non-intervention" of 1850 had been confessedly based on no constitutional principle whatever, but was purely a matter of expediency; and that "non-intervention" in Utah and New Mexico was no more inconsistent with the prohibition of slavery in Kansas and Nebraska than "non-intervention" in the Southwest Territory, sixty years before, had been inconsistent with the prohibition of slavery in the Northwest Territory. Whether Douglas is to be considered as too scrupulous, or too timid, or too willing to be terrified, it is certain that his action was unnecessary.

After a struggle of some months, the Kansas-Nebraska bill became law. The Missouri compromise was abrogated, and the question of the extension of slavery to the territories was adrift again, never to be got rid of except through the abolition of slavery itself by war. The demands of the South had now come fully abreast with the proposal of Douglas: that slavery should have permission to enter all the Territories, if it could. The opponents of the extension of slavery, at first under the name of "Anti-Nebraska men," then of the Republican party, carried the elections for representatives in Congress in 1854-'55, and narrowly missed carrying the Presidential election of 1856. The percentage of Democratic losses in the congressional districts of the North was sufficient to leave Douglas with hardly any supporters in Congress from his own section. The Democratic party was converted at once into a solid South, with a northern attachment of popular votes which was not sufficient to control very many Congressmen or electoral votes.

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Immigration into Kansas was organized at once by leading men of the two sections, with the common design of securing a majority of the voters of the territory and applying “popular sovereignty” for or against slavery. The first sudden inroad of Missouri intruders was successful in securing a pro-slavery legislature and laws; but within two years the stream of free-State immigration had become so powerful,in spite of murder, outrage, and open civil war, that it was very evident that Kansas was to be a free-State. Its expiring territorial legislature endeavored to outwit its constituents by applying for admission as a slave State, under the Lecompton constitution; but the Douglas Democrats could not support the attempt, and it was defeated. Kansas, however, remained a territory until 1861.

The cruelties of this Kansas episode could not but be reflected in the feelings of the two sections and in Congress. In the former it showed too plainly that the divergence of the two sections, indicated in Calhoun’s speech of 1850, had widened to an absolute separation in thought, feeling, and purpose. In the latter the debates assumed a virulence which is illustrated by the speeches on the Sumner assault. The current of events had at least carried the sections far enough apart to give striking distance; and the excuse for action was supplied by the Dred Scott decision in 1857.

Dred Scott, a Missouri slave, claiming to be a free man under the Missouri compromise of 1820, had sued his master, and the case had reached the Supreme Court. A majority of the justices agreed in dismissing the suit; but, as nearly every justice filed an opinion, and as nearly every opinion disagreed with the other opinions on one or more points, it is not easy to see what else is covered by the decision. Nevertheless, the opinion of the Chief justice, Roger B. Taney, attracted general attention by the strength of its argument and the character of its views. It asserted, in brief, that no slave could become a citizen of the United States, even by enfranchisement or State law; that the prohibition of slavery by the Missouri compromise of 1820 was unconstitutional and void; that the Constitution recognized property in slaves, and was framed for the protection of property; that Congress had no rights or duties in the territories but such as were granted or imposed by the Constitution; and that, therefore, Congress was bound not merely not to forbid slavery, but to actively protect slavery in the Territories. This was just the ground which had always been held by Calhoun, though the South had not supported him in it. Now the South, rejecting Douglas and his “popular sovereignty,” was united in its devotion to the decision of the Supreme Court, and called upon the North to yield unhesitating obedience to that body which Webster in 1830 had styled the ultimate arbiter of constitutional questions. This, it was evident, could never be. No respectable authority at the North pretended

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to uphold the keystone of Taney's argument, that slaves were regarded as property by the Constitution. On the contrary, it was agreed everywhere by those whose opinions were looked to with respect, that slaves were regarded by the Constitution as "persons held to service or labor" under the laws of the State alone; and that the laws of the State could not give such persons a fictitious legal character outside of the State's jurisdiction. Even the Douglas Democrats, who expressed a willingness to yield to the Supreme Court's decision, did not profess to uphold Taney's share in it.

As the Presidential election of 1860 drew near, the evidences of separation became more manifest. The absorption of northern Democrats into the Republican party increased until Douglas, in 1858, narrowly escaped defeat in his contest with Lincoln for a re-election to the Senate from Illinois. In 1860 the Republicans nominated Lincoln for the Presidency on a platform demanding prohibition of slavery in the Territories. The southern delegates seceded from the Democratic convention, and nominated Breckenridge, on a platform demanding congressional protection of slavery in the Territories. The remainder of the Democratic convention nominated Douglas, with a declaration of its willingness to submit to the decision of the Supreme Court on questions of constitutional law. The remnants of the former Whig and American parties, under the name of the Constitutional Union party, nominated Bell without any declaration of principles. Lincoln received a majority of the electoral votes, and became President. His popular vote was a plurality.

Seward's address on the "Irrepressible Conflict," which closes this volume, is representative of the division between the two sections, as it stood just before the actual shock of conflict. Labor systems are delicate things; and that which the South had adopted, of enslaving the laboring class, was one whose influence could not help being universal and aggressive. Every form of energy and prosperity which tended to advance a citizen into the class of representative rulers tended also to make him a slave owner, and to shackle his official policy and purposes with considerations inseparable from his heavy personal interests. Men might divide on other questions at the South; but on this question of slavery the action of the individual had to follow the decisions of a majority which, by the influence of ambitious aspirants for the lead, was continually becoming more aggressive. In constitutional countries, defections to the minority are a steady check upon an aggressive majority; but the southern majority was a steam engine without a safety valve.

In this sense Seward and Lincoln, in 1858, were correct; the labor system of the South was not only a menace to the whole country, but one which could neither decrease nor stand still. It was intolerable by the laws of its being; and it could be got rid of only by allowing a peaceable secession, or by abolishing it through war. The material prosperity which has followed the adoption of the latter alternative, apart from the moral aspects of the case, is enough to show that the South has gained more than all that slavery lost.

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[Illustration: Rufus King]

RUFUS KING,

OF NEW YORK. (BORN 1755, DIED 1827.)

On the Missouri bill—united states senate,

February 11 *and* 14, 1820.

The Constitution declares “that Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory and other property of the United States.” Under this power Congress have passed laws for the survey and sale of the public lands; for the division of the same into separate territories; and have ordained for each of them a constitution, a plan of temporary government, whereby the civil and political rights of the inhabitants are regulated, and the rights of conscience and other natural rights are protected.

The power to make all needful regulations, includes the power to determine what regulations are needful; and if a regulation prohibiting slavery within any territory of the United States be, as it has been, deemed needful, Congress possess the power to make the same, and, moreover, to pass all laws necessary to carry this power into execution.

The territory of Missouri is a portion of Louisiana, which was purchased of France, and belongs to the United States in full dominion; in the language of the Constitution, Missouri is their territory or property, and is subject like other territories of the United States, to the regulations and temporary government, which has been, or shall be prescribed by Congress. The clause of the Constitution which grants this power to Congress, is so comprehensive and unambiguous, and its purpose so manifest, that commentary will not render the power, or the object of its establishment, more explicit or plain.

The Constitution further provides that “new States may be admitted by Congress into this Union.” As this power is conferred without limitation, the time, terms, and circumstances of the admission of new States, are referred to the discretion of Congress; which may admit new States, but are not obliged to do so—of right no new State can demand admission into the Union, unless such demand be founded upon some previous engagement of the United States.

When admitted by Congress into the Union, whether by compact or otherwise, the new State becomes entitled to the enjoyment of the same rights, and bound to perform the like duties as the other States; and its citizens will be entitled to all privileges and immunities of citizens in the several States.

The citizens of each State possess rights, and owe duties that are peculiar to, and arise out of the Constitution and laws of the several States. These rights and duties differ from each other in the different States, and among these differences none is so remarkable or important as that which proceeds from the Constitution and laws of the several States respecting slavery; the same being permitted in some States and forbidden in others.

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The question respecting slavery in the old thirteen States had been decided and settled before the adoption of the Constitution, which grants no power to Congress to interfere with, or to change what had been so previously settled. The slave States, therefore, are free to continue or to abolish slavery. Since the year 1808 Congress have possessed power to prohibit and have prohibited the further migration or importation of slaves into any of the old thirteen States, and at all times, under the Constitution, have had power to prohibit such migration or importation into any of the new States or territories of the United States. The Constitution contains no express provision respecting slavery in a new State that may be admitted into the Union; every regulation upon this subject belongs to the power whose consent is necessary to the formation and admission of new States into the Union. Congress may, therefore, make it a condition of the admission of a new State, that slavery shall be forever prohibited within the same. We may, with the more confidence, pronounce this to be the true construction of the Constitution, as it has been so amply confirmed by the past decisions of Congress.

Although the articles of confederation were drawn up and approved by the old Congress, in the year 1777, and soon afterwards were ratified by some of the States, their complete ratification did not take place until the year 1781. The States which possessed small and already settled territory, withheld their ratification, in order to obtain from the large States a cession to the United States of a portion of their vacant territory. Without entering into the reasons on which this demand was urged, it is well known that they had an influence on Massachusetts, Connecticut, New York, and Virginia, which States ceded to the United States their respective claims to the territory lying northwest of the river Ohio. This cession was made on the express condition, that the ceded territory should be sold for the common benefit of the United States; that it should be laid out into States, and that the States so laid out should form distinct republican States, and be admitted as members of the Federal Union, having the same rights of sovereignty, freedom, and independence as the other States. Of the four States which made this cession, two permitted, and the other two prohibited slavery.

The United States having in this manner become proprietors of the extensive territory northwest of the river Ohio, although the confederation contained no express provision upon the subject, Congress, the only representatives of the United States, assumed as incident to their office, the power to dispose of this territory; and for this purpose, to divide the same into distinct States, to provide for the temporary government of the inhabitants thereof, and for their ultimate admission as new States into the Federal Union.

The ordinance for those purposes, which was passed by Congress in 1787, contains certain articles, which are called “Articles of compact between the original States and the people and States within the said territory, for ever to remain unalterable, unless by common consent.” The sixth of those unalterable articles provides, “that there shall be neither slavery nor involuntary servitude in the said territory.”

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The Constitution of the United States supplies the defect that existed in the articles of confederation, and has vested Congress, as has been stated, with ample powers on this important subject. Accordingly, the ordinance of 1787, passed by the old Congress, was ratified and confirmed by an act of the new Congress during their first session under the Constitution.

The State of Virginia, which ceded to the United States her claims to this territory, consented by her delegates in the old Congress to this ordinance—not only Virginia, but North Carolina, South Carolina, and Georgia, by the unanimous votes of their delegates in the old Congress, approved of the ordinance of 1787, by which slavery is forever abolished in the territory northwest of the river Ohio.

Without the votes of these States, the ordinance could not have passed; and there is no recollection of an opposition from any of these States to the act of confirmation, passed under the actual Constitution. Slavery had long been established in these States—the evil was felt in their institutions, laws, and habits, and could not easily or at once be abolished. But these votes so honorable to these States, satisfactorily demonstrate their unwillingness to permit the extension of slavery into the new States which might be admitted by Congress into the Union.

The States of Ohio, Indiana, and Illinois, on the northwest of the river Ohio, have been admitted by Congress into the Union, on the condition and conformably to the article of compact, contained in the ordinance of 1787, and by which it is declared that there shall be neither slavery nor involuntary servitude in any of the said States.

Although Congress possess the power of making the exclusion of slavery a part or condition of the act admitting a new State into the Union, they may, in special cases, and for sufficient reasons, forbear to exercise this power. Thus Kentucky and Vermont were admitted as new States into the Union, without making the abolition of slavery the condition of their admission. In Vermont, slavery never existed; her laws excluding the same. Kentucky was formed out of, and settled by, Virginia, and the inhabitants of Kentucky, equally with those of Virginia, by fair interpretation of the Constitution, were exempt from all such interference of Congress, as might disturb or impair the security of their property in slaves. The western territory of North Carolina and Georgia, having been partially granted and settled under the authority of these States, before the cession thereof to the United States, and these States being original parties to the Constitution which recognizes the existence of slavery, no measure restraining slavery could be applied by Congress to this territory. But to remove all doubt on this head, it was made a condition of the cession of this territory to the United States, that the ordinance of 1787, except the sixth article thereof, respecting slavery, should be applied to the

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same; and that the sixth article should not be so applied. Accordingly, the States of Tennessee, Mississippi, and Alabama, comprehending the territory ceded to the United States by North Carolina and Georgia, have been admitted as new States into the Union, without a provision, by which slavery shall be excluded from the same. According to this abstract of the proceedings of Congress in the admission of new States into the Union, of the eight new States within the original limits of the United States, four have been admitted without an article excluding slavery; three have been admitted on the condition that slavery should be excluded; and one admitted without such condition. In the few first cases, Congress were restrained from exercising the power to exclude slavery; in the next three, they exercised this power; and in the last, it was unnecessary to do so, slavery being excluded by the State Constitution.

The province of Louisiana, soon after its cession to the United States, was divided into two territories, comprehending such parts thereof as were contiguous to the river Mississippi, being the only parts of the province that were inhabited. The foreign language, laws, customs, and manners of the inhabitants, required the immediate and cautious attention of Congress, which, instead of extending, in the first instance, to these territories the ordinance of 1787, ordained special regulations for the government of the same. These regulations were from time to time revised and altered, as observation and experience showed to be expedient, and as was deemed most likely to encourage and promote those changes which would soonest qualify the inhabitants for self-government and admission into the Union. When the United States took possession of the province of Louisiana in 1804, it was estimated to contain 50,000 white inhabitants, 40,000 slaves, and 2,000 free persons of color.

More than four-fifths of the whites, and all the slaves, except about thirteen hundred, inhabited New Orleans and the adjacent territory; the residue, consisting of less than ten thousand whites, and about thirteen hundred slaves, were dispersed throughout the country now included in the Arkansas and Missouri territories. The greater part of the thirteen hundred slaves were in the Missouri territory, some of them having been removed thither from the old French settlements on the east side of the Mississippi, after the passing of the ordinance of 1787, by which slavery in those settlements was abolished.

In 1812, the territory of New Orleans, to which the ordinance of 1787, with the exception of certain parts thereof, had been previously extended, was permitted by Congress to form a Constitution and State Government, and admitted as a new State into the Union, by the name of Louisiana. The acts of Congress for these purposes, in addition to sundry important provisions respecting rivers and public lands, which are declared to be irrevocable unless by common consent, annex other

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terms and conditions, whereby it is established, not only that the Constitution of Louisiana should be republican, but that it should contain the fundamental principles of civil and religious liberty, that it should secure to the citizens the trial by jury in all criminal cases, and the privilege of the writ of habeas corpus according to the Constitution of the United States; and after its admission into the Union, that the laws which Louisiana might pass, should be promulgated; its records of every description preserved; and its judicial and legislative proceedings conducted in the language in which the laws and judicial proceedings of the United States are published and conducted.

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Having annexed these new and extraordinary conditions to the act for the admission of Louisiana into the Union, Congress may, if they shall deem it expedient, annex the like conditions to the act for the admission of Missouri; and, moreover, as in the case of Ohio, Indiana, and Illinois, provide by an article for that purpose, that slavery shall not exist within the same.

Admitting this construction of the Constitution, it is alleged that the power by which Congress excluded slavery from the States north-west of the river Ohio, is suspended in respect to the States that may be formed in the province of Louisiana. The article of the treaty referred to declares: "That the inhabitants of the territory shall be incorporated in the Union of the United States, and admitted as soon as possible; according to the principles of the Federal Constitution, to the enjoyment of all rights, advantages, and immunities of citizens of the United States; and in the meantime, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

Although there is want of precision in the article, its scope and meaning can not be misunderstood. It constitutes a stipulation by which the United States engage that the inhabitants of Louisiana should be formed into a State or States, and as soon as the provisions of the Constitution permit, that they should be admitted as new States into the Union on the footing of the other States; and before such admission, and during their territorial government, that they should be maintained and protected by Congress in the enjoyment of their liberty, property, and religion. The first clause of this stipulation will be executed by the admission of Missouri as a new State into the Union, as such admission will impart to the inhabitants of Missouri "all the rights, advantages, and immunities" which citizens of the United States derive from the Constitution thereof; these rights may be denominated Federal rights, are uniform throughout the Union, and are common to all its citizens: but the rights derived from the Constitution and laws of the States, which may be denominated State rights, in many particulars differ from each other. Thus, while the Federal

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rights of the citizens of Massachusetts and Virginia are the same, their State rights are dissimilar and different, slavery being forbidden in one, and permitted in the other State. This difference arises out of the Constitutions and laws of the two States, in the same manner as the difference in the rights of the citizens of these States to vote for representatives in Congress arises out of the State laws and Constitution. In Massachusetts, every person of lawful age, and possessing property of any sort, of the value of two hundred dollars, may vote for representatives to Congress. In Virginia, no person can vote for representatives to Congress, unless he be a freeholder. As the admission of a new State into the Union confers upon its citizens only the rights denominated Federal, and as these are common to the citizens of all the States, as well of those in which slavery is prohibited, as of those in which it is allowed, it follows that the prohibition of slavery in Missouri will not impair the Federal rights of its citizens, and that such prohibition is not sustained by the clause of the treaty which has been cited.

As all nations do not permit slavery, the term property, in its common and universal meaning, does not include or describe slaves. In treaties, therefore, between nations, and especially in those of the United States, whenever stipulations respecting slaves were to be made, the word “negroes,” or “slaves,” have been employed, and the omission of these words in this clause, increases the uncertainty whether, by the term property, slaves were intended to be included. But admitting that such was the intention of the parties, the stipulation is not only temporary, but extends no further than to the property actually possessed by the inhabitants of Missouri, when it was first occupied by the United States. Property since acquired by them, and property acquired or possessed by the new inhabitants of Missouri, has in each case been acquired under the laws of the United States, and not during and under the laws of the province of Louisiana. Should, therefore, the future introduction of slaves into Missouri be forbidden, the feelings of the citizens would soon become reconciled to their exclusion, and the inconsiderable number of slaves owned by the inhabitants at the date of the cession of Louisiana, would be emancipated or sent for sale into States where slavery exists.

It is further objected, that the article of the act of admission into the Union, by which slavery should be excluded from Missouri, would be nugatory, as the new State in virtue of its sovereignty would be at liberty to revoke its consent, and annul the article by which slavery is excluded.

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Such revocation would be contrary to the obligations of good faith, which enjoins the observance of our engagements; it would be repugnant to the principles on which government itself is founded; sovereignty in every lawful government is a limited power, and can do only what it is lawful to do. Sovereigns, like individuals, are bound by their engagements, and have no moral power to break them. Treaties between nations repose on this principle. If the new State can revoke and annul an article concluded between itself and the United States, by which slavery is excluded from it, it may revoke and annul any other article of the compact; it may, for example, annul the article respecting public lands, and in virtue of its sovereignty, assume the right to tax and to sell the lands of the United States. There is yet a more satisfactory answer to this objection. The judicial power of the United States is co-extensive with their legislative power, and every question arising under the Constitution or laws of the United States, is recognizable by the judiciary thereof. Should the new State rescind any of the articles of compact contained in the act of admission into the Union, that, for example, by which slavery is excluded, and should pass a law authorizing slavery, the judiciary of the United States on proper application, would immediately deliver from bondage, any person retained as a slave in said State. And, in like manner, in all instances affecting individuals, the judiciary might be employed to defeat every attempt to violate the Constitution and laws of the United States.

If Congress possess the power to exclude slavery from Missouri, it still remains to be shown that they ought to do so. The examination of this branch of the subject, for obvious reasons, is attended with peculiar difficulty, and cannot be made without passing over arguments which, to some of us, might appear to be decisive, but the use of which, in this place, would call up feelings, the influence of which would disturb, if not defeat, the impartial consideration of the subject.

Slavery, unhappily, exists within the United States. Enlightened men, in the States where it is permitted, and everywhere out of them, regret its existence among us, and seek for the means of limiting and of mitigating it. The first introduction of slaves is not imputable to the present generation, nor even to their ancestors. Before the year 1642, the trade and ports of the colonies were open to foreigners equally as those of the mother country; and as early as 1620, a few years only after the planting of the colony of Virginia, and the same year in which the first settlement was made in the old colony of Plymouth, a cargo of negroes was brought into and sold as slaves in Virginia by a foreign ship. From this beginning, the importation of slaves was continued for nearly two centuries. To her honor, Virginia, while a colony, opposed the importation of slaves, and was the first State to prohibit the same, by a law passed for this purpose in 1778, thirty years before the general prohibition enacted by Congress in 1808. The laws and customs of the States in which slavery has existed for so long a period, must have had their influence on the opinions and habits of the citizens, which ought not to be disregarded on the present occasion.

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When the general convention that formed the Constitution took this subject into their consideration, the whole question was once more examined; and while it was agreed that all contributions to the common treasury should be made according to the ability of the several States to furnish the same, the old difficulty recurred in agreeing upon a rule whereby such ability should be ascertained, there being no simple standard by which the ability of individuals to pay taxes can be ascertained. A diversity in the selection of taxes has been deemed requisite to their equalization. Between communities this difficulty is less considerable, and although the rule of relative numbers would not accurately measure the relative wealth of nations, in States in the circumstances of the United States, whose institutions, laws, and employments are so much alike, the rule of numbers is probably as near equal as any other simple and practical rule can be expected to be (though between the old and new States its equity is defective),—these considerations, added to the approbation which had already been given to the rule, by a majority of the States, induced the convention to agree that direct taxes should be apportioned among the States, according to the whole number of free persons, and three-fifths of the slaves which they might respectively contain.

The rule for apportionment of taxes is not necessarily the most equitable rule for the apportionment of representatives among the States; property must not be disregarded in the composition of the first rule, but frequently is overlooked in the establishment of the second. A rule which might be approved in respect to taxes, would be disapproved in respect to representatives; one individual possessing twice as much property as another, might be required to pay double the taxes of such other; but no man has two votes to another’s one; rich or poor, each has but a single vote in the choice of representatives.

In the dispute between England and the colonies, the latter denied the right of the former to tax them, because they were not represented in the English Parliament. They contended that, according to the law of the land, taxation and representation were inseparable. The rule of taxation being agreed upon by the convention, it is possible that the maxim with which we successfully opposed the claim of England may have had an influence in procuring the adoption of the same rule for the apportionment of representatives; the true meaning, however, of this principle of the English constitution is, that a colony or district is not to be taxed which is not represented; not that its number of representatives shall be ascertained by its quota of taxes. If three-fifths of the slaves are virtually represented, or their owners obtain a disproportionate power in legislation, and in the appointment of the President of the United States, why should not other property

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be virtually represented, and its owners obtain a like power in legislation, and in the choice of the President? Property is not confined in slaves, but exists in houses, stores, ships, capital in trade, and manufactures. To secure to the owners of property in slaves greater political power than is allowed to the owners of other and equivalent property, seems to be contrary to our theory of the equality of personal rights, inasmuch as the citizens of some States thereby become entitled to other and greater political power than the citizens of other States. The present House of Representatives consist of one hundred and eighty-one members, which are apportioned among the States in a ratio of one representative for every thirty-five thousand federal members, which are ascertained by adding to the whole number of free persons, three-fifths of the slaves. According to the last census, the whole number of slaves within the United was 1,191,364, which entitles the States possessing the same to twenty representatives, and twenty presidential electors more than they would be entitled to, were the slaves excluded. By the last census, Virginia contained 582,104 free persons, and 392,518 slaves. In any of the States where slavery is excluded, 582,104 free persons would be entitled to elect only sixteen representatives, while in Virginia, 582,104 free persons, by the addition of three-fifths of her slaves, become entitled to elect, and do in fact elect, twenty-three representatives, being seven additional ones on account of her slaves. Thus, while 35,000 free persons are requisite to elect one representative in a State where slavery is prohibited, 25,559 free persons in Virginia may and do elect a representative: so that five free persons in Virginia have as much power in the choice of Representatives to Congress, and in the appointment of presidential electors, as seven free persons in any of the States in which slavery does not exist.

This inequality in the apportionment of representatives was not misunderstood at the adoption of the Constitution, but no one anticipated the fact that the whole of the revenue of the United States would be derived from indirect taxes (which cannot be supposed to spread themselves over the several States according to the rule for the apportionment of direct taxes), but it was believed that a part of the contribution to the common treasury would be apportioned among the States by the rule for the apportionment of representatives. The States in which slavery is prohibited, ultimately, though with reluctance, acquiesced in the disproportionate number of representatives and electors that was secured to the slaveholding States. The concession was, at the time, believed to be a great one, and has proved to have been the greatest which was made to secure the adoption of the Constitution.

Great, however, as this concession was, it was definite, and its full extent was comprehended. It was a settlement between the original thirteen States. The considerations arising out of their actual condition, their past connection, and the obligation which all felt to promote a reformation in the Federal Government, were peculiar to the time and to the parties, and are not applicable to the new States, which Congress may now be willing to admit into the Union.

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The equality of rights, which includes an equality of burdens, is a vital principle in our theory of government, and its jealous preservation is the best security of public and individual freedom; the departure from this principle in the disproportionate power and influence, allowed to the slaveholding States, was a necessary sacrifice to the establishment of the Constitution. The effect of this concession has been obvious in the preponderance which it has given to the slaveholding States over the other States. Nevertheless, it is an ancient settlement, and faith and honor stand pledged not to disturb it. But the extension of this disproportionate power to the new States would be unjust and odious. The States whose power would be abridged, and whose burdens would be increased by the measure, cannot be expected to consent to it, and we may hope that the other States are too magnanimous to insist on it.

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It ought not to be forgotten that the first and main object of the negotiation which led to the acquisition of Louisiana, was the free navigation of the Mississippi, a river that forms the sole passage from the western States to the ocean. This navigation, although of general benefit, has been always valued and desired, as of peculiar advantage to the Western States, whose demands to obtain it were neither equivocal nor unreasonable. But with the river Mississippi, by a sort of coercion, we acquired, by good or ill fortune, as our future measures shall determine, the whole province of Louisiana. As this acquisition was made at the common expense, it is very fairly urged that the advantages to be derived from it should also be common. This, it is said, will not happen if slavery be excluded from Missouri, as the citizens of the States where slavery is permitted will be shut out, and none but citizens of States where slavery is prohibited, can become inhabitants of Missouri.

But this consequence will not arise from the proposed exclusion of slavery. The citizens of States in which slavery is allowed, like all other citizens, will be free to become inhabitants of Missouri, in like manner as they have become inhabitants of Ohio, Indiana, and Illinois, in which slavery is forbidden. The exclusion of slaves from Missouri will not, therefore, operate unequally among the citizens of the United States. The Constitution provides, “that the citizens of each State shall be entitled to enjoy all the rights and immunities of citizens of the several States”; every citizen may, therefore, remove from one to another State, and there enjoy the rights and immunities of its citizens. The proposed provision excludes slaves, not citizens, whose rights it will not, and cannot impair.

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Besides there is nothing new or peculiar in a provision for the exclusion of slavery; it has been established in the States north-west of the river Ohio, and has existed from the beginning in the old States where slavery is forbidden. The citizens of States where slavery is allowed, may become inhabitants of Missouri, but cannot hold slaves there, nor in any other State where slavery is prohibited. As well might the laws prohibiting slavery in the old States become the subject of complaint, as the proposed exclusion of slavery in Missouri; but there is no foundation for such complaint in either case. It is further urged, that the admission of slaves into Missouri would be limited to the slaves who are already within the United States; that their health and comfort would be promoted by their dispersion, and that their numbers would be the same whether they remain confined to the States where slavery exists, or are dispersed over the new States that may be admitted into the Union.

That none but domestic slaves would be introduced into Missouri, and the other new and frontier States, is most fully disproved by the thousands of fresh slaves, which, in violation of our laws, are annually imported into Alabama, Louisiana, and Mississippi.

We may renew our efforts, and enact new laws with heavier penalties against the importation of slaves: the revenue cutters may more diligently watch our shores, and the naval force may be employed on the coast of Africa, and on the ocean, to break up the slave trade—but these means will not put an end to it; so long as markets are open for the purchase of slaves, so long they will be supplied;—and so long as we permit the existence of slavery in our new and frontier States, so long slave markets will exist. The plea of humanity is equally inadmissible, since no one who has ever witnessed the experiment will believe that the condition of slaves is made better by the breaking up, and separation of their families, nor by their removal from the old States to the new ones; and the objection to the provision of the bill, excluding slavery from Missouri, is equally applicable to the like prohibitions of the old States: these should be revoked, in order that the slaves now confined to certain States, may, for their health and comfort, and multiplication, be spread over the whole Union.

Slavery cannot exist in Missouri without the consent of Congress; the question may therefore be considered, in certain lights, as a new one, it being the first instance in which an inquiry respecting slavery, in a case so free from the influence of the ancient laws, usages, and manners of the country, has come before the Senate.

The territory of Missouri is beyond our ancient limits, and the inquiry whether slavery shall exist there, is open to many of the arguments that might be employed, had slavery never existed within the United States. It is a question of no ordinary importance. Freedom and slavery are the parties which stand this day before the Senate; and upon its decision the empire of the one or the other will be established in the new State which we are about to admit into the Union.

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If slavery be permitted in Missouri with the climate, and soil, and in the circumstances of this territory, what hope can be entertained that it will ever be prohibited in any of the new States that will be formed in the immense region west of the Mississippi? Will the co-extensive establishment of slavery and of the new States throughout this region, lessen the dangers of domestic insurrection, or of foreign aggression? Will this manner of executing the great trust of admitting new States into the Union, contribute to assimilate our manners and usages, to increase our mutual affection and confidence, and to establish that equality of benefits and burdens which constitutes the true basis of our strength and union? Will the militia of the nation, which must furnish our soldiers and seamen, increase as slaves increase? Will the actual disproportion in the military service of the nation be thereby diminished?—a disproportion that will be, as it has been, readily borne, as between the original States, because it arises out of their compact of Union, but which may become a badge of inferiority, if required for the protection of those who, being free to choose, persist in the establishment of maxims, the inevitable effect of which will deprive them of the power to contribute to the common defence, and even of the ability to protect themselves. There are limits within which our federal system must stop; no one has supposed that it could be indefinitely extended—-we are now about to pass our original boundary; if this can be done without affecting the principles of our free governments, it can be accomplished only by the most vigilant attention to plant, cherish, and sustain the principles of liberty in the new States, that may be formed beyond our ancient limits; with our utmost caution in this respect, it may still be justly apprehended that the General Government must be made stronger as we become more extended.

But if, instead of freedom, slavery is to prevail and spread, as we extend our dominion, can any reflecting man fail to see the necessity of giving to the General Government greater powers, to enable it to afford the protection that will be demanded of it? powers that will be difficult to control, and which may prove fatal to the public liberties.

WILLIAM PINKNEY,

OF MARYLAND. (BORN 1764, DIED 1822.)

ON THE MISSOURI QUESTION'—UNITED STATES

Senate, *February* 15, 1820.

As I am not a very frequent speaker in this assembly, and have shown a desire, I trust, rather to listen to the wisdom of others than to lay claim to superior knowledge by undertaking to advise, even when advice, by being seasonable in point of time, might have some chance of being profitable, you will, perhaps, bear with me if I venture to trouble you once more on that eternal subject which has lingered here, until all

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its natural interest is exhausted, and every topic connected with it is literally worn to tatters. I shall, I assure you, sir, speak with laudable brevity—not merely on account of the feeble state of my health, and from some reverence for the laws of good taste which forbid me to speak otherwise, but also from a sense of justice to those who honor me with their attention. My single purpose, as I suggested yesterday, is to subject to a friendly, yet close examination, some portions of a speech, imposing, certainly, on account of the distinguished quarter from whence it came—not very imposing (if I may so say, without departing from that respect which I sincerely feel and intend to manifest for eminent abilities and long experience) for any other reason.

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I confess to you, nevertheless, that some of the principles announced by the honorable gentleman from New York, with an explicitness that reflected the highest credit on his candor, did, when they were first presented, startle me not a little. They were not perhaps entirely new. Perhaps I had seen them before in some shadowy and doubtful shape,

> "If shape it might be called, that shape had none,
> Distinguishable in member, joint, or limb?"

But in the honorable gentleman's speech they were shadowy and doubtful no longer. He exhibited them in forms so boldly and accurately—with contours so distinctly traced—with features so pronounced and striking that I was unconscious for a moment that they might be old acquaintances. I received them as a *novi hospites* within these walls, and gazed upon them with astonishment and alarm. I have recovered, however, thank God, from this paroxysm of terror, although not from that of astonishment. I have sought and found tranquillity and courage in my former consolatory faith. My reliance is that these principles will obtain no general currency; for, if they should, it requires no gloomy imagination to sadden the perspective of the future. My reliance is upon the unsophisticated good sense and noble spirit of the American people. I have what I may be allowed to call a proud and patriotic trust, that they will give countenance to no principles which, if followed out to their obvious consequences, will not only shake the goodly fabric of the Union to its foundations, but reduce it to a melancholy ruin. The people of this country, if I do not wholly mistake their character, are wise as well as virtuous. They know the value of that federal association which is to them the single pledge and guarantee of power and peace. Their warm and pious affections will cling to it as to their only hope of prosperity and happiness, in defiance of pernicious abstractions, by whomsoever inculcated, or howsoever seductive or alluring in their aspect.'

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Sir, it was but the other day that we were forbidden, (properly forbidden I am sure, for the prohibition came from you,) to assume that there existed any intention to impose a prospective restraint on the domestic legislation of Missouri—a restraint to act upon it contemporaneously with its origin as a State, and to continue adhesive to it through all the stages of its political existence. We are now, however, permitted to know that it is determined by a sort of political surgery to amputate one of the limbs of its local sovereignty, and thus mangled and disparaged, and thus only, to receive it into the bosom of the Constitution. It is now avowed that, while Maine is to be ushered into the Union with every possible demonstration of studious reverence on our part, and on hers, with colors flying, and all the other graceful accompaniments of honorable triumph, this ill-conditioned upstart of the West, this obscure foundling of a wilderness that was but yesterday the hunting-ground of the savage, is to find her way into the American family as she can, with an humiliating badge of remediless inferiority patched upon her garments, with the mark of recent, qualified manumission upon her, or rather with a brand upon her forehead to tell the stogy of her territorial vassalage, and to perpetuate the memory of her evil propensities. It is now avowed that, while the robust district of Maine is to be seated by the side of her truly respectable parent, co-ordinate in authority and honor, and is to be dandled into that power and dignity of which she does not stand in need, but which undoubtedly she deserves, the more infantine and feeble Missouri is to be repelled with harshness, and forbidden to come at all, unless with the iron collar of servitude about her neck, instead of the civic crown of republican freedom upon her brows, and is to be doomed forever to leading-strings, unless she will exchange those leading-strings for shackles.

I am told that you have the power to establish this odious and revolting distinction, and I am referred for the proofs of that power to various parts of the Constitution, but principally to that part of it which authorizes the admission of new States into the Union. I am myself of opinion that it is in that part only that the advocates for this restriction can, with any hope of success, apply for a license to impose it; and that the efforts which have been made to find it in other portions of that instrument, are too desperate to require to be encountered. I shall, however, examine those other portions before I have done, lest it should be supposed by those who have relied upon them, that what I omit to answer I believe to be unanswerable.

The clause of the Constitution which relates to the admission of new States is in these words: "The Congress may admit new States into this Union," *etc*., and the advocates for restriction maintain that the use of the word "may" imports discretion to admit or to reject; and that in this discretion is wrapped up another—that of prescribing the terms and conditions of admission in case you are willing to admit: "*Cujus est dare ejus est disponere*." I will not for the present inquire whether this involved discretion to dictate the terms of admission belongs to you or not. It is fit that I should first look to the nature and extent of it.

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I think I may assume that if such a power be anything but nominal, it is much more than adequate to the present object—that it is a power of vast expansion, to which human sagacity can assign no reasonable limits—that it is a capacious reservoir of authority, from which you may take, in all time to come, as occasion may serve, the means of oppression as well as of benefaction. I know that it professes at this moment to be the chosen instrument of protecting mercy, and would win upon us by its benignant smiles; but I know, too, it can frown and play the tyrant, if it be so disposed. Notwithstanding the softness which it now assumes, and the care with which it conceals its giant proportions beneath the deceitful drapery of sentiment, when it next appears before you it may show itself with a sterner countenance and in more awful dimensions. It is, to speak the truth, sir, a power of colossal size—if indeed it be not an abuse of language to call it by the gentle name of a power. Sir, it is a wilderness of power, of which fancy in her happiest mood is unable to perceive the far distant and shadowy boundary. Armed with such a power, with religion in one hand and philanthropy in the other, and followed with a goodly train of public and private virtues, you may achieve more conquests over sovereignties not your own than falls to the common lot of even uncommon ambition. By the aid of such a power, skilfully employed, you may “bridge your way” over the Hellespont that separates State legislation from that of Congress; and you may do so for pretty much the same purpose with which Xerxes once bridged his way across the Hellespont that separates Asia from Europe. He did so, in the language of Milton, “the liberties of Greece to yoke.” You may do so for the analogous purpose of subjugating and reducing the sovereignties of States, as your taste or convenience may suggest, and fashioning them to your imperial will. There are those in this House who appear to think, and I doubt not sincerely, that the particular restraint now under consideration is wise, and benevolent, and good; wise as respects the Union—good as respects Missouri—benevolent as respects the unhappy victims whom with a novel kindness it would incarcerate in the south, and bless by decay and extirpation. Let all such beware, lest in their desire for the effect which they believe the restriction will produce, they are too easily satisfied that they have the right to impose it. The moral beauty of the present purpose, or even its political recommendations (whatever they may be), can do nothing for a power like this, which claims to prescribe conditions *ad libitum*, and to be competent to this purpose, because it is competent to all. This restriction, if it be not smothered in its birth, will be but a small part of the progeny of the prolific power. It teems with a mighty brood, of which this may be entitled to the distinction of comeliness as well as of primogeniture. The rest may want the boasted loveliness of their predecessor, and be even uglier than “Lapland witches”.

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I would not discourage authorized legislation upon those kindly, generous, and noble feelings which Providence has given to us for the best of purposes; but when power to act is under discussion, I will not look to the end in view, lest I should become indifferent to the lawfulness of the means. Let us discard from this high constitutional question all those extrinsic considerations which have been forced into its discussion. Let us endeavor to approach it with a philosophic impartiality of temper—with a sincere desire to ascertain the boundaries of our authority, and a determination to keep our wishes in subjection to our allegiance to the Constitution.

Slavery, we are told in many a pamphlet, memorial, and speech, with which the press has lately groaned, is a foul blot upon our otherwise immaculate reputation. Let this be conceded—yet you are no nearer than before to the conclusion that you possess power which may deal with other subjects as effectually as with this. Slavery, we are further told, with some pomp of metaphor, is a canker at the root of all that is excellent in this republican empire, a pestilent disease that is snatching the youthful bloom from its cheek, prostrating its honor and withering its strength. Be it so—yet if you have power to medicine to it in the way proposed, and in virtue of the diploma which you claim, you have also power in the distribution of your political alexipharmics to present the deadliest drugs to every territory that would become a State, and bid it drink or remain a colony forever. Slavery, we are also told, is now “rolling onward with a rapid tide towards the boundless regions of the West,” threatening to doom them to sterility and sorrow, unless some potent voice can say to it,thus far shalt thou go, and no farther. Slavery engenders pride and indolence in him who commands, and inflicts intellectual and moral degradation on him who serves. Slavery, in fine, is unchristian and abominable. Sir, I shall not stop to deny that slavery is all this and more; but I shall not think myself the less authorized to deny that it is for you to stay the course of this dark torrent, by opposing to it a mound raised up by the labors of this portentous discretion on the domain of others—a mound which you cannot erect but through the instrumentality of a trespass of no ordinary kind—not the comparatively innocent trespass that beats down a few blades of grass which the first kind sun or the next refreshing shower may cause to spring again—but that which levels with the ground the lordliest trees of the forest, and claims immortality for the destruction which it inflicts.

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I shall not, I am sure, be told that I exaggerate this power. It has been admitted here and elsewhere that I do not. But I want no such concession. It is manifest that as a discretionary power it is everything or nothing—that its head is in the clouds, or that it is a mere figment of enthusiastic speculation—that it has no existence, or that it is an alarming vortex ready to swallow up all such portions of the sovereignty of an infant State as you may think fit to cast into it as preparatory to the introduction into the union of the miserable residue. No man can contradict me when I say, that if you have this power, you may squeeze down a new-born sovereign State to the size of a pigmy, and then taking it between finger and thumb, stick it into some niche of the Union, and still continue by way of mockery to call it a State in the sense of the Constitution. You may waste it to a shadow, and then introduce it into the society of flesh and blood an object of scorn and derision. You may sweat and reduce it to a thing of skin and bone, and then place the ominous skeleton beside the ruddy and healthful members of the Union, that it may have leisure to mourn the lamentable difference between itself and its companions, to brood over its disastrous promotion, and to seek in justifiable discontent an opportunity for separation, and insurrection, and rebellion. What may you not do by dexterity and perseverance with this terrific power? You may give to a new State, in the form of terms which it cannot refuse, (as I shall show you hereafter,) a statute book of a thousand volumes—providing not for ordinary cases only, but even for possibilities; you may lay the yoke, no matter whether light or heavy, upon the necks of the latest posterity; you may send this searching power into every hamlet for centuries to come, by laws enacted in the spirit of prophecy, and regulating all those dear relations of domestic concern which belong to local legislation, and which even local legislation touches with a delicate and sparing hand. This is the first inroad. But will it be the last? This provision is but a pioneer for others of a more desolating aspect. It is that fatal bridge of which Milton speaks, and when once firmly built, what shall hinder you to pass it when you please for the purpose of plundering power after power at the expense of new States, as you will still continue to call them, and raising up prospective codes irrevocable and immortal, which shall leave to those States the empty shadows of domestic sovereignty, and convert them into petty pageants, in themselves contemptible, but rendered infinitely more so by the contrast of their humble faculties with the proud and admitted pretensions of those who having doomed them to the inferiority of vassals, have condescended to take them into their society and under their protection?

“New States may be admitted by the Congress into this Union.” It is objected that the word “may” imports power, not obligation—a right to decide—a discretion to grant or refuse.

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To this it might be answered that power is duty on many occasions. But let it be conceded that it is discretionary. What consequence follows? A power to refuse, in a case like this, does not necessarily involve a power to exact terms. You must look to the result which is the declared object of the power. Whether you will arrive at it, or not, may depend on your will; but you cannot compromise with the result intended and professed.

What then is the professed result? To admit a State into this Union.

What is that Union? A confederation of States equal in sovereignty—capable of everything which the Constitution does not forbid, or authorize Congress to forbid. It is an equal union, between parties equally sovereign. They were sovereign independently of the Union. The object of the Union was common protection for the exercise of already existing sovereignty. The parties gave up a portion of that sovereignty to insure the remainder. As far as they gave it up by the common compact they have ceased to be sovereign. The Union provides the means of defending the residue; and it is into that Union that a new State is to come. By acceding to it, the new State is placed on the same footing with the original States. It accedes for the same purpose, *i.e*., protection for their unsurrendered sovereignty. If it comes in shorn of its beams—-crippled and disparaged beyond the original States, it is not into the original Union that it comes. For it is a different sort of Union. The first was Union *inter pares*. This is a Union between "*disparates*"—between giants and a dwarf—between power and feebleness—between full proportioned sovereignties and a miserable image of power—a thing which that very Union has shrunk and shrivelled from its just size, instead of preserving it in its true dimensions.

It is into this Union, i. e., the Union of the Federal Constitution, that you are to admit, or refuse to admit. You can admit into no other. You cannot make the Union, as to the new State, what it is not as to the old; for then it is not this Union that you open for the entrance of a new party. If you make it enter into a new and additional compact, is it any longer the same Union?

We are told that admitting a State into the Union is a compact. Yes, but what sort of a compact? A compact that it shall be a member of the Union, as the Constitution has made it. You cannot new fashion it. You may make a compact to admit, but when admitted the original compact prevails. The Union is a compact, with a provision of political power and agents for the accomplishment of its objects. Vary that compact as to a new State—give new energy to that political power so as to make it act with more force upon a new State than upon the old—make the will of those agents more effectually the arbiter of the fate of a new State than of the old, and it may be confidently said that the new State has not entered into this Union, but into another Union. How far the Union has been varied is another question. But that it has been varied is clear.

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If I am told that by the bill relative to Missouri, you do not legislate upon a new State, I answer that you do; and I answer further that it is immaterial whether you do or not. But it is upon Missouri, as a State, that your terms and conditions are to act. Until Missouri is a State, the terms and conditions are nothing. You legislate in the shape of terms and conditions, prospectively—and you so legislate upon it that when it comes into the Union it is to be bound by a contract degrading and diminishing its sovereignty—and is to be stripped of rights which the original parties to the Union did not consent to abandon, and which that Union (so far as depends upon it) takes under its protection and guarantee.

Is the right to hold slaves a right which Massachusetts enjoys? If it is, Massachusetts is under this Union in a different character from Missouri. The compact of Union for it, is different from the same compact of Union for Missouri. The power of Congress is different—everything which depends upon the Union is, in that respect, different.

But it is immaterial whether you legislate for Missouri as a State or not. The effect of your legislation is to bring it into the Union with a portion of its sovereignty taken away.

But it is a State which you are to admit. What is a State in the sense of the Constitution? It is not a State in the general—but a State as you find it in the Constitution. A State, generally, is a body politic or independent political society of men. But the State which you are to admit must be more or less than this political entity. What must it be? Ask the constitution. It shows what it means by a State by reference to the parties to it. It must be such a State as Massachusetts, Virginia, and the other members of the American confederacy—a State with full sovereignty except as the constitution restricts it.

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In a word, the whole amount of the argument on the other side is, that you may refuse to admit a new State, and that therefore if you admit, you may prescribe the terms.

The answer to that argument is—that even if you can refuse, you can prescribe no terms which are inconsistent with the act you are to do. You can prescribe no conditions which, if carried into effect, would make the new State less a sovereign State than, under the Union as it stands, it would be. You can prescribe no terms which will make the compact of Union between it and the original States essentially different from that compact among the original States. You may admit, or refuse to admit: but if you admit, you must admit a State in the sense of the Constitution—a State with all such sovereignty as belongs to the original parties: and it must be into this Union that you are to admit it, not into a Union of your own dictating, formed out of the existing Union by qualifications and new compacts, altering its character and effect, and making it fall short of its protecting energy in reference to the new State, whilst it acquires an energy of another sort—the energy of restraint and destruction.

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One of the most signal errors with which the argument on the other side has abounded, is this of considering the proposed restriction as if levelled at the introduction or establishment of slavery. And hence the vehement declamation, which, among other things, has informed us that slavery originated in fraud or violence.

The truth is, that the restriction has no relation, real or pretended, to the right of making slaves of those who are free, or of introducing slavery where it does not already exist. It applies to those who are admitted to be already slaves, and who (with their posterity) would continue to be slaves if they should remain where they are at present; and to a place where slavery already exists by the local law. Their civil condition will not be altered by their removal from Virginia, or Carolina, to Missouri. They will not be more slaves than they now are. Their abode, indeed, will be different, but their bondage the same. Their numbers may possibly be augmented by the diffusion, and I think they will. But this can only happen because their hardships will be mitigated, and their comforts increased. The checks to population, which exist in the older States, will be diminished. The restriction, therefore does not prevent the establishment of slavery, either with reference to persons or place; but simply inhibits the removal from place to place (the law in each being the same) of a slave, or make his emancipation the consequence of that removal. It acts professedly merely on slavery as it exists, and thus acting restrains its present lawful effects. That slavery, like many other human institutions, originated in fraud or violence, may be conceded: but, however it originated, it is established among us, and no man seeks a further establishment of it by new importations of freemen to be converted into slaves. On the contrary, all are anxious to mitigate its evils, by all the means within the reach of the appropriate authority, the domestic legislatures of the different States.

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Of the declaration of our independence, which has also been quoted in support of the perilous doctrines now urged upon us, I need not now speak at large. I have shown on a former occasion how idle it is to rely upon that instrument for such a purpose, and I will not fatigue you by mere repetition. The self-evident truths announced in the Declaration of Independence are not truths at all, if taken literally; and the practical conclusions contained in the same passage of that declaration prove that they were never designed to be so received.

The articles of confederation contain nothing on the subject; whilst the actual Constitution recognizes the legal existence of slavery by various provisions. The power of prohibiting the slave trade is involved in that of regulating commerce, but this is coupled with an express inhibition to the exercise of it for twenty years. How then can that Constitution which expressly permits the importation of slaves authorize the National Government to set on foot a crusade against slavery?

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The clause respecting fugitive slaves is affirmative and active in its effects. It is a direct sanction and positive protection of the right of the master to the services of his slave as derived under the local laws of the States. The phraseology in which it is wrapped up still leaves the intention clear, and the words, “persons held to service or labor in one State under the laws thereof,” have always been interpreted to extend to the case of slaves, in the various acts of Congress which have been passed to give efficacy to the provision, and in the judicial application of those laws. So also in the clause prescribing the ratio of representation—the phrase, “three-fifths of all other persons,” is equivalent to slaves, or it means nothing. And yet we are told that those who are acting under a Constitution which sanctions the existence of slavery in those States which choose to tolerate it, are at liberty to hold that no law can sanction its existence.

It is idle to make the rightfulness of an act the measure of sovereign power. The distinction between sovereign power and the moral right to exercise it has always been recognized. All political power may be abused, but is it to stop where abuse may begin? The power of declaring war is a power of vast capacity for mischief, and capable of inflicting the most wide-spread desolation. But it is given to Congress without stint and without measure. Is a citizen, or are the courts of justice to inquire whether that, or any other law, is just, before they obey or execute it? And are there any degrees of injustice which will withdraw from sovereign power the capacity of making a given law?

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The power is “to admit new States into this Union,” and it may be safely conceded that here is discretion to admit or refuse. The question is, what must we do if we do anything? What must we admit, and into what? The answer is a State—and into this Union.

The distinction between Federal rights and local rights, is an idle distinction. Because the new State acquires Federal rights, it is not, therefore, in this Union. The Union is a compact; and is it an equal party to that compact, because it has equal Federal rights?

How is the Union formed? By equal contributions of power. Make one member sacrifice more than another, and it becomes unequal. The compact is of two parts:

1. The thing obtained—Federal rights. 2. The price paid—local sovereignty.

You may disturb the balance of the Union, either by diminishing the thing acquired, or increasing the sacrifice paid.

What were the purposes of coming into the Union among the original States? The States were originally sovereign without limit, as to foreign and domestic concerns. But being incapable of protecting themselves singly, they entered into the Union to defend

themselves against foreign violence. The domestic concerns of the people were not, in general, to be acted on by it. The security of the power, of managing them by domestic legislature, is one of the great objects of the Union. The Union is a means, not an end. By requiring greater sacrifices of domestic power, the end is sacrificed to the means. Suppose the surrender of all, or nearly all, the domestic powers of legislation were required; the means would there have swallowed up the end.

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The argument that the compact may be enforced, shows that the Federal predicament changed. The power of the Union not only acts on persons or citizens, but on the faculty of the government, and restrains it in a way which the Constitution nowhere authorizes. This new obligation takes away a right which is expressly "reserved to the people or the States," since it is nowhere granted to the government of the Union. You cannot do indirectly what you cannot do directly. It is said that this Union is competent to make compacts. Who doubts it? But can you make this compact? I insist that you cannot make it, because it is repugnant to the thing to be done.

The effect of such a compact would be to produce that inequality in the Union, to which the Constitution, in all its provisions, is adverse. Everything in it looks to equality among the members of the Union. Under it you cannot produce inequality. Nor can you get before-hand of the Constitution, and do it by anticipation. Wait until a State is in the Union, and you cannot do it; yet it is only upon the State in the Union that what you do begins to act.

But it seems that, although the proposed restrictions may not be justified by the clause of the Constitution which gives power to admit new States into the Union, separately considered, there are other parts of the Constitution which, combined with that clause, will warrant it. And first, we are informed that there is a clause in this instrument which declares that Congress shall guarantee to every State a republican form of government; that slavery and such a form of government are incompatible; and, finally, as a conclusion from these premises, that Congress not only have a right, but are bound to exclude slavery from a new State. Here again, sir, there is an edifying inconsistency between the argument and the measure which it professes to vindicate. By the argument it is maintained that Missouri cannot have a republican form of government, and at the same time tolerate negro slavery. By the measure it is admitted that Missouri may tolerate slavery, as to persons already in bondage there, and be nevertheless fit to be received into the Union. What sort of constitutional mandate is this which can thus be made to bend and truckle and compromise as if it were a simple rule of expediency that might admit of exceptions upon motives of countervailing expediency. There can be no such pliancy in the peremptory provisions of the Constitution. They cannot be obeyed by moieties and violated in the same ratio. They must be followed out to their full extent, or treated with that decent neglect which has at least the merit of forbearing to render contumacy obtrusive by an ostentatious display of the very duty which we in part abandon. If the decalogue could be observed in this casuistical manner, we might be grievous sinners, and yet be liable to no reproach. We might persist in all our habitual irregularities, and still be spotless. We might, for example, continue to covet our neighbors' goods, provided they were the same neighbors whose goods we had before coveted—and so of all the other commandments.

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Will the gentlemen tell us that it is the quantity of slaves, not the quality of slavery, which takes from a government the republican form? Will they tell us (for they have not yet told us) that there are constitutional grounds (to say nothing of common sense) upon which the slavery which now exists in Missouri may be reconciled with a republican form of government, while any addition to the number of its slaves (the quality of slavery remaining the same) from the other States, will be repugnant to that form, and metamorphose it into some nondescript government disowned by the Constitution? They cannot have recourse to the treaty of 1803 for such a distinction, since independently of what I have before observed on that head, the gentlemen have contended that the treaty has nothing to do with the matter.

They have cut themselves off from all chance of a convenient distinction in or out of that treaty, by insisting that slavery beyond the old United States is rejected by the Constitution, and by the law of God as discoverable by the aid of either reason or revelation; and moreover that the treaty does not include the case, and if it did could not make it better. They have, therefore, completely discredited their own theory by their own practice, and left us no theory worthy of being seriously controverted. This peculiarity in reasoning of giving out a universal principle, and coupling with it a practical concession that it is wholly fallacious, has indeed run through the greater part of the arguments on the other side; but it is not, as I think, the more imposing on that account, or the less liable to the criticism which I have here bestowed upon it.

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But let us proceed to take a rapid glance at the reasons which have been assigned for this notion that involuntary servitude and a republican form of government are perfect antipathies. The gentleman from New Hampshire has defined a republican government to be that in which all the men participate in its power and privileges; from whence it follows that where there are slaves, it can have no existence. A definition is no proof, however, and even if it be dignified (as I think it was) with the name of a maxim, the matter is not much mended. It is Lord Bacon who says “That nothing is so easily made as a maxim”; and certainly a definition is manufactured with equal facility. A political maxim is the work of induction, and cannot stand against experience, or stand on anything but experience. But this maxim, or definition, or whatever else it may be, sets facts at defiance. If you go back to antiquity, you will obtain no countenance for this hypothesis; and if you look at home you will gain still less. I have read that Sparta, and Rome, and Athens, and many others of the ancient family, were republics. They were so in form undoubtedly—the last approaching nearer to a perfect democracy than any other government which has yet been known in the world. Judging of them also by their fruits, they were of the highest order of republics. Sparta could scarcely be any other than a republic, when a Spartan matron could say to her son just marching to battle, “Return victorious, or return no more.”

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It was the unconquerable spirit of liberty, nurtured by republican habits and institutions, that illustrated the pass of Thermopylae. Yet slavery was not only tolerated in Sparta, but was established by one of the fundamental laws of Lycurgus, having for its object the encouragement of that very spirit. Attica was full of slaves—yet the love of liberty was its characteristic. What else was it that foiled the whole power of Persia at Marathon and Salamis? What other soil than that which the genial sun of republican freedom illuminated and warmed, could have produced such men as Leonidas and Miltiades, Themistocles and Epaminondas? Of Rome it would be superfluous to speak at large. It is sufficient to name the mighty mistress of the world, before Sylla gave the first stab to her liberties and the great dictator accomplished their final ruin, to be reminded of the practicability of union between civil slavery and an ardent love of liberty cherished by republican establishments.

If we return home for instruction upon this point, we perceive that same union exemplified in many a State, in which “Liberty has a temple in every house, an altar in every heart,” while involuntary servitude is seen in every direction.

Is it denied that those States possess a republican form of government? If it is, why does our power of correction sleep? Why is the constitutional guaranty suffered to be inactive? Why am I permitted to fatigue you, as the representative of a slaveholding State, with the discussion of the “*nugae canorae*” (for so I think them) that have been forced into this debate contrary to all the remonstrances of taste and prudence? Do gentlemen perceive the consequences to which their arguments must lead if they are of any value? Do they reflect that they lead to emancipation in the old United States—or to an exclusion of Delaware, Maryland, and all the South, and a great portion of the West from the Union? My honorable friend from Virginia has no business here, if this disorganizing creed be anything but the production of a heated brain. The State to which I belong, must “perform a lustration”—must purge and purify herself from the feculence of civil slavery, and emulate the States of the North in their zeal for throwing down the gloomy idol which we are said to worship, before her senators can have any title to appear in this high assembly. It will be in vain to urge that the old United States are exceptions to the rule—or rather (as the gentlemen express it), that they have no disposition to apply the rule to them. There can be no exceptions by implication only, to such a rule; and expressions which justify the exemption of the old States by inference, will justify the like exemption of Missouri, unless they point exclusively to them, as I have shown they do not. The guarded manner, too, in which some of the gentlemen have occasionally expressed themselves on this subject, is somewhat alarming. They have

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no disposition to meddle with slavery in the old United States. Perhaps not—but who shall answer for their successors? Who shall furnish a pledge that the principle once ingrafted into the Constitution, will not grow, and spread, and fructify, and overshadow the whole land? It is the natural office of such a principle to wrestle with slavery, wheresoever it finds it. New States, colonized by the apostles of this principle, will enable it to set on foot a fanatical crusade against all who still continue to tolerate it, although no practicable means are pointed out by which they can get rid of it consistently with their own safety. At any rate, a present forbearing disposition, in a few or in many, is not a security upon which much reliance can be placed upon a subject as to which so many selfish interests and ardent feelings are connected with the cold calculations of policy. Admitting, however, that the old United States are in no danger from this principle—why is it so? There can be no other answer (which these zealous enemies of slavery can use) than that the Constitution recognizes slavery as existing or capable of existing in those States. The Constitution, then, admits that slavery and a republican form of government are not incongruous. It associates and binds them up together and repudiates this wild imagination which the gentlemen have pressed upon us with such an air of triumph. But the Constitution does more, as I have heretofore proved. It concedes that slavery may exist in a new State, as well as in an old one—-since the language in which it recognizes slavery comprehends new States as well as actual. I trust then that I shall be forgiven if I suggest, that no eccentricity in argument can be more trying to human patience, than a formal assertion that a constitution, to which slave-holding States were the most numerous parties, in which slaves are treated as property as well as persons, and provision is made for the security of that property, and even for an augmentation of it by a temporary importation from Africa, with a clause commanding Congress to guarantee a republican form of government to those very States, as well as to others, authorizes you to determine that slavery and a republican form of government cannot coexist.

But if a republican form of government is that in which all the men have a share in the public power, the slave-holding States will not alone retire from the Union. The constitutions of some of the other States do not sanction universal suffrage, or universal eligibility. They require citizenship, and age, and a certain amount of property, to give a title to vote or to be voted for; and they who have not those qualifications are just as much disfranchised, with regard to the government and its power, as if they were slaves. They have civil rights indeed (and so have slaves in a less degree;) but they have no share in the government. Their province is to obey the laws, not to assist in making them.

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All such States must therefore be forisfamiliated with Virginia and the rest, or change their system. For the Constitution being absolutely silent on those subjects, will afford them no protection. The Union might thus be reduced from an Union to an unit. Who does not see that such conclusions flow from false notions—that the true theory of a republican government is mistaken—and that in such a government rights, political and civil, may be qualified by the fundamental law, upon such inducements as the freemen of the country deem sufficient? That civil rights may be qualified as well as political, is proved by a thousand examples. Minors, resident aliens, who are in a course of naturalization—the other sex, whether maids, or wives, or widows, furnish sufficient practical proofs of this.

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We are next invited to study that clause of the Constitution which relates to the migration or importation, before the year 1808, of such persons as any of the States then existing should think proper to admit. It runs thus: "The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation not exceeding ten dollars for each person."

It is said that this clause empowers Congress, after the year 1808, to prohibit the passage of slaves from State to State, and the word "migration" is relied upon for that purpose.

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Whatever may be the latitude in which the word "persons" is capable of being received, it is not denied that the word "importation" indicates a bringing in from a jurisdiction foreign to the United States. The two termini of the importation, here spoken of, are a foreign country and the American Union—the first the *terminus a quo*, the second the *terminus ad quem*. The word migration stands in simple connexion with it, and of course is left to the full influence of that connection. The natural conclusion is, that the same termini belong to each, or, in other words, that if the importation must be abroad, so also must be the migration—no other termini being assigned to the one which are not manifestly characteristic of the other. This conclusion is so obvious, that to repel it, the word migration requires, as an appendage, explanatory phraseology, giving to it a different beginning from that of importation. To justify the conclusion that it was intended to mean a removal from State to State, each within the sphere of the constitution in which it is used, the addition of the words from one to another State in this Union, were indispensable. By the omission of these words, the word "migration" is

compelled to take every sense of which it is fairly susceptible from its immediate neighbor, “importation.” In this view it means a coming, as “importation”

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means a bringing, from a foreign jurisdiction into the United States. That it is susceptible of this meaning, nobody doubts. I go further. It can have no other meaning in the place in which it is found. It is found in the Constitution of this Union—which, when it speaks of migration as of a general concern, must be supposed to have in view a migration into the domain which itself embraces as a general government.

Migration, then, even if it comprehends slaves, does not mean the removal of them from State to State, but means the coming of slaves from places beyond their limits and their power. And if this be so, the gentlemen gain nothing for their argument by showing that slaves were the objects of this term.

An honorable gentleman from Rhode Island, whose speech was distinguished for its ability, and for an admirable force of reasoning, as well to as by the moderation and mildness of its spirit, informed us, with less discretion than in general he exhibited, that the word “migration” was introduced into this clause at the instance of some of the Southern States, who wished by its instrumentality to guard against a prohibition by Congress of the passage into those States of slaves from other States. He has given us no authority for this supposition, and it is, therefore, a gratuitous one. How improbable it is, a moment’s reflection will convince him. The African slave trade being open during the whole of the time to which the entire clause in question referred, such a purpose could scarcely be entertained; but if it had been entertained, and there was believed to be a necessity for securing it, by a restriction upon the power of Congress to interfere with it, is it possible that they who deemed it important, would have contented themselves with a vague restraint, which was calculated to operate in almost any other manner than that which they desired? If fear and jealousy, such as the honorable gentleman has described, had dictated this provision, a better term than that of “migration,” simple and unqualified, and joined, too, with the word “importation,” would have been found to tranquilize those fears and satisfy that jealousy. Fear and jealousy are watchful, and are rarely seen to accept a security short of their object, and less rarely to shape that security, of their own accord, in such a way as to make it no security at all. They always seek an explicit guaranty; and that this is not such a guaranty this debate has proved, if it has proved nothing else.

WENDELL PHILLIPS,

OF MASSACHUSETTS. (BORN 1811, DIED 1884.)

On the murder of Lovejoy;

FANEUIL HALL, BOSTON, DECEMBER 8, 1837

MR. CHAIRMAN:

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We have met for the freest discussion of these resolutions, and the events which gave rise to them. [Cries of “Question,” “Hear him,” “Go on,” “No gagging,” *etc*.] I hope I shall be permitted to express my surprise at the sentiments of the last speaker, surprise not only at such sentiments from such a man, but at the applause they have received within these walls. A comparison has been drawn between the events of the Revolution and the tragedy at Alton. We have heard it asserted here, in Faneuil Hall, that Great Britain had a right to tax the colonies, and we have heard the mob at Alton, the drunken murderers of Lovejoy, compared to those patriot fathers who threw the tea overboard! Fellow citizens, is this Faneuil Hall doctrine? ["No, no.”] The mob at Alton were met to wrest from a citizen his just rights—met to resist the laws. We have been told that our fathers did the same; and the glorious mantle of Revolutionary precedent has been thrown over the mobs of our day. To make out their title to such defence, the gentleman says that the British Parliament had a right to tax these colonies. It is manifest that, without this, his parallel falls to the ground, for Lovejoy had stationed himself within constitutional bulwarks. He was not only defending the freedom of the press, but he was under his own roof, in arms with the sanction of the civil authority. The men who assailed him went against and over the laws. The mob, as the gentleman terms it—-mob, forsooth! certainly we sons of the tea-spillers are a marvellously patient generation!—the “orderly mob” which assembled in the Old South to destroy the tea, were met to resist, not the laws, but illegal enactions. Shame on the American who calls the tea tax and stamp act laws! Our fathers resisted, not the King’s prerogative, but the King’s usurpation. To find any other account, you must read our Revolutionary history upside down. Our State archives are loaded with arguments of John Adams to prove the taxes laid by the British Parliament unconstitutional—beyond its power. It was not until this was made out that the men of New England rushed to arms. The arguments of the Council Chamber and the House of Representatives preceded and sanctioned the contest. To draw the conduct of our ancestors into a precedent for mobs, for a right to resist laws we ourselves have enacted, is an insult to their memory. The difference between the excitements of those days and our own, which the gentleman in kindness to the latter has overlooked, is simply this: the men of that day went for the right, as secured by the laws. They were the people rising to sustain the laws and constitution of the Province. The rioters of our days go for their own wills, right or wrong. Sir, when I heard the gentleman lay down principles which place the murderers of Alton side by side with Otis and Hancock, with Quincy and Adams, I thought those pictured lips [pointing to the portraits in the Hall] would have broken into voice to rebuke the recreant American—the slanderer of the dead. The gentleman said that he should sink into insignificance if he dared to gainsay the principles of these resolutions. Sir, for the sentiments he has uttered, on soil consecrated by the prayers of Puritans and the blood of patriots, the earth should have yawned and swallowed him up.

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[By this time, the uproar in the Hall had risen so high that the speech was suspended for a short time. Applause and counter applause, cries of “Take that back,” “Make him take back recreant,” “He sha’n’t go on till he takes it back,” and counter cries of “Phillips or nobody,” continued until the pleadings of well-known citizens had somewhat restored order, when Mr. Phillips resumed.]

Fellow citizens, I cannot take back my words. Surely the Attorney-General, so long and so well known here, needs not the aid of your hisses against one so young as I am—my voice never before heard within these walls!

* * * * *

I must find some fault with the statement which has been made of the events at Alton. It has been asked why Lovejoy and his friends did not appeal to the executive—trust their defence to the police of the city? It has been hinted that, from hasty and ill-judged excitement, the men within the building provoked a quarrel, and that he fell in the course of it, one mob resisting another. Recollect, sir, that they did act with the approbation and sanction of the Mayor. In strict truth, there was no executive to appeal to for protection. The Mayor acknowledged that he could not protect them. They asked him if it was lawful for them to defend themselves. He told them it was, and sanctioned their assembling in arms to do so. They were not, then, a mob; they were not merely citizens defending their own property; they were in some sense the *posse comitatus*, adopted for the occasion into the police of the city, acting under the order of a magistrate. It was civil authority resisting lawless violence. Where, then, was the imprudence? Is the doctrine to be sustained here that it is imprudent for men to aid magistrates in executing the laws?

Men are continually asking each other, Had Lovejoy a right to resist? Sir, I protest against the question instead of answering it. Lovejoy did not resist, in the sense they mean. He did not throw himself back on the natural right of self-defence. He did not cry anarchy, and let slip the dogs of civil war, careless of the horrors which would follow. Sir, as I understand this affair, it was not an individual protecting his property; it was not one body of armed men resisting another, and making the streets of a peaceful city run blood with their contentions. It did not bring back the scenes in some old Italian cities, where family met family, and faction met faction, and mutually trampled the laws under foot. No! the men in that house were regularly enrolled, under the sanction of the Mayor. There being no militia in Alton, about seventy men were enrolled with the approbation of the Mayor. These relieved each other every other night. About thirty men were in arms on the night of the sixth, when the press was landed. The next evening, it was not thought necessary to summon more than half that number; among these was Lovejoy. It was, therefore, you perceive, sir, the police of the city resisting rioters—civil government breasting itself to the shock of lawless men.

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Here is no question about the right of self-defence. It is in fact simply this: Has the civil magistrate a right to put down a riot?

Some persons seem to imagine that anarchy existed at Alton from the commencement of these disputes. Not at all. "No one of us," says an eyewitness and a comrade of Lovejoy, "has taken up arms during these disturbances but at the command of the Mayor." Anarchy did not settle down on that devoted city till Lovejoy breathed his last. Till then the law, represented in his person, sustained itself against its foes. When he fell, civil authority was trampled under foot. He had "planted himself on his constitutional rights,"—appealed to the laws,—claimed the protection of the civil authority,—taken refuge under "the broad shield of the Constitution. When through that he was pierced and fell, he fell but one sufferer in a common catastrophe." He took refuge under the banner of liberty—amid its folds; and when he fell, its glorious stars and stripes, the emblem of free institutions, around which cluster so many heart-stirring memories, were blotted out in the martyr's blood.

It has been stated, perhaps inadvertently, that Lovejoy or his comrades fired first. This is denied by those who have the best means of knowing. Guns were first fired by the mob. After being twice fired on, those within the building consulted together and deliberately returned the fire. But suppose they did fire first. They had a right so to do; not only the right which every citizen has to defend himself, but the further right which every civil officer has to resist violence. Even if Lovejoy fired the first gun, it would not lessen his claim to our sympathy, or destroy his title to be considered a martyr in defence of a free press. The question now is, Did he act within the constitution and the laws? The men who fell in State Street, on the 5th of March, 1770, did more than Lovejoy is charged with. They were the first assailants upon some slight quarrel, they pelted the troops with every missile within reach. Did this bate one jot of the eulogy with which Hancock and Warren hallowed their memory, hailing them as the first martyrs in the cause of American liberty? If, sir, I had adopted what are called Peace principles, I might lament the circumstances of this case. But all you who believe as I do, in the right and duty of magistrates to execute the laws, join with me and brand as base hypocrisy the conduct of those who assemble year after year on the 4th of July to fight over the battles of the Revolution, and yet "damn with faint praise" or load with obloquy, the memory of this man who shed his blood in defence of life, liberty, property, and the freedom of the press!

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Throughout that terrible night I find nothing to regret but this, that, within the limits of our country, civil authority should have been so prostrated as to oblige a citizen to arm in his own defence, and to arm in vain. The gentleman says Lovejoy was presumptuous and imprudent—he "died as the fool dieth." And a reverend clergyman of the city tells us that no citizen has a right to publish opinions disagreeable to the community! If any mob follows such publication, on him rests its guilt. He must wait, forsooth, till the people come up to it and agree with him! This libel on liberty goes on to say that the want of right to speak as we think is an evil inseparable from republican institutions! If this be so, what are they worth? Welcome the despotism of the Sultan, where one knows what he may publish and what he may not, rather than the tyranny of this many-headed monster, the mob, where we know not what we may do or say, till some fellow-citizen has tried it, and paid for the lesson with his life. This clerical absurdity chooses as a check for the abuses of the press, not the law, but the dread of a mob. By so doing, it deprives not only the individual and the minority of their rights, but the majority also, since the expression of their opinion may sometime provoke disturbances from the minority. A few men may make a mob as well as many. The majority then, have no right, as Christian men, to utter their sentiments, if by any possibility it may lead to a mob! Shades of Hugh Peters and John Cotton, save us from such pulpits!

Imprudent to defend the liberty of the press! Why? Because the defence was unsuccessful? Does success gild crime into patriotism, and the want of it change heroic self-devotion to imprudence? Was Hampden imprudent when he drew the sword and threw away the scabbard? Yet he, judged by that single hour, was unsuccessful. After a short exile, the race he hated sat again upon the throne.

Imagine yourself present when the first news of Bunker Hill battle reached a New England town. The tale would have run thus: "The patriots are routed,—the redcoats victorious, Warren lies dead upon the field." With what scorn would that Tory have been received, who should have charged Warren with imprudence! who should have said that, bred a physician, he was "out of place" in that battle, and "died as the fool dieth." How would the intimation have been received, that Warren and his associates should have merited a better time? But if success be indeed the only criterion of prudence, *Respice finem*,—wait till the end!

Presumptuous to assert the freedom of the press on American ground! Is the assertion of such freedom before the age? So much before the age as to leave one no right to make it because it displeases the community? Who invents this libel on his country? It is this very thing which entitles Lovejoy to greater praise. The disputed right which provoked the Revolution—taxation

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without representation—is far beneath that for which he died. [Here there was a general expression of strong disapprobation.] One word, gentlemen. As much as thought is better than money, so much is the cause in which Lovejoy died nobler than a mere question of taxes. James Otis thundered in this hall when the King did but touch his pocket. Imagine, if you can, his indignant eloquence had England offered to put a gag upon his lips. The question that stirred the Revolution touched our civil interests. This concerns us not only as citizens, but as immortal beings. Wrapped up in its fate, saved or lost with it, are not only the voice of the statesman, but the instructions of the pulpit and the progress of our faith.

The clergy, “marvellously out of place” where free speech is battled for—liberty of speech on national sins! Does the gentleman remember that freedom to preach was first gained, dragging in its train freedom to print? I thank the clergy here present, as I reverence their predecessors, who did not so far forget their country in their immediate profession as to deem it duty to separate themselves from the struggle of ’76—the Mayhews and Coopers, who remembered that they were citizens before they were clergymen.

Mr. Chairman, from the bottom of my heart I thank that brave little band at Alton for resisting. We must remember that Lovejoy had fled from city to city,—suffered the destruction of three presses patiently. At length he took counsel with friends, men of character, of tried integrity, of wide views, of Christian principle. They thought the crisis had come; it was full time to assert the laws. They saw around them, not a community like our own, of fixed habits, of character moulded and settled, but one “in the gristle, not yet hardened into the bone of manhood.” The people there, children of our older States, seem to have forgotten the blood-tried principles of their fathers the moment they lost sight of our New England hills. Something was to be done to show them the priceless value of the freedom of the press, to bring back and set right their wandering and confused ideas. He and his advisers looked out on a community, staggering like a drunken man, indifferent to their rights and confused in their feelings. Deaf to argument, haply they might be stunned into sobriety. They saw that of which we cannot judge, the necessity of resistance. Insulted law called for it. Public opinion, fast hastening on the downward course, must be arrested.

Does not the event show they judged rightly? Absorbed in a thousand trifles, how has the nation all at once come to a stand? Men begin, as in 1776 and 1640, to discuss principles, to weigh characters, to find out where they are. Haply we may awake before we are borne over the precipice.

I am glad, sir, to see this crowded house, It is good for us to be here. When Liberty is in danger Faneuil Hall has the right, it is her duty, to strike the key-note for these United States. I am glad, for one reason, that remarks such as those to which I have alluded

have been uttered here. The passage of these resolutions, in spite of this opposition, led by the Attorney-General of the Commonwealth, will show more clearly, more decisively, the deep indignation with which Boston regards this outrage.

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[Illustration: John Q. Adams]

JOHN QUINCY ADAMS,

OF MASSACHUSETTS. (BORN 1767, DIED 1848.)

ON THE CONSTITUTIONAL WAR POWER OVER SLAVERY

—HOUSE OF REPRESENTATIVES, MAY 25, 1836.

There are, then, Mr. Chairman, in the authority of Congress and of the Executive, two classes of powers, altogether different in their nature, and often incompatible with each other—the war power and the peace power. The peace power is limited by regulations and restricted by provisions, prescribed within the constitution itself. The war power is limited only by the laws and usages of nations. The power is tremendous; it is strictly constitutional, but it breaks down every barrier so anxiously erected for the protection of liberty, of property, and of life. This, sir, is the power which authorizes you to pass the resolution now before you, and, in my opinion, there is no other.

And this, sir, is the reason which I was not permitted to give this morning for voting with only eight associates against the first resolution reported by the committee on the abolition petitions; not one word of discussion had been permitted on either of those resolutions. When called to vote upon the first of them, I asked only five minutes of the time of the House to prove that it was utterly unfounded, It was not the pleasure of the House to grant me those five minutes. Sir, I must say that, in all the proceedings of the House upon that report, from the previous question, moved and inflexibly persisted in by a member of the committee itself which reported the resolutions, (Mr. Owens, of Georgia,) to the refusal of the Speaker, sustained by the majority of the House, to permit the other gentleman from Georgia (Mr. Glascock) to record upon the journal his reasons for asking to be excused from voting on that same resolution, the freedom of debate has been stifled in this House to a degree far beyond any thing that ever happened since the existence of the Constitution of the United States; nor is it a consolatory reflection to me how intensely we have been made to feel, in the process of that operation, that the Speaker of this House is a slaveholder. And, sir, as I was not then permitted to assign my reasons for voting against that resolution before I gave the vote, I rejoice that the reason for which I shall vote for the resolution now before the committee is identically the same with that for which I voted against that.

[Mr. Adams at this, and at many other passages of this speech, was interrupted by calls to order. The Chairman of the Committee (Mr. A. H. Shepperd, of North Carolina,) in every instance, decided that he was not out of order, but at this passage intimated that

he was approaching very close upon its borders; upon which Mr. Adams said, “Then I am to under-stand, sir, that I am yet within the bounds of order, but that I may transcend them hereafter.”]

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And, now, sir, am I to be disconcerted and silenced, or admonished by the Chair that I am approaching to irrelevant matter, which may warrant him to arrest me in my argument, because I say that the reason for which I shall vote for the resolution now before the committee, levying a heavy contribution upon the property of my constituents, is identically the same with the reason for which I voted against the resolution reported by the slavery committee, that Congress have no authority to interfere, in any way, with slavery in any of the States of this Union. Sir, I was not allowed to give my reasons for that vote, and a majority of my constituents, perhaps proportionately as large as that of this House in favor of that resolution, may and probably will disapprove my vote against, unless my reasons for so voting should be explained to them. I asked but five minutes of the House to give those reasons, and was refused. I shall, therefore, take the liberty to give them now, as they are strictly applicable to the measure now before the Committee, and are my only justification for voting in favor of this resolution.

I return, then, to my first position, that there are two classes of powers vested by the Constitution of the United States in their Congress and Executive Government: the powers to be exercised in the time of peace, and the powers incidental to war. That the powers of peace are limited by provisions within the body of the Constitution itself, but that the powers of war are limited and regulated only by the laws and usages of nations. There are, indeed, powers of peace conferred upon Congress, which also come within the scope and jurisdiction of the laws of nations, such as the negotiation of treaties of amity and commerce, the interchange of public ministers and consuls, and all the personal and social intercourse between the individual inhabitants of the United States and foreign nations, and the Indian tribes, which require the interposition of any law. But the powers of war are all regulated by the laws of nations, and are subject to no other limitation. It is by this power that I am justified in voting the money of my constituents for the immediate relief of their fellow-citizens suffering with extreme necessity even for subsistence, by the direct consequence of an Indian war. Upon the same principle, your consuls in foreign ports are authorized to provide for the subsistence of seamen in distress, and even for their passage to their own country.

And it was upon that same principle that I voted against the resolution reported by the slavery committee, “That Congress possess no constitutional authority to interfere, in any way, with the institution of slavery in any of the States of this confederacy,” to which resolution most of those with whom I usually concur, and even my own colleagues in this House, gave their assent. I do not admit that there is even among the peace powers of Congress no such

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authority; but in war there are many ways by which Congress not only have the authority, but are bound to interfere with the institution of slavery in the States. The existing law prohibiting the importation of slaves into the United States from foreign countries, is itself an interference with the institution of slavery in the States. It was so considered by the founders of the Constitution of the United States, in which it was stipulated that Congress should not interfere, in that way, with the institution, prior to the year 1808.

During the late war with Great Britain the military and naval commanders of that nation issued proclamations inviting the slaves to repair to their standards, with promises of freedom and of settlement in some of the British colonial establishments. This, surely, was an interference with the institution of slavery in the States. By the treaty of peace, Great Britain stipulated to evacuate all the forts and places in the United States, without carrying away any slaves. If the Government of the United States had no authority to interfere, in any way, with the institution of slavery in the States, they would not have had the authority to require this stipulation. It is well known that this engagement was not fulfilled by the British naval and military commanders; that, on the contrary, they did carry away all the slaves whom they had induced to join them, and that the British Government inflexibly refused to restore any of them to their masters; that a claim of indemnity was consequently instituted in behalf of the owners of the slaves, and was successfully maintained. All that series of transactions was an interference by Congress with the institution of slavery in the States in one way—in the way of protection and support. It was by the institution of slavery alone that the restitution of slaves enticed by proclamations into the British service could be claimed as property. But for the institution of slavery, the British commanders could neither have allured them to their standard, nor restored them otherwise than as liberated prisoners of war. But for the institution of slavery, there could have been no stipulation that they should not be carried away as property, nor any claim of indemnity for the violation of that engagement.

But the war power of Congress over the institution of slavery in the States is yet far more extensive. Suppose the case of a servile war, complicated, as to some extent it is even now, with an Indian war; suppose Congress were called to raise armies, to supply money from the whole Union, to suppress a servile insurrection: would they have no authority to interfere with the institution of slavery? The issue of a servile war may be disastrous. By war the slave may emancipate himself; it may become necessary for the master to recognize his emancipation by a treaty of peace; can it for an instant be pretended that Congress, in such a contingency, would have no authority to interfere with the institution of slavery, in any way, in the States? Why, it would be equivalent to saying that Congress have no constitutional authority to make peace.

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[Illustration: John C. Calhoun]

JOHN C. CALHOUN,

OF SOUTh CAROLINA (BORN 1782, DIED 1850.)

ON THE SLAVERY QUESTION,

SENATE, MARCH 4, 1850

I have, Senators, believed from the first that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion. Entertaining this opinion, I have, on all proper occasions, endeavored to call the attention of both the two great parties which divide the country to adopt some measure to prevent so great a disaster, but without success. The agitation has been permitted to proceed, with almost no attempt to resist it, until it has reached a point when it can no longer be disguised or denied that the Union is in danger. You have thus had forced upon you the greatest and the gravest question that can ever come under your consideration: How can the Union be preserved?

To give a satisfactory answer to this mighty question, it is indispensable to have an accurate and thorough knowledge of the nature and the character of the cause by which the Union is endangered. Without such knowledge it is impossible to pronounce, with any certainty, by what measure it can be saved; just as it would be impossible for a physician to pronounce, in the case of some dangerous disease, with any certainty, by what remedy the patient could be saved, without similar knowledge of the nature and character of the cause which produced it. The first question, then, presented for consideration, in the investigation I propose to make, in order to obtain such knowledge, is: What is it that has endangered the Union?

To this question there can be but one answer: That the immediate cause is the almost universal discontent which pervades all the States composing the southern section of the Union. This widely-extended discontent is not of recent origin. It commenced with the agitation of the slavery question, and has been increasing ever since. The next question, going one step further back, is: What has caused this widely-diffused and almost universal discontent?

It is a great mistake to suppose, as is by some, that it originated with demagogues, who excited the discontent with the intention of aiding their personal advancement, or with the disappointed ambition of certain politicians, who resorted to it as a means of retrieving their fortunes. On the contrary, all the great political influences of the section were arrayed against excitement, and exerted to the utmost to keep the people quiet.

The great mass of the people of the South were divided, as in the other section, into Whigs and Democrats. The leaders and the presses of both parties in the South were very solicitous to prevent excitement and to preserve quiet; because it was seen that the effects of the former would necessarily tend to weaken, if

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not destroy, the political ties which united them with their respective parties in the other section. Those who know the strength of the party ties will readily appreciate the immense force which this cause exerted against agitation, and in favor of preserving quiet. But, great as it was, it was not sufficient to prevent the wide-spread discontent which now pervades the section. No; some cause, far deeper and more powerful than the one supposed, must exist, to account for discontent so wide and deep. The question then recurs: What is the cause of this discontent? It will be found in the belief of the people of the Southern States, as prevalent as the discontent itself, that they cannot remain, as things now are, consistently with honor and safety, in the Union. The next question to be considered is: What has caused this belief?

One of the causes is, undoubtedly, to be traced to the long-continued agitation of the slavery question on the part of the North, and the many aggressions which they have made on the rights of the South during the time. I will not enumerate them at present, as it will be done hereafter in its proper place.

There is another lying back of it—with which this is intimately connected—that may be regarded as the great and primary cause. This is to be found in the fact, that the equilibrium between the two sections, in the Government as it stood when the Constitution was ratified and the Government put in action, has been destroyed. At that time there was nearly a perfect equilibrium between the two, which afforded ample means to each to protect itself against the aggression of the other; but, as it now stands, one section has the exclusive power of controlling the Government, which leaves the other without any adequate means of protecting itself against its encroachment and oppression. To place this subject distinctly before you, I have, Senators, prepared a brief statistical statement, showing the relative weight of the two sections in the Government under the first census of 1790, and the last census of 1840.

According to the former, the population of the United States, including Vermont, Kentucky, and Tennessee, which then were in their incipient condition of becoming States, but were not actually admitted, amounted to 3,929,827. Of this number the Northern States had 1,997,899, and the Southern 1,952,072, making a difference of only 45,827 in favor of the former States.

The number of States, including Vermont, Kentucky, and Tennessee, were sixteen; of which eight, including Vermont, belonged to the northern section, and eight, including Kentucky and Tennessee, to the southern,—making an equal division of the States between the two sections, under the first census. There was a small preponderance in the House of Representatives, and in the Electoral College, in favor of the northern, owing to the fact that, according to the provisions of the Constitution, in estimating federal numbers five slaves count but three; but it was too small to affect sensibly the perfect equilibrium which, with that exception, existed at the time. Such was the

equality of the two sections when the States composing them agreed to enter into a Federal Union. Since then the equilibrium between them has been greatly disturbed.

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According to the last census the aggregate population of the United States amounted to 17,063,357, of which the northern section contained 9,728,920, and the southern 7,334,437, making a difference in round numbers, of 2,400,000. The number of States had increased from sixteen to twenty-six, making an addition of ten States. In the meantime the position of Delaware had become doubtful as to which section she properly belonged. Considering her as neutral, the Northern States will have thirteen and the Southern States twelve, making a difference in the Senate of two senators in favor of the former. According to the apportionment under the census of 1840, there were two hundred and twenty-three members of the House of Representatives, of which the North-ern States had one hundred and thirty-five, and the Southern States (considering Delaware as neutral) eighty-seven, making a difference in favor of the former in the House of Representatives of forty-eight. The difference in the Senate of two members, added to this, gives to the North in the Electoral College, a majority of fifty. Since the census of 1840, four States have been added to the Union—Iowa, Wisconsin, Florida, and Texas. They leave the difference in the Senate as it was when the census was taken; but add two to the side of the North in the House, making the present majority in the House in its favor fifty, and in the Electoral College fifty-two.

The result of the whole is to give the northern section a predominance in every department of the Government, and thereby concentrate in it the two elements which constitute the Federal Government,—majority of States, and a majority of their population, estimated in federal numbers. Whatever section concentrates the two in itself possesses the control of the entire Government.

But we are just at the close of the sixth decade, and the commencement of the seventh. The census is to be taken this year, which must add greatly to the decided preponderance of the North in the House of Representatives and in the Electoral College. The prospect is, also, that a great increase will be added to its present preponderance in the Senate, during the period of the decade, by the addition of new States. Two territories, Oregon and Minnesota, are already in progress, and strenuous efforts are making to bring in three additional States' from the territory recently conquered from Mexico; which, if successful, will add three other States in a short time to the northern section, making five States; and increasing the present number of its States from fifteen to twenty, and of its senators from thirty to forty. On the contrary, there is not a single territory in progress in the southern section, and no certainty that any additional State will be added to it during the decade. The prospect then is, that the two sections in the senate, should the effort now made to exclude the South from the newly acquired territories succeed, will stand before the end of the

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decade, twenty Northern States to fourteen Southern (considering Delaware as neutral), and forty Northern senators to twenty-eight Southern. This great increase of senators, added to the great increase of members of the House of Representatives and the Electoral College on the part of the North, which must take place under the next decade, will effectually and irretrievably destroy the equilibrium which existed when the Government commenced.

Had this destruction been the operation of time, without the interference of Government, the South would have had no reason to complain; but such was not the fact. It was caused by the legislation of this Government, which was appointed as the common agent of all, and charged with the protection of the interests and security of all. The legislation by which it has been effected may be classed under three heads. The first is, that series of acts by which the South has been excluded from the common territory belonging to all the States as members of the Federal Union—which have had the effect of extending vastly the portion allotted to the northern section, and restricting within narrow limits the portion left the South. the next consists in adopting a system of revenue and disbursements, by which an undue proportion of the burden of taxation has been imposed upon the South, and an undue proportion of its proceeds appropriated to the North; and the last is a system of political measures, by which the original character of the Government has been radically changed. I propose to bestow upon each of these, in the order they stand, a few remarks, with the view of showing that it is owing to the action of this Government that the equilibrium between the two sections has been destroyed, and the whole powers of the system centered in a sectional majority.

The first of the series of Acts by which the South was deprived of its due share of the territories, originated with the confederacy which preceded the existence of this Government. It is to be found in the provision of the ordinance of 1787. Its effect was to exclude the South entirely from that vast and fertile region which lies between the Ohio and the Mississippi rivers, now embracing five States and one Territory. The next of the series is the Missouri compromise, which excluded the South from that large portion of Louisiana which lies north of 36 deg. 30', excepting what is included in the State of Missouri. The last of the series excluded the South from the whole of Oregon Territory. All these, in the slang of the day, were what are called slave territories,' and not free soil; that is, territories belonging to slaveholding powers and open to the emigration of masters with their slaves. By these several Acts the South was excluded from one million two hundred and thirty-eight thousand and twenty-five square miles—-an extent of country considerably exceeding the entire valley of the Mississippi. To the South was left the portion

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of the Territory of Louisiana lying south of 36 deg. 30', and the portion north of it included in the State of Missouri, with the portion lying south of 36 deg. 30' including the States of Louisiana and Arkansas, and the territory lying west of the latter, and south of 36 deg. 30', called the Indian country. These, with the Territory of Florida, now the State, make, in the whole, two hundred and eighty-three thousand five hundred and three square miles. To this must be added the territory acquired with Texas. If the whole should be added to the southern section it would make an increase of three hundred and twenty-five thousand five hundred and twenty, which would make the whole left to the South six hundred and nine thousand and twenty-three. But a large part of Texas is still in contest between the two sections, which leaves it uncertain what will be the real extent of the proportion of territory that may be left to the South.

I have not included the territory recently acquired by the treaty with Mexico. The North is making the most strenuous efforts to appropriate the whole to herself, by excluding the South from every foot of it. If she should succeed, it will add to that from which the South has already been excluded, 526,078 square miles, and would increase the whole which the North has appropriated to herself, to 1,764,023, not including the portion that she may succeed in excluding us from in Texas. To sum up the whole, the United States, since they declared their independence, have acquired 2,373,046 square miles of territory, from which the North will have excluded the South, if she should succeed in monopolizing the newly acquired territories, about three fourths of the whole, leaving to the South but about one fourth.

Such is the first and great cause that has destroyed the equilibrium between the two sections in the Government.

The next is the system of revenue and disbursements which has been adopted by the Government. It is well known that the Government has derived its revenue mainly from duties on imports. I shall not undertake to show that such duties must necessarily fall mainly on the exporting States, and that the South, as the great exporting portion of the Union, has in reality paid vastly more than her due proportion of the revenue; because I deem it unnecessary, as the subject has on so many occasions been fully discussed. Nor shall I, for the same reason, undertake to show that a far greater portion of the revenue has been disbursed at the North, than its due share; and that the joint effect of these causes has been, to transfer a vast amount from South to North, which, under an equal system of revenue and disbursements, would not have been lost to her. If to this be added, that many of the duties were imposed, not for revenue, but for protection,—-that is, intended to put money, not in the treasury, but directly into the pockets of the manufacturers,—some conception may be formed of the immense amount which,

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in the long course of sixty years, has been transferred from South to North. There are no data by which it can be estimated with any certainty; but it is safe to say that it amounts to hundreds of millions of dollars. Under the most moderate estimate, it would be sufficient to add greatly to the wealth of the North, and thus greatly increase her population by attracting emigration from all quarters to that section.

This, combined with the great primary cause, amply explains why the North has acquired a preponderance in every department of the Government by its disproportionate increase of population and States. The former, as has been shown, has increased, in fifty years, 2,400,000 over that of the South. This increase of population, during so long a period, is satisfactorily accounted for, by the number of emigrants, and the increase of their descendants, which have been attracted to the northern section from Europe and the South, in consequence of the advantages derived from the causes assigned. If they had not existed—if the South had retained all the capital which had been extracted from her by the fiscal action of the Government; and, if it had not been excluded by the ordinance of 1787 and the Missouri compromise, from the region lying between the Ohio and the Mississippi rivers, and between the Mississippi and the Rocky Mountains north of 36 deg. 30'—it scarcely admits of a doubt, that it would have divided the emigration with the North, and by retaining her own people, would have at least equalled the North in population under the census of 1840, and probably under that about to be taken. She would also, if she had retained her equal rights in those territories, have maintained an equality in the number of States with the North, and have preserved the equilibrium between the two sections that existed at the commencement of the Government. The loss, then, of the equilibrium is to be attributed to the action of this Government.

But while these measures were destroying the equilibrium between the two sections, the action of the Government was leading to a radical change in its character, by concentrating all the power of the system in itself. The occasion will not permit me to trace the measures by which this great change has been consummated. If it did, it would not be difficult to show that the process commenced at an early period of the Government; and that it proceeded, almost without interruption, step by step, until it virtually absorbed its entire powers; but without going through the whole process to establish the fact, it may be done satisfactorily by a very short statement.

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That the Government claims, and practically maintains, the right to decide in the last resort, as to the extent of its powers, will scarcely be denied by any one conversant with the political history of the country. That it also claims the right to resort to force to maintain whatever power it claims against all opposition is equally certain. Indeed it is apparent, from what we daily hear, that this has become the prevailing and fixed opinion of a great majority of the community. Now, I ask, what limitation can possibly be placed upon the powers of a government claiming and exercising such rights? And, if none can be, how can the separate governments of the States maintain and protect the powers reserved to them by the Constitution—or the people of the several States maintain those which are reserved to them, and among others, the sovereign powers by which they ordained and established, not only their separate State Constitutions and Governments, but also the Constitution and Government of the United States? But, if they have no constitutional means of maintaining them against the right claimed by this Government, it necessarily follows, that they hold them at its pleasure and discretion, and that all the powers of the system are in reality concentrated in it. It also follows, that the character of the Government has been changed in consequence, from a federal republic, as it originally came from the hands of its framers, into a great national consolidated democracy. It has indeed, at present, all the characteristics of the latter, and not of the former, although it still retains its outward form.

The result of the whole of those causes combined is, that the North has acquired a decided ascendency over every department of this Government, and through it a control over all the powers of the system. A single section governed by the will of the numerical majority, has now, in fact, the control of the Government and the entire powers of the system. What was once a constitutional federal republic, is now converted, in reality, into one as absolute as that of the Autocrat of Russia, and as despotic in its tendency as any absolute government that ever existed.

As, then, the North has the absolute control over the Government, it is manifest that on all questions between it and the South, where there is a diversity of interests, the interest of the latter will be sacrificed to the former, however oppressive the effects may be; as the South possesses no means by which it can resist, through the action of the Government. But if there was no question of vital importance to the South, in reference to which there was a diversity of views between the two sections, this state of things might be endured without the hazard of destruction to the South. But such is not the fact. There is a question of vital importance to the southern section, in reference to which the views and feelings of the two sections are as opposite and hostile as they can possibly be.

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I refer to the relation between the two races in the southern section, which constitutes a vital portion of her social organization. Every portion of the North entertains views and feelings more or less hostile to it. Those most opposed and hostile, regard it as a sin, and consider themselves under the most sacred obligation to use every effort to destroy it. Indeed, to the extent that they conceive that they have power, they regard themselves as implicated in the sin, and responsible for not suppressing it by the use of all and every means. Those less opposed and hostile, regarded it as a crime—an offence against humanity, as they call it; and, although not so fanatical, feel themselves bound to use all efforts to effect the same object; while those who are least opposed and hostile, regard it as a blot and a stain on the character of what they call the Nation, and feel themselves accordingly bound to give it no countenance or support. On the contrary, the southern section regards the relation as one which cannot be destroyed without subjecting the two races to the greatest calamity, and the section to poverty, desolation, and wretchedness; and accordingly they feel bound, by every consideration of interest and safety, to defend it.

This hostile feeling on the part of the North toward the social organization of the South long lay dormant, and it only required some cause to act on those who felt most intensely that they were responsible for its continuance, to call it into action. The increasing power of this Government, and of the control of the northern section over all its departments, furnished the cause. It was this which made the impression on the minds of many, that there was little or no restraint to prevent the Government from doing whatever it might choose to do. This was sufficient of itself to put the most fanatical portion of the North in action, for the purpose of destroying the existing relation between the two races in the South.

The first organized movement toward it commenced in 1835. Then, for the first time, societies were organized, presses established, lecturers sent forth to excite the people of the North, and incendiary publications scattered over the whole South, through the mail. The South was thoroughly aroused. Meetings were held everywhere, and resolutions adopted, calling upon the North to apply a remedy to arrest the threatened evil, and pledging themselves to adopt measures for their own protection, if it was not arrested. At the meeting of Congress, petitions poured in from the North, calling upon Congress to abolish slavery in the District of Columbia, and to prohibit, what they called, the internal slave trade between the States—announcing at the same time, that their ultimate object was to abolish slavery, not only in the District, but in the States and throughout the Union. At this period, the number engaged in the agitation was small, and possessed little or no personal influence.

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Neither party in Congress had, at that time, any sympathy with them or their cause. The members of each party presented their petitions with great reluctance. Nevertheless, small, and contemptible as the party then was, both of the great parties of the North dreaded them. They felt, that though small, they were organized in reference to a subject which had a great and commanding influence over the northern mind. Each party, on that account, feared to oppose their petitions, lest the opposite party should take advantage of the one who might do so, by favoring them. The effect was, that both united in insisting that the petitions should be received, and that Congress should take jurisdiction over the subject. To justify their course, they took the extraordinary ground, that Congress was bound to receive petitions on every subject, however objectionable they might be, and whether they had, or had not, jurisdiction over the subject. Those views prevailed in the House of Representatives, and partially in the Senate; and thus the party succeeded in their first movements, in gaining what they proposed—a position in Congress, from which agitation could be extended over the whole Union. This was the commencement of the agitation, which has ever since continued, and which, as is now acknowledged, has endangered the Union itself.

As for myself, I believed at that early period, if the party who got up the petitions should succeed in getting Congress to take jurisdiction, that agitation would follow, and that it would in the end, if not arrested, destroy the Union. I then so expressed myself in debate, and called upon both parties to take grounds against assuming jurisdiction; but in vain. Had my voice been heeded, and had Congress refused to take jurisdiction, by the united votes of all parties, the agitation which followed would have been prevented, and the fanatical zeal that gave impulse to the agitation, and which has brought us to our present perilous condition, would have become extinguished, from the want of fuel to feed the flame. That was the time for the North to have shown her devotion to the Union; but, unfortunately, both of the great parties of that section were so intent on obtaining or retaining party ascendency, that all other considerations were overlooked or forgotten.

What has since followed are but natural consequences. With the success of their first movement, this small fanatical party began to acquire strength; and with that, to become an object of courtship to both the great parties. The necessary consequence was, a further increase of power, and a gradual tainting of the opinions of both the other parties with their doctrines,until the infection has extended over both; and the great mass of the population of the North, who, whatever may be their opinion of the original abolition party, which still preserves its distinctive organization, hardly ever fail, when it comes to acting, to cooperate in carrying out their measures. With

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the increase of their influence, they extended the sphere of their action. In a short time after the commencement of their first movement, they had acquired sufficient influence to induce the legislatures of most of the Northern States to pass acts, which in effect abrogated the clause of the Constitution that provides for the delivery up of fugitive slaves. Not long after, petitions followed to abolish slavery in forts, magazines, and dock-yards, and all other places where Congress had exclusive power of legislation. This was followed by petitions and resolutions of legislatures of the Northern States, and popular meetings, to exclude the Southern States from all territories acquired, or to be acquired, and to prevent the admission of any State hereafter into the Union, which, by its constitution, does not prohibit slavery. And Congress is invoked to do all this, expressly with the view of the final abolition of slavery in the States. That has been avowed to be the ultimate object from the beginning of the agitation until the present time; and yet the great body of both parties of the North, with the full knowledge of the fact, although disavowing the abolitionists, have co-operated with them in almost all their measures.

Such is a brief history of the agitation, as far as it has yet advanced. Now I ask, Senators, what is there to prevent its further progress, until it fulfils the ultimate end proposed, unless some decisive measure should be adopted to prevent it? Has any one of the causes, which has added to its increase from its original small and contemptible beginning until it has attained its present magnitude, diminished in force? Is the original cause of the movement—that slavery is a sin, and ought to be suppressed—weaker now than at the commencement? Or is the abolition party less numerous or influential, or have they less influence with, or less control over the two great parties of the North in elections? Or has the South greater means of influencing or controlling the movements of this Government now, than it had when the agitation commenced? To all these questions but one answer can be given: No, no, no. The very reverse is true. Instead of being weaker, all the elements in favor of agitation are stronger now than they were in 1835, when it first commenced, while all the elements of influence on the part of the South are weaker. Unless something decisive is done, I again ask, what is to stop this agitation, before the great and final object at which it aims —the abolition of slavery in the States—is consummated? Is it, then, not certain, that if something is not done to arrest it, the South will be forced to choose between abolition and secession? Indeed, as events are now moving, it will not require the South to secede, in order to dissolve the Union. Agitation will of itself effect it, of which its past history furnishes abundant proof—as I shall next proceed to show.

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It is a great mistake to suppose that disunion can be effected by a single blow. The cords which bound these States together in one common Union, are far too numerous and powerful for that. Disunion must be the work of time. It is only through a long process, and successively, that the cords can be snapped, until the whole fabric falls asunder. Already the agitation of the slavery question has snapped some of the most important, and has greatly weakened all the others, as I shall proceed to show.

The cords that bind the States together are not only many, but various in character. Some are spiritual or ecclesiastical; some political; others social. Some appertain to the benefit conferred by the Union, and others to the feeling of duty and obligation.

The strongest of those of a spiritual and ecclesiastical nature, consisted in the unity of the great religious denominations, all of which originally embraced the whole Union. All these denominations, with the exception, perhaps, of the Catholics, were organized very much upon the principle of our political institutions. Beginning with smaller meetings, corresponding with the political divisions of the country, their organization terminated in one great central assemblage, corresponding very much with the character of Congress. At these meetings the principal clergymen and lay members of the respective denominations from all parts of the Union, met to transact business relating to their common concerns. It was not confined to what appertained to the doctrines and discipline of the respective denominations, but extended to plans for disseminating the Bible—establishing missions, distributing tracts—and of establishing presses for the publication of tracts, newspapers, and periodicals, with a view of diffusing religious information—and for the support of their respective doctrines and creeds. All this combined contributed greatly to strengthen the bonds of the Union. The ties which held each denomination together formed a strong cord to hold the whole Union together, but, powerful as they were, they have not been able to resist the explosive effect of slavery agitation.

The first of these cords which snapped, under its explosive force, was that of the powerful Methodist Episcopal Church. The numerous and strong ties which held it together, are all broken, and its unity is gone. They now form separate churches; and, instead of that feeling of attachment and devotion to the interests of the whole church which was formerly felt, they are now arrayed into two hostile bodies, engaged in litigation about what was formerly their common property.

The next cord that snapped was that of the Baptists—one of the largest and most respectable of the denominations. That of the Presbyterian is not entirely snapped, but some of its strands have given way. That of the Episcopal Church is the only one of the four great Protestant denominations which remains unbroken and entire.

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The strongest cord, of a political character, consists of the many and powerful ties that have held together the two great parties which have, with some modifications, existed from the beginning of the Government. They both extended to every portion of the Union, and strongly contributed to hold all its parts together. But this powerful cord has fared no better than the spiritual. It resisted, for a long time, the explosive tendency of the agitation, but has finally snapped under its force—if not entirely, in a great measure. Nor is there one of the remaining cords which has not been greatly weakened. To this extent the Union has already been destroyed by agitation, in the only way it can be, by sundering and weakening the cords which bind it together.

If the agitation goes on, the same force, acting with increased intensity, as has been shown, will finally snap every cord, when nothing will be left to hold the States together except force. But, surely, that can, with no propriety of language, be called a Union, when the only means by which the weaker is held connected with the stronger portion is force. It may, indeed, keep them connected; but the connection will partake much more of the character of subjugation, on the part of the weaker to the stronger, than the union of free, independent States, in one confederation, as they stood in the early stages of the Government, and which only is worthy of the sacred name of Union.

Having now, Senators, explained what it is that endangers the Union, and traced it to its cause, and explained its nature and character, the question again recurs, How can the Union be saved? To this I answer, there is but one way by which it can be, and that is by adopting such measures as will satisfy the States belonging to the southern section, that they can remain in the Union consistently with their honor and their safety. There is, again, only one way by which this can be effected, and that is by removing the causes by which this belief has been produced. Do this, and discontent will cease, harmony and kind feelings between the sections be restored, and every apprehension of danger to the Union be removed. The question, then, is, How can this be done? But, before I undertake to answer this question, I propose to show by what the Union cannot be saved.

It cannot, then, be saved by eulogies on the Union, however splendid or numerous. The cry of “Union, Union, the glorious Union!” can no more prevent disunion than the cry of “Health, health, glorious health!” on the part of the physician, can save a patient lying dangerously ill. So long as the Union, instead of being regarded as a protector, is regarded in the opposite character, by not much less than a majority of the States, it will be in vain to attempt to conciliate them by pronouncing eulogies on it.

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Besides, this cry of Union comes commonly from those whom we cannot believe to be sincere. It usually comes from our assailants. But we cannot believe them to be sincere; for, if they loved the Union, they would necessarily be devoted to the Constitution. It made the Union,—and to destroy the Constitution would be to destroy the Union. But the only reliable and certain evidence of devotion to the Constitution is to abstain, on the one hand, from violating it, and to repel, on the other, all attempts to violate it. It is only by faithfully performing these high duties that the Constitution can be preserved, and with it the Union.

But how stands the profession of devotion to the Union by our assailants, when brought to this test? Have they abstained from violating the Constitution? Let the many acts passed by the Northern States to set aside and annul the clause of the Constitution providing for the delivery up of fugitive slaves answer. I cite this, not that it is the only instance (for there are many others), but because the violation in this particular is too notorious and palpable to be denied. Again: Have they stood forth faithfully to repel violations of the Constitution? Let their course in reference to the agitation of the slavery question, which was commenced and has been carried on for fifteen years, avowedly for the purpose of abolishing slavery in the States—an object all acknowledged to be unconstitutional,—answer. Let them show a single instance, during this long period, in which they have denounced the agitators or their attempts to effect what is admitted to be unconstitutional, or a single measure which they have brought forward for that purpose. How can we, with all these facts before us, believe that they are sincere in their profession of devotion to the Union, or avoid believing their profession is but intended to increase the vigor of their assaults and to weaken the force of our resistance?

Nor can we regard the profession of devotion to the Union, on the part of those who are not our assailants, as sincere, when they pronounce eulogies upon the Union, evidently with the intent of charging us with disunion, without uttering one word of denunciation against our assailants. If friends of the Union, their course should be to unite with us in repelling these assaults, and denouncing the authors as enemies of the Union. Why they avoid this, and pursue the course they do, it is for them to explain.

Nor can the Union be saved by invoking the name of the illustrious Southerner whose mortal remains repose on the western bank of the Potomac. He was one of us,—a slave-holder and a planter. We have studied his history, and find nothing in it to justify submission to wrong. On the contrary, his great fame rests on the solid foundation, that, while he was careful to avoid doing wrong to others, he was prompt and decided in repelling wrong. I trust that, in this respect, we profited by his example.

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Nor can we find any thing in his history to deter us from seceding from the Union, should it fail to fulfil the objects for which it was instituted, by being permanently and hopelessly converted into the means of oppressing instead of protecting us. On the contrary, we find much in his example to encourage us, should we be forced to the extremity of deciding between submission and disunion.

There existed then, as well as now, a union—between the parent country and her colonies. It was a union that had much to endear it to the people of the colonies. Under its protecting and superintending care, the colonies were planted and grew up and prospered, through a long course of years, until they be-came populous and wealthy. Its benefits were not limited to them. Their extensive agricultural and other productions, gave birth to a flourishing commerce, which richly rewarded the parent country for the trouble and expense of establishing and protecting them. Washing-ton was born and grew up to manhood under that Union. He acquired his early distinction in its service, and there is every reason to believe that he was devotedly attached to it. But his devotion was a national one. He was attached to it, not as an end, but as a means to an end. When it failed to fulfil its end, and, instead of affording protection, was converted into the means of oppressing the colonies, he did not hesitate to draw his sword, and head the great movement by which that union was forever severed, and the independence of these States established. This was the great and crowning glory of his life, which has spread his fame over the whole globe, and will transmit it to the latest posterity.

Nor can the plan proposed by the distinguished Senator from Kentucky, nor that of the administration, save the Union. I shall pass by, without remark, the plan proposed by the Senator. I, however, assure the distinguished and able Senator, that, in taking this course, no disrespect whatever is intended to him or to his plan. I have adopted it because so many Senators of distinguished abilities, who were present when he delivered his speech, and explained his plan, and who were fully capable to do justice to the side they support, have replied to him. * * *

Having now shown what cannot save the Union, I return to the question with which I commenced, How can the Union be saved? There is but one way by which it can with any certainty; and that is, by a full and final settlement, on the principle of justice, of all the questions at issue between the two sections. The South asks for justice, simple justice, and less she ought not to take. She has no compromise to offer, but the Constitution; and no concession or surrender to make. She has already surrendered so much that she has little left to surrender. Such a settlement would go to the root of the evil, and remove all cause of discontent, by satisfying the South that she could remain honorably and safely in the Union, and thereby restore the harmony and fraternal feelings between the sections, which existed anterior to the Missouri agitation. Nothing else can, with any certainty, finally and forever settle the question at issue, terminate agitation, and save the Union.

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But can this be done? Yes, easily; not by the weaker party, for it can, of itself do nothing,—not even protect itself—but by the stronger. The North has only to will it to accomplish it—to do justice by conceding to the South an equal right in the acquired territory, and to do her duty by causing the stipulations relative to fugitive slaves to be faithfully fulfilled, to cease the agitation of the slave question, and to provide for the insertion of a provision in the Constitution, by an amendment, which will restore to the South, in substance, the power she possessed of protecting herself, before the equilibrium between the sections was destroyed by the action of this Government. There will be no difficulty in devising such a provision—one that will protect the South, and which, at the same time, will improve and strengthen the Government, instead of impairing and weakening it.

But will the North agree to this? It is for her to answer the question. But, I will say, she cannot refuse, if she has half the love for the Union which she professes to have, or without justly exposing herself to the charge that her love of power and aggrandizement is far greater than her love of the Union. At all events the responsibility of saving the Union rests on the North, and not on the South. The South cannot save it by any act of hers, and the North may save it without any sacrifice whatever, unless to do justice, and to perform her duties under the Constitution, should be regarded by her as a sacrifice.

It is time, Senators, that there should be an open and manly avowal on all sides, as to what is intended to be done. If the question is not now settled, it is uncertain whether it ever can hereafter be; and we, as the representatives of the States of this Union, regarded as governments, should come to a distinct understanding as to our respective views, in order to ascertain whether the great questions at issue can be settled or not. If you, who represent the stronger portion, cannot agree to settle on the broad principle of justice and duty, say so; and let the States we both represent agree to separate and part in peace. If you are unwilling we should part in peace, tell us so, and we shall know what to do, when you reduce the question to submission or resistance. If you remain silent, you will compel us to infer by your acts what you intend. In that case, California will become the test question. If you admit her, under all the difficulties that oppose her admission, you compel us to infer that you intend to exclude us from the whole of the acquired territories, with the intention of destroying, irretrievably, the equilibrium between the two sections. We would be blind not to perceive in that case, that your real objects are power and aggrandizement, and infatuated, not to act accordingly.

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I have now, Senators, done my duty in ex-pressing my opinions fully, freely and candidly, on this solemn occasion. In doing so, I have been governed by the motives which have governed me in all the stages of the agitation of the slavery question since its commencement. I have exerted myself, during the whole period, to arrest it, with the intention of saving the Union, if it could be done; and if it could not, to save the section where it has pleased Providence to cast my lot, and which I sincerely believe has justice and the Constitution on its side. Having faithfully done my duty to the best of my ability, both to the Union and my section, throughout this agitation, I shall have the consolation, let what will come, that I am free from all responsibility.

[Illustration: Daniel Webster]

DANIEL WEBSTER,

OF MASSACHUSETTS. (BORN, 1782, DIED, 1852.)

ON THE CONSTITUTION AND THE UNION;

SENATE OF THE UNITED STATES, MARCH 7, 1850.

MR. PRESIDENT:

I wish to speak to-day, not as a Massachusetts man, nor as a northern man, but as an American, and a member of the Senate of the United States. It is fortunate that there is a Senate of the United States; a body not yet moved from its propriety, nor lost to a just sense of its own dignity and its own high responsibilities, and a body to which the country looks, with confidence, for wise, moderate, patriotic, and healing counsels. It is not to be denied that we live in the midst of strong agitations and are surrounded by very considerable dangers to our institutions and government. The imprisoned winds are let loose. The East, the North, and the stormy South combine to throw the whole sea into commotion, to toss its billows to the skies, and disclose its profoundest depths. I do not affect to regard myself, Mr. President, as holding, or fit to hold, the helm in this combat with the political elements; but I have a duty to perform, and I mean to perform it with fidelity, not without a sense of existing dangers, but not without hope. I have a part to act, not for my own security or safety, for I am looking out for no fragment upon which to float away from the wreck, if wreck there must be, but for the good of the whole, and the preservation of all; and there is that which will keep me to my duty during this struggle, whether the sun and the stars shall appear for many days. I speak to-day for the preservation of the Union. “Hear me for my cause.” I speak to-day out of a solicitous and anxious heart, for the restoration to the country of that quiet and that harmony which make the blessings of this Union so rich, and so dear to us all. These are the topics that I propose to myself to discuss; these are the motives, and the sole

motives, that influence me in the wish to communicate my opinions to the Senate and the country; and if I can do any thing, however little, for the promotion of these ends, I shall have accomplished all that I expect.

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* * * We all know, sir, that slavery has existed in the world from time immemorial. There was slavery in the earliest periods of history, among the Oriental nations. There was slavery among the Jews; the theocratic government of that people issued no injunction against it. There was slavery among the Greeks. * * * At the introduction of Christianity, the Roman world was full of slaves, and I suppose there is to be found no injunction against that relation between man and man in the teachings of the Gospel of Jesus Christ or of any of his apostles. * * * Now, sir, upon the general nature and influence of slavery there exists a wide difference of opinion between the northern portion of this country and the southern. It is said on the one side, that, although not the subject of any injunction or direct prohibition in the New Testament, slavery is a wrong; that it is founded merely in the right of the strongest; and that it is an oppression, like unjust wars, like all those conflicts by which a powerful nation subjects a weaker to its will; and that, in its nature, whatever may be said of it in the modifications which have taken place, it is not according to the meek spirit of the Gospel. It is not “kindly affectioned”; it does not “seek another’s, and not its own”; it does not “let the oppressed go free.” These are sentiments that are cherished, and of late with greatly augmented force, among the people of the Northern States. They have taken hold of the religious sentiment of that part of the country, as they have, more or less, taken hold of the religious feelings of a considerable portion of mankind. The South upon the other side, having been accustomed to this relation between the two races all their lives; from their birth, having been taught, in general, to treat the subjects of this bondage with care and kindness, and I believe, in general, feeling great kindness for them, have not taken the view of the subject which I have mentioned. There are thousands of religious men, with consciences as tender as any of their brethren at the North, who do not see the unlawfulness of slavery; and there are more thousands, perhaps, that, whatsoever they may think of it in its origin, and as a matter depending upon natural rights, yet take things as they are, and, finding slavery to be an established relation of the society in which they live, can see no way in which, let their opinions on the abstract question be what they may, it is in the power of this generation to relieve themselves from this relation. And candor obliges me to say, that I believe they are just as conscientious many of them, and the religious people, all of them, as they are at the North who hold different opinions. * * *

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There are men who, with clear perceptions, as they think, of their own duty, do not see how too eager a pursuit of one duty may involve them in the violation of others, or how too warm an embracement of one truth may lead to a disregard of other truths just as important. As I heard it stated strongly, not many days ago, these persons are disposed to mount upon some particular duty, as upon a war-horse, and to drive furiously on and upon and over all other duties that may stand in the way. There are men who, in reference to disputes of that sort, are of opinion that human duties may be ascertained with the exactness of mathematics. They deal with morals as with mathematics; and they think what is right may be distinguished from what is wrong with the precision of an algebraic equation. They have, therefore, none too much charity toward others who differ from them. They are apt, too, to think that nothing is good but what is perfect, and that there are no compromises or modifications to be made in consideration of difference of opinion or in deference to other men's judgment. If their perspicacious vision enables them to detect a spot on the face of the sun, they think that a good reason why the sun should be struck down from heaven. They prefer the chance of running into utter darkness to living in heavenly light, if that heavenly light be not absolutely without any imperfection. * * *

But we must view things as they are. Slavery does exist in the United States. It did exist in the States before the adoption of this Constitution, and at that time. Let us, therefore, consider for a moment what was the state of sentiment, North and South, in regard to slavery,—in regard to slavery, at the time this Constitution was adopted. A remarkable change has taken place since; but what did the wise and great men of all parts of the country think of slavery then? In what estimation did they hold it at the time when this Constitution was adopted? It will be found, sir, if we will carry ourselves by historical research back to that day, and ascertain men's opinions by authentic records still existing among us, that there was no diversity of opinion between the North and the South upon the subject of slavery. It will be found that both parts of the country held it equally an evil, a moral and political evil. It will not be found that, either at the North or at the South, there was much, though there was some, invective against slavery as inhuman and cruel. The great ground of objection to it was political; that it weakened the social fabric; that, taking the place of free labor, society became less strong and labor less productive; and therefore we find from all the eminent men of the time the clearest expression of their opinion that slavery is an evil. They ascribed its existence here, not without truth, and not without some acerbity of temper and force of language, to the injurious policy of the mother country, who, to favor the navigator, had entailed

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these evils upon the colonies. * * * You observe, sir, that the term slave, or slavery, is not used in the Constitution. The Constitution does not require that “fugitive slaves” shall be delivered up. It requires that persons held to service in one State, and escaping into another, shall be delivered up. Mr. Madison opposed the introduction of the term slave, or slavery, into the Constitution; for he said, that he did not wish to see it recognized by the Constitution of the United States of America that there could be property in men. * * *

Here we may pause. There was, if not an entire unanimity, a general concurrence of sentiment running through the whole community, and especially entertained by the eminent men of all parts of the country. But soon a change began, at the North and the South, and a difference of opinion showed itself; the North growing much more warm and strong against slavery, and the South growing much more warm and strong in its support. Sir, there is no generation of mankind whose opinions are not subject to be influenced by what appear to them to be their present emergent and exigent interests. I impute to the South no particularly selfish view in the change which has come over her. I impute to her certainly no dishonest view. All that has happened has been natural. It has followed those causes which always influence the human mind and operate upon it. What, then, have been the causes which have created so new a feeling in favor of slavery in the South, which have changed the whole nomenclature of the South on that subject, so that, from being thought and described in the terms I have mentioned and will not repeat, it has now become an institution, a cherished institution, in that quarter; no evil, no scourge, but a great religious, social, and moral blessing, as I think I have heard it latterly spoken of? I suppose this, sir, is owing to the rapid growth and sudden extension of the cotton plantations of the South. So far as any motive consistent with honor, justice, and general judgment could act, it was the cotton interest that gave a new desire to promote slavery, to spread it, and to use its labor.

I again say that this change was produced by causes which must always produce like effects. The whole interest of the South became connected, more or less, with the extension of slavery. If we look back to the history of the commerce of this country in the early years of this government, what were our exports? Cotton was hardly, or but to a very limited extent, known. In 1791 the first parcel of cotton of the growth of the United States was exported, and amounted only to 19,200 pounds. It has gone on increasing rapidly, until the whole crop may now, perhaps, in a season of great product and high prices, amount to a hundred millions of dollars. In the years I have mentioned, there was more of wax, more of indigo, more of rice, more of almost every article of export from the South, than of cotton. When Mr. Jay negotiated the treaty of 1794 with England, it is evident from the Twelfth Article of the Treaty, which was suspended by the Senate, that he did not know that cotton was exported at all from the United States.

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Sir, there is not so remarkable a chapter in our history of political events, political parties, and political men as is afforded by this admission of a new slave-holding territory, so vast that a bird cannot fly over it in a week. New England, as I have said, with some of her own votes, supported this measure. Three-fourths of the votes of liberty-loving Connecticut were given for it in the other house, and one half here. There was one vote for it from Maine but, I am happy to say, not the vote of the honorable member who addressed the Senate the day before yesterday, and who was then a Representative from Maine in the House of Representatives; but there was one vote from Maine, ay, and there was one vote for it from Massachusetts, given by a gentleman then representing, and now living in, the district in which the prevalence of Free Soil sentiment for a couple of years or so has defeated the choice of any member to represent it in Congress. Sir, that body of Northern and Eastern men who gave those votes at that time are now seen taking upon themselves, in the nomenclature of politics, the appellation of the Northern Democracy. They undertook to wield the destinies of this empire, if I may give that name to a Republic, and their policy was, and they persisted in it, to bring into this country and under this government all the territory they could. They did it, in the case of Texas, under pledges, absolute pledges, to the slave interest, and they afterwards lent their aid in bringing in these new conquests, to take their chance for slavery or freedom. My honorable friend from Georgia, in March, 1847, moved the Senate to declare that the war ought not to be prosecuted for the conquest of territory, or for the dismemberment of Mexico. The whole of the Northern Democracy voted against it. He did not get a vote from them. It suited the patriotic and elevated sentiments of the Northern Democracy to bring in a world from among the mountains and valleys of California and New Mexico, or any other part of Mexico, and then quarrel about it; to bring it in, and then endeavor to put upon it the saving grace of the Wilmot Proviso. There were two eminent and highly respectable gentlemen from the North and East, then leading gentlemen in the Senate (I refer, and I do so with entire respect, for I entertain for both of those gentlemen, in general, high regard, to Mr. Dix of New York and Mr. Niles of Connecticut), who both voted for the admission of Texas. They would not have that vote any other way than as it stood; and they would have it as it did stand. I speak of the vote upon the annexation of Texas. Those two gentlemen would have the resolution of annexation just as it is, without amendment; and they voted for it just as it is, and their eyes were all open to its true character. The honorable member from South Carolina who addressed us the other day was then Secretary of State. His correspondence with Mr. Murphy, the Charge d'Affaires of the United States in Texas, had been published. That correspondence was all before those gentlemen, and the Secretary had the boldness and candor to avow in that correspondence, that the great object sought by the annexation of Texas was to strengthen the slave interest of the South. Why, sir, he said so in so many words.

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Mr. Calhoun. Will the honorable Senator permit me to interrupt him for a moment? Mr. Webster. Certainly.

Mr. Calhoun. I am very reluctant to interrupt the honorable gentleman; but, upon a point of so much importance, I deem it right to put myself *rectus in curia*. I did not put it upon the ground assumed by the Senator. I put it upon this ground; that Great Britain had announced to this country, in so many words, that her object was to abolish slavery in Texas, and, through Texas, to accomplish the abolition of slavery in the United States and the world. The ground I put it on was, that it would make an exposed frontier, and, if Great Britain succeeded in her object, it would be impossible that that frontier could be secured against the aggressions of the Abolitionists; and that this Government was bound, under the guaranties of the Constitution, to protect us against such a state of things.

Mr. Webster. That comes, I suppose, Sir, to exactly the same thing. It was, that Texas must be obtained for the security of the slave interest of the South.

Mr. Calhoun. Another view is very distinctly given.

Mr. Webster. That was the object set forth in the correspondence of a worthy gentleman not now living, who preceded the honorable member from South Carolina in the Department of State. There repose on the files of the Department, as I have occasion to know, strong letters from Mr. Upshur to the United States Minister in England, and I believe there are some to the same Minister from the honorable Senator himself, asserting to this effect the sentiments of this government; namely, that Great Britain was expected not to interfere to take Texas out of the hands of its then existing government and make it a free country. But my argument, my suggestion, is this: that those gentlemen who composed the Northern Democracy when Texas was brought into the Union saw clearly that it was brought in as a slave country, and brought in for the purpose of being maintained as slave territory, to the Greek Kalends. I rather think the honorable gentleman who was then Secretary of State might, in some of his correspondence with Mr. Murphy, have suggested that it was not expedient to say too much about this object, lest it should create some alarm. At any rate, Mr. Murphy wrote to him that England was anxious to get rid of the constitution of Texas, because it was a constitution establishing slavery; and that what the United States had to do was to aid the people of Texas in upholding their constitution; but that nothing should be said which should offend the fanatical men of the North. But, Sir, the honorable member did avow this object himself, openly, boldly, and manfully; he did not disguise his conduct or his motives.

Mr. Calhoun. Never, never.

Mr. Webster. What he means he is very apt to say.

Mr. Calhoun. Always, always.

Mr. Webster. And I honor him for it.

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This admission of Texas was in 1845. Then in 1847, *flagrante bello* between the United States and Mexico, the proposition I have mentioned was brought forward by my friend from Georgia, and the Northern Democracy voted steadily against it. Their remedy was to apply to the acquisitions, after they should come in, the Wilmot Proviso. What follows? These two gentlemen, worthy and honorable and influential men (and if they had not been they could not have carried the measure), these two gentlemen, members of this body, brought in Texas, and by their votes they also pre-vented the passage of the resolution of the honorable member from Georgia, and then they went home and took the lead in the Free Soil party. And there they stand, Sir! They leave us here, bound in honor and conscience by the resolutions of annexation; they leave us here, to take the odium of fulfilling the obligations in favor of slavery which they voted us into, or else the greater odium of violating those obligations, while they are at home making capital and rousing speeches for free soil and no slavery. And therefore I say, Sir, that there is not a chapter in our history, respecting public measures and public men, more full of what would create surprise, and more full of what does create, in my mind, extreme mortification, than that of the conduct of the Northern Democracy on this subject.

Mr. President, sometimes when a man is found in a new relation to things around him and to other men, he says the world has changed, and that he is not changed. I believe, sir, that our self-respect leads us often to make this declaration in regard to ourselves when it is not exactly true. An individual is more apt to change, perhaps, than all the world around him. But under the present circumstances, and under the responsibility which I know I incur by what I am now stating here, I feel at liberty to recur to the various expressions and statements, made at various times, of my own opinions and resolutions respecting the admission of Texas, and all that has followed.

* * * On other occasions, in debate here, I have expressed my determination to vote for no acquisition, or cession, or annexation, North or South, East or West. My opinion has been, that we have territory enough, and that we should follow the Spartan maxim: “Improve, adorn what you have,”—seek no further. I think that it was in some observations that I made on the three million loan bill that I avowed this sentiment. In short, sir, it has been avowed quite as often in as many places, and before as many assemblies, as any humble opinions of mine ought to be avowed.

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But now that, under certain conditions, Texas is in the Union, with all her territory, as a slave State, with a solemn pledge also that, if she shall be divided into many States, those States may come in as slave States south of 36 deg. 30', how are we to deal with this subject? I know no way of honest legislation, when the proper time comes for the enactment, but to carry into effect all that we have stipulated to do. * * * That is the meaning of the contract which our friends, the northern Democracy, have left us to fulfil; and I, for one, mean to fulfil it, because I will not violate the faith of the Government. What I mean to say is, that the time for the admission of new States formed out of Texas, the number of such States, their boundaries, the requisite amount of population, and all other things connected with the admission, are in the free discretion of Congress, except this: to wit, that when new States formed out of Texas are to be admitted, they have a right, by legal stipulation and contract, to come in as slave States.

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 law settles forever, with a strength beyond all terms of human enactment, that slavery cannot exist in California or New Mexico. Understand me, sir; I mean slavery as we regard it; the slavery of the colored race as it exists in the southern States. I shall not discuss the point, but leave it to the learned gentlemen who have undertaken to discuss it; but I suppose there is no slavery of that description in California now. I understand that peonism, a sort of penal servitude, exists there, or rather a sort of voluntary sale of a man and his offspring for debt, an arrangement of a peculiar nature known to the law of Mexico. But what I mean to say is, that it is impossible that African slavery, as we see it among us, should find its way, or be introduced, into California and New Mexico, as any other natural impossibility. California and New Mexico are Asiatic in their formation and scenery. They are composed of vast ridges of mountains of great height, with broken ridges and deep valleys. The sides of these mountains are entirely barren; their tops capped by perennial snow. There may be in California, now made free by its constitution, and no doubt there are, some tracts of valuable land. But it is not so in New Mexico. Pray, what is the evidence which every gentleman must have obtained on this subject, from information sought by himself or communicated by others? I have inquired and read all I could find, in order to acquire information on this important subject. What is there in New Mexico that could, by any possibility, induce anybody to go there with slaves! There are some narrow strips of tillable land on the borders of the rivers; but the rivers themselves dry up before midsummer is gone. All that the people can do in that region is to raise some little articles, some little wheat for their tortillas, and that by irrigation. And who expects to see a hundred black men cultivating tobacco, corn, cotton, rice, or any thing else, on lands in New Mexico, made fertile by irrigation?

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I look upon it, therefore, as a fixed fact, to use the current expression of the day, that both California and New Mexico are destined to be free, so far as they are settled at all, which I believe, in regard to New Mexico, will be but partially, for a great length of time; free by the arrangement of things ordained by the Power above us. I have therefore to say, in this respect also, that this country is fixed for freedom, to as many persons as shall ever live in it, by a less repealable law than that which attaches to the right of holding slaves in Texas; and I will say further, that, if a resolution or a bill were now before us, to provide a territorial government for New Mexico, I would not vote to put any prohibition into it whatever. Such a prohibition would be idle, as it respects any effect it would have upon the territory; and I would not take pains uselessly to reaffirm an ordinance of nature, nor to re-enact the will of God. I would put in no Wilmot proviso for the mere purpose of a taunt or a reproach. I would put into it no evidence of the votes of superior power, exercised for no purpose but to wound the pride, whether a just and a rational pride, or an irrational pride, of the citizens of the southern States. I have no such object, no such purpose. They would think it a taunt, an indignity; they would think it to be an act taking away from them what they regard as a proper equality of privilege. Whether they expect to realize any benefit from it or not, they would think it at least a plain theoretic wrong; that something more or less derogatory to their character and their rights had taken place. I propose to inflict no such wound upon anybody, unless something essentially important to the country, and efficient to the preservation of liberty and freedom, is to be effected. I repeat, therefore, sir, and, as I do not propose to address the Senate often on this subject, I repeat it because I wish it to be distinctly understood, that, for the reasons stated, if a proposition were now here to establish a government for New Mexico, and it was moved to insert a provision for a prohibition of slavery, I would not vote for it. * * * Sir, we hear occasionally of the annexation of Canada; and if there be any man, any of the northern Democracy, or any of the Free Soil party, who supposes it necessary to insert a Wilmot Proviso in a territorial government for New Mexico, that man would, of course, be of opinion that it is necessary to protect the ever-lasting snows of Canada from the foot of slavery by the same overspreading wing of an act of Congress. Sir, wherever there is a substantive good to be done, wherever there is a foot of land to be prevented from becoming slave territory, I am ready to assert the principle of the exclusion of slavery. I am pledged to it from the year 1837; I have been pledged to it again and again; and I will perform these pledges; but I will not do a thing unnecessarily that wounds the feelings of others, or that does discredit to my own understanding. * * *

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Mr. President, in the excited times in which we live, there is found to exist a state of crimination and recrimination between the North and South. There are lists of grievances produced by each; and those grievances, real or supposed, alienate the minds of one portion of the country from the other, exasperate the feelings, and subdue the sense of fraternal affection, patriotic love, and mutual regard. I shall bestow a little attention, sir, upon these various grievances existing on the one side and on the other. I begin with complaints of the South. I will not answer, further than I have, the general statements of the honorable Senator from South Carolina, that the North has prospered at the expense of the South in consequence of the manner of administering this Government, in the collection of its revenues, and so forth. These are disputed topics, and I have no inclination to enter into them. But I will allude to other complaints of the South, and especially to one which has in my opinion, just foundation; and that is, that there has been found at the North, among individuals and among legislators, a disinclination to perform fully their constitutional duties in regard to the return of persons bound to service who have escaped into the free States. In that respect, the South, in my judgment, is right, and the North is wrong. Every member of every Northern legislature is bound by oath, like every other officer in the country, to support the Constitution of the United States; and the article of the Constitution which says to these States that they shall deliver up fugitives from service, is as binding in honor and conscience as any other article. No man fulfils his duty in any legislature who sets himself to find excuses, evasions, escapes from this constitutional obligation. I have always thought that the Constitution addressed itself to the legislatures of the States or to the States themselves. It says that those persons escaping to other States “shall be delivered up,” and I confess I have always been of the opinion that it was an injunction upon the States themselves. When it is said that a person escaping into another State, and coming therefore within the jurisdiction of that State, shall be delivered up, it seems to me the import of the clause is, that the State itself, in obedience to the Constitution, shall cause him to be delivered up. That is my judgment. I have always entertained that opinion, and I entertain it now. But when the subject, some years ago, was before the Supreme Court of the United States, the majority of the judges held that the power to cause fugitives from service to be delivered up was a power to be exercised under the authority of this Government. I do not know, on the whole, that it may not have been a fortunate decision. My habit is to respect the result of judicial deliberations and the solemnity of judicial decisions. As it now stands, the business of seeing that these fugitives are delivered up resides in the power of Congress

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and the national judicature, and my friend at the head of the Judiciary Committee has a bill on the subject now before the Senate, which, with some amendments to it, I propose to support, with all its provisions, to the fullest extent. And I desire to call the attention of all sober-minded men at the North, of all conscientious men, of all men who are not carried away by some fanatical idea or some false impression, to their constitutional obligations. I put it to all the sober and sound minds at the North as a question of morals and a question of conscience. What right have they, in their legislative capacity, or any other capacity, to endeavor to get round this Constitution, or to embarrass the free exercise of the rights secured by the Constitution, to the person whose slaves escape from them? None at all; none at all. Neither in the forum of conscience, nor before the face of the Constitution, are they, in my opinion, justified in such an attempt. Of course it is a matter for their consideration. They probably, in the excitement of the times, have not stopped to consider this. They have followed what seemed to be the current of thought and of motives, as the occasion arose, and they have neglected to investigate fully the real question, and to consider their constitutional obligations; which, I am sure, if they did consider, they would fulfil with alacrity. I repeat, therefore, sir, that here is a well-founded ground of complaint against the North, which ought to be removed, which is now in the power of the different departments of this government to remove; which calls for the enactment of proper laws authorizing the judicature of this Government, in the several States, to do all that is necessary for the recapture of fugitive slaves and for their restoration to those who claim them. Wherever I go, and whenever I speak on the subject, and when I speak here I desire to speak to the whole North, I say that the South has been injured in this respect, and has a right to complain; and the North has been too careless of what I think the Constitution peremptorily and emphatically enjoins upon her as a duty.

Complaint has been made against certain resolutions that emanate from legislatures at the North, and are sent here to us, not only on the subject of slavery in this District, but sometimes recommending Congress to consider the means of abolishing slavery in the States. I should be sorry to be called upon to present any resolutions here which could not be referable to any committee or any power in Congress; and therefore I should be unwilling to receive from the legislature of Massachusetts any instructions to present resolutions expressive of any opinion whatever on the subject of slavery, as it exists at the present moment in the States, for two reasons: because I do not consider that I, as her representative here, have any thing to do with it. It has become, in my opinion, quite too common; and if the legislatures of the States

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do not like that opinion, they have a great deal more power to put it down than I have to uphold it; it has become, in my opinion, quite too common a practice for the State legislatures to present resolutions here on all subjects and to instruct us on all subjects. There is no public man that requires instruction more than I do, or who requires information more than I do, or desires it more heartily; but I do not like to have it in too imperative a shape. * * *

Then, sir, there are the Abolition societies, of which I am unwilling to speak, but in regard to which I have very clear notions and opinions. I do not think them useful. I think their operations for the last twenty years have produced nothing good or valuable. At the same time, I believe thousands of their members to be honest and good men, perfectly well-meaning men. They have excited feelings; they think they must do something for the cause of liberty; and, in their sphere of action, they do not see what else they can do than to contribute to an abolition press, or an abolition society, or to pay an abolition lecturer. I do not mean to impute gross motives even to the leaders of these societies, but I am not blind to the consequences of their proceedings. I cannot but see what mischief their interference with the South has produced. And is it not plain to every man? Let any gentleman who entertains doubts on this point, recur to the debates in the Virginia House of Delegates in 1832, and he will see with what freedom a proposition made by Mr. Jefferson Randolph, for the gradual abolition of slavery was discussed in that body. Every one spoke of slavery as he thought; very ignominous and disparaging names and epithets were applied to it. The debates in the House of Delegates on that occasion, I believe were all published. They were read by every colored man who could read, and to those who could not read, those debates were read by others. At that time Virginia was not unwilling or afraid to discuss this question, and to let that part of her population know as much of the discussion as they could learn. That was in 1832. As has been said by the honorable member from South Carolina, these abolition societies commenced their course of action in 1835. It is said, I do not know how true it may be, that they sent incendiary publications into the slave States; at any rate, they attempted to arouse, and did arouse, a very strong feeling; in other words, they created great agitation in the North against Southern slavery. Well, what was the result? The bonds of the slaves were bound more firmly than before, their rivets were more strongly fastened. Public opinion, which in Virginia had begun to be exhibited against slavery, and was opening out for the discussion of the question, drew back and shut itself up in its castle. I wish to know whether anybody in Virginia can now talk openly, as Mr. Randolph, Governor McDowel, and others talked in 1832, and sent their remarks to the press? We all know the fact, and we all know the cause; and every thing that these agitating people have done has been, not to enlarge, but to restrain, not to set free, but to bind faster, the slave population of the South. * * *

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There are also complaints of the North against the South. I need not go over them particularly. The first and gravest is, that the North adopted the Constitution, recognizing the existence of slavery in the States, and recognizing the right, to a certain extent, of the representation of slaves in Congress, under a state of sentiment and expectation which does not now exist; and that by events, by circumstances, by the eagerness of the South to acquire territory and extend her slave population, the North finds itself, in regard to the relative influence of the South and the North, of the free States and the slave States, where it never did expect to find itself when they agreed to the compact of the Constitution. They complain, therefore, that, instead of slavery being regarded as an evil, as it was then, an evil which all hoped would be extinguished gradually, it is now regarded by the South as an institution to be cherished, and preserved, and extended; an institution which the South has already extended to the utmost of her power by the acquisition of new territory.

Well, then, passing from that, everybody in the North reads; and everybody reads whatsoever the newspapers contain; and the news-papers, some of them, especially those presses to which I have alluded, are careful to spread about among the people every reproachful sentiment uttered by any Southern man bearing at all against the North; every thing that is calculated to exasperate and to alienate; and there are many such things, as everybody will admit, from the South, or from portions of it, which are disseminated among the reading people; and they do exasperate, and alienate, and produce a most mischievous effect upon the public mind at the North. Sir, I would not notice things of this sort appearing in obscure quarters; but one thing has occurred in this debate which struck me very forcibly. An honorable member from Louisiana addressed us the other day on this subject. I suppose there is not a more amiable and worthy gentleman in this chamber, nor a gentleman who would be more slow to give offence to any body, and he did not mean in his remarks to give offence. But what did he say? Why, sir, he took pains to run a contrast between the slaves of the South and the laboring people of the North, giving the preference, in all points of condition, and comfort, and happiness to the slaves of the South. The honorable member, doubtless, did not suppose that he gave any offence, or did any injustice. He was merely expressing his opinion. But does he know how remarks of that sort will be received by the laboring people of the North? Why, who are the laboring people of the North? They are the whole North. They are the people who till their own farms with their own hands; freeholders, educated men, independent men. Let me say, sir, that five sixths of the whole property of the North is in the hands of the laborers of the North; they cultivate their farms, they educate their children,

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they provide the means of independence. If they are not freeholders, they earn wages; these wages accumulate, are turned into capital, into new freeholds, and small capitalists are created. Such is the case, and such the course of things, among the industrious and frugal. And what can these people think when so respectable and worthy a gentleman as the member from Louisiana undertakes to prove that the absolute ignorance and the abject slavery of the South are more in conformity with the high purposes and destiny of immortal, rational, human beings, than the educated, the independent free labor of the North?

There is a more tangible and irritating cause of grievance at the North. Free blacks are constantly employed in the vessels of the North, generally as cooks or stewards. When the vessel arrives at a southern port, these free colored men are taken on shore, by the police or municipal authority, imprisoned, and kept in prison till the vessel is again ready to sail. This is not only irritating, but exceedingly unjustifiable and oppressive. Mr. Hoar's mission, some time ago to South Carolina, was a well-intended effort to remove this cause of complaint. The North thinks such imprisonments illegal and unconstitutional; and as the cases occur constantly and frequently they regard it as a grievance.

Now, sir, so far as any of these grievances have their foundation in matters of law, they can be redressed, and ought to be redressed; and so far as they have their foundation in matters of opinion, in sentiment, in mutual crimination and recrimination, all that we can do is to endeavor to allay the agitation, and cultivate a better feeling and more fraternal sentiments between the South and the North.

Mr. President, I should much prefer to have heard from every member on this floor declarations of opinion that this Union could never be dissolved, than the declaration of opinion by anybody, that in any case, under the pressure of any circumstances, such a dissolution was possible. I hear with distress and anguish the word "secession," especially when it falls from the lips of those who are patriotic, and known to the country, and known all over the world for their political services. Secession! Peaceable secession! Sir, your eyes and mine are never destined to see that miracle. The dismemberment of this vast country without convulsion! The breaking up of the fountains of the great deep without ruffling the surface! Who is so foolish—I beg everybody's pardon—as to expect to see any such thing? Sir, he who sees these States, now revolving in harmony around a common centre, and expects to see them quit their places and fly off without convulsion, may look the next hour to see the heavenly bodies rush from their spheres, and jostle against each other in the realms of space, without causing the wreck of the universe. There can be no such thing as a peaceable secession. Peaceable secession is an utter impossibility. Is the great

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Constitution under which we live, covering this whole country, is it to be thawed and melted away by secession, as the snows on the mountain melt under the influence of a vernal sun, disappear almost unobserved, and run off? No, sir! No, sir! I will not state what might produce the disruption of the Union; but, sir, I see as plainly as I can see the sun in heaven what that disruption itself must produce; I see that it must produce war, and such a war as I will not describe, in its twofold character.

Peaceable secession! Peaceable secession! The concurrent agreement of all the members of this great Republic to separate! A voluntary separation, with alimony on one side and on the other. Why, what would be the result? Where is the line to be drawn? What States are to secede? What is to remain American? What am I to be? An American no longer? Am I to become a sectional man, a local man, a separatist, with no country in common with the gentlemen who sit around me here, or who fill the other house of Congress? Heaven forbid! Where is the flag of the Republic to remain? Where is the eagle still to tower? or is he to cower, and shrink, and fall to the ground? Why, sir, our ancestors, our fathers and our grandfathers, those of them that are yet living amongst us with prolonged lives, would rebuke and reproach us; and our children and our grandchildren would cry out shame upon us, if we of this generation should dishonor these ensigns of the power of the Government and the harmony of that Union which is every day felt among us with so much joy and gratitude. What is to become of the army? What is to become of the navy? What is to become of the public lands? How is each of the thirty States to defend itself? I know, although the idea has not been stated distinctly, there is to be, or it is supposed possible that there will be, a Southern Confederacy. I do not mean, when I allude to this statement, that any one seriously contemplates such a state of things. I do not mean to say that it is true, but I have heard it suggested elsewhere, that the idea has been entertained, that, after the dissolution of this Union, a Southern Confederacy might be formed. I am sorry, sir, that it has ever been thought of, talked of, in the wildest flights of human imagination. But the idea, so far as it exists, must be of a separation, assigning the slave States to one side, and the free States to the other. Sir, I may express myself too strongly, perhaps, but there are impossibilities in the natural as well as in the physical world, and I hold the idea of the separation of these States, those that are free to form one government, and those that are slave-holding to form another, as such an impossibility. We could not separate the States by any such line, if we were to draw it. We could not sit down here to-day and draw a line of separation that would satisfy any five men in the country. There are natural causes that would keep and tie us together, and there are social and domestic relations which we could not break if we would, and which we should not if we could.

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Sir, nobody can look over the face of this country at the present moment, nobody can see where its population is the most dense and growing, without being ready to admit, and compelled to admit, that erelong the strength of America will be in the Valley of the Mississippi. Well, now, sir, I beg to inquire what the wildest enthusiast has to say on the possibility of cutting that river in two, and leaving free States at its source and on its branches, and slave States down near its mouth, each forming a separate government? Pray, sir, let me say to the people of this country, that these things are worthy of their pondering and of their consideration. Here, sir, are five millions of freemen in the free States north of the river Ohio. Can anybody suppose that this population can be severed, by a line that divides them from the territory of a foreign and alien government, down somewhere, the Lord knows where, upon the lower banks of the Mississippi? What would become of Missouri? Will she join the arrondissement of the slave States? Shall the man from the Yellowstone and the Platte be connected, in the new republic, with the man who lives on the southern extremity of the Cape of Florida? Sir, I am ashamed to pursue this line of remark. I dislike it, I have an utter disgust for it. I would rather hear of natural blasts and mildews, war, pestilence, and famine, than to hear gentlemen talk of secession. To break up this great Government! to dismember this glorious country! to astonish Europe with an act of folly such as Europe for two centuries has never beheld in any government or any people! No, sir! no, sir! There will be no secession! Gentlemen are not serious when they talk of secession.

Sir, I hear there is to be a convention held at Nashville. I am bound to believe that if worthy gentlemen meet at Nashville in convention, their object will be to adopt conciliatory counsels; to advise the South to forbearance and moderation, and to advise the North to forbearance and moderation; and to inculcate principles of brotherly love and affection, and attachment to the Constitution of the country as it now is. I believe, if the convention meet at all, it will be for this purpose; for certainly, if they meet for any purpose hostile to the Union, they have been singularly inappropriate in their selection of a place. I remember, sir, that, when the treaty of Amiens was concluded between France and England, a sturdy Englishman and a distinguished orator, who regarded the conditions of the peace as ignominious to England, said in the House of Commons, that if King William could know the terms of that treaty, he would turn in his coffin! Let me commend this saying to Mr. Windham, in all its emphasis and in all its force, to any persons who shall meet at Nashville for the purpose of concerting measures for the overthrow of this Union over the bones of Andrew Jackson. * * *

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And now, Mr. President, instead of speaking of the possibility or utility of secession, instead of dwelling in those caverns of darkness, instead of groping with those ideas so full of all that is horrid and horrible, let us come out into the light of the day; let us enjoy the fresh air of Liberty and Union; let us cherish those hopes which belong to us; let us devote ourselves to those great objects that are fit for our consideration and our action; let us raise our conceptions to the magnitude and the importance of the duties that devolve upon us; let our comprehension be as broad as the country for which we act, our aspirations as high as its certain destiny; let us not be pigmies in a case that calls for men. Never did there devolve on any generation of men higher trusts than now devolve upon us, for the preservation of this Constitution and the harmony and peace of all who are destined to live under it. Let us make our generation one of the strongest and brightest links in that golden chain which is destined, I fondly believe, to grapple the people of all the States to this Constitution for ages to come. We have a great, popular, Constitutional Government, guarded by law and by judicature, and defended by the affections of the whole people. No monarchical throne presses these States together, no iron chain of military power encircles them; they live and stand under a Government popular in its form, representative in its character, founded upon principles of equality, and so constructed, we hope, as to last forever. In all its history it has been beneficent; it has trodden down no man's liberty; it has crushed no State. Its daily respiration is liberty and patriotism; its yet youthful veins are full of enterprise, courage, and honorable love of glory and renown. Large before, the country has now, by recent events, become vastly larger. This Republic now extends, with a vast breadth across the whole continent. The two great seas of the world wash the one and the other shore. We realize, on a mighty scale, the beautiful description of the ornamental border of the buckler of Achilles:

> "Now, the broad shield complete, the artist crowned
> With his last hand, and poured the ocean round;
> In living silver seemed the waves to roll,
> And beat the buckler's verge, and bound the whole."

[Illustration: Henry Clay]

HENRY CLAY,

OF KENTUCKY, (BORN 1777, DIED 1852.)

ON THE COMPROMISE OF 1850; UNITED STATES SENATE, JULY 22, 1850.

MR. PRESIDENT:

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In the progress of this debate it has been again and again argued that perfect tranquillity reigns throughout the country, and that there is no disturbance threatening its peace, endangering its safety, but that which was produced by busy, restless politicians. It has been maintained that the surface of the public mind is perfectly smooth and undisturbed by a single billow. I most heartily wish I could concur in this picture of general tranquillity that has been drawn upon both sides of the Senate. I am no alarmist; nor, I thank God, at the advanced age at which His providence has been pleased to allow me to reach, am I very easily alarmed by any human event; but I totally misread the signs of the times, if there be that state of profound peace and quiet, that absence of all just cause of apprehension of future danger to this confederacy, which appears to be entertained by some other senators. Mr. President, all the tendencies of the times, I lament to say, are toward disquietude, if not more fatal consequences. When before, in the midst of profound peace with all the nations of the earth, have we seen a convention, representing a considerable portion of one great part of the Republic, meet to deliberate about measures of future safety in connection with great interests of that quarter of the country? When before have we seen, not one, but more—some half a dozen legislative bodies solemnly resolving that if any one of these measures—the admission of California, the adoption of the Wilmot proviso, the abolition of slavery in the District of Columbia—should be adopted by Congress, measures of an extreme character, for the safety of the great interests to which I refer, in a particular section of the country, would be resorted to? For years, this subject of the abolition of slavery, even within this District of Columbia, small as is the number of slaves here, has been a source of constant irritation and disquiet. So of the subject of the recovery of fugitive slaves who have escaped from their lawful owners: not a mere border contest, as has been supposed—although there, undoubtedly, it has given rise to more irritation than in other portions of the Union—but everywhere through-out the slave-holding country it has been felt as a great evil, a great wrong which required the intervention of congressional power. But these two subjects, unpleasant as has been the agitation to which they have given rise, are nothing in comparison to those which have sprung out of the acquisitions recently made from the Republic of Mexico. These are not only great and leading causes of just apprehension as respects the future, but all the minor circumstances of the day intimate danger ahead, whatever may be its final issue and consequence. * * *

Mr. President, I will not dwell upon other concomitant causes, all having the same tendency, and all well calculated to awaken, to arouse us—if, as I hope the fact is, we are all of us sincerely desirous of preserving this Union—to rouse us to dangers which really exist, without underrating them upon the one hand, or magnifying them upon the other. * * *

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It has been objected against this measure that it is a compromise. It has been said that it is a compromise of principle, or of a principle. Mr. President, what is a compromise? It is a work of mutual concession—an agreement in which there are reciprocal stipulations—a work in which, for the sake of peace and concord, one party abates his extreme demands in consideration of an abatement of extreme demands by the other party: it is a measure of mutual concession—a measure of mutual sacrifice. Undoubtedly, Mr. President, in all such measures of compromise, one party would be very glad to get what he wants, and reject what he does not desire, but which the other party wants. But when he comes to reflect that, from the nature of the Government and its operations, and from those with whom he is dealing, it is necessary upon his part, in order to secure what he wants, to grant something to the other side, he should be reconciled to the concession which he has made, in consequence of the concession which he is to receive, if there is no great principle involved, such as a violation of the Constitution of the United States. I admit that such a compromise as that ought never to be sanctioned or adopted. But I now call upon any senator in his place to point out from the beginning to the end, from California to New Mexico, a solitary provision in this bill which is violative of the Constitution of the United States.

Sir, adjustments in the shape of compromise may be made without producing any such consequences as have been apprehended. There may be a mutual forbearance. You forbear on your side to insist upon the application of the restriction denominated the Wilmot proviso. Is there any violation of principle there? The most that can be said, even assuming the power to pass the Wilmot proviso, which is denied, is that there is a forbearance to exercise, not a violation of, the power to pass the proviso. So, upon the other hand, if there was a power in the Constitution of the United States authorizing the establishment of slavery in any of the Territories—a power, however, which is controverted by a large portion of this Senate—if there was a power under the Constitution to establish slavery, the forbearance to exercise that power is no violation of the Constitution, any more than the Constitution is violated by a forbearance to exercise numerous powers, that might be specified, that are granted in the Constitution, and that remain dormant until they come to be exercised by the proper legislative authorities. It is said that the bill presents the state of coercion—that members are coerced, in order to get what they want, to vote for that which they disapprove. Why, sir, what coercion is there? * * * Can it be said upon the part of our Northern friends, because they have not got the Wilmot proviso incorporated in the territorial part of the bill, that they are coerced—wanting California, as they do, so much—to vote for the bill, if they do vote for it? Sir, they

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might have imitated the noble example of my friend (Senator Cooper, of Pennsylvania), from that State upon whose devotion to this Union I place one of my greatest reliances for its preservation. What was the course of my friend upon this subject of the Wilmot proviso? He voted for it; and he could go back to his constituents and say, as all of you could go back and say to your constituents, if you chose to do so—"We wanted the Wilmot proviso in the bill; we tried to get it in; but the majority of the Senate was against it." The question then came up whether we should lose California, which has got an interdiction in her constitution, which, in point of value and duration, is worth a thousand Wilmot provisos; we were induced, as my honorable friend would say, to take the bill and the whole of it together, although we were disappointed in our votes with respect to the Wilmot proviso—to take it, whatever omissions may have been made, on account of the superior amount of good it contains. * * *

Not the reception of the treaty of peace negotiated at Ghent, nor any other event which has occurred during my progress in public life, ever gave such unbounded and universal satisfaction as the settlement of the Missouri compromise. We may argue from like causes like effects. Then, indeed, there was great excitement. Then, indeed, all the legislatures of the North called out for the exclusion of Missouri, and all the legislatures of the South called out for her admission as a State. Then, as now, the country was agitated like the ocean in the midst of a turbulent storm. But now, more than then, has this agitation been increased. Now, more than then, are the dangers which exist, if the controversy remains unsettled, more aggravated and more to be dreaded. The idea of disunion was then scarcely a low whisper. Now, it has become a familiar language in certain portions of the country. The public mind and the public heart are becoming familiarized with that most dangerous and fatal of all events—the disunion of the States. People begin to contend that this is not so bad a thing as they had supposed. Like the progress in all human affairs, as we approach danger it disappears, it diminishes in our conception, and we no longer regard it with that awful apprehension of consequences that we did before we came into contact with it. Everywhere now there is a state of things, a degree of alarm and apprehension, and determination to fight, as they regard it, against the aggressions of the North. That did not so demonstrate itself at the period of the Missouri compromise. It was followed, in consequence of the adoption of the measure which settled the difficulty of Missouri, by peace, harmony, and tranquillity. So, now, I infer, from the greater amount of agitation, from the greater amount of danger, that, if you adopt the measures under consideration, they, too, will be followed by the same amount of contentment, satisfaction, peace, and tranquillity, which ensued after the Missouri compromise. * * *

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The responsibility of this great measure passes from the hands of the committee, and from my hands. They know, and I know, that it is an awful and tremendous responsibility. I hope that you will meet it with a just conception and a true appreciation of its magnitude, and the magnitude of the consequences that may ensue from your decision one way or, the other. The alternatives, I fear, which the measure presents, are concord and increased discord; a servile civil war, originating in its causes on the lower Rio Grande, and terminating possibly in its consequences on the upper Rio Grande in the Santa Fe country, or the restoration of harmony and fraternal kindness. I believe from the bottom of my soul, that the measure is the reunion of this Union. I believe it is the dove of peace, which, taking its aerial flight from the dome of the Capitol, carries the glad tidings of assured peace and restored harmony to all the remotest extremities of this distracted land. I believe that it will be attended with all these beneficent effects. And now let us discard all resentment, all passions, all petty jealousies, all personal desires, all love of place, all hankerings after the gilded crumbs which fall from the table of power. Let us forget popular fears, from whatever quarter they may spring. Let us go to the limpid fountain of unadulterated patriotism, and, performing a solemn lustration, return divested of all selfish, sinister, and sordid impurities, and think alone of our God, our country, our consciences, and our glorious Union—that Union without which we shall be torn into hostile fragments, and sooner or later become the victims of military despotism, or foreign domination.

Mr. President, what is an individual man? An atom, almost invisible without a magnifying glass—a mere speck upon the surface of the immense universe; not a second in time, compared to immeasurable, never-beginning, and never-ending eternity; a drop of water in the great deep, which evaporates and is borne off by the winds; a grain of sand, which is soon gathered to the dust from which it sprung. Shall a being so small, so petty, so fleeting, so evanescent, oppose itself to the onward march of a great nation, which is to subsist for ages and ages to come; oppose itself to that long line of posterity which, issuing from our loins, will endure during the existence of the world? Forbid it, God. Let us look to our country and our cause, elevate ourselves to the dignity of pure and disinterested patriots, and save our country from all impending dangers. What if, in the march of this nation to greatness and power, we should be buried beneath the wheels that propel it onward! What are we—what is any man—-worth who is not ready and willing to sacrifice himself for the benefit of his country when it is necessary? * * *

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If this Union shall become separated, new unions, new confederacies will arise. And with respect to this, if there be any—I hope there is no one in the Senate—before whose imagination is flitting the idea of a great Southern Confederacy to take possession of the Balize and the mouth of the Mississippi, I say in my place never! never! NEVER! will we who occupy the broad waters of the Mississippi and its upper tributaries consent that any foreign flag shall float at the Balize or upon the turrets of the Crescent City—NEVER! NEVER! I call upon all the South. Sir, we have had hard words, bitter words, bitter thoughts, unpleasant feelings toward each other in the progress of this great measure. Let us forget them. Let us sacrifice these feelings. Let us go to the altar of our country and swear, as the oath was taken of old, that we will stand by her; that we will support her; that we will uphold her Constitution; that we will preserve her Union; and that we will pass this great, comprehensive, and healing system of measures, which will hush all the jarring elements, and bring peace and tranquillity to our homes.

Let me, Mr. President, in conclusion, say that the most disastrous consequences would occur, in my opinion, were we to go home, doing nothing to satisfy and tranquillize the country upon these great questions. What will be the judgment of mankind, what the judgment of that portion of mankind who are looking upon the progress of this scheme of self-government as being that which holds the highest hopes and expectations of ameliorating the condition of mankind—what will their judgment be? Will not all the monarchs of the Old World pronounce our glorious Republic a disgraceful failure? What will be the judgment of our constituents, when we return to them and they ask us: “How have you left your country? Is all quiet—all happy? Are all the seeds of distraction or division crushed and dissipated?” And, sir, when you come into the bosom of your family, when you come to converse with the partner of your fortunes, of your happiness, and of your sorrows, and when in the midst of the common offspring of both of you, she asks you: “Is there any danger of civil war? Is there any danger of the torch being applied to any portion of the country? Have you settled the questions which you have been so long discussing and deliberating upon at Washington? Is all peace and all quiet?” what response, Mr. President, can you make to that wife of your choice and those children with whom you have been blessed by God? Will you go home and leave all in disorder and confusion—all unsettled—all open? The contentions and agitations of the past will be increased and augmented by the agitations resulting from our neglect to decide them. Sir, we shall stand condemned by all human judgment below, and of that above it is not for me to speak. We shall stand condemned in our own consciences, by our own constituents, and by our own country.

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The measure may be defeated. I have been aware that its passage for many days was not absolutely certain. From the first to the last, I hoped and believed it would pass, because from the first to the last I believed it was founded on the principles of just and righteous concession of mutual conciliation. I believe that it deals unjustly by no part of the Republic; that it saves their honor, and, as far as it is dependent upon Congress, saves the interests of all quarters of the country. But, sir, I have known that the decision of its fate depended upon four or five votes in the Senate of the United States, whose ultimate judgment we could not count upon the one side or the other with absolute certainty. Its fate is now committed to the Senate, and to those five or six votes to which I have referred. It may be defeated. It is possible that, for the chastisement of our sins and transgressions, the rod of Providence may be still applied to us, may be still suspended over us. But, if defeated, it will be a triumph of ultraism and impracticability —a triumph of a most extraordinary conjunction of extremes; a victory won by abolitionism; a victory achieved by freesoilism; a victory of discord and agitation over peace and tranquillity; and I pray to Almighty God that it may not, in consequence of the inauspicious result, lead to the most unhappy and disastrous consequences to our beloved country.

MR. BARNWELL:—It is not my intention to reply to the argument of the Senator from Kentucky, but there were expressions used by him not a little disrespectful to a friend whom I hold very dear. * * * It is true that his political opinions differ very widely from those of the Senator from Kentucky. It may be true, that he, with many great statesmen, may believe that the Wilmot proviso is a grievance to be resisted “to the utmost extremity” by those whose rights it destroys and whose honor it degrades. It is true that he may believe * * * that the admission of California will be the passing of the Wilmot proviso, when we here in Congress give vitality to an act otherwise totally dead, and by our legislation exclude slaveholders from that whole broad territory on the Pacific; and, entertaining this opinion, he may have declared that the contingency will then have occurred which will, in the judgment of most of the slave-holding States, as expressed by their resolutions, justify resistance as to an intolerable aggression. If he does entertain and has expressed such sentiments, he is not to be held up as peculiarly a disunionist. Allow me to say, in reference to this matter, I regret that you have brought it about, but it is true that this epithet “disunionist” is likely soon to have very little terror in it in the South. Words do not make things. “Rebel” was designed as a very odious term when applied by those who would have trampled on the rights of our ancestors, but I believe that the expression became not an ungrateful one to the ears of those who resisted them. It was not the lowest term of abuse to call those who were conscious that they were struggling against oppression; and let me assure gentlemen that the term disunionist is rapidly assuming at the South the meaning which rebel took when it was baptized in the blood of Warren at Bunker Hill, and illustrated by the gallantry of Jasper at Fort Moultrie. * * *

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MR. CLAY:—Mr. President, I said nothing with respect to the character of Mr. Rhett, for I might as well name him. I know him personally, and have some respect for him. But, if he pronounced the sentiment attributed to him—of raising the standard of disunion and of resistance to the common government, whatever he has been, if he follows up that declaration by corresponding overt acts, he will be a traitor, and I hope he will meet the fate of a traitor.

THE PRESIDENT:—The Chair will be under the necessity of ordering the gallery to be cleared if there is again the slightest interruption. He has once already given warning that he is under the necessity of keeping order. The Senate chamber is not a theatre.

MR. CLAY:—Mr. President, I have heard with pain and regret a confirmation of the remark I made, that the sentiment of disunion is becoming familiar. I hope it is confined to South Carolina. I do not regard as my duty what the honorable Senator seems to regard as his. If Kentucky to-morrow unfurls the banner of resistance unjustly, I never will fight under that banner. I owe a paramount allegiance to the whole Union—a subordinate one to my own State. When my State is right—when it has a cause for resistance—when tyranny, and wrong, and oppression insufferable arise, I will then share her fortunes; but if she summons me to the battle-field, or to support her in any cause which is unjust, against the Union, never, never will I engage with her in such cause.

WENDELL PHILLIPS,

OF MASSACIUSETTS. (BORN 1811, DIED 1884.)

ON THE PHILOSOPHY OF THE ABOLITION MOVEMENT, BEFORE THE MASSACHUSETTS ANTI-SLAVERY SOCIETY, AT BOSTON, JANUARY 27, 1853.

Mr. CHAIRMAN:

I have to present, from the business committee, the following resolution:

Resolved; That the object of this society is now, as it has always been, to convince our countrymen, by arguments addressed to their hearts and consciences, that slave-holding is a heinous crime, and that the duty, safety, and interest of all concerned demand its immediate abolition without expatriation.

I wish, Mr, Chairman, to notice some objections that have been made to our course ever since Mr. Garrison began his career, and which have been lately urged again, with considerable force and emphasis, in the columns of the London Leader, the able organ of a very respectable and influential class in England. * * * The charges to which I refer are these: That, in dealing with slave-holders and their apologists, we indulge in fierce denunciations, instead of appealing to their reason and common sense by plain

statements and fair argument; that we might have won the sympathies and support of the nation, if we would have submitted to argue this question with a manly patience; but, instead of this, we have outraged the feelings of the community by attacks, unjust and unnecessarily

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severe, on its most valued institutions, and gratified our spleen by indiscriminate abuse of leading men, who were often honest in their intentions, however mistaken in their views; that we have utterly neglected the ample means that lay around us to convert the nation, submitted to no discipline, formed no plan, been guided by no foresight, but hurried on in childish, reckless, blind, and hot-headed zeal,—bigots in the narrowness of our views, and fanatics in our blind fury of invective and malignant judgment of other men's motives.

There are some who come upon our platform, and give us the aid of names and reputations less burdened than ours with popular odium,who are perpetually urging us to exercise charity in our judgments of those about us, and to consent to argue these questions. These men are ever parading their wish to draw a line between themselves and us, because they must be permitted to wait,—to trust more to reason than feeling, —to indulge a generous charity,—to rely on the sure influence of simple truth, uttered in love, *etc*., *etc*. I reject with scorn all these implications that our judgments are uncharitable,—that we are lacking in patience,—that we have any other dependence than on the simple truth, spoken with Christian frankness, yet with Christian love. These lectures, to which you, sir, and all of us, have so often listened, would be impertinent, if they were not rather ridiculous for the gross ignorance they betray of the community, of the cause, and of the whole course of its friends.

The article in the *Leader* to which I refer is signed "ION," and may be found in the *Liberator* of December 17, 1852. * * * "Ion" quotes Mr Garrison's original declaration in the *Liberator*: "I am aware that many object to the severity of my language; but is there not cause for severity? I *will* be as harsh as truth and as uncompromising as justice. I am in earnest,—I will not equivocate,—I will not excuse,—I will not retreat a single inch, —AND I WILL BE HEARD. It is pretended that I am retarding the cause of emancipation by the coarseness of my invective and the precipitancy of my measures. The charge is not true. On this question, my influence, humble as it is, is felt at this moment to a considerable extent, and shall be felt in coming years, not perniciously, but beneficially; not as a curse, but as a blessing; and posterity will bear testimony that I was right. I desire to thank God that He enables me to disregard 'the fear of man which bringeth a snare,' and to speak His truth in its simplicity and power." * * *

"Ion's" charges are the old ones, that we Abolitionists are hurting our own cause; that, instead of waiting for the community to come up to our views, and endeavoring to remove prejudice and enlighten ignorance by patient explanation and fair argument, we fall at once, like children, to abusing every thing and everybody; that we imagine zeal will supply the place of common sense; that we have never shown any sagacity in adapting our means to our ends; have never studied the national character, or attempted to make use of the materials which lay all about us to influence public

opinion, but by blind, childish, obstinate fury and indiscriminate denunciation, have become “honestly impotent, and conscientious hinderances.”

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I claim, before you who know the true state of the case, I claim for the antislavery movement with which this society is identified, that, looking back over its whole course, and considering the men connected with it in the mass, it has been marked by sound judgment, unerring foresight, the most sagacious adaptation of means to ends, the strictest self-discipline, the most thorough research, and an amount of patient and manly argument addressed to the conscience and intellect of the nation, such as no other cause of the kind, in England or this country, has ever offered. I claim, also, that its course has been marked by a cheerful surrender of all individual claims to merit or leadership,—the most cordial welcoming of the slightest effort, of every honest attempt, to lighten or to break the chain of the slave. I need not waste time by repeating the superfluous confession that we are men, and therefore do not claim to be perfect. Neither would I be understood as denying that we use denunciation, and ridicule, and every other weapon that the human mind knows. We must plead guilty, if there be guilt in not knowing how to separate the sin from the sinner. With all the fondness for abstractions attributed to us, we are not yet capable of that. We are fighting a momentous battle at desperate odds,—one against a thousand. Every weapon that ability or ignorance, wit, wealth, prejudice, or fashion can command, is pointed against us. The guns are shotted to their lips. The arrows are poisoned. Fighting against such an array, we cannot afford to confine ourselves to any one weapon. The cause is not ours, so that we might, rightfully, postpone or put in peril the victory by moderating our demands, stifling our convictions, or filing down our rebukes, to gratify any sickly taste of our own, or to spare the delicate nerves of our neighbor. Our clients are three millions of Christian slaves, standing dumb suppliants at the threshold of the Christian world. They have no voice but ours to utter their complaints, or to demand justice. The press, the pulpit, the wealth, the literature, the prejudices, the political arrangements, the present self-interest of the country, are all against us. God has given us no weapon but the truth, faithfully uttered, and addressed, with the old prophets' directness, to the conscience of the individual sinner. The elements which control public opinion and mould the masses are against us. We can but pick off here and there a man from the triumphant majority. We have facts for those who think, arguments for those who reason; but he who cannot be reasoned out of his prejudices must be laughed out of them; he who cannot be argued out of his selfishness must be shamed out of it by the mirror of his hateful self held up relentlessly before his eyes. We live in a land where every man makes broad his phylactery, inscribing thereon, "All men are created equal,"—"God hath made of one blood all nations of men." It seems to us that in such a land there must be, on this question of slavery, sluggards to be awakened, as well as doubters to be convinced. Many more, we verily believe, of the first than of the last. There are far more dead hearts to be quickened, than confused intellects to be cleared up,—more dumb dogs to be made to speak, than doubting consciences to be enlightened. We have use, then, sometimes, for something beside argument.

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What is the denunciation with which we are charged? It is endeavoring, in our faltering human speech, to declare the enormity of the sin of making merchandize of men,—of separating husband and wife,—taking the infant from its mother and selling the daughter to prostitution,—of a professedly Christian nation denying, by statute, the Bible to every sixth man and woman of its population, and making it illegal for “two or three” to meet together, except a white man be present! What is this harsh criticism of motives with which we are charged? It is simply holding the intelligent and deliberate actor responsible for the character and consequences of his acts. Is there any thing inherently wrong in such denunciation of such criticism? This we may claim,—we have never judged a man but out of his own mouth. We have seldom, if ever, held him to account, except for acts of which he and his own friends were proud. All that we ask the world and thoughtful men to note are the principles and deeds on which the American pulpit and American public men plume themselves. We always allow our opponents to paint their own pictures. Our humble duty is to stand by and assure the spectators that what they would take for a knave or a hypocrite is really, in American estimation, a Doctor of Divinity or a Secretary of State.

The South is one great brothel, where half a million of women are flogged to prostitution, or, worse still, are degraded to believe it honorable. The public squares of half our great cities echo to the wail of families torn asunder at the auction-block; no one of our fair rivers that has not closed over the negro seeking in death a refuge from a life too wretched to bear; thousands of fugitives skulk along our highways, afraid to tell their names, and trembling at the sight of a human being; free men are kidnapped in our streets, to be plunged into that hell of slavery; and now and then one, as if by miracle, after long years returns to make men aghast with his tale. The press says, “It is all right”; and the pulpit cries, “Amen.” They print the Bible in every tongue in which man utters his prayers; and they get the money to do so by agreeing never to give the book, in the language our mothers taught us, to any negro, free or bond, south of Mason and Dixon’s line. The press says, “It is all right”; and the pulpit cries, “Amen.” The slave lifts up his imploring eyes, and sees in every face but ours the face of an enemy. Prove to me now that harsh rebuke, indignant denunciation, scathing sarcasm, and pitiless ridicule are wholly and always unjustifiable; else we dare not, in so desperate a case, throw away any weapon which ever broke up the crust of an ignorant prejudice, roused a slumbering conscience, shamed a proud sinner, or changed in any way the conduct of a human being. Our aim is to alter public opinion. Did we live in a market, our talk should be of dollars and cents, and we would seek to prove only that slavery was an unprofitable

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investment. Were the nation one great, pure church, we would sit down and reason of "righteousness, temperance, and judgment to come." Had slavery fortified itself in a college, we would load our cannons with cold facts, and wing our arrows with arguments. But we happen to live in the world,—the world made up of thought and impulse, of self-conceit and self-interest, of weak men and wicked. To conquer, we must reach all. Our object is not to make every man a Christian or a philosopher, but to induce every one to aid in the abolition of slavery. We expect to accomplish our object long before the nation is made over into saints or elevated into philosophers. To change public opinion, we use the very tools by which it was formed. That is, all such as an honest man may touch.

All this I am not only ready to allow, but I should be ashamed to think of the slave, or to look into the face of my fellow-man, if it were otherwise. It is the only thing which justifies us to our own consciences, and makes us able to say we have done, or at least tried to do, our duty.

So far, however you distrust my philosophy, you will not doubt my statements. That we have denounced and rebuked with unsparing fidelity will not be denied. Have we not also addressed ourselves to that other duty, of arguing our question thoroughly?—of using due discretion and fair sagacity in endeavoring to promote our cause? Yes, we have. Every statement we have made has been doubted. Every principle we have laid down has been denied by overwhelming majorities against us. No one step has ever been gained but by the most laborious research and the most exhausting argument. And no question has ever, since Revolutionary days, been so thoroughly investigated or argued here, as that of slavery. Of that research and that argument, of the whole of it, the old-fashioned, fanatical, crazy Garrisonian antislavery movement has been the author. From this band of men has proceeded every important argument or idea which has been broached on the antislavery question from 1830 to the present time. I am well aware of the extent of the claim I make. I recognize, as fully as any one can, the ability of the new laborers, the eloquence and genius with which they have recommended this cause to the nation, and flashed conviction home on the conscience of the community. I do not mean, either, to assert that they have in every instance borrowed from our treasury their facts and arguments. Left to themselves, they would probably have looked up the one and originated the other. As a matter of fact, however, they have generally made use of the materials collected to their hands. * * * When once brought fully into the struggle, they have found it necessary to adopt the same means, to rely on the same arguments, to hold up the same men and the same measures to public reprobation, with the same bold rebuke and unsparing invective that we have used. All their conciliatory bearing, their painstaking

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moderation, their constant and anxious endeavor to draw a broad line between their camp and ours, have been thrown away. Just so far as they have been effective laborers, they have found, as we have, their hands against every man, and every man's hand against them. The most experienced of them are ready to acknowledge that our plan has been wise, our course efficient, and that our unpopularity is no fault of ours, but flows necessarily and unavoidably from our position. "I should suspect," says old Fuller, "that his preaching had no salt in it, if no galled horse did wince." Our friends find, after all, that men do not so much hate us as the truth we utter and the light we bring. They find that the community are not the honest seekers after truth which they fancied, but selfish politicians and sectarian bigots, who shiver, like Alexander's butler, whenever the sun shines on them. Experience has driven these new laborers back to our method. We have no quarrel with them—would not steal one wreath of their laurels. All we claim is, that, if they are to be complimented as prudent, moderate, Christian, sagacious, statesmanlike reformers, we deserve the same praise; for they have done nothing that we, in our measure, did not attempt before.

I claim this, that the cause, in its recent aspect, has put on nothing but timidity. It has taken to itself no new weapons of recent years; it has become more compromising,—-that is all! It has become neither more persuasive, more earnest, more Christian, more charitable, nor more effective than for the twenty years pre-ceding. Mr. Hale, the head of the Free Soil movement, after a career in the Senate that would do honor to any man, —after a six years' course which entitles him to the respect and confidence of the antislavery public, can put his name, within the last month, to an appeal from the city of Washington, signed by a Houston and a Cass, for a monument to be raised to Henry Clay! If that be the test of charity and courtesy, we cannot give it to the world. Some of the leaders of the Free Soil party of Massachusetts, after exhausting the whole capacity of our language to paint the treachery of Daniel Webster to the cause of liberty, and the evil they thought he was able and seeking to do,—after that, could feel it in their hearts to parade themselves in the funeral procession got up to do him honor! In this we allow we cannot follow them. The deference which every gentleman owes to the proprieties of social life, that self-respect and regard to consistency which is every man's duty,—-these, if no deeper feelings, will ever prevent us from giving such proofs of this newly invented Christian courtesy. We do not play politics, antislavery is no half-jest with us; it is a terrible earnest, with life or death, worse than life or death, on the issue. It is no lawsuit, where it matters not to the good feeling of opposing counsel which way the verdict goes, and where advocates can shake hands after the decision

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as pleasantly as before. When we think of such a man as Henry Clay, his long life, his mighty influence cast always into the scale against the slave, of that irresistible fascination with which he moulded every one to his will; when we remember that, his conscience acknowledging the justice of our cause, and his heart open on every other side to the gentlest impulses, he could sacrifice so remorselessly his convictions and the welfare of millions to his low ambition; when we think how the slave trembled at the sound of his voice, and that, from a multitude of breaking hearts there went up nothing but gratitude to God when it pleased him to call that great sinner from this world, we cannot find it in our hearts, we could not shape our lips to ask any man to do him honor. No amount of eloquence, no sheen of official position, no loud grief of partisan friends, would ever lead us to ask monuments or walk in fine processions for pirates; and the sectarian zeal or selfish ambition which gives up, deliberately and in full knowledge of the facts, three million of human beings to hopeless ignorance, daily robbery, systematic prostitution, and murder, which the law is neither able nor undertakes to prevent or avenge, is more monstrous, in our eyes, than the love of gold which takes a score of lives with merciful quickness on the high seas. Haynau on the Danube is no more hateful to us than Haynau on the Potomac. Why give mobs to one and monuments to the other?

If these things be necessary to courtesy, I cannot claim that we are courteous. We seek only to be honest men, and speak the same of the dead as of the living. If the grave that hides their bodies could swallow also the evil they have done and the example they leave, we might enjoy at least the luxury of forgetting them. But the evil that men do lives after them, and example acquires tenfold authority when it speaks from the grave. History, also, is to be written. How shall a feeble minority, without weight or influence in the country, with no jury of millions to appeal to—denounced, vilified, and contemned, —how shall we make way against the overwhelming weight of some colossal reputation, if we do not turn from the idolatrous present, and appeal to the human race? saying to your idols of to-day: “Here we are defeated; but we will write our judgment with the iron pen of a century to come, and it shall never be forgotten, if we can help it, that you were false in your generation to the claims of the slave!” * * *

We are weak here,—out-talked, out-voted. You load our names with infamy, and shout us down. But our words bide their time. We warn the living that we have terrible memories, and their sins are never to be forgotten. We will gibbet the name of every apostate so black and high that his children’s children shall blush to bear it. Yet we bear no malice,—cherish no resentment. We thank God that the love of fame, “that last infirmity of noble minds,” is shared by the ignoble. In our necessity, we seize this weapon in the slave’s behalf, and teach caution to the living by meting out relentless justice to the dead. * * * “These, Mr. Chairman, are the reasons why, we take care that ’the memory of the wicked shall rot.’”

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I have claimed that the antislavery cause has, from the first, been ably and dispassionately argued, every objection candidly examined, and every difficulty or doubt anywhere honestly entertained treated with respect. Let me glance at the literature of the cause, and try not so much, in a brief hour, to prove this assertion, as to point out the sources from which any one may satisfy himself of its truth.

I will begin with certainly the ablest and perhaps the most honest statesman who has ever touched the slave question. Any one who will examine John Quincy Adams' speech on Texas, in 1838, will see that he was only seconding the full and able exposure of the Texas plot, prepared by Benjamin Lundy, to one of whose pamphlets Dr. Channing, in his "Letter to Henry Clay," has confessed his obligation. Every one acquainted with those years will allow that the North owes its earliest knowledge and first awakening on that subject to Mr. Lundy, who made long journeys and devoted years to the investigation. His labors have this attestation, that they quickened the zeal and strengthened the hands of such men as Adams and Channing. I have been told that Mr. Lundy prepared a brief for Mr. Adams, and furnished him the materials for his speech on Texas.

Look next at the right of petition. Long before any member of Congress had opened his mouth in its defence, the Abolition presses and lecturers had examined and defended the limits of this right with profound historical research and eminent constitutional ability. So thoroughly had the work been done, that all classes of the people had made up their minds about it long before any speaker of eminence had touched it in Congress. The politicians were little aware of this. When Mr. Adams threw himself so gallantly into the breach, it is said he wrote anxiously home to know whether he would be supported in Massachusetts, little aware of the outburst of popular gratitude which the northern breeze was even then bringing him, deep and cordial enough to wipe away the old grudge Massachusetts had borne him so long. Mr. Adams himself was only in favor of receiving the petitions, and advised to refuse their prayer, which was the abolition of slavery in the District of Columbia. He doubted the power of Congress to abolish. His doubts were examined by Mr. William Goodell, in two letters of most acute logic, and of masterly ability. If Mr. Adams still retained his doubts, it is certain at least that he never expressed them afterward. When Mr. Clay paraded the same objections, the whole question of the power of Congress over the District was treated by Theodore D. Weld in the fullest manner, and with the widest research,—indeed, leaving nothing to be added: an argument which Dr. Channing characterized as "demonstration," and pronounced the essay "one of the ablest pamphlets from the American press." No answer was ever attempted. The best proof of its ability is that no one since has presumed to doubt the power. Lawyers and statesmen have tacitly settled down into its full acknowledgment.

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The influence of the Colonization Society on the welfare of the colored race was the first question our movement encountered. To the close logic, eloquent appeals, and fully sustained charges of Mr. Garrison's letters on that subject no answer was ever made. Judge Jay followed with a work full and able, establishing every charge by the most patient investigation of facts. It is not too much to say of these two volumes, that they left the Colonization Society hopeless at the North. It dares never show its face before the people, and only lingers in some few nooks of sectarian pride, so secluded from the influence of present ideas as to be almost fossil in their character.

The practical working of the slave system, the slave laws, the treatment of slaves, their food, the duration of their lives, their ignorance and moral condition, and the influence of Southern public opinion on their fate, have been spread out in a detail and with a fulness of evidence which no subject has ever received before in this country. Witness the words of Phelps, Bourne, Rankin, Grimke, the *Anti-slavery Record*, and, above all, that encyclopaedia of facts and storehouse of arguments, the *Thousand Witnesses* of Mr. Theodore D. Weld. He also prepared that full and valuable tract for the World's Convention called *Slavery and the Internal Slave-Trade* in the United States, published in London in 1841. Unique in antislavery literature is Mrs. Child's *Appeal*, one of the ablest of our weapons, and one of the finest efforts of her rare genius.

The Princeton Review, I believe, first challenged the Abolitionists to an investigation of the teachings of the Bible on slavery. That field had been somewhat broken by our English predecessors. But in England the pro-slavery party had been soon shamed out of the attempt to drag the Bible into their service, and hence the discussion there had been short and some-what superficial. The pro-slavery side of the question has been eagerly sustained by theological reviews and doctors of divinity without number, from the half-way and timid faltering of Wayland up to the unblushing and melancholy recklessness of Stuart. The argument on the other side has come wholly from the Abolitionists; for neither Dr. Hague nor Dr. Barnes can be said to have added any thing to the wide research, critical acumen, and comprehensive views of Theodore D. Weld, Beriah Green, J. G. Fee, and the old work of Duncan.

On the constitutional questions which have at various times arisen,—the citizenship of the colored man, the soundness of the "Prigg" decision, the constitutionality of the old Fugitive Slave Law, the true construction of the slave-surrender clause,—nothing has been added, either in the way of fact or argument, to the works of Jay, Weld, Alvan Stewart, E. G. Loring, S. E. Sewall, Richard Hildreth, W. I. Bowditch, the masterly essays of the *Emancipator* at New York and the *Liberator* at Boston, and the various

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addresses of the Massachusetts and American Societies for the last twenty years. The idea of the antislavery character of the Constitution,—the opiate with which Free Soil quiets its conscience for voting under a pro-slavery government,—I heard first suggested by Mr. Garrison in 1838. It was elaborately argued that year in all our antislavery gatherings, both here and in New York, and sustained with great ability by Alvan Stewart, and in part by T. D. Weld. The antislavery construction of the Constitution was ably argued in 1836, in the *Antislavery Magazine*, by Rev. Samuel J. May, one of the very first to seek the side of Mr. Garrison, and pledge to the slave his life and efforts,—a pledge which thirty years of devoted labors have redeemed. If it has either merit or truth, they are due to no legal learning recently added to our ranks, but to some of the old and well-known pioneers. This claim has since received the fullest investigation from Mr. Lysander Spooner, who has urged it with all his unrivalled ingenuity, laborious research, and close logic. He writes as a lawyer, and has no wish, I believe, to be ranked with any class of anti-slavery men.

The influence of slavery on our Government has received the profoundest philosophical investigation from the pen of Richard Hildreth, in his invaluable essay on *Despotism in America*,—a work which deserves a place by the side of the ablest political disquisitions of any age.

Even the vigorous mind of Rantoul, the ablest man, without doubt, of the Democratic party, and perhaps the ripest politician in New England, added little or nothing to the store-house of antislavery argument. * * * His speeches on our question, too short and too few, are remarkable for their compact statement, iron logic, bold denunciation, and the wonderful light thrown back upon our history. Yet how little do they present which was not familiar for years in our anti-slavery meetings! Look, too, at the last great effort of the idol of so many thousands,—Mr. Senator Sumner,—the discussion of a great national question, of which it has been said that we must go back to Webster’s reply to Hayne, and Fisher Ames on the Jay treaty, to find its equal in Congress,—praise which we might perhaps qualify, if any adequate report were left us of some of the noble orations of Adams. No one can be blind to the skilful use he has made of his materials, the consummate ability with which he has marshalled them, and the radiant glow which his genius has thrown over all. Yet, with the exception of his reference to the antislavery debate in Congress in 1817, there is hardly a train of thought or argument, and no single fact in the whole speech, which has not been familiar in our meetings and essays for the last ten years. * * *

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The relations of the American Church to slavery, and the duties of private Christians, the whole casuistry of this portion of the question, so momentous among descendants of the Puritans,—have been discussed with great acuteness and rare common-sense by Messrs. Garrison, Goodell, Gerrit Smith, Pillsbury, and Foster. They have never attempted to judge the American Church by any standard except that which she has herself laid down,—never claimed that she should be perfect, but have contented themselves by demanding that she should be consistent. They have never judged her except out of her own mouth, and on facts asserted by her own presses and leaders. The sundering of the Methodist and Baptist denominations, and the universal agitation of the religious world, are the best proof of the sagacity with which their measures have been chosen, the cogent arguments they have used, and the indisputable facts on which their criticisms have been founded. In nothing have the Abolitionists shown more sagacity or more thorough knowledge of their countrymen than in the course they have pursued in relation to the Church. None but a New-Englander can appreciate the power which church organizations wield over all who share the blood of the Puritans. The influence of each sect over its own members is overwhelming, often shutting out, or controlling, all other influences. We have Popes here, all the more dangerous because no triple crown puts you on your guard. * * * In such a land, the Abolitionists early saw, that, for a moral question like theirs, only two paths lay open: to work through the Church; that failing, to join battle with it. Some tried long, like Luther, to be Protestants, and yet not come out of Catholicism; but their eyes were soon opened. Since then we have been convinced that, to come out from the Church, to hold her up as the bulwark of slavery, and to make her shortcomings the main burden of our appeals to the religious sentiment of the community, was our first duty and best policy. This course alienated many friends, and was a subject of frequent rebuke from such men as Dr. Channing. But nothing has ever more strengthened the cause, or won it more influence; and it has had the healthiest effect on the Church itself. * * *

Unable to command a wide circulation for our books and journals, we have been obliged to bring ourselves into close contact with the people, and to rely mainly on public addresses. These have been our most efficient instrumentality. For proof that these addresses have been full of pertinent facts, sound sense, and able arguments, we must necessarily point to results, and demand to be tried by our fruits. Within these last twenty years it has been very rare that any fact stated by our lecturers has been disproved, or any statement of theirs successfully impeached. And for evidence of the soundness, simplicity, and pertinency of their arguments we can only claim that our converts and co-laborers throughout the land have at least the reputation of being specially able “to give a reason for the faith that is in them.”

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I remember that when, in 1845, the present leaders of the Free Soil party, with Daniel Webster in their company, met to draw up the Anti-Texas Address of the Massachusetts Convention, they sent to Abolitionists for anti-slavery facts and history, for the remarkable testimonies of our Revolutionary great men which they wished to quote. When, many years ago, the Legislature of Massachusetts wished to send to Congress a resolution affirming the duty of immediate emancipation, the committee sent to William Lloyd Garrison to draw it up, and it stands now on our statute-book as he drafted it.

How vigilantly, how patiently, did we watch the Texas plot from its commencement! The politic South felt that its first move had been too bold, and thenceforward worked underground. For many a year men laughed at us for entertaining any apprehensions. It was impossible to rouse the North to its peril. David Lee Child was thought crazy because he would not believe there was no danger. His elaborate "*Letters on Texas Annexation*" are the ablest and most valuable contribution that has been made toward a history of the whole plot. Though we foresaw and proclaimed our conviction that annexation would be, in the end, a fatal step for the South, we did not feel at liberty to relax our opposition, well knowing the vast increase of strength it would give, at first, to the slave power. I remember being one of a committee which waited on Abbott Lawrence, a year or so only before annexation, to ask his countenance to some general movement, without distinction of party, against the Texas scheme. He smiled at our fears, begged us to have no apprehensions; stating that his correspondence with leading men at Washington enabled him to assure us annexation was impossible, and that the South itself was determined to defeat the project. A short time after, Senators and Representatives from Texas took their seats in Congress!

Many of these services to the slave were done before I joined his cause. In thus referring to them, do not suppose me merely seeking occasion of eulogy on my predecessors and present co-laborers. I recall these things only to rebut the contemptuous criticism which some about us make the excuse for their past neglect of the movement, and in answer to "Ion's" representation of our course as reckless fanaticism, childish impatience, utter lack of good sense, and of our meetings as scenes only of excitement, of reckless and indiscriminate denunciation. I assert that every social, moral, economical, religious, political, and historical aspect of the question has been ably and patiently examined. And all this has been done with an industry and ability which have left little for the professional skill, scholarly culture, and historical learning of the new laborers to accomplish. If the people are still in doubt, it is from the inherent difficulty of the subject, or a hatred of light, not from want of it. * * *

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Sir, when a nation sets itself to do evil, and all its leading forces, wealth, party, and piety, join in the career, it is impossible but that those who offer a constant opposition should be hated and maligned, no matter how wise, cautious, and well planned their course may be. We are peculiar sufferers in this way. The community has come to hate its reproving Nathan so bitterly, that even those whom the relenting part of it are beginning to regard as standard-bearers of the antislavery host think it unwise to avow any connection or sympathy with him. I refer to some of the leaders of the political movement against slavery. They feel it to be their mission to marshal and use as effectively as possible the present convictions of the people. They cannot afford to encumber themselves with the odium which twenty years of angry agitation have engendered in great sects sore from unsparing rebuke, parties galled by constant defeat, and leading men provoked by unexpected exposure. They are willing to confess, privately, that our movement produced theirs, and that its continued existence is the very breath of their life. But, at the same time, they would fain walk on the road without being soiled by too close contact with the rough pioneers who threw it up. They are wise and honorable, and their silence is very expressive.

When I speak of their eminent position and acknowledged ability, another thought strikes me. Who converted these men and their distinguished associates? It is said we have shown neither sagacity in plans, nor candor in discussion, nor ability. Who, then, or what converted Burlingame and Wilson, Sumner and Adams, Palfrey and Mann, Chase and Hale, and Phillips and Giddings? Who taught the *Christian Register*, the *Daily Advertiser*, and that class of prints, that there were such things as a slave and a slave-holder in the land, and so gave them some more intelligent basis than their mere instincts to hate William Lloyd Garrison? What magic wand was it whose touch made the todying servility of the land start up the real demon that it was, and at the same time gathered into the slave's service the professional ability, ripe culture, and personal integrity which grace the Free Soil ranks? We never argue! These men, then, were converted by simple denunciation! They were all converted by the "hot," "reckless," "ranting," "bigoted," "fanatic" Garrison, who never troubled himself about facts, nor stopped to argue with an opponent, but straightway knocked him down! My old and valued friend, Mr. Sumner, often boasts that he was a reader of the *Liberator* before I was. Do not criticise too much the agency by which such men were converted. That blade has a double edge. Our reckless course, our empty rant, our fanaticism, has made Abolitionists of some of the best and ablest men in the land. We are inclined to go on, and see if, even with such poor tools, we cannot make some more. Antislavery zeal and the roused conscience of the "godless

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comeouters” made the trembling South demand the Fugitive Slave Law, and the Fugitive Slave Law provoked Mrs. Stowe to the good work of “Uncle Tom.” That is something! Let me say, in passing, that you will nowhere find an earlier or more generous appreciation, or more flowing eulogy, of these men and their labors, than in the columns of the *Liberator*. No one, however feeble, has ever peeped or muttered, in any quarter, that the vigilant eye of the *Pioneer* has not recognized him. He has stretched out the right hand of a most cordial welcome the moment any man’s face was turned Zionward.

I do not mention these things to praise Mr. Garrison; I do not stand here for that purpose. You will not deny—if you do, I can prove it—that the movement of the Abolitionists converted these men. Their constituents were converted by it. The assault upon the right of petition, upon the right to print and speak of slavery, the denial of the right of Congress over the District, the annexation of Texas, the Fugitive Slave Law, were measures which the anti-slavery movement provoked, and the discussion of which has made all the Abolitionists we have. The antislavery cause, then, converted these men; it gave them a constituency; it gave them an opportunity to speak, and it gave them a public to listen. The antislavery cause gave them their votes, got them their offices, furnished them their facts, gave them their audience. If you tell me they cherished all these principles in their own breasts before Mr. Garrison appeared, I can only say, if the anti-slavery movement did not give them their ideas, it surely gave the courage to utter them.

In such circumstances, is it not singular that the name of William Lloyd Garrison has never been pronounced on the floor of the United States Congress linked with any epithet but that of contempt! No one of those men who owe their ideas, their station, their audience, to him, have ever thought it worth their while to utter one word in grateful recognition of the power which called them into being. When obliged, by the course of their argument, to treat the question historically, they can go across the water to Clarkson and Wilberforce—yes, to a safe salt-water distance. As Daniel Webster, when he was talking to the farmers of Western New York, and wished to contrast slave labor and free labor, did not dare to compare New York with Virginia—sister States, under the same government, planted by the same race, worshipping at the same altar, speaking the same language—identical in all respects, save that one in which he wished to seek the contrast; but no; he compared it with Cuba—the contrast was so close! Catholic—-Protestant; Spanish—Saxon; despotism—municipal institutions; readers of Lope de Vega and of Shakespeare; mutterers of the Mass—children of the Bible! But Virginia is too near home! So is Garrison! One would have thought there was something in the human breast which would sometimes break through policy.

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These noble-hearted men whom I have named must surely have found quite irksome the constant practice of what Dr. Gardiner used to call “that despicable virtue, prudence.” One would have thought, when they heard that name spoken with contempt, their ready eloquence would have leaped from its scabbard to avenge even a word that threatened him with insult. But it never came—never! I do not say I blame them. Perhaps they thought they should serve the cause better by drawing a broad black line between themselves and him. Perhaps they thought the Devil could be cheated: I do not!

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Caution is not always good policy in a cause like ours. It is said that, when Napoleon saw the day going against him, he used to throw away all the rules of war, and trust himself to the hot impetuosity of his soldiers. The masses are governed more by impulse than conviction, and even were it not so, the convictions of most men are on our side, and this will surely appear, if we can only pierce the crust of their prejudice or indifference. I observe that our Free Soil friends never stir their audience so deeply as when some individual leaps beyond the platform, and strikes upon the very heart of the people. Men listen to discussions of laws and tactics with ominous patience. It is when Mr. Sumner, in Faneuil Hall, avows his determination to disobey the Fugitive Slave Law, and cries out: “I was a man before I was a Commissioner,”—when Mr. Giddings says of the fall of slavery, quoting Adams: “Let it come. If it must come in blood, yet I say let it come!”—that their associates on the platform are sure they are wrecking the party,—-while many a heart beneath beats its first pulse of anti-slavery life.

These are brave words. When I compare them with the general tone of Free Soil men in Congress, I distrust the atmosphere of Washington and of politics. These men move about, Sauls and Goliaths among us, taller by many a cubit. There they lose port and stature. Mr. Sumner’s speech in the Senate unsays no part of his Faneuil Hall pledge. But, though discussing the same topic, no one would gather from any word or argument that the speaker ever took such ground as he did in Faneuil Hall. It is all through, the law, the manner of the surrender, not the surrender itself, of the slave, that he objects to. As my friend Mr. Pillsbury so forcibly says, so far as any thing in the speech shows, he puts the slave behind the jury trial, behind the habeas corpus act, and behind the new interpretation of the Constitution, and says to the slave claimant: “You must get through all these before you reach him; but, if you can get through all these, you may have him!” It was no tone like this which made the old Hall rock! Not if he got through twelve jury trials, and forty habeas corpus acts, and constitutions built high as yonder monument, would he permit so much as the shadow of a little finger of the slave claimant to touch the slave! At least so he was understood. * * *

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Mr. Mann, in his speech of February 5, 1850, says: "The States being separated, I would as soon return my own brother or sister into bondage, as I would return a fugitive slave. Before God, and Christ, and all Christian men, they are my brothers and sisters." What a condition! From the lips, too, of a champion of the Higher Law! Whether the States be separate or united, neither my brother nor any other man's brother shall, with my consent, go back to bondage! So speaks the heart—Mr. Mann's version is that of the politician.

This seems to me a very mistaken strain. Whenever slavery is banished from our national jurisdiction, it will be a momentous gain, a vast stride. But let us not mistake the half-way house for the end of the journey. I need not say that it matters not to Abolitionists under what special law slavery exists. Their battle lasts while it exists anywhere, and I doubt not Mr. Sumner and Mr. Giddings feel themselves enlisted for the whole war. I will even suppose, what neither of these gentlemen states, that their plan includes not only that slavery shall be abolished in the District and Territories but that the slave basis of representation shall be struck from the Constitution, and the slave-surrender clause construed away. But even then does Mr. Giddings or Mr. Sumner really believe that slavery, existing in its full force in the States, "will cease to vex our national politics?" Can they point to any State where a powerful oligarchy, possessed of immense wealth, has ever existed without attempting to meddle in the government? Even now, does not manufacturing, banking, and commercial capital perpetually vex our politics? Why should not slave capital exert the same influence? Do they imagine that a hundred thousand men, possessed of two thousand millions of dollars, which they feel the spirit of the age is seeking to tear from their grasp, will not eagerly catch at all the support they can obtain by getting the control of the government? In a land where the dollar is almighty, "where the sin of not being rich is only atoned for by the effort to become so," do they doubt that such an oligarchy will generally succeed? Besides, banking and manufacturing stocks are not urged by despair to seek a controlling influence in politics. They know they are about equally safe, whichever party rules—-that no party wishes to legislate their rights away. Slave property knows that its being allowed to exist depends on its having the virtual control of the government. Its constant presence in politics is dictated, therefore, by despair, as well as by the wish to secure fresh privileges. Money, however, is not the only strength of the slave power. That, indeed, were enough, in an age when capitalists are our feudal barons. But, though driven entirely from national shelter, the slave-holders would have the strength of old associations, and of peculiar laws in their own States, which give those States wholly into their hands. A weaker prestige, fewer privileges, and less comparative wealth, have enabled the British aristocracy to rule England for two centuries, though the root of their strength was cut at Naseby. It takes ages for deeply-rooted institutions to die; and driving slavery into the States will hardly be our Naseby. * * *

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And Mr. Sumner “knows no better aim, under the Constitution, than to bring back the government to where it was in 1789!” Has the voyage been so very honest and prosperous a one, in his opinion, that his only wish is to start again with the same ship, the same crew, and the same sailing orders? Grant all he claims as to the state of public opinion, the intentions of leading men, and the form of our institutions at that period; still, with all these checks on wicked men, and helps to good ones, here we are, in 1853, according to his own showing, ruled by slavery, tainted to the core with slavery, and binding the infamous Fugitive Slave Law like an honorable frontlet on our brows. The more accurate and truthful his glowing picture of the public virtue of 1789, the stronger my argument. If even all those great patriots, and all that enthusiasm for justice and liberty, did not avail to keep us safe in such a Union, what will? In such desperate circumstances, can his statesmanship devise no better aim than to try the same experiment over again, under precisely the same conditions? What new guaranties does he propose to prevent the voyage from being again turned into a piratical slave-trading cruise? None! Have sixty years taught us nothing? In 1660, the English thought, in recalling Charles II., that the memory of that scaffold which had once darkened the windows of Whitehall would be guaranty enough for his good behavior. But, spite of the spectre, Charles II. repeated Charles I., and James outdid him. Wiser by this experience, when the nation in 1689 got another chance, they trusted to no guaranties, but so arranged the very elements of their government that William III. could not repeat Charles I. Let us profit by the lesson. * * *

If all I have said to you is untrue, if I have exaggerated, explain to me this fact. In 1831, Mr. Garrison commenced a paper advocating the doctrine of immediate emancipation. He had against him the thirty thousand churches and all the clergy of the country,—its wealth, its commerce, its press. In 1831, what was the state of things? There was the most entire ignorance and apathy on the slave question. If men knew of the existence of slavery, it was only as a part of picturesque Virginia life. No one preached, no one talked, no one wrote about it. No whisper of it stirred the surface of the political sea. The church heard of it occasionally, when some colonization agent asked funds to send the blacks to Africa. Old school-books tainted with some antislavery selections had passed out of use, and new ones were compiled to suit the times. Soon as any dissent from the prevailing faith appeared, every one set himself to crush it. The pulpits preached at it; the press denounced it; mobs tore down houses, threw presses into the fire and the stream, and shot the editors; religious conventions tried to smother it; parties arrayed themselves against it. Daniel Webster boasted in the Senate, that he had

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never introduced the subject of slavery to that body, and never would. Mr. Clay, in 1839, makes a speech for the Presidency, in which he says, that to discuss the subject of slavery is moral treason, and that no man has a right to introduce the subject into Congress. Mr. Benton, in 1844, laid down his platform, and he not only denies the right, but asserts that he never has and never will discuss the subject. Yet Mr. Clay, from 1839 down to his death, hardly made a remarkable speech of any kind, except on slavery. Mr. Webster, having indulged now and then in a little easy rhetoric, as at Niblo's and elsewhere, opens his mouth in 1840, generously contributing his aid to both sides, and stops talking about it only when death closes his lips. Mr. Benton's six or eight speeches in the United States Senate have all been on the subject of slavery in the Southwestern section of the country, and form the basis of whatever claim he has to the character of a statesman, and he owes his seat in the next Congress somewhat, perhaps, to anti-slavery pretentions! The Whig and Democratic parties pledged themselves just as emphatically against the antislavery discussion,—against agitation and free speech. These men said: "It sha'n't be talked about; it won't be talked about!" These are your statesmen!—men who understand the present that is, and mould the future! The man who understands his own time, and whose genius moulds the future to his views, he is a statesman, is he not? These men devoted themselves to banks, to the tariff, to internal improvements, to constitutional and financial questions. They said to slavery: "Back! no entrance here! We pledge ourselves against you." And then there came up a little printer-boy, who whipped them into the traces, and made them talk, like Hotspur's starling, nothing BUT slavery. He scattered all these gigantic shadows,—tariff, bank, constitutional questions, financial questions; and slavery, like the colossal head in Walpole's romance, came up and filled the whole political horizon! Yet you must remember he is not a statesman! he is a "fanatic." He has no discipline,—Mr. "Ion" says so; he does not understand the "discipline that is essential to victory"! This man did not understand his own time, he did not know what the future was to be,—he was not able to shape it—he had no "prudence,"—he had no "foresight"! Daniel Webster says, "I have never introduced this subject, and never will,"—and dies broken-hearted because he had not been able to talk enough about it! Benton says, "I will never speak of slavery,"—and lives to break with his party on this issue! Clay says it is "moral treason" to introduce the subject into Congress—and lives to see Congress turned into an antislavery debating society, to suit the purpose of one "too powerful individual." * * * Remember who it was that said in 1831: "I am in earnest—I will not equivocate—I will not excuse—I will not retreat a single inch—and I will

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be heard!" That speaker has lived twenty-two years, and the complaint of twenty-three millions of people is, "Shall we never hear of any thing but slavery?" * * * "Well, it is all HIS fault" [pointing to Mr. Garrison]. * * * It seems to me that such men may point to the present aspect of the nation, to their originally avowed purpose, to the pledges and efforts of all your great men against them, and then let you determine to which side the credit of sagacity and statesmanship belongs. Napoleon busied himself at St. Helena in showing how Wellington ought to have conquered at Waterloo. The world has never got time to listen to the explanation. Sufficient for it that the allies entered Paris.

It may sound strange to some, this claim for Mr. Garrison of a profound statesmanship. "Men have heard him styled a mere fanatic so long that they are incompetent to judge him fairly." "The phrases men are accustomed," says Goethe, "to repeat incessantly, end by becoming convictions, and ossify the organs of intelligence." I cannot accept you, therefore, as my jury. I appeal from Festus to Csar, from the prejudice of our streets to the common-sense of the world, and to your children.

Every thoughtful and unprejudiced mind must see that such an evil as slavery will yield only to the most radical treatment. If you consider the work we have to do, you will not think us needlessly aggressive, or that we dig down unnecessarily deep in laying the foundations of our enterprise. A money power of two thousand millions of dollars, as the prices of slaves now range, held by a small body of able and desperate men; that body raised into a political aristocracy by special constitutional provisions; cotton, the product of slave labor, forming the basis of our whole foreign commerce, and the commercial class thus subsidized; the press bought up, the pulpit reduced to vassalage, the heart of the common people chilled by a bitter prejudice against the black race; our leading men bribed, by ambition, either to silence or open hostility;—in such a land, on what shall an Abolitionist rely? On a few cold prayers, mere lip-service, and never from the heart? On a church resolution, hidden often in its records, and meant only as a decent cover for servility in daily practice? On political parties, with their superficial influence at best, and seeking ordinarily only to use existing prejudices to the best advantage? Slavery has deeper root here than any aristocratic institution has in Europe; and politics is but the common pulse-beat, of which revolution is the fever-spasm. Yet we have seen European aristocracy survive storms which seemed to reach down to the primal strata of European life. Shall we, then, trust to mere politics, where even revolution has failed? How shall the stream rise above its fountain? Where shall our church organizations or parties get strength to attack their great parent and moulder, the slave power? Shall the thing formed say to him that formed it, Why hast thou made me thus? The old jest of one who tried to lift himself in his own basket, is but a tame picture of the man who imagines that, by working solely through existing sects and parties, he can destroy slavery. Mechanics say nothing, but an earthquake strong enough to move all Egypt can bring down the pyramids.

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Experience has confirmed these views. The Abolitionists who have acted on them have a “short method” with all unbelievers. They have but to point to their own success, in contrast with every other man’s failure. To waken the nation to its real state, and chain it to the consideration of this one duty, is half the work. So much we have done. Slavery has been made the question of this generation. To startle the South to madness, so that every step she takes, in her blindness, is one step more toward ruin, is much. This we have done. Witness Texas and the Fugitive Slave Law.

To have elaborated for the nation the only plan of redemption, pointed out the only exodus from this “sea of troubles,” is much. This we claim to have done in our motto of IMMEDIATE, UNCONDITIONAL, EMANCIPATION ON THE SOIL. The closer any statesmanlike mind looks into the question, the more favor our plan finds with it. The Christian asks fairly of the infidel, “If this religion be not from God, how do you explain its triumph, and the history of the first three centuries?” Our question is similar. If our agitation has not been wisely planned and conducted, explain for us the history of the last twenty years! Experience is a safe light to walk by, and he is not a rash man who expects success in future from the same means which have secured it in times past.

CHARLES SUMNER,

OF MASSACHUSETTS. (BORN 1811, DIED 1874.)

ON THE REPEAL OF THE FUGITIVE SLAVE LAW—

IN THE UNITED STATES SENATE, AUGUST 26, 1852.

THURSDAY, 26TH AUGUST, 1852.—The Civil and Diplomatic Appropriation Bill being under consideration, the following amendment was moved by Mr. Hunter, of Virginia, on the recommendation of the Committee on Finance:

“That, where the ministerial officers of the United States have or shall incur extraordinary expense in executing the laws thereof, the payment of which is not specifically provided for, the President of the United States is authorized to allow the payment thereof, under the special taxation of the District or Circuit Court of the District in which the said services have been or shall be rendered, to be paid from the appropriation for defraying the expenses of the Judiciary.”

Mr. Sumner seized the opportunity for which he had been waiting, and at once moved the following amendment to the amendment:

“Provided, That no such allowance shall be authorized for any expenses incurred in executing the Act of September 18, 1850, for the surrender of fugitives from service or labor; which said Act is hereby repealed.”

On this he took the floor, and spoke as follows:

MR. PRESIDENT,

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Here is a provision for extraordinary expense incurred in executing the laws of the United States. Extraordinary expenses! Sir, beneath these specious words lurks the very subject on which, by a solemn vote of this body, I was refused a hearing. Here it is; no longer open to the charge of being an “abstraction,” but actually presented for practical legislation; not introduced by me, but by the Senator from Virginia (Mr. Hunter), on the recommendation of an important committee of the Senate; not brought forward weeks ago, when there was ample time for discussion, but only at this moment, without any reference to the late period of the session. The amendment which I offer proposes to remove one chief occasion of these extraordinary expenses. Beyond all controversy or cavil it is strictly in order. And now, at last, among these final, crowded days of our duties here, but at this earliest opportunity, I am to be heard,—not as a favor, but as a right. The graceful usages of this body may be abandoned, but the established privileges of debate cannot be abridged. Parliamentary courtesy may be forgotten, but parliamentary law must prevail. The subject is broadly before the Senate. By the blessing of God it shall be discussed.

Sir, a severe lawgiver of early Greece vainly sought to secure permanence for his imperfect institutions by providing that the citizen who at any time attempted their repeal or alteration should appear in the public assembly with a halter about his neck, ready to be drawn, if his proposition failed. A tyrannical spirit among us, in unconscious imitation of this antique and discarded barbarism, seeks to surround an offensive institution with similar safeguard.

In the existing distemper of the public mind, and at this present juncture, no man can enter upon the service which I now undertake, with-out personal responsibility, such as can be sustained only by that sense of duty which, under God, is always our best support. That personal responsibility I accept. Before the Senate and the country let me be held accountable for this act and for every word which I utter.

With me, Sir, there is no alternative. Painfully convinced of the unutterable wrong and woe of Slavery,—profoundly believing, that, according to the true spirit of the Constitution and the sentiments of the Fathers, it can find no place under our National Government,—that it is in every respect sectional, and in no respect national,—that it is always and everywhere creature and dependent of the States, and never anywhere creature or dependent of the Nation,—and that the Nation can never, by legislative or other act, impart to it any support, under the Constitution of the United States,—with these convictions I could not allow this session to reach its close without making or seizing an opportunity to declare myself openly against the usurpation, injustice, and cruelty of the late intolerable enactment for the recovery

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of fugitive slaves. Full well I know, Sir, the difficulties of this discussion, arising from prejudices of opinion and from adverse conclusions strong and sincere as my own. Full well I know that I am in a small minority, with few here to whom I can look for sympathy or support. Full well I know that I must utter things unwelcome to many in this body, which I cannot do without pain. Full well I know that the institution of Slavery in our country, which I now proceed to consider, is as sensitive as it is powerful, possessing a power to shake the whole land, with a sensitiveness that shrinks and trembles at the touch. But while these things may properly prompt me to caution and reserve, they cannot change my duty, or my determination to perform it. For this I willingly forget myself and all personal consequences. The favor and good-will of my fellow-citizens, of my brethren of the Senate, Sir, grateful to me as they justly are, I am ready, if required, to sacrifice. Whatever I am or may be I freely offer to this cause.

Here allow, for one moment, a reference to myself and my position. Sir, I have never been a politician. The slave of principles, I call no party master. By sentiment, education, and conviction a friend of Human Rights in their utmost expansion, I have ever most sincerely embraced the Democratic Idea,—not, indeed, as represented or professed by any party, but according to its real significance, as transfigured in the Declaration of Independence and in the injunctions of Christianity. In this idea I see no narrow advantage merely for individuals or classes, but the sovereignty of the people, and the greatest happiness of all secured by equal laws. Amidst the vicissitudes of public affairs I shall hold fast always to this idea, and to any political party which truly embraces it.

Party does not constrain me; nor is my independence lessened by any relations to the office which gives me a title to be heard on this floor. Here, Sir, I speak proudly. By no effort, by no desire of my own, I find myself a Senator of the United States. Never before have I held public office of any kind. With the ample opportunities of private life I was content. No tombstone for me could bear a fairer inscription than this: “Here lies one who, without the honors or emoluments of public station, did something for his fellowmen.” From such simple aspirations I was taken away by the free choice of my native Commonwealth, and placed at this responsible post of duty, without personal obligation of any kind, beyond what was implied in my life and published words. The earnest friends by whose confidence I was first designated asked nothing from me, and throughout the long conflict which ended in my election rejoiced in the position which I most carefully guarded. To all my language was uniform: that I did not desire to be brought forward; that I would do nothing to promote the result; that I had no pledges or promises to offer; that the office should seek me, and not I the office; and that it should find me in all respects an independent man, bound to no party and to no human being, but only, according to my best judgment, to act for the good of all. Again, Sir, I speak with pride, both for myself and others, when I add that these avowals found a

sympathizing response. In this spirit I have come here, and in this spirit I shall speak to-day.

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Rejoicing in my independence, and claiming nothing from party ties, I throw myself upon the candor and magnanimity of the Senate. I ask your attention; I trust not to abuse it. I may speak strongly, for I shall speak openly and from the strength of my convictions. I may speak warmly, for I shall speak from the heart. But in no event can I forget the amenities which belong to debate, and which especially become this body. Slavery I must condemn with my whole soul; but here I need only borrow the language of slaveholders; nor would it accord with my habits or my sense of justice to exhibit them as the impersonation of the institution—Jefferson calls it the “enormity”—which they cherish. Of them I do not speak; but without fear and without favor, as without impeachment of any person, I assail this wrong. Again, Sir, I may err; but it will be with the Fathers. I plant myself on the ancient ways of the Republic, with its grandest names, its surest landmarks, and all its original altar-fires about me.

And now, on the very threshold, I encounter the objection, that there is a final settlement, in principle and substance, of the question of slavery, and that all discussion of it is closed. Both the old political parties, by formal resolutions, in recent conventions at Baltimore, have united in this declaration. On a subject which for years has agitated the public mind, which yet palpitates in every heart and burns on every tongue, which in its immeasurable importance dwarfs all other subjects, which by its constant and gigantic presence throws a shadow across these halls, which at this very time calls for appropriations to meet extraordinary expenses it has caused, they impose the rule of silence. According to them, Sir, we may speak of everything except that alone which is most present in all our minds.

To this combined effort I might fitly reply, that, with flagrant inconsistency, it challenges the very discussion it pretends to forbid. Their very declaration, on the eve of an election, is, of course, submitted to the consideration and ratification of the people. Debate, inquiry, discussion, are the necessary consequence. Silence becomes impossible. Slavery, which you profess to banish from public attention, openly by your invitation enters every political meeting and every political convention. Nay, at this moment it stalks into this Senate, crying, like the daughters of the horseleech, “Give! give.”

But no unanimity of politicians can uphold the baseless assumption, that a law, or any conglomerate of laws, under the name of compromise, or howsoever called, is final. Nothing can be plainer than this,—that by no parliamentary device or knot can any legislature tie the hands of a succeeding legislature, so as to prevent the full exercise of its constitutional powers. Each legislature, under a just sense of its responsibility, must judge for itself; and if it think proper, it may revise, or amend, or absolutely undo the work of any predecessor. The laws of the Medes and Persians are said proverbially to have been unalterable; but they stand forth in history as a single example where the true principles of all law have been so irrationally defied.

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To make a law final, so as not to be reached by Congress, is, by mere legislation, to fasten a new provision on the Constitution. Nay, more; it gives to the law a character which the very Constitution does not possess. The wise Fathers did not treat the country as a Chinese foot, never to grow after infancy; but, anticipating progress, they declared expressly that their great Act is not final. According to the Constitution itself, there is not one of its existing provisions—not even that with regard to fugitives from labor—which may not at all times be reached by amendment, and thus be drawn into debate. This is rational and just. Sir, nothing from man's hands, nor law, nor constitution, can be final. Truth alone is final.

Inconsistent and absurd, this effort is tyrannical also. The responsibility for the recent Slave Act, and for slavery everywhere within the jurisdiction of Congress, necessarily involves the right to discuss them. To separate these is impossible. Like the twenty-fifth rule of the House of Representatives against petitions on Slavery,—now repealed and dishonored,—the Compromise, as explained and urged, is a curtailment of the actual powers of legislation, and a perpetual denial of the indisputable principle, that the right to deliberate is coextensive with the responsibility for an act. To sustain Slavery it is now proposed to trample on free speech. In any country this would be grievous; but here, where the Constitution expressly provides against abridging freedom of speech, it is a special outrage. In vain do we condemn the despotisms of Europe, while we borrow the rigors with which they repress Liberty, and guard their own uncertain power. For myself, in no factious spirit, but solemnly and in loyalty to the Constitution, as a Senator of the United States, representing a free Commonwealth, I protest against this wrong.

On Slavery, as on every other subject, I claim the right to be heard. That right I cannot, I will not abandon. "Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties"; these are glowing words, flashed from the soul of John Milton in his struggles with English tyranny. With equal fervor they could be echoed now by every American not already a slave.

But, Sir, this effort is impotent as tyrannical. Convictions of the heart cannot be repressed. Utterances of conscience must be heard. They break forth with irrepressible might. As well attempt to check the tides of ocean, the currents of the Mississippi, or the rushing waters of Niagara. The discussion of Slavery will proceed, wherever two or three are gathered together,—by the fireside, on the highway, at the public meeting, in the church. The movement against Slavery is from the Everlasting Arm. Even now it is gathering its forces, soon to be confessed everywhere. It may not be felt yet in the high places of office and power, but all who can put their ears humbly to the ground will hear and comprehend its incessant and advancing tread.

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The relations of the National Government to Slavery, though plain and obvious, are constantly misunderstood. A popular belief at this moment makes Slavery a national institution, and of course renders its support a national duty. The extravagance of this error can hardly be surpassed. An institution which our fathers most carefully omitted to name in the Constitution, which, according to the debates in the Convention, they refused to cover with any “sanction,” and which, at the original organization of the Government, was merely sectional, existing nowhere on the national territory, is now, above all other things, blazoned as national. Its supporters pride themselves as national. The old political parties, while upholding it, claim to be national. A National Whig is simply a Slavery Whig, and a National Democrat is simply a Slavery Democrat, in contradistinction to all who regard Slavery as a sectional institution, within the exclusive control of the States and with which the nation has nothing to do.

As Slavery assumes to be national, so, by an equally strange perversion, Freedom is degraded to be sectional, and all who uphold it, under the National Constitution, are made to share this same epithet. Honest efforts to secure its blessings everywhere within the jurisdiction of Congress are scouted as sectional; and this cause, which the founders of our National Government had so much at heart, is called Sectionalism. These terms, now belonging to the common places of political speech, are adopted and misapplied by most persons without reflection. But here is the power of Slavery. According to a curious tradition of the French language, Louis XIV., the Grand Monarch, by an accidental error of speech, among supple courtiers, changed the gender of a noun. But slavery does more. It changes word for word. It teaches men to say national instead of sectional, and sectional instead of national.

Slavery national! Sir, this is a mistake and absurdity, fit to have a place in some new collection of Vulgar Errors, by some other Sir Thomas Browne, with the ancient, but exploded stories, that the toad has a gem in its head, and that ostriches digest iron. According to the true spirit of the Constitution, and the sentiments of the Fathers, Slavery, and not Freedom, is sectional, while Freedom, and not Slavery, is national. On this unanswerable proposition I take my stand, and here commences my argument.

The subject presents itself under two principal heads: *First, the true relations of the National Government to Slavery*, wherein it will appear that there is no national fountain from which Slavery can be derived, and no national power, under the Constitution, by which it can be supported. Enlightened by this general survey, we shall be prepared to consider, *secondly, the true nature of the provision for the rendition of fugitives from service*, and herein especially the unconstitutional and offensive legislation of Congress in pursuance thereof.

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I.

And now for THE TRUE RELATIONS OF THE NATIONAL GOVERNMENT TO SLAVERY. These are readily apparent, if we do not neglect well-established principles.

If slavery be national, if there be any power in the National Government to withhold this institution,—as in the recent Slave Act,—it must be by virtue of the Constitution. Nor can it be by mere inference, implication, or conjecture. According to the uniform admission of courts and jurists in Europe, again and again promulgated in our country, slavery can be derived only from clear and special recognition. “The state of Slavery,” said Lord Mansfield, pronouncing judgment in the great case of Sommersett, “is of such a nature that it is incapable of being introduced on any reasons, moral or political, but only by positive law.... *It is so odious, that nothing can be suffered to support it but positive law*.”

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Of course every power to uphold slavery must have an origin as distinct as that of Slavery itself. Every presumption must be as strong against such a power as against slavery. A power so peculiar and offensive, so hostile to reason, so repugnant to the law of Nature and the inborn rights of man,—which despoils its victim of the fruits of labor,—which substitutes concubinage for marriage,—which abrogates the relation of parent and child,—which, by denial of education, abases the intellect, prevents a true knowledge of God, and murders the very soul,—which, amidst a plausible physical comfort, degrades man, created in the divine image, to the state of a beast,—such a power, so eminent, so transcendent, so tyrannical, so unjust, can find no place in any system of government, unless by virtue of positive sanction. It can spring from no doubtful phrase. It must be declared by unambiguous words, incapable of a double sense.

* * * * *

Sir, such, briefly, are the rules of interpretation, which, as applied to the Constitution, fill it with the breath of freedom,—

> “Driving far off each thing of sin and guilt.”

To the history and prevailing sentiments of the times we may turn for further assurance. In the spirit of freedom the Constitution was formed. In this spirit our fathers always spoke and acted. In this spirit the National Government was first organized under Washington. And here I recall a scene, in itself a touch-stone of the period, and an example for us, upon which we may look with pure national pride, while we learn anew the relations of the National Government to Slavery.

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The Revolution was accomplished. The feeble Government of the Confederation passed away. The Constitution, slowly matured in a National Convention, discussed before the people, defended by masterly pens, was adopted. The Thirteen States stood forth a Nation, where was unity without consolidation, and diversity without discord. The hopes of all were anxiously hanging upon the new order of things and the mighty procession of events. With signal unanimity Washington was chosen President. Leaving his home at Mount Vernon, he repaired to New York,—where the first Congress had commenced its session,—to assume his place as Chief of the Republic. On the 30th of April, 1789, the organization of the Government was completed by his inauguration. Entering the Senate Chamber, where the two Houses were assembled, he was informed that they awaited his readiness to receive the oath of office. Without delay, attended by the Senators and Representatives, with friends and men of mark gathered about him, he moved to the balcony in front of the edifice. A countless multitude, thronging the open ways, and eagerly watching this great espousal,

> "With reverence look on his majestic face,
> Proud to be less, but of his godlike race."

The oath was administered by the Chancellor of New York. At such time, and in such presence, beneath the unveiled heavens, Washington first took this vow upon his lips: "I do solemnly swear that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Over the President, on this new occasion, floated the national flag, with its stripes of red and white, its stars on a field of blue. As his patriot eye rested upon the glowing ensign, what currents must have rushed swiftly through his soul. In the early days of the Revolution, in those darkest hours about Boston, after the Battle of Bunker Hill, and before the Declaration of Independence, the thirteen stripes had been first unfurled by him, as the emblem of Union among the Colonies for the sake of Freedom. By him, at that time, they had been named the Union Flag. Trial, struggle, and war were now ended, and the Union, which they first heralded, was unalterably established. To every beholder these memories, must have been full of pride and consolation. But, looking back upon the scene, there is one circumstance which, more than all its other associations, fills the soul,—more even than the suggestions of Union, which I prize so much. AT THIS MOMENT, WHEN WASHINGTON TOOK HIS FIRST OATH TO SUPPORT THE CONSTITUTION OF THE UNITED STATES, THE NATIONAL ENSIGN, NOWHERE WITHIN THE NATIONAL TERRITORY, COVERED A SINGLE SLAVE. Then, indeed, was Slavery Sectional, and Freedom National.

On the sea an execrable piracy, the trade in slaves, to the national scandal, was still tolerated under the national flag. In the States, as a sectional institution, beneath the shelter of local laws, Slavery unhappily found a home. But in the only terrritories at this time belonging to the nation, the broad region of the Northwest, it was already made

impossible, by the Ordinance of Freedom, even before the adoption of the Constitution. The District of Columbia, with its Fatal Dowry, was not yet acquired.

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The government thus organized was Anti-slavery in character. Washington was a slave-holder, but it would be unjust to his memory not to say that he was an Abolitionist also. His opinions do not admit of question.

* * * * *

By the side of Washington, as, standing beneath the national flag, he swore to support the Constitution, were illustrious men, whose lives and recorded words now rise in judgment. There was John Adams, the Vice-President, great vindicator and final negotiator of our national independence, whose soul, flaming with Freedom, broke forth in the early declaration, that "consenting to Slavery is a sacrilegious breach of trust," and whose immitigable hostility to this wrong is immortal in his descendants. There was also a companion in arms and attached friend, of beautiful genius, the yet youthful and "incomparable" Hamilton,—fit companion in early glories and fame with that darling of English history, Sir Philip Sidney, to whom the latter epithet has been reserved,—who, as member of the Abolition Society of New York, had recently united in a solemn petition for those who, though "free by the laws of God; are held in Slavery by the laws of this State." There, too, was a noble spirit, of spotless virtue, the ornament of human nature, who, like the sun, ever held an unerring course,—John Jay. Filling the important post of Secretary for Foreign Affairs under the Confederation, he found time to organize the "Society for Promoting the Manumission of Slaves" in New York, and to act as its President, until, by the nomination of Washington, he became Chief Justice of the United States. In his sight Slavery was an "iniquity," "a sin of crimson dye," against which ministers of the Gospel should testify, and which the Government should seek in every way to abolish. "Till America comes into this measure," he wrote, "her prayers to Heaven for liberty will be impious. This is a strong expression, but it is just. Were I in your legislature, I would prepare a bill for the purpose with great care, and I would never cease moving it till it became a law or I ceased to be a member." Such words as these, fitly coming from our leaders, belong to the true glories of the country:

"While we such precedents can boast at home,
Keep thy Fabricius and thy Cato, Rome!"

They stood not alone. The convictions and earnest aspirations of the country were with them. At the North these were broad and general. At the South they found fervid utterance from slaveholders. By early and precocious efforts for "total emancipation," the author of the Declaration of Independence placed himself foremost among the Abolitionists of the land. In language now familiar to all, and which can never die, he perpetually denounced Slavery. He exposed its pernicious influence upon master as well as slave, declared that the love of justice and the love of country pleaded equally for the slave, and that "the

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abolition of domestic slavery was the greatest object of desire." He believed that "the sacred side was gaining daily recruits," and confidently looked to the young for the accomplishment of this good work. In fitful sympathy with Jefferson was another honored son of Virginia, the Orator of Liberty, Patrick Henry, who, while confessing that he was a master of slaves, said: "I will not, I cannot justify it. However culpable my conduct, I will so far pay my devoir to virtue as to own the excellence and rectitude of her precepts, and lament my want of conformity to them." At this very period, in the Legislature of Maryland, on a bill for the relief of oppressed slaves, a young man, afterwards by consummate learning and forensic powers acknowledged head of the American bar, William Pinkney, in a speech of earnest, truthful eloquence,—better for his memory than even his professional fame,—branded Slavery as "iniquitous and most dishonorable," "founded in a disgraceful traffic," "its continuance as shameful as its origin," and he openly declared, that "by the eternal principles of natural justice, no master in the State has a right to hold his slave in bondage for a single hour."

* * * * *

At the risk of repetition, but for the sake of clearness, review now this argument, and gather it together. Considering that Slavery is of such an offensive character that it can find sanction only in "positive law," and that it has no such "positive" sanction in the Constitution,—that the Constitution, according to its preamble, was ordained to "establish justice" and "secure the blessings of liberty,"—that, in the Convention which framed it, and also elsewhere at the time, it was declared not to sanction slavery,—that, according to the Declaration of Independence, and the Address of the Continental Congress, the nation was dedicated to "liberty," and the "rights of human nature,"—that, according to the principles of the common law, the Constitution must be interpreted openly, actively, and perpetually for freedom,—that, according to the decision of the Supreme Court, it acts upon slaves, *not as property*, but as PERSONS,—that, at the first organization of the national Government under Washington, Slavery had no national favor, existed nowhere on the national territory, beneath the national flag, but was openly condemned by Nation, Church, Colleges, and Literature of the time,—and, finally, that, according to an amendment of the Constitution, the National Government can exercise only powers delegated to it, among which is none to support Slavery,—-considering these things, Sir, it is impossible to avoid the single conclusion, that Slavery is in no respect a national institution, and that the Constitution nowhere upholds property in man.

There is one other special provision of the Constitution, which I have reserved to this stage, not so much from its superior importance, but because it fitly stands by itself. This alone, if practically applied, would carry Freedom to all within its influence. It is an amendment proposed by the First Congress, as follows:

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> "No *person* shall be deprived of life, *liberty*, or property,
> *without due process of law*."

Under this great aegis the liberty of every person within the national jurisdiction is unequivocally placed. I say every person. Of this there can be no question. The word "person" in the Constitution embraces every human being within its sphere, whether Caucasian, Indian, or African, from the president to the slave. Show me a person within the national jurisdiction, and I confidently claim for him this protection, no matter what his condition or race or color. The natural meaning of the clause is clear, but a single fact of its history places it in the broad light of noon. As originally recommended by Virginia, North Carolina, and Rhode Island, it was restricted to the freeman. Its language was, "No freeman ought to be deprived of his life, liberty, or property, but by the law of the land." In rejecting this limitation, the authors of the amendment revealed their purpose, that no person, under the National Government, of whatever character, should be deprived of liberty without due process of law,—that is, without due presentment, indictment, or other judicial proceeding. But this amendment is nothing less than an express guaranty of Personal Liberty, and an express prohibition of its invasion anywhere, at least within the national jurisdiction.

Sir, apply these principles, and Slavery will again be as when Washington took his first oath as President. The Union Flag of the Republic will become once more the flag of Freedom, and at all points within the national jurisdiction will refuse to cover a slave. Beneath its beneficent folds, wherever it is carried, on land or sea, slavery will disappear, like darkness under the arrows of the ascending sun,—like the Spirit of Evil before the Angel of the Lord.

In all national territories Slavery will be impossible.

On the high seas, under the national flag, Slavery will be impossible.

In the District of Columbia Slavery will instantly cease.

Inspired by these principles, Congress can give no sanction to Slavery by the admission of new slave States.

Nowhere under the Constitution can the Nation, by legislation or otherwise, support Slavery, hunt slaves, or hold property in man.

Such, sir, are my sincere convictions. According to the Constitution, as I understand it, in the light of the past and of its true principles, there is no other conclusion which is rational or tenable, which does not defy authoritative rules of interpretation, does not falsify indisputable facts of history, does not affront the public opinion in which it had its birth, and does not dishonor the memory of the fathers. And yet politicians of the hour undertake to place these convictions under formal ban. The generous sentiments which

filled the early patriots, and impressed upon the government they founded, as upon the coin

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they circulated, the image and superscription of LIBERTY, have lost their power. The slave-masters, few in number, amounting to not more than three hundred and fifty thousand, according to the recent census, have succeeded in dictating the policy of the National Government, and have written SLAVERY on its front. The change, which began in the desire for wealth, was aggravated by the desire for political predominance. Through Slavery the cotton crop increased with its enriching gains; through Slavery States became part of the slave power. And now an arrogant and unrelenting ostracism is applied, not only to all who express themselves against Slavery, but to every man unwilling to be its menial. A novel test for office is introduced, which would have excluded all the fathers of the Republic,—even Washington, Jefferson, and Franklin!

Yes, Sir! Startling it may be, but indisputable. Could these revered demigods of history once again descend upon earth and mingle in our affairs, not one of them could receive a nomination from the National Convention of either of the two old political parties! Out of the convictions of their hearts and the utterances of their lips against Slavery they would be condemned.

This single fact reveals the extent to which the National Government has departed from its true course and its great examples. For myself, I know no better aim under the Constitution than to bring the Government back to the precise position on this question it occupied on the auspicious morning of its first organization by Washington,

> “Nunc retrorsum
> Vela dare, atque iterare cursus
> . . . . . relictos,”

that the sentiments of the Fathers may again prevail with our rulers, and the National Flag may nowhere shelter Slavery.

To such as count this aspiration unreasonable let me commend a renowned and life-giving precedent of English history. As early as the days of Queen Elizabeth, a courtier boasted that the air of England was too pure for a slave to breathe, and the Common Law was said to forbid Slavery. And yet, in the face of this vaunt, kindred to that of our fathers, and so truly honorable, slaves were introduced from the West Indies. The custom of Slavery gradually prevailed. Its positive legality was affirmed, in professional opinions, by two eminent lawyers, Talbot and Yorke, each afterwards Lord Chancellor. It was also affirmed on the bench by the latter as Lord Hardwicke. England was already a Slave State. The following advertisement, copied from a London newspaper, *The Public Advertiser*, of November 22, 1769, shows that the journals there were disfigured as some of ours, even in the District of Columbia.

“To be sold, a black girl, the property of J. B., eleven years of age, who is extremely handy, works at her needle tolerably, and speaks English perfectly well; is of an excellent temper and willing disposition. Inquire of her owner at the Angel Inn, behind St. Clement’s Church, in the Strand.”

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At last, in 1772, only three years after this advertisement, the single question of the legality of Slavery was presented to Lord Mansfield, on a writ of *habeas corpus*. A poor negro, named Sommersett, brought to England as a slave, became ill, and, with an inhumanity disgraceful even to Slavery, was turned adrift upon the world. Through the charity of an estimable man, the eminent Abolitionist, Granville Sharp, he was restored to health, when his unfeeling and avaricious master again claimed him as bondman. The claim was repelled. After elaborate and protracted discussion in Westminster Hall, marked by rarest learning and ability, Lord Mansfield, with discreditable reluctance, sullying his great judicial name, but in trembling obedience to the genius of the British Constitution, pronounced a decree which made the early boast a practical verity, and rendered Slavery forever impossible in England. More than fourteen thousand persons, at that time held as slaves, and breathing English air,—four times as many as are now found in this national metropolis,—stepped forth in the happiness and dignity of free men.

With this guiding example I cannot despair. The time will yet come when the boast of our fathers will be made a practical verity also, and Court or Congress, in the spirit of this British judgment, will proudly declare that nowhere under the Constitution can man hold property in man. For the Republic such a decree will be the way of peace and safety. As Slavery is banished from the national jurisdiction, it will cease to vex our national politics. It may linger in the States as a local institution; but it will no longer engender national animosities, when it no longer demands national support.

II.

From this general review of the relations of the National Government to Slavery, I pass to the consideration of THE TRUE NATURE OF THE PROVISION FOR THE RENDITION OF FUGITIVES FROM SERVICE, embracing an examination of this provision in the Constitution, and especially of the recent Act of Congress in pursuance thereof. As I begin this discussion, let me bespeak anew your candor. Not in prejudice, but in the light of history and of reason, we must consider this subject. The way will then be easy and the conclusion certain.

Much error arises from the exaggerated importance now attached to this provision, and from assumptions with regard to its origin and primitive character. It is often asserted that it was suggested by some special difficulty, which had become practically and extensively felt, anterior to the Constitution. But this is one of the myths or fables with which the supporters of Slavery have surrounded their false god. In the articles of Confederation, while provision is made for the surrender of fugitive criminals, nothing is said of fugitive slaves or servants; and there is no evidence in any quarter, until after the National Convention, of hardship or solicitude on this account. No previous voice was heard to express desire for any provision on the subject. The story to the contrary is a modern fiction.

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I put aside, as equally fabulous, the common saying, that this provision was one of the original compromises of the Constitution, and an essential condition of Union. Though sanctioned by eminent judicial opinions, it will be found that this statement is hastily made, without any support in the records of the Convention, the only authentic evidence of the compromises; nor will it be easy to find any authority for it in any contemporary document, speech, published letter, or pamphlet of any kind. It is true that there were compromises at the formation of the Constitution, which were the subject of anxious debate; but this was not one of them.

There was a compromise between the small and large States, by which equality was secured to all the States in the Senate.

There was another compromise finally carried, under threats from the South, on the motion of a New England member, by which the Slave States are allowed Representatives according to the whole number of free persons and "three fifths of all other persons," thus securing political power on account of their slaves, in consideration that direct taxes should be apportioned in the same way. Direct taxes have been imposed at only four brief intervals. The political power has been constant, and at this moment sends twenty-one members to the other House.

There was a third compromise, not to be mentioned without shame. It was that hateful bargain by which Congress was restrained until 1808 from the prohibition of the foreign Slave-trade, thus securing, down to that period, toleration for crime. This was pertinaciously pressed by the South, even to the extent of absolute restriction on Congress. John Rutledge said:

"If the Convention thinks that North Carolina, South Carolina, and Georgia will ever agree to the Plan (the National Constitution), unless their right to import slaves be untouched, the expectation is vain. The people of those States will never be such fools as to give up so important an interest." Charles Pinckney said: "South Carolina can never receive the Plan, if it prohibits the slave-trade." Charles Cotesworth Pinckney "thought himself bound to declare candidly, that he did not think South Carolina would stop her importations of slaves in any short time." The effrontery of the slave-masters was matched by the sordidness of the Eastern members, who yielded again. Luther Martin, the eminent member of the Convention, in his contemporary address to the Legislature of Maryland, described the compromise. "I found," he said, "The Eastern States, notwithstanding their aversion to Slavery, were very willing to indulge the Southern States at least with a temporary liberty to prosecute the slave-trade, *provided the Southern States would in their turn gratify them by laying no restriction on navigation acts*." The bargain was struck, and at this price the Southern States gained the detestable indulgence. At a subsequent day Congress branded the slave-trade as piracy, and thus, by solemn legislative act, adjudged this compromise to be felonious and wicked.

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Such are the three chief original compromises of the Constitution and essential conditions of Union. The case of fugitives from service is not of these. During the Convention it was not in any way associated with these. Nor is there any evidence from the records of this body, that the provision on this subject was regarded with any peculiar interest. As its absence from the Articles of Confederation had not been the occasion of solicitude or de-sire, anterior to the National Convention, so it did not enter into any of the original plans of the Constitution. It was introduced tardily, at a late period of the Convention, and adopted with very little and most casual discussion. A few facts show how utterly unfounded are recent assumptions.

The National Convention was convoked to meet at Philadelphia on the second Monday in May, 1787. Several members appeared at this time, but, a majority of the States not being represented, those present adjourned from day to day until the 25th, when the Convention was organized by the choice of George Washington as President. On the 28th a few brief rules and orders were adopted. On the next day, they commenced their great work.

On the same day, Edmund Randolph, of slaveholding Virginia, laid before the Convention a series of fifteen resolutions, containing his plan for the establishment of a New National Government. Here was no allusion to fugitives slaves.

Also, on the same day, Charles Pinckney, of slaveholding South Carolina, laid before the Convention what was called “A Draft of a Federal Government, to be agreed upon between the Free and Independent States of America,” an elaborate paper, marked by considerable minuteness of detail. Here are provisions, borrowed from the Articles of Confederation, securing to the citizens of each State equal privileges, in the several States, giving faith to the public records of the States, and ordaining the surrender of fugitives from justice. But this draft, though from the flaming guardian of the slave interest, contained no allusion to fugitive slaves.

In the course of the Convention other plans were brought forward: on the 15th of June, aseries of eleven propositions by Mr. Paterson, of New Jersey, “so as to render the Federal Constitution adequate to the exigencies of Government and the preservation of the Union”; on the 18th June, eleven propositions by Mr. Hamilton, of New York, “containing his ideas of a suitable plan of Government for the United States” and on the 19th June, Mr. Randolph’s resolutions, originally offered on the 29th May, “as altered, amended, and agreed to in Committee of the Whole House.” On the 26th July, twenty-three resolutions, already adopted on different days in the Convention, were referred to a “Committee of Detail,” for reduction to the form of a Constitution. On the 6th August this Committee reported the finished draft of a Constitution. And yet in all these resolutions, plans, and drafts, seven in number, proceeding from eminent members and from able committees, no allusion is made to fugitive slaves. For three months the Convention was in session, and not a word uttered on this subject.

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At last, on the 28th August, as the Convention was drawing to a close, on the consideration of the article providing for the privileges of citizens in different States, we meet the first reference to this matter, in words worthy of note. "General (Charles Cotesworth) Pinckney was not satisfied with it. He SEEMED to wish some provision should be included in favor of property in slaves." But he made no proposition. Unwilling to shock the Convention, and uncertain in his own mind, he only seemed to wish such a provision. In this vague expression of a vague desire this idea first appeared. In this modest, hesitating phrase is the germ of the audacious, unhesitating Slave Act. Here is the little vapor, which has since swollen, as in the Arabian tale, to the power and dimensions of a giant. The next article under discussion provided for the surrender of fugitives from justice. Mr. Butler and Mr. Charles Pinckney, both from South Carolina, now moved openly to require "fugitive slaves and servants to be delivered up like criminals." Here was no disguise. With Hamlet, it was now said in spirit,

"Seems, Madam! Nay it is. I know not seems."

But the very boldness of the effort drew attention and opposition. Mr. Wilson, of Pennsylvania, the learned jurist and excellent man, at once objected: "This would oblige the Executive of the State to do it at the public expense." Mr. Sherman, of Connecticut, "saw no more propriety in the public seizing and surrendering a slave or servant than a horse." Under the pressure of these objections, the offensive proposition was withdrawn,—never more to be renewed. The article for the surrender of criminals was then unanimously adopted. On the next day, 29th August, profiting by the suggestions already made, Mr. Butler moved a proposition,—substantially like that now found in the Constitution,—for the surrender, not of "fugitive slaves," as originally proposed, but simply of "persons bound to service or labor," which, without debate or opposition of any kind, was unanimously adopted.'

Here, palpably, was no labor of compromise, no adjustment of conflicting interest,—nor even any expression of solicitude. The clause finally adopted was vague and faint as the original suggestion. In its natural import it is not applicable to slaves. If supposed by some to be applicable, it is clear that it was supposed by others to be inapplicable. It is now insisted that the term "persons bound to service," or "held to service," as expressed in the final revision, is the equivalent or synonym for "slaves." This interpretation is rebuked by an incident to which reference has been already made, but which will bear repetition. On the 13th September—a little more than a fortnight after the clause was adopted, and when, if deemed to be of any significance, it could not have been forgotten—the very word "service," came under debate, and received a fixed meaning. It was unanimously adopted as a substitute for "servitude"

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in another part of the Constitution, for the reason that it expressed “the obligations of free persons,” while the other expressed “the condition of slaves.” In the face of this authentic evidence, reported by Mr. Madison, it is difficult to see how the term “persons held to service” can be deemed to express anything beyond the “obligations of free persons.” Thus, in the light of calm inquiry, does this exaggerated clause lose its importance.

The provision, showing itself thus tardily, and so slightly regarded in the National Convention, was neglected in much of the contemporaneous discussion before the people. In the Conventions of South Carolina, North Carolina,and Virginia, it was commended as securing important rights, though on this point there was difference of opinion. In the Virginia Convention, an eminent character, Mr. George Mason, with others, expressly declared that there was “no security of property coming within this section.” In the other Conventions it was disregarded. Massachusetts, while exhibiting peculiar sensitiveness at any responsibility for slavery, seemed to view it with unconcern. One of her leading statesmen, General Heath, in the debates of the State Convention, strenuously asserted, that, in ratifying the Constitution, the people of Massachusetts “would do nothing to hold the blacks in slavery.” “*The Federalist*,” in its classification of the powers of Congress, describes and groups a large number as “those which provide for the harmony and proper intercourse among the States,” and therein speaks of the power over public records, standing next in the Constitution to the provision concerning fugitives from service; but it fails to recognize the latter among the means of promoting “harmony and proper intercourse;” nor does its triumvirate of authors anywhere allude to the provision.

The indifference thus far attending this subject still continued. The earliest Act of Congress, passed in 1793, drew little attention. It was not suggested originally by any difficulty or anxiety touching fugitives from service, nor is there any contemporary record, in debate or otherwise, showing that any special importance was attached to its provisions in this regard. The attention of Congress was directed to fugitives from justice, and, with little deliberation, it undertook, in the same bill, to provide for both cases. In this accidental manner was legislation on this subject first attempted.

There is no evidence that fugitives were often seized under this Act. From a competent inquirer we learn that twenty-six years elapsed before it was successfully enforced in any Free State. It is certain, that, in a case at Boston, towards the close of the last century, illustrated by Josiah Quincy as counsel, the crowd about the magistrate, at the examination, quietly and spontaneously opened a way for the fugitive, and thus the Act failed to be executed. It is also certain, that, in Vermont, at the beginning of the century, a Judge of the Supreme Court of the State, on application for the surrender of an alleged slave, accompanied by documentary evidence, gloriously refused compliance,

unless the master could show a Bill of Sale from the Almighty. Even these cases passed without public comment.

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In 1801 the subject was introduced in the House of Representatives by an effort for another Act, which, on consideration, was rejected. At a later day, in 1817-18, though still disregarded by the country, it seemed to excite a short-lived interest in Congress. In the House of Representatives, on motion of Mr. Pindall, of Virginia, a committee was appointed to inquire into the expediency of "providing more effectually by law for reclaiming servants and slaves escaping from one State into an-other," and a bill reported by them to amend the Act of 1793, after consideration for several days in Committee of the Whole, was passed. In the Senate, after much attention and warm debate, it passed with amendments. But on return to the House for adoption of the amendments, it was dropped. This effort, which, in the discussions of this subject, has been thus far unnoticed, is chiefly remarkable as the earliest recorded evidence of the unwarrantable assertion, now so common, that this provision was originally of vital importance to the peace and harmony of the country.

At last, in 1850, we have another Act, passed by both Houses of Congress, and approved by the President, familiarly known as the Fugitive Slave Bill. As I read this statute, I am filled with painful emotions. The masterly subtlety with which it is drawn might challenge admiration, if exerted for a benevolent purpose; but in an age of sensibility and refinement, a machine of torture, however skilful and apt, cannot be regarded without horror. Sir, in the name of the Constitution, which it violates, of my country, which it dishonors, of Humanity, which it degrades, of Christianity, which it offends, I arraign this enactment, and now hold it up to the judgment of the Senate and the world. Again, I shrink from no responsibility. I may seem to stand alone; but all the patriots and martyrs of history, all the Fathers of the Republic, are with me. Sir, there is no attribute of God which does not take part against this Act.

But I am to regard it now chiefly as an infringement of the Constitution. Here its outrages, flagrant as manifold, assume the deepest dye and broadest character only when we consider that by its language it is not restricted to any special race or class, to the African or to the person with African blood, but that any inhabitant of the United States, of whatever complexion or condition, may be its victim. Without discrimination of color even, and in violation of every presumption of freedom, the Act surrenders all who may be claimed as "owing service or labor" to the same tyrannical proceeding. If there be any whose sympathies are not moved for the slave, who do not cherish the rights of the humble African, struggling for divine Freedom, as warmly as the rights of the white man, let him consider well that the rights of all are equally assailed. "Nephew," said Algernon Sidney in prison, on the night before his execution, "I value not my own life a chip; but what concerns me is, that the law which takes away my life may hang every one of you, whenever it is thought convenient."

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Whilst thus comprehensive in its provisions, and applicable to all, there is no safeguard of Human Freedom which the monster Act does not set at nought.

It commits this great question—than which none is more sacred in the law—not to a solemn trial, but to summary proceedings.

It commits this great question, not to one of the high tribunals of the land, but to the unaided judgment of a single petty magistrate.

It commits this great question to a magistrate appointed, not by the President with the consent of the Senate, but by the Court,—holding office, not during good behavior, but merely during the will of the Court,—and receiving, not a regular salary, but fees according to each individual case.

It authorizes judgment on *ex parte* evidence, by affidavit, without the sanction of cross-examination.

It denies the writ of *Habeas Corpus*, ever known as the palladium of the citizen.

Contrary to the declared purposes of the framers of the Constitution, it sends the fugitive back “at the public expense.”

Adding meanness to violation of the Constitution, it bribes the Commissioner by a double stipend to pronounce against Freedom. If he dooms a man to Slavery, the reward is ten dollars; but saving him to Freedom, his dole is five.

The Constitution expressly secures the “free exercise of religion”; but this Act visits with unrelenting penalties the faithful men and women who render to the fugitive that countenance, succor, and shelter which in their conscience “religion” requires; and thus is practical religion directly assailed. Plain commandments are broken; and are we not told that “Whosoever shall break one of these least commandments, and shall teach men so, he shall be called the least in the kingdom of Heaven”?

As it is for the public weal that there should be an end of suits, so by the consent of civilized nations these must be instituted within fixed limitations of time; but this Act, exalting Slavery above even this practical principle of universal justice, ordains proceedings against Freedom without any reference to the lapse of time.

Glancing only at these points, and not stopping for argument, vindication, or illustration, I come at once upon two chief radical objections to this Act, identical in principle with those triumphantly urged by our fathers against the British Stamp Act; first, that it is a usurpation by Congress of powers not granted by the Constitution, and an infraction of rights secured to the States; and, secondly, that it takes away Trial by Jury in a question of Personal Liberty and a suit at Common Law. Either of these objections, if sustained, strikes at the very root of the Act. That it is obnoxious to both is beyond doubt.

Here, at this stage, I encounter the difficulty, that these objections are already foreclosed by legislation of Congress and decisions of the Supreme Court,—that as early as 1793 Congress assumed power over this subject by an Act which failed to secure Trial by Jury, and that the validity of this Act under the Constitution has been affirmed by the Supreme Court. On examination, this difficulty will disappear.

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The Act of 1793 proceeded from a Congress that had already recognized the United States Bank, chartered by a previous Congress, which, though sanctioned by the Supreme Court, has been since in high quarters pronounced unconstitutional. If it erred as to the Bank, it may have erred also as to fugitives from service. But the Act itself contains a capital error on this very subject, so declared by the Supreme Court, in pretending to vest a portion of the judicial power of the Nation in State officers. This error takes from the Act all authority as an interpretation of the Constitution. I dismiss it.

The decisions of the Supreme Court are entitled to great consideration, and will not be mentioned by me except with respect. Among the memories of my youth are happy days when I sat at the feet of this tribunal, while MARSHALL presided, with STORY by his side. The pressure now proceeds from the case of Prigg v. Pennsylvania (16 Peters, 539), where is asserted the power of Congress. Without going into minute criticism of this judgment, or considering the extent to which it is extra-judicial, and therefore of no binding force,—all which has been done at the bar in one State, and by an able court in another,—but conceding to it a certain degree of weight as a rule to the judiciary on this particular point, still it does not touch the grave question which springs from the denial of Trial by Jury. This judgment was pronounced by Mr. Justice Story. From the interesting biography of the great jurist, recently published by his son, we learn that the question of Trial by Jury was not considered as before the Court; so that, in the estimation of the learned judge himself, it was still an open question.

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(1). *First of the power of Congress over this subject*.

The Constitution contains *powers* granted to Congress, *compacts* between the States, and *prohibitions* addressed to the Nation and to the States. A compact or prohibition may be accompanied by a power,—but not necessarily, for it is essentially distinct in nature. And here the single question arises, Whether the Constitution, by grant, general or special, confers upon Congress any power to legislate on the subject of fugitives from service.

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The framers of the Constitution were wise and careful, having a reason for what they did, and understanding the language they employed. They did not, after discussion, incorporate into their work any superfluous provision; nor did they without design adopt the peculiar arrangement in which it appears. Adding to the record compact an express grant of power, they testified not only their desire for such power in Congress, but their conviction that without such express grant it would not exist. But if express grant was necessary in this case, it was equally necessary in all the other cases. *Expressum facit cessare tacitum*.

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Especially, in view of its odious character, was it necessary in the case of fugitives from service. Abstaining from any such grant, and then grouping the bare compact with other similar compacts, separate from every grant of power, they testified their purpose most significantly. Not only do they decline all addition to the compact of any such power, but, to render misapprehension impossible, to make assurance doubly sure, to exclude any contrary conclusion, they punctiliously arrange the clauses, on the principle of *noscitur a sociis*, so as to distinguish all the grants of power, but especially to make the new grant of power, in the case of public records, stand forth in the front by itself, severed from the naked compacts with which it was originally associated.

Thus the proceedings of the Convention show that the founders understood the necessity of powers in certain cases, and, on consideration, jealously granted them. A closing example will strengthen the argument. Congress is expressly empowered "to establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States." Without this provision these two subjects would have fallen within the control of the States, leaving the nation powerless to establish a uniform rule thereupon. Now, instead of the existing compact on fugitives from service, it would have been easy, had any such desire prevailed, to add this case to the clause on naturalization and bankruptcies, and to empower Congress To ESTABLISH A UNIFORM RULE FOR THE SURRENDER OF FUGITIVES FROM SERVICE THROUGHOUT THE UNITED STATES. Then, of course, whenever Congress undertook to exercise the power, all State control of the subject would be superseded. The National Government would have been constistuted, like Nimrod, the mighty Hunter, with power to gather the huntsmen, to halloo the pack, and to direct the chase of men, ranging at will, without regard to boundaries or jurisdictions, throughout all the States. But no person in the Convention, not one of the reckless partisans of slavery, was so audacious as to make this proposition. Had it been distinctly made, it would have been as distinctly denied.

The fact that the provision on this subject was adopted unanimously, while showing the little importance attached to it in the shape it finally assumed, testifies also that it could not have been regarded as a source of national power for Slavery. It will be remembered that among the members of the Convention were Gouverneur Morris, who had said that he "NEVER would concur in upholding domestic Slavery,"—Elbridge Gerry, who thought we "ought to be careful NOT to give any sanction to it,"—Roger Sherman, who "was OPPOSED to a tax on slaves imported, because it implied they were property,"—James Madison, who "thought it WRONG to admit in the Constitution the idea that there could be property in men,"—and Benjamin Franklin, who likened American slaveholders to Algerine corsairs. In the face of these unequivocal judgments, it is absurd to suppose that these eminent citizens consented unanimously to any provision by which the National Government, the creature of their hands, dedicated to freedom, could become the most offensive agent of Slavery.

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Thus much for the evidence from the history of the Convention. But the true principles of our political system are in harmony with this conclusion of history; and here let me say a word of State rights.

It was the purpose of our fathers to create a National Government, and to endow it with adequate powers. They had known the perils of imbecility, discord, and confusion, protracted through the uncertain days of the Confederation, and they desired a government which should be a true bond of union and an efficient organ of national interests at home and abroad. But while fashioning this agency, they fully recognized the governments of the States. To the nation were delegated high powers, essential to the national interests, but specific in character and limited in number. To the States and to the people were reserved the powers, general in character and unlimited in number, not delegated to the nation or prohibited to the States.

The integrity of our political system depends upon harmony in the operations of the Nation and of the States. While the nation within its wide orbit is supreme, the States move with equal supremacy in their own. But, from the necessity of the case, the supremacy of each in its proper place excludes the other. The Nation cannot exercise rights reserved to the States, nor can the States interfere with the powers of the nation. Any such action on either side is a usurpation. These principles were distinctly declared by Mr. Jefferson in 1798, in words often adopted since, and which must find acceptance from all parties.

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I have already amply shown to-day that Slavery is in no respect national—that it is not within the sphere of national activity,—that it has no “positive” support in the Constitution,—and that any interpretation inconsistent with this principle would be abhorrent to the sentiments of its founders. Slavery is a local institution, peculiar to the States, and under the guardianship of State rights. It is impossible, without violence to the spirit and letter of the Constitution, to claim for Congress any power to legislate either for its abolition in the States or its support anywhere. Non-Intervention is the rule prescribed to the nation. Regarding the question in its more general aspects only, and putting aside, for the moment, the perfect evidence from the records of the convention, it is palpable that there is no national fountain out of which the existing Slave Act can possibly spring.

But this Act is not only an unwarrantable assumption of power by the nation, it is also an infraction of rights reserved to the States. Everywhere within their borders the States are peculiar guardians of personal liberty. By jury and habeas corpus to save the citizen harmless against all assault is among their duties and rights. To his State the citizen, when oppressed, may appeal; nor should he find that appeal denied. But this Act despoils him of rights,

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and despoils his State of all power to protect him. It subjects him to the wretched chance of false oaths, forged papers, and facile commissioners, and takes from him every safeguard. Now, if the slaveholder has a right to be secure at home in the enjoyment of Slavery, so also has the freeman of the North—and every person there is presumed to be a free man—an equal right to be secure at home in the enjoyment of freedom. The same principle of State rights by which Slavery is protected in the slave States throws an impenetrable shield over Freedom in the free States. And here, let me say, is the only security for Slavery in the slave States, as for Freedom in the free States. In the present fatal overthrow of State rights you teach a lesson which may return to plague the teacher. Compelling the National Government to stretch its Briarean arms into the free States for the sake of Slavery, you show openly how it may stretch these same hundred giant arms into the slave States for the sake of Freedom. This lesson was not taught by our fathers.

Here I end this branch of the question. The true principles of our political system, the history of the National Convention, the natural interpretation of the Constitution, all teach that this Act is a usurpation by Congress of powers that do not belong to it, and an infraction of rights secured to the States. It is a sword, whose handle is at the National Capital, and whose point is everywhere in the States. A weapon so terrible to personal liberty the nation has no power to grasp.

(2). And now of the denial of Trial by Jury.

Admitting, for the moment, that Congress is intrusted with power over this subject, which truth disowns, still the Act is again radically unconstitutional from its denial of Trial by Jury in a question of personal liberty and a suit of common law. Since on the one side there is a claim of property, and on the other of liberty, both property and liberty are involved in the issue. To this claim on either side is attached Trial by Jury.

To me, Sir, regarding this matter in the light of the Common Law and in the blaze of free institutions, it has always seemed impossible to arrive at any other conclusion. If the language of the Constitution were open to doubt, which it is not, still all the presumptions of law, all the leanings to Freedom, all the suggestions of justice, plead angel-tongued for this right. Nobody doubts that Congress, if it legislates on this matter, may allow a Trial by Jury. But if it may, so overwhelming is the claim of justice, it MUST. Beyond this, however, the question is determined by the precise letter of the Constitution.

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Several expressions in the provision for the surrender of fugitives from service show the essential character of the proceedings. In the first place, the person must be, not merely charged, as in the case of fugitives from justice, but actually held to service in the State which he escaped. In the second place, he must "be delivered up on claim of the party to whom such service or labor may be due." These two facts—that he was held to service, and that his service was due to his claimant—are directly placed in issue, and must be proved. Two necessary incidents of the delivery may also be observed. First, it is made in the State where the fugitive is found; and, secondly, it restores to the claimant complete control over the person of the fugitive. From these circumstances it is evident that the proceedings cannot be regarded, in any just sense, as preliminary, or ancillary to some future formal trial, but as complete in themselves, final and conclusive.

These proceedings determine on the one side the question of property, and on the other the sacred question of personal liberty in its most transcendent form,—Liberty not merely for a day or a year, but for life, and the Liberty of generations that shall come after, so long as Slavery endures. To these questions the Constitution, by two specific provisions, attaches Trial by Jury. One is the familiar clause, already adduced: "No person shall be deprived of life, liberty, or property without due process of law,"—that is, without due proceeding at law, with Trial by Jury. Not stopping to dwell on this, I press at once to the other provision, which is still more express: "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of Trial by Jury shall be preserved." This clause, which does not appear in the Constitution as first adopted, was suggested by the very spirit of freedom. At the close of the National Convention, Elbridge Gerry refused to sign the Constitution because, among other things, it established "a tribunal without juries, a star chamber as to civil cases."

Many united in his opposition, and on the recommendation of the First Congress this additional safeguard was adopted as an amendment.

Opposing this Act as doubly unconstitutional from the want of power in Congress and from the denial of trial by jury, I find myself again encouraged by the example of our Revolutionary Fathers, in a case which is a landmark of history. The parallel is important and complete. In 1765, the British Parliament, by a notorious statute, attempted to draw money from the colonies through a stamp tax, while the determination of certain questions of forfeiture under the statute was delegated, not to the Courts of Common Law, but to Courts of Admiralty without a jury. The Stamp Act, now execrated by all lovers of liberty, had this extent and no more. Its passage was the signal for a general flame of opposition and indignation throughout the colonies. It was denounced as contrary to the British Constitution, on two principal grounds—first, as a usurpation by Parliament of powers not belonging to it, and an infraction of rights secured to the colonies; and, secondly, as a denial of Trial by Jury in certain cases of property.

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The public feeling was variously expressed. At Boston, on the day the act was to take effect, the shops were closed, the bells of the churches tolled, and the flags of the ships hung at half-mast. At Portsmouth, in New Hampshire, the bells were tolled, and the friends of liberty were summoned to hold themselves in readiness for her funeral. At New York, the obnoxious Act, headed “Folly of England and Ruin of America,” was contemptuously hawked about the streets. Bodies of patriots were organized everywhere under the name of “Sons of Liberty.” The merchants, inspired then by liberty, resolved to import no more goods from England until the repeal of the Act. The orators also spoke. James Otis with fiery tongue appealed to Magna Charta.

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Sir, regarding the Stamp Act candidly and cautiously, free from animosities of the time, it is impossible not to see that, though gravely unconstitutional, it was at most an infringement of civil liberty only, not of personal liberty. There was an unjust tax of a few pence, with the chance of amercement by a single judge without a jury; but by no provision of this act was the personal liberty of any man assailed. No freeman could be seized under it as a slave. Such an act, though justly obnoxious to every lover of constitutional Liberty, cannot be viewed with the feelings of repugnance enkindled by a statute which assails the personal liberty of every man, and under which any freeman may be seized as a slave. Sir, in placing the Stamp Act by the side of the Slave Act, I do injustice to that emanation of British tyranny. Both infringe important rights: one, of property; the other, the vital right of all, which is to other rights as soul to body,—the right of a man to himself. Both are condemned; but their relative condemnation must be measured by their relative characters. As Freedom is more than property, as Man is above the dollar that he owns, as heaven, to which we all aspire, is higher than earth, where every accumulation of wealth must ever remain, so are the rights assailed by an American Congress higher than those once assailed by the British Parliament. And just in this degree must history condemn the Slave Act more than the Stamp Act.

Sir, I might here stop. It is enough, in this place, and on this occasion, to show the unconstitutionality of this enactment. Your duty commences at once. All legislation hostile to the fundamental law of the land should be repealed without delay. But the argument is not yet exhausted. Even if this Act could claim any validity or apology under the Constitution, which it cannot, it lacks that essential support in the Public Conscience of the States, where it is to be enforced, which is the life of all law, and without which any law must become a dead letter.

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With every attempt to administer the Slave Act, it constantly becomes more revolting, particularly in its influence on the agents it enlists. Pitch cannot be touched without defilement, and all who lend themselves to this work seem at once and unconsciously to lose the better part of man. The spirit of the law passes into them, as the devils entered the swine. Upstart commissioners, mere mushrooms of courts, vie and revie with each other. Now by indecent speed, now by harshness of manner, now by denial of evidence, now by crippling the defense, and now by open, glaring wrong they make the odious Act yet more odious. Clemency, grace, and justice die in its presence. All this is observed by the world. Not a case occurs which does not harrow the souls of good men, and bring tears of sympathy to the eyes, and those nobler tears which “patriots shed o’er dying laws.”

Sir, I shall speak frankly. If there be an exception to this feeling, it will be found chiefly with a peculiar class. It is a sorry fact, that the “mercantile interest,” in unpardonable selfishness, twice in English history, frowned upon endeavors to suppress the atrocity of Algerine Slavery, that it sought to baffle Wilberforce’s great effort for the abolition of the African slave-trade, and that, by a sordid compromise, at the formation of our Constitution, it exempted the same detested, Heaven-defying traffic from American judgment. And now representatives of this “interest,” forgetful that Commerce is born of Freedom, join in hunting the Slave. But the great heart of the people recoils from this enactment. It palpitates for the fugitive, and rejoices in his escape. Sir, I am telling you facts. The literature of the age is all on his side. Songs, more potent than laws, are for him. Poets, with voices of melody, sing for Freedom. Who could tune for Slavery? They who make the permanent opinion of the country, who mould our youth,whose words, dropped into the soul, are the germs of character, supplicate for the Slave. And now, Sir, behold a new and heavenly ally. A woman, inspired by Christian genius, enters the lists, like another Joan of Arc, and with marvellous power sweeps the popular heart. Now melting to tears, and now inspiring to rage, her work everywhere touches the conscience, and makes the Slave-Hunter more hateful. In a brief period, nearly one hundred thousand copies of Uncle Tom’s Cabin have been already circulated. But this extraordinary and sudden success, surpassing all other instances in the records of literature, cannot be regarded as but the triumph of genius. Better far, it is the testimony of the people, by an unprecedented act, against the Fugitive Slave Bill.

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These things I dwell upon as incentives and tokens of an existing public sentiment, rendering this Act practically inoperative, except as a tremendous engine of horror. Sir, the sentiment is just. Even in the lands of Slavery, the slave-trader is loathed as an ignoble character, from whom the countenance is turned away; and can the Slave-Hunter be more regarded, while pursuing his prey in a land of Freedom? In early Europe, in barbarous days, while Slavery prevailed, a Hunting Master was held in aversion. Nor was this all. The fugitive was welcomed in the cities, and protected against pursuit. Sometimes vengeance awaited the Hunter. Down to this day, at Revel, now a Russian city, a sword is proudly preserved with which a hunting Baron was beheaded, who, in violation of the municipal rights of the place, seized a fugitive slave. Hostile to this Act as our public sentiment may be, it exhibits no similar trophy. The State laws of Massachusetts have been violated in the seizure of a fugitive slave; but no sword, like that of Revel, now hangs at Boston.

And now, Sir, let us review the field over which we have passed. We have seen that any compromise, finally closing the discussion of Slavery under the Constitution, is tyrannical, absurd, and impotent; that, as Slavery can exist only by virtue of positive law, and as it has no such positive support in the Constitution, it cannot exist within the national jurisdiction; that the Constitution nowhere recognizes property in man, and that, according to its true interpretation, Freedom and not Slavery is national, while Slavery and not Freedom is sectional;that in this spirit the National Government was first organized under Washington, himself an Abolitionist, surrounded by Abolitionists, while the whole country, by its Church, its Colleges, its Literature, and all its best voices, was united against Slavery, and the national flag at that time nowhere within the National Territory covered a single slave; still further, that the National Government is a government of delegated powers, and, as among these there is no power to support Slavery, this institution cannot be national, nor can Congress in any way legislate in its behalf; and, finally, that the establishment of this principle is the true way of peace and safety for the Republic. Considering next the provision for the surrender of fugitives from service, we have seen that it was not one of the original compromises of the Constitution; that it was introduced tardily and with hesitation, and adopted with little discussion, while then and for a long period thereafter it was regarded with comparative indifference; that the recent Slave Act, though many times unconstitutional, is especially so on two grounds, first, as a usurpation by Congress of powers not granted by the Constitution, and an infraction of rights secured to the States, and, secondly, as the denial of Trial by Jury, in a question of personal liberty and a suit at Common

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Law; that its glaring unconstitutionality finds a prototype in the British Stamp Act, which our fathers refused to obey as unconstitutional on two parallel grounds,—first, because it was a usurpation by Parliament of powers not belonging to it under the British Constitution, and an infraction of rights belonging to the Colonies, and, secondly, because it was the denial of Trial by Jury in certain cases of property; that, as Liberty is far above property, so is the outrage perpetrated by the American Congress far above that perpetrated by the British Parliament; and, finally, that the Slave Act has not that support, in the public sentiment of the States where it is to be executed, which is the life of all law, and which prudence and the precept of Washington require.

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Mr. President, I have occupied much time; but the great subject still stretches before us. One other point yet remains, which I must not leave untouched, and which justly belongs to the close. The Slave Act violates the Constitution, and shocks the Public Conscience. With modesty, and yet with firmness, let me add, Sir,it offends against the Divine Law. No such enactment is entitled to support. As the throne of God is above every earthly throne, so are his laws and statutes above all the laws and statutes of man. To question these is to question God himself. But to assume that human laws are beyond question is to claim for their fallible authors infallibility. To assume that they are always in conformity with the laws of God is presumptuously and impiously to exalt man even to equality with God. Clearly, human laws are not always in such conformity; nor can they ever be beyond question from each individual. Where the conflict is open, as if Congress should command the perpetration of murder, the office of conscience as final arbiter is undisputed. But in every conflict the same queenly office is hers. By no earthly power can she be dethroned. Each person, after anxious examination, without haste, without passion, solemnly for himself must decide this great controversy. Any other rule attributes infallibility to human laws, places them beyond question, and degrades all men to an unthinking, passive obedience.

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The mandates of an earthly power are to be discussed; those of Heaven must at once be performed; nor should we suffer ourselves to be drawn by any compact into opposition to God. Such is the rule of morals. Such, also, by the lips of judges and sages, is the proud declaration of English law, whence our own is derived. In this conviction, patriots have braved unjust commands, and martyrs have died.

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And now, sir, the rule is commended to us. The good citizen, who sees before him the shivering fugitive, guilty of no crime, pursued, hunted down like a beast, while praying for Christian help and deliverance, and then reads the requirements of this Act, is filled with horror. Here is a despotic mandate "to aid and assist in the prompt and efficient execution of this law." Again let me speak frankly. Not rashly would I set myself against any requirement of law. This grave responsibility I would not lightly assume. But here the path of duty is clear. By the Supreme Law, which commands me to do no injustice, by the comprehensive Christian Law of Brotherhood, by the Constitution, which I have sworn to support, I AM BOUND TO DISOBEY THIS ACT. Never, in any capacity, can I render voluntary aid in its execution. Pains and penalties I will endure, but this great wrong, I will not do. "Where I cannot obey actively, there I am willing to lie down and to suffer what they shall do unto me"; such was the exclamation of him to whom we are indebted for the Pilgrim's Progress while in prison for disobedience to an earthly statute. Better suffer injustice than do it. Better victim than instrument of wrong. Better even the poor slave returned to bondage than the wretched Commissioner.

There is, sir, an incident of history which suggests a parallel, and affords a lesson of fidelity. Under the triumphant exertions of that Apostolic Jesuit, St. Francis Xavier, large numbers of Japanese, amounting to as many as two hundred thousand,—among them princes, generals, and the flower of the nobility,—were converted to Christianity. Afterwards, amidst the frenzy of civil war, religious persecution arose, and the penalty of death was denounced against all who refused to trample upon the effigy of the Redeemer. This was the Pagan law of a Pagan land. But the delighted historian records, that from the multitude of converts scarcely one was guilty of this apostasy. The law of man was set at naught. Imprisonment, torture, death, were preferred. Thus did this people refuse to trample on the painted image. Sir, multitudes among us will not be less steadfast in refusing to trample on the living image of their Redeemer.

Finally, Sir, for the sake of peace and tranquility, cease to shock the Public Conscience; for the sake of the Constitution, cease to exercise a power nowhere granted, and which violates inviolable rights expressly secured. Leave this question where it was left by our fathers, at the formation of our National Government,—in the absolute control of the States, the appointed guardians of Personal Liberty. Repeal this enactment. Let its terrors no longer rage through the land. Mindful of the lowly whom it pursues, mindful of the good men perplexed by its requirements, in the name of Charity, in the name of the Constitution, repeal this enactment, totally and without delay. There is the example of Washington, follow it. There also are words of Oriental piety, most touching and full of warning, which speak to all mankind, and now especially to us: "Beware of the groans of wounded souls, since the inward sore will at length break out. Oppress not to the utmost a single heart; for a solitary sigh has power to overturn a whole world."