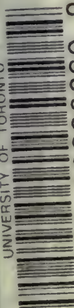
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MAINTAIN PLIGHTED FAITH.

MR. CHASE'S SPEECH,

IN THE SENATE, FEB. 3, 1854.

AGAINST

THE REPEAL OF THE MISSOURI PROHIBITION.

PRINTED BY JOHN T. & LEM. TOWERS, WASHINGTON.

MAINTAIN PLIGHTED FAITH.

SPEECH

OF

HON. S. P. CHASE, OF OHIO,

IN THE SENATE, FEBRUARY 3, 1854,

AGAINST THE REPEAL OF THE MISSOURI PROHIBITION OF SLAVERY NORTH OF 36° 30′.

WASHINGTON:
PRINTED BY JOHN T. AND LEM. TOWERS.
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SPEECH OF THE HON. S. P. CHASE, OF OHIO,

IN THE SENATE, FEB. 3, 1854.

MAINTAIN PLIGHTED FAITH.

The bill for the organization of the Territories of Nebraska and Kansas being under consideration—

Mr. CHASE submitted the following amendment:

Strike out from section 14 the words "was superseded by the principles of the legislation of 1850, commonly called the Compromise Measures, and;" so that the clause will read:

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

Mr. CHASE said:

Mr. President, I had occasion, a few days ago, to expose the utter groundlessness of the personal charges made by the Senator from Illinois (Mr. DOUGLAS) against myself and the other signers of the Independent Democratic appeal. I now move to strike from this bill a statement which I will to-day demonstrate to be without any foundation in fact or history. I intend afterwards to move to strike out the whole clause annulling the Missouri prohibition.

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

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

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

"It is no part of my purpose to give prominence to any subject which may properly be regarded as set at rest by the deliberate judgment of the people. But

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

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

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

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

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

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

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

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

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

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

And what does Slavery ask for now? Why, sir, it demands that a time-

honored and sacred compact shall be rescinded—a compact which has endured through a whole generation—a compact which has been universally regarded as inviolable, North and South—a compact, the constitutionality of which few have doubted, and by which all have consented to abide.

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

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

Sir, this is a novel idea. At the time when these measures were before Congress in 1850, when the questions involved in them were discussed from day to day, from week to week, and from month to month, in this Senate Chamber, who ever heard that the Missouri prohibition was to be superseded? What man, at what time, in what speech, ever suggested the idea that the acts of that year were to affect the Missouri Compromise? The Senator from Illinois, the other day, invoked the authority of Henry Clay—that departed statesman, in respect to whom, whatever may be the differences of political opinion, none question that, among the great men of this country, he stood proudly eminent. Did he, in the report made by him as chairman of the Committee of Thirteen, or in any speech in support of the Compromise acts, or in any conversation in the committee, or out of the committee, ever hint at this doctrine of supersedure? Did any supporter, or any opponent of the Compromise acts, ever vindicate or condemn them upon the ground that the Missouri prohibition would be affected by them? Well, sir, the Compromise acts were passed. They were denounced North, and they were denounced South. Did any defender of them at the South ever justify his support of them upon the ground that the South had obtained through them the repeal of the Missouri prohibition? Did any objector to them at the North ever even suggest as a ground of condemnation that that prohibition was swept away by them? No, sir! No man, North or South, during the whole of the discussion of those acts here, or in that other discussion which followed their enactment, throughout the country, ever intimated any such opinion.

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

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

The Secretary read, as follows:

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

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

"I have always been of opinion that the first great error committed in the political history of this country was the ordinance of 1787, rendering the Northwest Territory free territory. The next great error was the Missouri Compromise. But they are both irremediable. There is no remedy for them. We must submit to them. I am prepared to do it. It is evident that the Missouri Compromise cannot be repealed. So far as that question is concerned, we might as well agree to the admission of this Territory now as next year, or five or ten years hence."—*Congressional Globe, Second Session 32d Cong., vol.* 26, *page* 1113.

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

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

Now, sir, when was this said? It was on the morning of the 4th March, just before the close of the last session, when that Nebraska bill, reported by the Senator from Illinois, which proposed no repeal, and suggested no supersedure, was under discussion. I think, sir, that all this shows pretty clearly that up to the very close of the last session of Congress nobody had ever thought of a repeal by supersedure. Then what took place at the

commencement of the present session? The Senator from Iowa, early in December, introduced a bill for the organization of the Territory of Nebraska. I believe it was the same bill which was under discussion here at the last session, line for line, and word for word. If I am wrong, the Senator will correct me.

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

Well, on the 4th day of January, the Committee on Territories, through their chairman, the Senator from Illinois, made a report on the territorial organization of Nebraska; and that report was accompanied by a bill. Now, sir, on that 4th day of January, just thirty days ago, did the Committee on Territories entertain the opinion that the Compromise Acts of 1850 superseded the Missouri prohibition? If they did, they were very careful to keep it to themselves. We will judge the committee by their own report. What do they say in that? In the first place, they describe the character of the controversy in respect to the Territories acquired from Mexico. They say that some believed that a Mexican law prohibiting slavery was in force there, while others claimed that the Mexican law became inoperative at the moment of acquisition, and that slaveholders could take their slaves into the territory, and hold them there under the provisions of the Constitution. The territorial compromise acts, as the committee tell us, steered clear of these questions. They simply provided that the States organized out of these Territories might come in with or without slavery, as they should elect, but did not affect the question whether slaves could or could not be introduced before the organization of State governments. That question was left entirely to judicial decision.

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

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

cussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850."

This language will bear repetition:

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

And they go on to say:

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

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

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

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

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

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

The Senator from Kentucky, (Mr. Dixon,) on the 16th January, submitted an amendment which came square up to repeal, and to the claim. That amendment, probably, produced some fluttering and some consultation. It met the views of Southern Senators, and probably determined the shape which the bill has finally assumed. Of the various mutations which it has undergone, I can hardly be mistaken in attributing the last to the amendment of the Senator from Kentucky. That there is no effect without a cause, is among our earliest lessons in physical philosophy, and I know of no cause which will account for the remarkable changes which the bill underwent after the 16th of January, other than that amendment, and the determination of Southern Senators to support it, and to vote against any provision recognising the right of any Territorial Legislature to prohibit the introduction of slavery.

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

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

Doubtless, Mr. President, this provision operates as a repeal of the prohibition. The Senator from Kentucky was right when he said it was in effect the equivalent of his amendment. Those who are willing to break up and destroy the old compact of 1820, can vote for this bill with full assurance that such will be its effect. But I appeal to them not to vote for this supersedure clause. I ask them not to incorporate into the legislation of the country a declaration which every one knows to be wholly untrue. I have said that this doctrine of supersedure is new. I have now proved that it is a plant of but ten days' growth. It was never seen or heard of until the 23d day of January, 1854. It was upon that day that this tree of Upas was planted: we already see its poison fruits.

The provision I have quoted abrogates the Missouri prohibition. It as-

serts no right in the Territorial Legislature to prohibit slavery. The Senator from Illinois, in his speech, was very careful to assert no right of legislation in a Territorial Legislature, except subject to the restrictions and limitations of the Constitution. We know well enough what the understanding or claim of Southern gentlemen is in respect to these limitations and restrictions. They insist that by them every Territorial Legislature is absolutely precluded from all power of legislation for the prohibition of slavery. I warn gentlemen who propose to support this bill, that their votes for this provision will be regarded as admitting this claim.

I have thus given a brief account of the mutations which this bill has undergone. I have shown the recent origin and brief existence of the pretence that the Missouri prohibition is superseded by the legislation of 1850. I now appeal to the Senators who sit around me, and who with me participated in the discussions of 1850. I ask them to say whether any one of them imagined then, or believes now, that the Missouri prohibition was superseded by the legislation of that year. Here, sir, sits the Senator from Virginia, (Mr. Mason)—will he say that any time before the 23d of January, 1854, he ever heard such a proposition stated or maintained anywhere, by anybody? No, sir, he will not say it. There is no evidence that the assertion was ever made before that day, when it made its appearance in the Senator's bill. It is a remarkable circumstance, that five thousand copies of the committee's report have been printed by the order of the Senate, and I know not how many for individual subscribers, and circulated through the country, sustaining the bill upon the ground that the Missouri prohibition is neither repealed nor affirmed, while the bill itself as now amended expressly abrogates that prohibition. The report as circulated condemns the bill as amended, and the bill as amended contradicts the report as circulated. All this must necessarily mislead and confuse the public judgment.

I have now proved that the doctrine of supersedure is a novelty. I will proceed to prove that it is as groundless as it is novel.

The Senator from Illinois, in his speech the other day, made a general charge of gross ignorance of the history and geography of the country against the signers of the Independent Democratic Appeal, and singled out several paragraphs of that Appeal for special reprehension. It was rather adroit in the Senator to mix the defence of his own bill with an attack upon two Senators whose opinions on slavery questions are at variance with those most commonly received here. But this movement will not, I think, avail him much. I have no fears that he can refute any statement, or overturn any proposition of that address. Sir, he might as well attack Gibraltar. True in all its statements, and irrefragable, as I believe, in all its reasonings, it is impregnable to any assault by him, or any man.

The first specification under his general charge of ignorance and misrepresentation, denies the truth of a statement which I will now read:

> "These acts were never supposed to abrogate or touch the existing exclusion of slavery from what is now called Nebraska. They applied to the territory acquired from Mexico, and to that only. They were intended as a settlement of the controversy growing out of that acquisition, and of that controversy only. They must stand or fall by their own merits."

That the first sentence which I have read is absolutely true, I suppose no

man now doubts. Senators who were here during the discussions of 1850, must remember that the report of the Committee of Thirteen distinctly stated that the compromise measures applied to the "newly acquired territory." The honorable and distinguished Senator from Michigan sits near me, and can say whether any syllable was uttered in the Committee of Thirteen or elsewhere, to his knowledge, which indicated any purpose to apply them to any other territory. If I am in error, I beg the Senator to correct me. [Mr CASS remained silent.] I am right, then.

But the Senator from Illinois says that the territorial Compromise Acts did in fact apply to other territory than that acquired from Mexico. How does he prove that? He says that a part of the territory was acquired from Texas. But this very territory which he says was acquired from Texas was acquired first from Mexico. After Mexico ceded it to the United States, Texas claimed that the cession inured to her benefit. That claim, only, was relinquished to the United States. The case, then, stands thus: we acquired the territory from Mexico; Texas claimed it, but gave up her claim. This certainly does not disprove the assertion that the territory was acquired from Mexico, and as certainly it does not sustain the Senator's assertion, that it was acquired from Texas.

The Senator next tells the Senate and the country, that by the Utah act, there was included in the Territory of Utah a portion of the old Louisiana acquisition, covered by the Missouri prohibition, which prohibition was annulled, as to that portion, by the provisions of that act. Every one at all acquainted with our public history knows that the dividing line between Spain and the United States extended due north from the source of the Arkansas to the 42d parallel of north latitude. That arbitrary line left within the Louisiana acquisition a little valley in the midst of rocky mountains, where several branches of the Grand river, one of the affluents of the Colorado, take their rise. Here is the map. Here spreads out the vast Territory of Utah, more than one hundred and eighty-seven thousand square miles. Here is the little spot, hardly a pin's point upon the map, which I cover with the tip of my little finger, which, according to the boundary fixed by the territorial bill, was cut off from the Louisiana acquisition and included in Utah. The account given of it in the Senator's speech would lead one to suppose that it was an important part of the Louisiana acquisition. It is, in fact, not of the smallest consequence. There are no inhabitants there. It is, as I have said, a secluded little valley in the Rocky Mountains, visited once by Fremont, and penetrated occasionally by wandering bands of Arapahoes and Utahs. The summit of the Rocky Mountains was assigned as the eastern limit of Utah. That limit, in consequence of the curvature of the mountain range, happened to include this valley. Nobody here, at the time of the passage of the Utah bill, adverted to that fact. It was known that the Rocky Mountain range was very near the arbitrary line fixed by the treaty, and nobody ever dreamed that the adoption of that range as the eastern boundary of Utah would abrogate the Missouri prohibition. The Senator reported that boundary line. Did he tell the Senate or the country that its establishment would have that effect? No, sir; never. The assertion of the Senator that a "close examination of the Utah act clearly establishes the fact that it was the intent, as well as the legal effect of the compromise measures of 1850 to supersede the Missouri compromise, and

all geographical and territorial lines," is little short of preposterous. There was no intent at all, except to make a convenient eastern boundary to Utah, and no legal effect at all upon the Louisiana acquisition, except to cut off from it the little valley of the Middle Park.

The second specification of the Senator denies the accuracy of the following statement of the address in relation to this pretence of supersedure:

"The compromise acts themselves refute this pretension. In the third article of the second section of the joint resolution for annexing Texas to the United States, it is expressly declared that 'in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude, except for crime, shall be prohibited;' and in the act for organizing New Mexico, and settling the boundary of Texas, a proviso was incoporated, on the motion of Mr Mason, of Virginia, which distinctly preserves this prohibition, and flouts the bare-faced pretension that all the territory of the United States, whether north or south of the Missouri compromise line, is to be open to slavery. It is as follows:

"'*Provided*, That nothing herein contained shall be constructed to impair or qualify ANYTHING contained in the third article of the second section of the joint resolution for annexing Texas to the United States, approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the State of Texas, OR OTHERWISE.'

"Here is proof, beyond controversy, that the principle of the Missouri act, prohibiting slavery north of 36 deg. 30 min., far from being abrogated by the compromise acts, is expressly affirmed; and that the proposed repeal of this prohibition, instead of being an affirmation of the compromise acts, is a repeal of a very important provision of the most important act of the series. It is solemnly declared in the very compromise acts '*that nothing herein contained shall be construed to impair or qualify*' the prohibition of slavery north of 36 deg. 30 min., and yet, in the face of this declaration, that sacred prohibition is said to be overthrown. Can presumption further go? To all who, in any way, lean upon these compromises, we commend this exposition."

This is what the Senator says in his speech about the passages I have just read from the address:

"They suppress the following material facts, which, if produced, would have disproved their statement: They first suppress the fact that the same section of the act cuts off from Texas, and cedes to the United States, all that part of Texas which lies north of 36 deg. 30 min. They then suppress the further fact that the same section of the law cuts off from Texas a large tract of country on the west, more than three degrees of longitude, and added it to the territory of the United States. They then suppress the further fact that this territory thus cut off from Texas, and to which the Missouri compromise line did apply, was incorporated into the Territory of New Mexico. And then what was done? It was incorporated into that territory with this clause:

"'That when admitted as a State, the said Territory, or any portion of the same shall be received into the Union with or without slavery, as their constitution may prescribe at the time of its adoption.'

"Yes, sir, the very bill and section from which they quote cuts off all that part of Texas which was to be free by the Missouri Compromise, together with some on the south side of the line, incorporates it into the Territory of New Mexico, and then says that that Territory, and every portion of the same, shall come into the Union with or without slavery, as it sees proper."

The assertion here is, that all the territory claimed by Texas north of 36° 30′ was cut off by the Texan boundary and New Mexico act.

Mr. DOUGLAS. Read it.

Mr. CHASE. I have read it; but will read it again.

"Yes, sir, the very bill and section from which they quote cuts off all that part of Texas which was to be free by the Missouri Compromise, together with some on

the south side of the line, incorporates it with the Territory of New Mexico, and then says that that Territory, and every portion of the same, shall come into the Union with or without slavery, as it sees proper."

Mr. DOUGLAS, (in his seat.) Most of it.

Mr. CHASE. In his speech the Senator said ALL the territory claimed by Texas north of 36° 30′ was incorporated into New Mexico. Now he says, MOST OF IT. These are very different statements. I will show the Senate what was and what was not incorporated. The boundary line between Spain and the United States—for I want to make this matter perfectly clear and distinct—was this:

"The boundary line between the two countries west of the Mississippi, shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north along the western bank of that river, to the 32d deg. of latitude; thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Natchitoches or Red river; then following the course of the Rio Roxo westward, to the degree of longitude 100 deg. west from London, and 23 deg. from Washington; then crossing the said Red river, and running thence by a line due north to the river Arkansas; thence following the course of the southern bank of the Arkansas to its source in latitude 42 deg. north, and thence by that parallel of latitude to the South Sea."

Now look at this boundary upon the map. Here it is. [Exhibiting the map.] Here we go up the Sabine to the 32d parallel; then straight north to the Red river; then along the Red river to the 100° of longitude; then straight north again to the Arkansas; then up the Arkansas to its source; then straight north once more to the 42° of north latitude. There you see the boundary between the United States and the Spanish possessions, as defined by the treaty of 1820.

Now, what did Texas claim? Here is the most authentic evidence of it in her own act, approved December 19, 1836, by SAM HOUSTON. I will read it:

"Beginning at the mouth of the Sabine river, running west along the Gulf of Mexico, three leagues from land, to the mouth of the Rio Grande; thence up the principal stream of the said river to its source; then due north to the 42d deg. of north latitude; *thence along the boundary line as defined in the treaty between the United States and Spain to the beginning.*"

That, sir, is the boundary claimed by Texas. After her annexation to the United States, and after the treaty with Mexico of Guadalupe Hidalgo, Texas asserted her claim to the whole territory included within these limits. The Senator from Virginia (Mr. MASON) was among those who regarded this claim of Texas as just—not because of any valid original title to the territory, but because of the implied recognition of her title by the United States. I need not say that I, in common with very many others, dissented from that view. But the Senator from Virginia, and other Senators, maintained it. That Senator, on the 30th July, 1850, moved a joint resolution recognizing this claim, which I will read:

"*Resolved, &c.*, That by the joint resolution, approved March 1st, 1845, for annexing Texas to the United States, it being ordained that 'the territory properly included within and rightfully belonging to the Republic of Texas, may be erected into a new State,' &c., it is the opinion and judgment of Congress, that the admission of Texas into the Union, with the boundaries described by the laws thereof, not objected to by the United States, at the time of such annexation, is conclusive, as against the United States, of the right of Texas to the territory included within such boundaries."

The recognition proposed by this resolution would give to Texas all the land east of the Rio Grande and a line drawn from its source to the forty-second parallel, and west of the line between the United States and the Spanish possessions already described.

Now, sir, of the territory within this claim of Texas, that part between the 32° and 38° of north latitude, and west of 103° of longitude, was incorporated into the Territory of New Mexico. That part between the 38th parallel and the Arkansas river, stretching north toward the 42d parallel in a long narrow strip, and that other part included within 100° and 103° of longitude, and 36° 30′ north latitude, and the Arkansas river, were not incorporated into New Mexico, nor relinquished to Texas, but became a part of the territory of the United States. Here are these two tracts of country, which the Senator says were cut off from Texas, and incorporated into New Mexico. If the claim of Texas was valid, they were cut off from her territory, but they were not incorporated into New Mexico. The Senator is totally mistaken as to that; and it is not a trifling mistake. The tract west of New Mexico, between 36° 30′ and the Arkansas river, contains over twenty thousand square miles. It is not easy to estimate the contents of the other tract. The first is as large as Connecticut, Rhode Island, Massachusetts, and New Hampshire put together. The two tracts probably are nearly equal in extent to the whole of New England, excluding Maine. There are seven States in the Union neither of which equals in extent the larger of these tracts, nor probably the smaller. Not one foot of this territory was incorporated into New Mexico, and yet the Senator asserted that it all was. I repeat, sir, that here was a great error. I show the Senator that he was wrong in a very material statement. But do I accuse him, therefore, of falsifying the public history of the country? of wilful misrepresentation? of falsehood? Not at all. The Senator, like other men, is liable to error. If he falls into error upon a point material to any controversy which I may happen to have with him, I will correct the error, but I will not reproach the man. I will not charge him with violating truth, or with intentional misrepresentation.

I said the other day to that Senator, when he proposed to deny to me a postponement warranted by the usages of the Senate, that I thought him incapable of understanding the obligations of courtesy. I prefer now to restrict that statement, and say that the Senator, on that occasion, under some excitement, perhaps, and perhaps influenced also by an over-anxious desire to hasten the vote upon his bill, disregarded the obligations which courtesy imposes. I make this remark because I am unwilling, under any provocation, to do any injustice to a political or personal opponent. While I say this, however, I ought, perhaps, to add in reference to a remark which fell from the Senator on that occasion, that at no time did I ever approach him with a smiling face, or an angry face, or any face at all, to obtain from him a postponement of his bill, in order to gain time for the circulation of attacks upon it. I have condemned his bill strongly, and have condemned his action in bringing forward this repeal of the Missouri prohibition. But I have done no injustice to the Senator. All that I have done at all I have done openly. I have not waged, nor will I wage a war of epithets. It neither accords with my principles, nor with my tastes. But while I wage no such war, I dread none. Neither vituperation, nor

denunciation, will move me, while I have the approval of my own judgment and conscience. But I did not intend to recur to this matter, and willingly dismiss it.

If the Senator is wrong, as I have shown he is, in respect to the incorporation of all the territory cut off from Texas into New Mexico, then he is also wrong in his declaration that the Compromise act of 1850 does not preserve and reassert the principle of the Missouri prohibition.

The facts are few and simple, and the inference from them obvious and irresistible.

The third article of the joint resolution for the annexation of Texas reads thus:

"New States, of convenient size, not exceeding four in number, in addition to said State of Texas, having sufficient population, may hereafter, by the consent of said State, be formed out of the Territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said Territory lying south of 36 deg. 30 min. north latitude, commonly known as the Missouri Compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri Compromise line, slavery or involuntary servitude (except for crime) shall be prohibited."

Here is an express stipulation that slavery shall be prohibited in any State formed out of the territory of Texas north of 36° 30′. This was a valuable stipulation for freedom, in case the claim of Texas was a valid one to the whole territory within her boundaries. The Senator from Virginia regarded that claim as valid; and it was upon his motion that the proviso which I now proceed to quote was incorporated into the Texas boundary bill:

"*Provided*, That nothing herein contained shall be construed to impair or qualify ANYTHING contained in the third article of the second section of the joint resolution for annexing Texas to the United States, approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the State of Texas or OTHERWISE."

Here was a compact between two States. So far as the parties were competent to enter into it, it was obligatory and permanent. That compact covered all the territory rightfully within the limits of Texas, until rescinded. It could make no difference if a portion of that territory should be subsequently relinquished to the United States. That would not disturb the effect of the compact. But this matter was not left to inference or conjecture. At the very moment of relinquishment, the United States and Texas, by agreeing to the proviso I have quoted, saved the compact, and continued it in full force in all its provisions.

Nothing can be clearer, then, than that, if the two tracts of country of which I have spoken were within the rightful claim of Texas, the compact applied to them, and the prohibition of slavery in the States to be created out of them, is still in force. And it is, perhaps, at this day the only prohibition which is in force there; for the Missouri prohibition, enacted in 1820, may be regarded as restricted to the limits of the Louisiana acquisition as defined by the treaty with Spain, which was concluded in that year.

But the Senator from Illinois says that the prohibition in the annexation resolution was of no practical effect, except to preserve the principle of the

Missouri Compromise. That was true, if Texas never had any just claim north of 36° 30′. Upon that supposition, also, the Mason proviso had no effect as preserving and reaffirming an actual prohibition north of 36° 30′, but still served to preserve the principle. It is impossible to maintain, as the Senator does, that the third article of the original joint resolution, though of no practical effect, preserved the principle of the Missouri Compromise, and yet deny that the Mason proviso, which reaffirms and reëstablishes, as part of a new compact, every provision of that third article preserves that principle. If the principle was preserved by one, it must be by the other.

I have now, I think, demonstrated that the Senator from Illinois was clearly wrong in asserting the incorporation of all the territory cut off from Texas into New Mexico; and justly as clearly wrong in denying the reaffirmance of the principle of the Missouri Compromise by one of those very Compromise Acts which, as he would have us say, superseded it.—Certainly the Senate, when it adopted the Mason proviso, without a division, and the House, when it agreed to the bill of which it was a part, must have intended to keep alive and affirm every provision of the third article of the annexation resolution. One of these provisions prohibited slavery north of 36° 30′. That provision preserved the principle of the Missouri Compromise. The proviso, taken in connection with that provision, makes it clear beyond all question that the Compromise Acts preserved that principle, and rejected the consequence which it is now sought to force upon them.

I submit to the Senate if I have not completely vindicated this part of the Appeal against the speech of the Senator? The errors, mistakes, misrepresentations, are all his own. None are found in the Appeal.

The third specification of the Senator charges the signers of the Appeal with misrepresentation of the original policy of the country in respect to slavery. The Senator says:

"The argument of this manifesto is predicated upon the assumption that the policy of the fathers of the Republic was to prohibit slavery in all the territories ceded by the old States to the Union, and made United States territory for the purpose of being organized into new States. I take issue upon that statement."

The Senator then proceeds to attempt to show that the original policy of the country was one of indifferentism between slavery and freedom; and that, in pursuance of it, a geographical line was established reaching from the eastern to the western limit of the original States—that is to say, to the Mississippi river. Sir, if anything is susceptible of absolute historical demonstration, I think it is the proposition that the founders of this republic never contemplated any extension of slavery. Let us for a few moments retrace the past.

What was the general sentiment of the country when the Declaration of Independence was promulgated? I invoke Jefferson as a witness. Let him speak to us from his grave, in the language of his memorable exposition of the rights of British America, laid before the Virginia Convention, in August, 1774. These are his words:

"The abolition of domestic slavery is the greatest object of desire in these colonies, where it was unhappily introduced in their infant state."

In the spirit which animated Jefferson, the First Congress—the old Con-

gress of 1774—among their first acts, entered into a solemn covenant against the slave traffic.

In 1776, the Declaration of Independence, drafted by Jefferson, announced no such low and narrow principles as seem to be in fashion now. That immortal document asserted no right of the strong to oppress the weak, of the majority to enslave the minority. It promulgated the sublime creed of human rights. It declared that ALL MEN are created equal, and endowed by their Creator with inalienable rights to life and liberty.

The first acquisition of territory was made by the United States in 1784, three years before the adoption of the Constitution. Just after the country had emerged from the war of independence, when its struggles, perils, and principles, were fresh in remembrance, and the spirit of the Revolution yet lived and burned in every American heart, we made our first acquisition of territory. That acquisition was derived from—I might, perhaps, better say confirmed by—the cessions of Virginia, New York, and Connecticut. It was the territory northwest of the river Ohio.

Congress forthwith proceeded to consider the subject of its government. Mr. Jefferson, Mr. Howell, and Mr. Chase were appointed a committee to draft an ordinance making provision for that object. The ordinance reported was the work of Mr. Jefferson, and is marked throughout by his spirit of comprehensive intelligence, and devotion to liberty. It did not confine its regards to the territory actually acquired, but contemplated further acquisitions by the cessions of other States. It provided for the organization of temporary and permanent State governments in all territory, whether "ceded or to be ceded," from the 31st parallel, the boundary between the United States and the Spanish province of Florida on the south, to the 42d parallel, the boundary between this country and the British possessions on the north.

The territory was to be formed into States; the settlers were to receive authority from the General Government to form temporary governments. The temporary governments were to continue until the population should increase to twenty thousand inhabitants; and then the temporary were to be converted into permanent governments. Both the temporary and the permanent governments were to be established upon certain principles, expressly set forth in the ordinance, as their basis. Chief among those was the important proviso to which I now ask the attention of the Senate:

> "After the year 1800 of the Christian era there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in the punishment of crimes whereof the parties shall have been duly convicted to have been personally guilty."

Let it be noted and remembered that this proviso applied not only to the territory which had been ceded already by Virginia and the other States, but to all territory ceded and to be ceded. There was not one inch of territory within the whole limits of the Republic which was not covered by the claims of one or another of the States. It was then the opinion of many statesmen—Mr. Jefferson himself among them—that the United States, under the Constitution, were incapable of acquiring territory outside of the original States. The Jefferson proviso, therefore, extended to all territory which it was then supposed the United States could possibly acquire.

Well, what was the action of Congress upon this proviso? Mr. Speight, of North Carolina, moved that it be stricken from the ordinance, and the

vote stood, for the proviso, six States,—New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and Pennsylvania; against it, three States,—Virginia, Maryland, and South Carolina. Delaware and Georgia were not then represented in the Congress, and the vote of North Carolina being divided, was not counted; nor was the vote of New Jersey counted, one delegate only being present. But the Senate will observe that the States stood six to three. Of the twenty-three delegates present, sixteen were for the proviso, and seven against it. The vote of the States was two to one, and that of the delegates more than two to one for the proviso. But under the provisions of the Articles of Confederation which then controlled the legislation of Congress, the votes of a majority of all the States were necessary to retain the proviso in the ordinance. It failed, consequently; precisely as a proviso in a treaty must fail unless it receive the votes of two-thirds of the members of the Senate. Sir, if that doctrine of the rights of majorities, of which we hear so much and see in actual practice so little, had then been recognized—if the wishes of a majority of the States, and of the majority of the delegates, had prevailed—if the almost universal sentiment of the people had been respected, the question of slavery in this country would have been settled, that day, forever. All the territory acquired by the Union would have been covered with the impenetrable ægis of freedom. But then, as now, there was a Slave Interest in the country:—then, as now, there was a Slave Power. The Interest was comparatively small, and the Power comparatively weak; but they were sufficient, under the then existing government, to defeat the proviso, and transfer the great question of slavery to future discussion. The facts which I have detailed, however, are sufficient to show what was the general sentiment, and what was the original policy of the country in respect to slavery. It was one of limitation, discouragement, repression.

What next occurred? The subject of organizing this terrirory remained before Congress. Mr. Jefferson, in 1785, went to France. His great influence was no longer felt in the councils of the country, but his proviso remained, and in 1787 was incorporated into the ordinance for the government of the territory northwest of the river Ohio. I beg the Senate to observe, that this territory was, at that moment, the whole territory belonging to the United States. I will not trouble the Senate by reading the proviso of the ordinance. It is enough to say that the Jefferson Proviso of 1784, coupled with a provision saving to the *original* States of the Union a right to reclaim fugitives from service, was incorporated into the ordinance, and became a fundamental law over every foot of national territory. What was the policy indicated by this action by the fathers of the Republic? Was it that of indifferentism between slavery and freedom? That of establishing a geographical line, on one side of which there should be liberty, and on the other side, slavery, both equally under the protection and countenance of the Government? No, sir; the farthest thing possible from that. It was the policy of excluding slavery from all national territory. It was adopted, too, under remarkable circumstances. The territory over which it was established was claimed by Virginia, in right of her charter, and in right of conquest. The gallant George Rogers Clarke, one of the bravest and noblest sons of that State, had, with a small body of troops, raised under her authority, invaded and conquered the territory. Slavery was already there, under the French

colonial law, and also, if the claim of Virginia was well founded, under the laws of that State. These facts prove that the first application of the original policy of the Government converted slave territory into free territory.

Now, sir, what guarantees were given for the maintenance of this policy in time to come? I once, upon this floor, adverted to a fact, which has not attracted so much attention, in my judgment, as its importance deserves. It is this: While the Congress was framing this Ordinance—almost the last act of its illustrious labors—the Convention which framed the Constitution was sitting in Philadelphia. Several gentlemen were members of both bodies, and at the time this Ordinance was adopted, no proposition in respect to slavery had been discussed in the Convention, except that which resulted in the establishment of the three-fifths clause. It is impossible to say, with absolute certainty, that the incorporation of that clause into the Constitution, which gave the slave States a representation for three-fifths of their slaves, had anything to do with the unanimous vote by which the proviso was ingrafted upon the Ordinance; but the coincidence is remarkable, and justifies the inference that the facts were connected. At all events, the proviso can hardly fail to have been regarded as affording a guarantee for the perpetuation of the policy which it established.

Already seven of the original thirteen States had taken measures for the abolition of slavery within their limits, and were regarded as free States. Six only of the original States were regarded as slave States. The Ordinance provided for the creation of five new free States, and thus secured the decided ascendency of the free States in the Confederation. The perpetuation of slavery even in any State, it is quite obvious, was not then even thought of.

And now, sir, let me ask the attention of the Senate to the Constitution itself. That charter of our Government was not formed upon pro-slavery principles, but upon anti-slavery principles. It nowhere recognizes any right of property in man. It nowhere confers upon the Government which it creates, any power to establish or to continue slavery. Mr. Madison himself records, in his Report of the Debates of the Convention, his own declaration, that it was "wrong to admit in the Constitution the idea that there could be property in men." Every clause in the Constitution which refers in any way to slaves speaks of them as persons, and excludes the idea of property. In some of the States, it is true, slaves were regarded as property. But the language of Mr. Justice McLean on this point is very striking. He says:

> "That cannot divest them of the leading and controlling quality of persons by which they are designated in the Constitution. The character of property is given them by the local law. This law is respected, and all rights under it are protected by the Federal authorities. But the Constitution acts upon slaves as persons, and not as property."

Well, sir, not only was the idea of property in men excluded from the Constitution; not only was there no power granted to Congress to authorize or enable any man to hold another as property, but an amendment was afterwards ingrafted upon the Constitution, which especially denied all such power.

The history of that amendment is worth attention. The State which the Senators from Virginia so ably represent on this floor was one of those which

immediately after the adoption of the Constitution proposed amendments of it. One of the amendments which she proposed was this:

"No freeman ought to be taken, imprisoned, or deprived of his freehold, liberties, or franchises, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land."

Did Congress adopt that amendment? No, sir; it adopted and proposed to the States a very different amendment. It was this:

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

Now, sir, in my judgment, this prohibition was intended as a comprehensive guarantee of personal freedom, and denies absolutely to Congress the power of legislating for the establishment or maintenance of slavery. This amendment of itself, rightly interpreted and applied, would be sufficient to prevent the introduction of slaves into any territory acquired by the United States. At all events, taken in connexion with the Ordinance, and with the original provision of the Constitution, it shows conclusively the absence of all intention upon the part of the founders of the Government to afford any countenance or protection to slavery outside of State limits. Departure from the true interpretation of the Constitution has created the necessity for positive prohibition.

My general view upon this subject is simply this: Slavery is the subjection of one man to the absolute disposal of another man by force. Master and slave, according to the principles of the Declaration of Independence, and by the law of nature, are alike men, endowed by their Creator with equal rights. Sir, Mr. Pinckney was right, when, in the Maryland House of Delegates, he exclaimed, "by the eternal principles of justice, no man in the State has a right to hold his slave for a single hour." Slavery then exists nowhere by the law of nature. Wherever it exists at all, it must be through the sanction and support of municipal or State legislation.

Upon this state of things the Constitution acts. It recognizes all men as persons. It confers no power, but, on the contrary, expressly denies to the Government of its creation all power to establish or continue slavery. Congress has no more power under the Constitution to make a slave than to make a king; no more power to establish slavery than to establish the Inquisition.

At the same time the Constitution confers no power on Congress; but, on the contrary, denies all power to interfere with the internal policy of any State, sanctioned and established by its own Constitution and its own legislation, in respect to the personal relations of its inhabitants. The States, under the Constitution, are absolutely free from all interference by Congress in that respect, except, perhaps, in the case of war or insurrection; and may legislate as they please within the limitations of their own constitutions. They may allow slavery if they please, just as they may license other wrongs. But State laws, by which slavery is allowed and regulated, can operate only within the limits of the State, and can have no extra territorial effect.

Sir, I could quote the opinions of southern judges *ad infinitum*, in support of the doctrine that slavery is against natural right, absolutely dependent for existence or continuance upon State legislation. I might quote the scornful rejection by Randolph of all aid from the General Government to

the institution of slavery within the States. I might quote the decision of the celebrated Chancellor Wythe, of Virginia—overruled afterwards, I know, in the court of appeals—that slavery was so against justice that the presumption of freedom must be allowed in favor of every alleged slave suing for liberty, and that the onus of proving the contrary rested upon the master.

I think I have now shown that the Ordinance of 1787, and the Constitution of the United States, were absolutely in harmony one with the other; and that if the Ordinance had never been adopted, the Constitution itself properly interpreted, and administered, would have excluded slavery from all newly-acquired territory. But, sir, whatever opinion may be entertained in respect to the interpretation of the Constitution which I defend, one thing is absolutely indisputable, and that is, that it was the original policy of the country to exclude slavery from all national territory.

That policy was never departed from until the year 1790, when Congress accepted the cession of what is now Tennessee, from North Carolina. But did the acceptance of that cession indicate any purpose of establishing a geographical line between slavery and freedom? Why, sir, on the contrary, the State of North Carolina, aware that in the absence of any stipulation to the contrary, slavery would be prohibited in the ceded territory, in pursuance of the established policy of the Government, introduced into her deed of cession an express provision that the anti-slavery article of the Ordinance of 1787 should not be applied to it. It may be said that Congress should have refused to accept the cession. I agree in that opinion. But slavery already existed in the district as part of the State of North Carolina, and it was probably thought unreasonable to deny the wish of the State for its continuance.

The same motives decided the action of Georgia, in 1802, in making her cession of the territory between her western limits and the Mississippi, and the action of Congress accepting it. The acceptance of these cessions, as well as the adoption and re-enactment by Congress of the slave laws of Maryland for the District of Columbia, were departures from original policy; but they indicated no purpose to establish any geographical line. They were the result of the gradually increasing indifference to the claims of freedom, plainly perceivable in the history of the country after the adoption of the Constitution. Luther Martin had complained in 1788, that "when our own liberties were at stake we warmly felt for the common rights of man. The danger being thought to be passed which threatened ourselves, we are daily growing more and more insensible to those rights." It was this growing insensibility which led to these departures from original policy. Afterwards, in 1803, Louisiana was acquired from France. Did we then hasten to establish a geographical line? No, sir. In Louisiana, as in the territories acquired from Georgia and North Carolina, Congress refrained from applying the policy of 1787; Congress did not interfere with existing slavery; Congress contented itself with enactments prohibiting, absolutely, the introduction of slaves from beyond the limits of the United States; and also prohibiting their introduction from any of the States, except by *bona fide* owners, actually removing to Louisiana for settlement. When Louisiana was admitted into the Union, in 1812, no restriction was imposed upon her in respect to slavery. At this time, there were slaves all along

up the west bank of the Mississippi as far as St. Louis, and perhaps even above.

In 1818 Missouri applied for admission into the Union. The free States awoke to the danger of the total overthrow of the original policy of the country. They saw that no State had taken measures for the abolition of slavery since the adoption of the Constitution. They saw that the feeble attempts to restrict the introduction of slaves into the territories acquired from Georgia and from France had utterly failed. They insisted, therefore, that in the formation of a constitution, the people of the proposed State should embody in it a provision for the gradual abolition of the existing slavery, and prohibiting the further introduction of slaves. By this time the Slave Interest had become strong, and the Slave Power was pretty firmly established. The demand of the free States was vehemently contested. A bill preparatory to the admission of Missouri, containing the proposed restriction, was passed by the House and sent to the Senate. In that body the bill was amended by striking out the restriction; the House refused to concur in the amendment; the Senate insisted upon it, and the bill failed. At the next session of Congress the controversy was renewed. In the mean time Maine had been severed from Massachusetts, had adopted a constitution, and had applied for admission into the Union. A bill providing for her admission passed the House, and was sent to the Senate. This bill was amended in the Senate by tacking to it a bill for the admission of Missouri, and by the addition of a section prohibiting slavery in all the territory acquired by Louisiana north of 36° 30′. The House refused to concur in these amendments, and the Senate asked for a Committee of Conference, to which the House agreed. During the progress of these events, the House, after passing the Maine bill, had also passed a bill for the admission of Missouri, embodying the restriction upon slavery in the State. The Senate amended the bill by striking out the restriction, and by inserting the section prohibiting slavery north of 36° 30′.

This section came from the South, through Mr. Thomas, a Senator from Illinois, who had uniformly voted with the slave States against all restriction. It was adopted on the 17th February, 1820, as an amendment to the Maine and Missouri bill, by 34 ayes, against 10 noes.*

Mr. Hunter. I think that the provision passed without a division in the Senate.

Mr. Chase. The Senator is mistaken. Fourteen Senators from the slave States, and twenty from the free States voted for that amendment. Eight

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* The vote was as follows:

Ayes—Messrs. Morrill and Parrot, of New Hampshire; Mellen and Ottis, of Massachusetts; Dana and Lanman, of Connecticut; Burrill and Hunter, of Rhode Island; Palmer and Tichenor, of Vermont; King and Sanford, of New York; Dickerson and Wilson, of New Jersey; Lowrie and Roberts, of Pennsylvania; Ruggles and Trimble, of Ohio; Horsey and Van Dyke, of Delaware; Lloyd and Pinkney, of Maryland; Stokes, of North Carolina; Johnson and Logan, of Kentucky; Eaton and Williams, of Tennessee; Brown and Johnson, of Louisiana; Leake, of Mississippi; King and Walker, of Alabama; Edwards and Thomas, of Illinois.

Noes—Messrs. Noble and Taylor, of Indiana; Barbour and Pleasants, of Virginia; Macon, of North Carolina; Gaillard and Smith, of South Carolina; Elliott and Walker, of Georgia; and Williams, of Mississippi.

from the former, and two from the latter voted against it. No vote by ayes and noes was taken when the same amendment was ingrafted upon the separate Missouri bill, a few days later; the sense of the Senate having been ascertained by the former vote.

This was the condition of matters when the Committee of Conference, for which the Senate had asked, made their report. The members of the committee from the Senate were, of course, favorable to the Senate amendments. In the House, the Speaker, HENRY CLAY, was also in favor of them, and he had the appointment of the committee. Of course he took care, as he has since informed the country, to constitute the committee in such manner and of such persons as would be most likely to secure their adoption. The result was what might have been expected. It recommended that the Senate should recede from its amendments to the Maine bill, and that the House should concur in the amendments to the Missouri bill. Enough members from the free States were found to turn the scale against the proposed restriction of slavery in the State; and the amendment of the Senate striking it out was concurred in by ninety yeas against eighty-seven nays. From this moment successful opposition to the introduction of Missouri with slavery was impossible. Nothing remained but to determine the character of the residue of the Louisiana acquisition; and the amendment prohibiting slavery north of 36° 30′ was concurred in by one hundred and thirty-four yeas against forty-two nays. Of the yeas, thirty-eight were from slave and ninety-six from free States; of the nays, thirty-seven were from slave States and five from free. Among those who voted with the majority was Mr. LOWNDES, of South Carolina, whose vote, estimated by the worth and honor of the man, outweighs many opposites.

Now, for the first time, was a geographical line established between slavery and freedom in this country.

Let us pause, and ascertain upon what principle this compromise was adopted, and to what territory it applied. The controversy was between the two great sections of the Union. The subject was a vast extent of almost unoccupied country, embracing the whole territory west of the Mississippi. It was territory in which slave law existed at the time of acquisition. The compromise section contained no provision allowing slavery south of 36° 30′. It could never have received the sanction of Congress if it had. The continuance of slavery there was left to the determination of circumstances. There was, probably, an implied understanding that Congress should not interfere with the operation of those circumstances—and that was all. The prohibition north of 36° 30′ was absolute and perpetual. The act in which it was contained was submitted by the President to his Cabinet, for their opinion upon the constitutionality of that prohibition. CALHOUN, CRAWFORD, and WIRT were members of that Cabinet. Each, in a written opinion, affirmed its constitutionality, and the act received the sanction of the President. Thus we see that the parties to the arrangement were the two sections of the country—the free States on one side, the slave States on the other. The subject of it was, the whole territory west of the Mississippi, outside of the State of Louisiana; and the practical operation of it was, the division of this territory between the institution of slavery and the institution of freedom.

The arrangement was proposed by the slave States. It was carried by their votes. A large majority of Southern Senators voted for it; a majority of Southern Representatives voted for it. It was approved by all the Southern members of the Cabinet, and received the sanction of a Southern President. The compact was embodied in a single bill containing reciprocal provisions. The admission of Missouri with slavery, and the understanding that slavery should not be prohibited by Congress south of 36° 30′, were the considerations of the perpetual prohibition north of that line. And that prohibition was the consideration of the admission and the understanding. The slave States received a large share of the consideration coming to them, paid in hand. Missouri was admitted without restriction by the act itself. Every other part of the compact, on the part of the free States, has been fulfilled to the letter. No part of the compact on the part of the slave States has been fulfilled at all, except in the admission of Iowa, and the organization of Minnesota; and now the slave States propose to break up the contract without the consent and against the will of the free States, and upon a doctrine of supersedure which, if sanctioned at all, must be inevitably extended so as to overthrow the existing prohibition of slavery in all the organized Territories.

Let me read to the Senate some paragraphs from Niles's Register, published in Baltimore, March 11, 1820, which show clearly what was then the universal understanding in respect to this arrangement:

"The territory north of 36 deg. 30 min. is '*forever*' forbidden to be peopled with slaves, except in the State of Missouri. The right, then, to inhibit slavery in *any* of the Territories is clearly and completely acknowledged, and it is conditioned as to some of them, that even when they become *States*, slavery shall be '*forever*' prohibited in them. There is no hardship in this. The Territories belong to the United States, and the Government may rightfully prescribe the terms on which it will dispose of the public lands. This great point was agreed to in the Senate. 33 votes to 11; and in the House of Representatives by 134 to 42, or really 139 to 37. And we trust that it is determined '*forever*' in respect to the countries now subject to the legislation of the General Government."

I ask Senators particularly to mark this:

"*It is true the compromise is supported only by the letter of the law, repealable by the authority which enacted it; but the circumstances of the case give to this law a* MORAL FORCE *equal to that of a positive provision of the Constitution; and we do not hazard anything by saying that the Constitution exists in its observance.* Both parties have sacrificed much to conciliation. *We wish to see the* COMPACT *kept in good faith,* and we trust that a kind Providence will open the way to relieve us of an evil which every good citizen deprecates as the supreme curse of the country."

That, sir, was the language of a Marylander, in 1820. He expressed the universal understanding of the country. Here then is a COMPACT, complete, perfect, irrepealable, so far as any compact, embodied in a legislative act, can be said to be irrepealable. It had the two sections of the country for its parties, a great territory for its subject, and a permanent adjustment of a dangerous controversy for its object. It was forced upon the free States. It has been literally fulfilled by the free States. It is binding, indeed, only upon honor and conscience; but, in such a matter, the obligations of honor and conscience must be regarded as even more sacred than those of constitutional provisions.

Mr. President, if there was any principle which prevailed in this arrangement, it was that of permitting the continuance of slavery in the localities

where it actually existed at the time of the acquisition of the territory, and prohibiting it in the parts of territory in which no slaves were actually held. This was a wide departure from the original policy which contemplated the exclusion of slavery from territories in which it actually existed at the time of acquisition. But the idea that slavery could ever be introduced into free territory, under the sanction of Congress, had not, as yet, entered into any man's head.

Mr. President, I shall hasten to a conclusion. In 1848 we acquired a vast territory from Mexico. The free States demanded that this territory, free when acquired, should remain free under the government of the United States. The Senator from Illinois tells us that he proposed the extension of the Missouri compromise line through this territory, and he complains that it was rejected by the votes of the free States. So it was. And why? Because the Missouri compromise applied to territory in which slavery was already allowed. The Missouri prohibition exempted a portion of this territory, and the larger portion, from the evil. It carried out, in respect to that, the original policy of the country. But the extension of that line through the territory acquired from Mexico, with the understanding which the Senator from Illinois and his friends attached to it, would have introduced slavery into a vast region in which slavery, at the time of acquisition, was not allowed. To agree to it would have been to reverse totally the original policy of the country and to disregard the principle upon which the Missouri compromise was based.

It is true that when the controversy in respect to this territory came to a conclusion, the provisions of the acts by which territorial governments were organized, were in some respects worse than that proposition of the Senator. While those bills professed to leave the question of slavery or no slavery in the Territories, unaffected by their provisions, to judicial decision, they did, nevertheless, virtually decide the question for all the territory covered by them, so far as legislation could decide it, against freedom. California, indeed, was admitted as a free State; and by her admission the scheme of extending a line of slave States to the Pacific was, for the time, defeated. The principle upon which northern friends of the territorial compromise acts vindicated their support of them was this: Slavery is prohibited in these territories by Mexican law;—that law is not repealed by any provision of the acts;—indeed, said many of them, slavery cannot exist in any territory, except in virtue of a positive act of Congress; no such act allows slavery there; there is no danger, therefore, that any slaves will be taken into the territory. Southern supporters of the measures sustained them upon quite opposite grounds. Under the provisions of the Federal Constitution, they said, the slaveholder can hold his slaves in any territory in spite of any prohibition of a Territorial Legislature, or even of an act of Congress. The Mexican law forbidding slavery was abrogated at the moment of acquisition by the operation of the Constitution. Congress has not undertaken to impose any prohibition. We can, therefore, take our slaves there, if we please.

The committee tell us that this question was left in doubt by the territorial bills.

What, then, was the principle, if any, upon which this controversy was adjusted? Clearly this: That when free territory is acquired, that part of

it which is ready to come in as a free State shall be admitted into the Union, and that part which is not ready shall be organized into territorial governments, and its condition in respect to slavery or freedom shall be left in doubt during the whole period of its territorial existence.

It is quite obvious, Mr. President, how very prejudical such a doubt must be to the settlement and improvement of the territory. But I must not pause upon this.

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

I have thus proved beyond controversy that the averment of the bill, which my amendment proposes to strike out, is untrue. Senators, will you unite in a statement which you know to be contradicted by the history of the country? Will you incorporate into a public statute an affirmation which is contradicted by every event which attended or followed the adoption of the Compromise Acts? Will you here, acting under your high responsibility as Senators of the States, assert as fact, by a solemn vote, that which the personal recollection of every Senator who was here during the discussion of those Compromise Acts disproves? I will not believe it until I see it. If you wish to break up the time-honored compact embodied in the Missouri Compromise, transferred into the joint resolution for the an-

nexation of Texas, preserved and affirmed by these Compromise acts themselves, do it openly—do it boldly. Repeal the Missouri prohibition. Repeal it by a direct vote. Do not repeal it by indirection. Do not "declare" it "inoperative," because "superseded by the principles of the legislation of 1850."

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

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

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

"That the committee deem it highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the northwestern

country, and to give strength and security to that extensive frontier. In the salutary operation of this sagacious and benevolent restraint, it is believed that the inhabitants of Indiana will, at no very distant day, find ample remuneration for a temporary privation of labor and of emigration."

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

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

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

I cannot believe that the people of this country have so far lost sight of the maxims and principles of the Revolution, or are so insensible to the obligations which those maxims and principles impose, as to acquiesce in

the violation of this compact. Sir, the Senator from Illinois tells us that he proposes a final settlement of all territorial questions in respect to slavery, by the application of popular sovereignty. What kind of popular sovereignty is that which allows one portion of the people to enslave another portion? Is that the doctrine of equal rights? Is that exact justice? Is that the teaching of enlightened, liberal, progressive Democracy? No, sir; no! There can be no real Democracy which does not fully maintain the rights of man, as man. Living, practical, earnest Democracy imperatively requires us, while carefully abstaining from unconstitutional interference with the internal regulations of any State upon the subject of slavery, or any other subject, to insist upon the practical application of its great principles in all the legislation of Congress.

I repeat, sir, that we who maintain these principles will stand shoulder to shoulder with the men who, differing from us upon other questions, will yet unite with us in opposition to the violation of plighted faith contemplated by this bill. There are men, and not a few, who are willing to adhere to the compromises of 1850. If the Missouri Prohibition, which those compromises incorporate and preserve among their own provisions, shall be repealed, abrogated, broken up, thousands will say, Away with all compromises; they are not worth the paper on which they are printed; we will return to the old principles of the Constitution. We will assert the ancient doctrine, that no persou shall be deprived of life, liberty, or property, by the legislation of Congress, without due process of law. Carrying out that principle into its practical applications, we will not cease our efforts until slavery shall cease to exist wherever it can be reached by the constitutional action of the Government.

Sir, I have faith in Progress. I have faith in Democracy. The planting and growth of this nation, upon this western continent, was not an accident. The establishment of the American Government, upon the sublime principles of the Declaration of Independence, and the organization of the union of these States, under our existing Constitution, was the work of great men, inspired by great ideas, guided by Divine Providence. These men, the fathers of the Republic, have bequeathed to us the great duty of so administering the Government which they organized, as to protect the rights, to guard the interests, and promote the well-being of all persons within its jurisdiction, and thus present to the nations of the earth a noble example of wise and just self-government. Sir, I have faith enough to believe that we shall yet fulfil this high duty. Let me borrow the inspiration of MILTON, while I declare my belief that we have yet a country "not degenerated nor drooping to a fatal decay, but destined, by casting off the old and wrinkled skin of corruption, to out-live these pangs, and wax young again, *and, entering the* GLORIOUS WAYS OF TRUTH AND PROSPEROUS VIRTUE, BECOME GREAT AND HONORABLE IN THESE LATTER AGES. Methinks I see in my mind a great and puissant nation rousing herself like a strong man after sleep, and shaking her invincible locks. Methinks I see her as an eagle mewing her mighty youth, and *kindling her undazzled eyes* AT THE FULL MID-DAY BEAM; *purging and unscaling her long-abused sight* AT THE FOUNTAIN ITSELF OF HEAVENLY RADIANCE; while the whole noise of timorous and flocking birds, with those also that love the twilight, flutter about, amazed at what she means, and in their envious gabble would prognosticate a year of sects and schisms."

Sir, we may fulfil this sublime destiny if we will but faithfully adhere to the great maxims of the Revolution; honestly carry into their legitimate practical applications the high principles of Democracy; and preserve inviolate plighted faith and solemn compacts. Let us do this, putting our trust in the God of our Fathers, and there is no dream of national prosperity, power, and glory which ancient or modern builders of ideal commonwealths ever conceived, which we may not hope to realize. But if we turn aside from these ways of honor, to walk in the by-paths of temporary expedients, compromising with wrong, abetting oppression, and repudiating faith, the wisdom and devotion and labors of our fathers will have been all—ALL in vain.

Sir, I trust that the result of this discussion will show that the American Senate will sanction no breach of compact. Let us strike from the bill that statement which historical facts and our personal recollections disprove, and then reject the whole proposition which looks toward a violation of the plighted faith and solemn compact which our fathers made, and which we, their sons, are bound by every tie of obligation sacredly to maintain.

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Chase, Salmon Portland
Maintain plighted faith

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