





S P E E C H

OF

HON. JOHN A. BINGHAM, OF OHIO.

Delivered in the House of Representatives, April 24, 1860.

Mr. CHAIRMAN: The annual message of the President of the United States, which has been referred to this Committee for its consideration, should not be passed over lightly. It contains much that, in my judgment, is offensive to the people and injurious to their interests, and which should not be allowed to go to the country unchallenged. It is my purpose, sir, to speak of this paper with all the respect that is due to the distinguished position of its author, but with the utmost freedom and candor. I speak to-day as a representative of the people and for the people; not as the representative of party or for party. I speak to-day as an American citizen, claiming every State and section and rood of the Republic as part of my native country, that country which at last has but one Constitution and one destiny. I do not intend, in anything I may this day utter, to do injustice to any section of that country, or to any of its interests.

The President of the United States, in this paper, invokes all good citizens to strive to allay "the demon spirit of sectional hatred and strife now alive in the land." This sectional spirit, to which the President refers, manifested itself upon this floor during the first two months of this session. It found fit, fierce, and expressive utterance on the other side of this Chamber, amongst the avowed political friends of the President himself, in their attempt to arraign and condemn sixty of their peers here as the aiders and inciters of treason, insurrection, and murder; and this, too, without giving to the accused a hearing, without testimony, in defiance of all law, and without subjecting the conscience of these self-constituted triers to the inconvenient obligation of an official oath. While these gentlemen were thus attempting to enforce mob law on this floor, they were loud in proclaiming that the inauguration of a Republican President, elected by the people in conformity with the Constitution and laws, should be resisted to the extremity of disunion and civil war.

These were the enunciations with which our ears were greeted for two months, pending the contest for the organization of this House. If it was fit that the President should rebuke this sectional spirit among the people, it is fit that its manifestations upon this floor should be rebuked

as well; and it is eminently fit that the sectional policy of the President and of his party should be rebuked in return by the whole people. There is so much in the tone of this paper that is intensely sectional, that I am constrained to believe that the President's plaintive invocation to allay "the demon spirit" was but smooth dissimulation, the better to disguise the sectional policy of himself and his party.

Sir, to put down forever this sectional party; to put an end forever to this sectional strife, and sectional innovation upon the Constitution and the rights of the people, I am ready to join hands with good men in every section of the Union. That is a fell spirit, a demon spirit, which, under any pretence or for any purpose, would strike down all the defences of law; would sweep away all the landmarks of right and justice; would break down the traditional policy of this Government, as wise as it is beneficent; which, instead of maintaining and perpetuating peace between every section of this country, would inaugurate and perpetuate discord, which would fill this goodly land with the lurid light of civil war; which would give its peaceful homes to conflagration, and its citizens to the sword; staining the white raiment of its mountains and the green vesture of its plains with the blood of human sacrifice shed in that unnatural and unmatched atrocity, fraternal strife.

Notwithstanding all I have heard, sir, upon this floor, of threats of disunion and civil war, I do not fear it; for there is in this land a power stronger than armies—that new power, born of the enlightened intellect and conscience of the people—the power of public opinion. That power speaks to-day, through the pen and the press, the living voice and the silent ballot. That power is stronger, I repeat, than armies. No, sir; notwithstanding all these threats, there can be no conflict of arms between the great sections of this Union. This land, consecrated to freedom and to man, by the blood of patriots and of martyrs, would refuse to bear up upon its holy ground an army of traitors. Local rebellions there may be; but in the future, as in the past, they will be suppressed by the popular will; by that majestic voice of the nation, at whose lightest word the tumult of the mob is still, and the

wild, stormy sea of human passion is calm. God is not in the whirlwind, nor in the earthquake, nor in the storm.

The question to-day is, not how shall civil war between the great sections of this Union be averted—for that is not to be, it is an impossibility—but the question of to-day is, how shall this sectional party and this sectional strife be allayed? I answer, sir, that this sectional strife will never be allayed by imitating the example, or adopting the policy, of the President and his party; never, while there is an honest head or an honest heart in this land. Neither will this sectional strife be allayed, but fostered, rather, by the attempt, here or elsewhere, either by National or by State legislation, to enact sedition laws, by which to fetter the conscience, or stifle the convictions, of American citizens. This sectional strife will never be allayed by the attempt, here or elsewhere, either by National or by State legislation, to annul the sacred right of domicile, to make it a felony for any freeman, born anywhere within the limits of the Republic, to live unmolested on the spot of his origin, so long as he behaves himself well, and it pleases God to let him live.

This sectional strife never will be allayed by the attempt to nationalize chattel slavery, to place it under the shelter of the Federal Constitution, and to maintain it in all the national domain, either by force of a Congressional slave code, which the President recommends in this message, or by force of Territorial legislation, enacted by virtue of Congressional grants of power.

Sir, it is in such legislation as I have named, or in the attempt to inaugurate such legislation, that the President's party, sometimes misnamed the Democratic party, lives, and moves, and has its being. The time was, at the organization of this Government, when it was conceded by every State and every great statesman in the land, that it was the right and the duty of the Federal Government to exclude slave labor and chattel slavery from every rood of the national domain, and to protect the free labor of freemen, not only in the Territories of the United States, but in every State of the Union, North, South, East, and West, and wherever the jurisdiction of the Government extended, either on the land or the sea.

In that day, sir, the grand words of the Constitution, "TO ESTABLISH JUSTICE, TO PROMOTE THE GENERAL WELFARE, AND SECURE THE BLESSINGS OF LIBERTY;" were not denounced as "glittering generalities;" or the utterances of "infant philosophers;" but were reverently held, believed in, and acted upon, as absolute verities. Then, sir, to promote the general welfare, Congress—the First Congress—legislated for the greatest good of the greatest number, by protecting the free labor of the whole country; and to establish justice and secure the blessings of liberty, that Congress re-enacted the ordinance of 1787, (which had ceased with the Confederation to be law,) for the government of all the national territory; declaring thereby that no person therein should ever be enslaved, except for crime; or be deprived of life or liberty, but by due process of law and the judgment of his peers; nor of his property, the product of his toil, without just compen-

sation. Under the influence of this legislation, enacted in the very spirit of the Constitution, and sanctioned by the great name of Washington, the country commenced its sublime march of independence; and was not then, as now, possessed of that devil, that demon spirit, which to-day rears and distracts her.

In that day, sir, it was everywhere declared and admitted that slavery did not exist by virtue of the Constitution; that the Constitution did not operate on any class of men, black or white, as property, but only and always as persons; that the institution of slavery was purely local, sectional, not national; existing only within the limits of such of the States as tolerated it, and there only by force of local, not national, law; that slavery was a great evil to the master and slave, foreign to the spirit of our laws and institutions, an evil to be softened, not aggravated, to be got rid of and ended, not to be spread into new lands to be perpetuated and eternized. Unhappily, the time came in the history of the Republic, when these just sentiments, and this wise national legislation to which I have referred, came to be questioned and denounced.

This was the beginning of this sectional strife. When and by whom was this strife inaugurated, by whom has it been continued, and who and what party are responsible for its continuance?

In the year 1803, by a treaty of purchase, the United States acquired from France the Territory of Louisiana. This acquisition was made confessedly without warrant in the Constitution, but under a supposed public necessity. In 1804, an organic act was passed for the government of so much of this Territory as lay south of the thirty-third parallel of north latitude. By that act the traffic in foreign and domestic slaves was prohibited in that Territory, under the penalty of fine and the emancipation of the slaves. Jefferson, in his approval of this act, was either ignorant or careless of the alleged duty of this Government to protect the slave property of the citizens of the slave States in the national Territories. It was clearly a violation of this alleged duty to provide that the citizen should not traffic in his slave property in that Territory without subjecting himself to fine and forfeiture.

The subsequent organization of Missouri as a slave State within that Territory, and her application for admission as such into the Union, gave rise to the first great sectional conflict, which was finally determined by the admission of that State, and the enactment of the compromise act of 1820, by which chattel slavery was forever excluded from all that territory lying west of Missouri and north of the parallel of 36° 30' north latitude.

After this compromise, the nation reposed in peace, and its policy in favor of free territory and the protection of free labor was deemed settled, until about the year 1830, when, under the beneficent effects of this policy, it became apparent that, unless it was abandoned, slavery itself must give way and cease to be in the slave States, by the general consent and in obedience to the ever-increasing demands for free labor. Then, sir, Maryland tolerated open and active efforts among her citizens for the abolition of domestic slavery. Then Kentucky tolerated like

efforts for the abolition of slavery among her citizens: and Virginia saw and felt in every fibre of her existence that she must either throw off that giant wrong, or perish by reason of its continuance. Her Legislative Assembly about that time engaged in a debate on the question of the total abolition of the system; some of her ablest citizens insisting upon it, foremost among whom was a distinguished gentleman who, but the other day, was appointed our minister plenipotentiary to France, (Mr. Faulkner,) who repeated the expressive and prophetic admonition of Jefferson: "You must adopt some plan of emancipation, or worse will follow." It was then, sir, that in the South this sectional strife was again renewed, by opposing emancipation and by making war upon the great and beneficent policy of protection to free labor. That strife was by the South brought into these Halls, and here inaugurated, by demanding that the system of protecting and encouraging the free labor of the freemen of this country by legislation should be abandoned. That sectional party in the South, then, as now, ostracized every open and avowed friend of emancipation and of protection to free labor.

Mr. SMITH, of Virginia. I want to say to the gentleman from Ohio—

Mr. BINGHAM. The gentleman will excuse me.

Mr. SMITH, of Virginia. I do not want the gentleman to say that Virginia did that. Some of her politicians did it, but Virginia repudiated it.

Mr. BINGHAM. I am speaking of her politicians; and I wish to say that then, ever since, and now, the South had and has men superior to all such narrow, bigoted, selfish, mercenary prejudices and practices; but, unhappily, the gentleman from Virginia is not one of them. Whatever pretexts may have been urged, the real purpose of the South, in assailing this policy of protection, was to secure an advantage to the slave-owners of the South, at the expense of the free laborers of the whole country, North and South. The abandonment of this system for such a purpose involved the practical application, in the legislation of the country, of the specious dogma that the Constitution was made for the minority; it involved the specific disavowal of the expressed intent and purpose of the Constitution, "the promotion of the *general welfare*," of the greatest good of the greatest number; it involved the sacrifice of the interests of the many for the benefit of the few. What was this, sir, but a demand that Congress should so legislate as to make slave labor more profitable, and free labor less profitable?

That has been the demand, the end, and aim, of this sectional party, from that day to this. The watchword of this party then was, and still is, the expansion and protection of slavery and slave labor, at the sacrifice of free labor, by the withdrawal of legislative protection from it. To accomplish the repeal of the laws which protected free labor, then, as now, the South blustered, and threatened secession and treason. South Carolina passed her ordinance and test act, so offensive and treasonable in terms, as to wring from the gentle spirit of her Grimké, in her Senate Chamber, the burning invective:

"Your ordinance * * * is the grave of liberty. Before I will pollute my lips or perjure my soul with your test oath, you may cut off my right hand, and nail it up as a finger-board, to point my way to the gibbet."

That State became a military encampment; the cry to arms was everywhere heard within her borders, and the treasonable purpose of armed resistance to the laws everywhere proclaimed.

Strange, sir, that armed resistance in South Carolina to the national laws for the protection of free labor should be hailed as patriotism, and those who advised or attempted it crowned with honors, while an old man, into whose soul the iron of oppression has entered, who, in his wild dream of duty, lifts his hand against the slave laws of Virginia, hoping thereby to shiver the fetters which bind four million of men, and lift them from the darkness of their prison-house into the sunlight of liberty, is denounced as a traitor, and strangled as a felon. What part, sir, did the President, who now complains of sectional strife, play in this sectional raid upon the laws and the interests of free labor, in this attempt to paralyze the mighty arm of intelligent industry, in which is the nation's strength, in order to secure increased profits to the few, who produce by proxy, and live upon the unpaid toil of slaves?

Go read the record of his shameless surrender of the interests and rights of free labor to the rebels against the law, the conspirators against the national prosperity. I commend that page which records his conflict with honest John Davis, of Massachusetts. Hear this, our present complacent counsellor and adviser against "sectional hatred and strife," urge the sectional demands of South Carolina, in words that should be remembered only to blast him: "Reduce," said he, "the standard of prices in this country, to the standard of prices in Europe, and you cover our country with blessings and benefits." That is, make your sons of honest toil, in your fields, and shops, and mines, work for the pittance of sixpence a day, as in plundered, oppressed, and fettered Spain, and France, and Austria, and you cover our country—that is, the non-laboring, non-producing few of the South—"with blessings and benefits." To allay this sectional strife, this demand was, to a great extent, complied with.

Notwithstanding this suicidal change of the national policy, avowedly, to enable the slaveholder to buy cheaper, and sell at an increased profit by obtaining a reciprocal reduction of duties upon his slave products in the foreign market; notwithstanding this blow dealt by the Government upon the mighty brotherhood of free, intelligent industry in the North, the free States, though inferior in fertility and in climate and territorial extent and geographical position to the slave States, maintained the ascendancy in wealth, population, intelligence; and, unless further interefered with by additional sectional legislation, would inevitably soon assert such an influence in the administration of the Government as would permanently restore the time-honored policy of protection to free labor, North and South. That fact was made apparent by the great political revolution of 1840, and the protective enactment of 1842. To check this

ever-increasing political influence of free labor—this triumph of freedom over slavery, of light over darkness, of right over wrong—these same pro-slavery sectionalists insisted upon the repeal of the protective act of 1812, and the maintenance by legislation of the political equilibrium of the slave with the free States. That was the proposition of Mr. Calhoun. I regret that an intellect so strong, and once so national as was his, could be cribbed and fettered by this sectional spirit which demanded legislation for the few, to the lasting injury of the many. He yielded to the demands of this sectional spirit, this slave interest, and, as its champion, insisted that the advancing column of free labor should be checked, and made to halt in its rapid and sublime march to await the lagging step of the fettered bondman.

To maintain this political equilibrium, having converted all the territory south of the thirty-sixth parallel into slave States, including Florida, all north was to be declared a trust held in common for the slave and free States, into which slavery was to go with the citizen of the slave States, and to be acknowledged and protected there under the Constitution. This proposition involved the avoidance or repeal of all that legislation which had, by the consent of Monroe and Jackson and Van Buren and Polk, forever excluded slavery from the national Territories between the compromise line of 1820 and the Pacific ocean. It was but the announcement of that political blasphemy and atheism which declares that it is right to enslave labor, to take away by law from honest toil and honest endeavor and honest purpose its just reward—proclaiming that a man shall not reap where he has sown; that he shall not enjoy the fruit of his own toil; that the roof-tree which his own hands have reared shall not be for shelter or defence to him or his children.

To maintain the equilibrium of the slave with the free States, the Federal Government must, by legislation, counteract the laws of population and growth; must essay to annul the great law of human progress, the law of civilization, that they who cultivate the land shall possess it. Intelligence, the central orb in our industrial, political, and social system, must pale its splendors in the darkening shadows of a perpetual and ever-increasing despotism, that the political equilibrium of the slave States may be maintained. To accomplish this end, this sectional party further demanded that a foreign slave State, as large in territorial extent as New York, Pennsylvania, and Ohio, should be annexed as a slave State to the Union, for the twofold purpose of furnishing to Virginia a new market in which to make merchandise of her children, and securing to a sparse slave population of two hundred thousand a Senatorial representation equal to that of the Empire State with her three million freemen.

The proposition shocked right-minded citizens and patriots of all parties and of all sections. The great Commoner of Kentucky opposed it as a violation of the nation's plighted faith, and, with the presence of a seer, proclaimed that its accomplishment would involve the country in the two greatest of all national calamities—na-

tional dishonor and national war. That pure and noble man, Mr. J. Q. Adams, who for fifty years had stood a warder of civilization and liberty, denounced it as treason to the rights of man. The once chosen of the Democracy to the Chief Magistracy, Mr. Van Buren, also denounced it as dangerous to the peace and honor of the country. This proposition, sir, was the very incarnation of that demon spirit of sectional strife. This sectional party banded together and trampled down the good men and true, who rejected, with honest scorn, the monstrous purpose. They hunted the noble and lion-hearted Kentuckian to his grave, and, aided by such traitors to the right in the North as the present Chief Magistrate, they hunted down the noble and patriotic Silas Wright.

In accomplishing this infamy, this party committed a wanton, deliberate violation of that Constitution which the immediate actors in this wrong were sworn to support, that Constitution which these same gentlemen have now the audacity to say is with them sacred as life itself! Where, sirs, was your reverence for the Constitution when the treaty-making power—the only power under the Constitution which can contract with foreign States—was struck down; its solemn rejection of the proposed contract of Texan annexation treated with contempt and set aside by the wicked and flagitious joint resolutions, sustained by a majority of one in the Senate, and by which Texas came into the Union? This perfidious act of aggression was no sooner done, your banner of liberty was no sooner advanced to wave in solemn mockery over a land of slaves in this newly-acquired domain, than this party took another step forward in this war of aggression, and asserted that the left bank of the Rio Grande was the western boundary of this new slave State, and, to establish it, sent the army of the United States forward, under the lead, but against the protest, of that brave man, Zachary Taylor. You did establish and mark that line, not only by the waters of that river, rolling in silent majesty from the mountains to the sea, but you marked it as well by an inefaceable, crimson line of blood.

Having thus fixed the Texan boundary, this sectional party demanded indemnity for the past and security for the future. Indemnity, sir, for what? Not for what we lost, but for what we took and held by force, and without color of right. Security for what? Not security for a violated Constitution; not security for the rights of freemen and free labor, which had been cloven down; but security for the "great humanitarian fact," as the gentleman from Alabama [Mr. CURRY] called the institution of slavery. To this end, this sectional party, by the national arm, conquered large portions of Mexico, and annexed them, softening the venality of the act by the formula of a constrained treaty of peace at Guadalupe Hidalgo. That these acquisitions were made for this purpose, let the subsequent conduct of this sectional party bear witness.

California, a portion of this Mexican acquisition, was rich in gold, in a genial climate, in a fruitful soil, and commanding in geographical and commercial position. Such a country was not without strong attractions to an ardent, en-

ergetic, and adventurous people. They forsook all the endearments, and burst away from all the ties of home and kindred, and took possession of the land of gold. A nation was born in a day. A new State was thus created as by magic, washed by the quiet waves and guarded by the Golden Gates of the great Pacific. The people of California, and also of New Mexico, formed each a free Constitution, and hand in hand they came, in the white robes of freedom, asking for admission as free States into the Union. This constitutional exercise of the right of petition was made the occasion for a wild storm of sectional agitation.

In the midst of the tumult, the brave patriot, President Taylor, the chosen of the people, resident in the South, but not of this sectional party; full of years and full of honors; calm and collected, just and honest, with a patriarchal simplicity, said, let these new free States come in; there is room for them in the paternal mansion—in that great Union built for freedom by those mighty men of old, whom God taught to build for glory and for beauty. No, cried this sectional party, we insist that the proposed Constitutions embrace too much territory for perpetual freedom; those territories must be divided; a part of these great regions at least must be kept in reserve for slavery; they, together with Utah, must be divided by the thirty-sixth parallel. That was the ultimatum; it must be acceded to, or the Union should perish.

These sectional partisans hissed like so many serpents upon the path of the brave old man, President Taylor, whose whole life had been spent in the camp or on the battle-field. He was denounced as a traitor—not to his country, but to the slave interest—and was hunted, with a relentless persecution, to his grave. He adhered, thank God—he adhered with more than an eastern devotion, to the right of the people and the highest interests of the country. Thus steadfast in his great purpose, the last summons came, not too soon for him, but too soon for us. Death laid his hand upon that manly form, and at its touch his great and noble spirit departed, articulating those grand words, noble as ever fell from hero's or patriot's lips before, "I have tried to do my duty." Sir, it was not in the field of poised battle; it was not when the earthquake and the fire led the charge; it was not when victory, with its lance-light and triumph singing, threw its splendors around the person of that heroic man, that his great character so fully revealed itself, as in that dread hour, and the near coming of the shadow of death, when he said, "I have tried to do my duty."

When all was over, when the strong arm which had conquered, and the clarion voice which had commanded in the storm of battle, were powerless and hushed, those who had assailed his motives—who had resisted his purposes of justice and fair-dealing with the young Pacific States—those sectional agitators and aggressors took fresh courage, whispering, like gibbering ghosts, above his perished dust, "after life's fitful lever he sleeps well." The agitation, the aggression, the conspiracy against free principles, free labor, and equal rights, went on. California was admitted; but New Mexico was

rejected, and remanded to the condition of a Territorial organization, with the concession to the slave interest that Congress should not then exercise its admitted power of legislation for the protection of liberty and right, either in that Territory or in Utah.

Yes, sir; the free North, with her twenty million of freemen, for the sake of peace, submitted to the humiliation of the demand of this sectional party, that in those vast Territories the law of God should not be re-enacted, as Mr. Webster called the law of liberty. That great man, now sleeping in his tomb by the great sea, at the demand of this power, yielded up his own convictions, and not only consented to this, but joined with others in yielding a reluctant assent to the enactment of the fugitive slave law of 1850—a law which, in direct violation of the Constitution, transfers the judicial power from judges duly appointed by the President, with the consent of the Senate, to irresponsible commissioners appointed by the Circuit Courts, tendering them a bribe of five dollars, if, upon *ex parte* evidence—the affidavit of some unknown man, taken in the rice swamps of Florida, it may be, before some justice of the peace—he shall adjudge a man brought before him on his warrant a fugitive slave, guilty of the crime of preferring liberty to bondage.

That flagitious law insults the conscience of the people, by declaring it a crime to exercise that highest duty enjoined by God upon man—charity. That law also discriminates most offensively in favor of slave property over all other movable property, by providing that the slave-owner, or claimant, may, on his affidavit, have his property restored to him at the national expense; while, if the cattle of a Northern farmer escape into another State, he must reclaim them at his own expense.

I should like to be informed of the constitutional provision for this discrimination. Can it be accounted for upon any other hypothesis than that this Government is made exclusively to expand, maintain, and protect, the slave institution, and to legislate exclusively for the pecuniary and political benefit of three hundred and fifty thousand slaveholders? The people are told that they shall not repeal this act of 1850, or the Union will fall. How comes it that the Union lasted for sixty years without this enactment? Having thus saved the Union by enacting the fugitive law of 1850, and by refusing, in the Territorial acts for Utah and New Mexico, to re-enact the *law of God*, these sectional disturbers and aggressors, in Democratic Convention at Baltimore, in 1852, resolved to suppress all agitation of this question, either in or out of Congress.

Thus, to maintain as a snail this legislation for slavery, this sectional party attempted to muzzle the press, and stifle the lowest whisper of the national conscience, even in humble protest against this infamous enactment. These gentlemen did not themselves obey their own officious and insulting order of silence. The whole country knows who opened anew this angry controversy in 1854, and filled the whole land with the agitation of this question, by the repeal of the eighth section of the act of 1820, known as the Missouri compromise, under the

false pretence of giving to the people of the great Territories north of that line the right of self-government, under the title of popular sovereignty. The demagogue cry was: the people of a Territory, like the people of a State, are perfectly free to establish slavery, black or white. True, the Federal Government appoint for all the Territories their Governors, judges, and marshals; prescribe the qualifications of their electors; limit, as well as confer, their legislative powers; and approve or annul, at pleasure, all their legislative enactments; but the people have the right to enslave and sell one another. "This," said the President, "is a right as old as the right of self-government"—the right to do wrong, and to be supported in that wrong by the nation. This right of popular sovereignty not only includes the right to convert a man into property, but, for reasons of State necessity, to roast and eat him, if they see fit.

The President, as the chief of this sectional party, in one year after his inauguration, announced, as another principle of this sectional party, that slavery exists in all the Territories, not by virtue of this ancient right of self-government, but by virtue of the Constitution of the United States. To make good this proposition, this party, aided by the President, attempted to fasten the Lecompton slave Constitution upon the people of Kansas, against their protest—that Constitution which declared *that it should never be so altered or amended as to affect the ownership of property in slaves, and that this property was higher than all Constitutions*. This sectional party, foiled in this attempt to legalize this atrocity only by the united action of the Republican party on this floor, next enacted that other statute, the English bill, for the double purpose of restricting the exercise of the right of petition, and of fettering the progress of free labor by the formation of a free State. The population, all-sufficient for a slave State, was held not sufficient for a free State. The demon spirit of this enactment can be seen in the declaration of the President, *that slavery exists in Kansas by virtue of the Constitution of the United States, and therefore Kansas is as much a slave State as Georgia or South Carolina*.

This dogma is the burden of the message now before us. The President has not more than concluded his invocation "to allay the demon spirit," than he informs us that the Supreme Court has *finally* determined the question of slavery in the Territories, and established the right of every citizen to take his slave property into the Territories and "have it *protected* there under the Constitution;" and that "neither Congress, nor a Territorial Legislature, nor any human power, has any authority to annul or impair this vested right." Yes, sir, we are gravely told that a mere stump speech, made in the Supreme Court in the Dred Scott case, on this Territorial question, whereof the court had confessedly no jurisdiction, is a final judicial decision which has "*irrevocably fixed the status of a Territory as a slave Territory*." "Had it been decided," says the President, "that either Congress or the Territorial Legislature possess the power to impair the right of property in slaves, the evil would be intolerable." It is settled that the

Judiciary must relieve against such Territorial legislation as impairs this right, and that Congress "must strengthen their hands by further legislation." I submit that it was bad enough for this party to declare, as it did, from 1854 to 1856, that the scattered settlers of a Territory were perfectly free to enslave their fellow men in the Territories; but who can fathom that lower deep of infamy to which it descends when it avers that property in slaves within the Territories is a vested right, to be protected by a Congressional slave code?

The President seems to think, and so to instruct us, that we are to be bound by the decisions of the Supreme Court in the discharge of our duties here. The time was, sir, when the President thought and spoke differently. In the Senate, in 1841, when the fiscal bank bill was under consideration, this same person, now President, then a Senator, on being told that the constitutionality of the question had been settled by the Supreme Court, said:

"If the Judiciary had settled the question, I should never hold myself bound by their decision. * * * If they failed to convince me that the law was constitutional, I should be guilty of perjury before high Heaven if I voted in its favor."—*Congressional Globe*, vol. 10, page 143.

If the Supreme Court is to decide all constitutional questions for us, why not refer every question of constitutional power to that body, not already decided, before acting upon it. I recognise the decisions of that tribunal as of binding force only as to the parties and privies to the suit, and the rights particularly involved and passed upon. The court has no power, in deciding the right of Dred Scott and of his children to their liberty, to decide, so as to bind this body, that neither Congress, nor a Territorial Legislature, nor any human power, has authority to prohibit slavery in the Territories; neither has that tribunal the power to decide that five million persons, born and domiciled in this land, "have no rights which we are bound to respect." The Judiciary are entitled to respect; but if they arrogate powers not conferred upon them, and attempt by such arrogation of power to take away the legislative power of the whole people, and to deprive large numbers of them of their natural rights, I claim, as a Representative, the right to disregard such assumed authority, and, as a citizen and a man, to appeal from such decision to that final arbiter, the public opinion of the country.

With Jefferson, I deny that the Supreme Court is the final arbiter on all questions of political power, and assert that the final arbiter on all such questions is the people—that people which ordained the Constitution. While I would condemn *armed resistance* to any decision of the Supreme Court, or to the execution of any statute of the United States, I would claim for myself, in common with all my fellow-citizens, the right to question their propriety, to denounce their injustice, and to insist that whatever is wrong therein shall be corrected. This is one of "the powers reserved to the people." While the people should habitually revere the Judiciary as the ministers of justice, they should not forget that the judge is fallible, and sometimes stains his ermine with that darkest of all crimes that ever blackened the sunny page of human life—the

crime of judicial murder! That people which are jealous of all delegated power, whether judicial, legislative, or executive, and ready to avenge the wanton and oppressive abuse of it, are most likely to maintain their liberties.

England had her judicial monster, Jeffreys, who could hang his court in scarlet, fit emblem of cruelty and injustice; who could condemn, without a hearing, innocent men and women to a speedy and violent death, mocking at their fear and laughing at their calamity. That was a just retribution which overtook him when he was made to skulk and hide from the wrath of an outraged people; to disfigure his face and disguise his person in filthy apparel, in hope to elude their stern, searching gaze. Vain hope! no disguise could hide the features of that terrible face, which had glared upon the people from the high places of power with a ferocity that filled them with horror. He who had been Chief Justice of the King's Bench, and Lord High Chancellor of England; who could boast a judicial massacre of three hundred and twenty victims; this man, unapproached in infamy, in order to be saved from the fury of the people, was trundled by the train-bands through the streets of London, pallid with fear and begrimed with dust, at his own request was committed to the Tower; and accepted with thankfulness the protection of those dark walls, made famous by so many crimes and sorrows, there to remain, amid gloom and solitude, friendless and alone, until remorse should gnaw away his heartstrings, and send him to his last account. With such an example before us, we, the lineal decedents of those who witnessed and avenged Jeffreys's judicial crimes, are not to be told that the Judiciary are, at pleasure, and by the assumption of power, to bind the conscience and dispose of the liberties and lives of the people!

But, sir, the President respects the decisions of the Supreme Court only when it suits his purpose, and accords with the interests of slavery and the demands of the sectional slave party. In this message, in which the President claims that the Supreme Court has finally settled the vested right of property in slaves beyond the power of Congress or a Territorial Legislature, or any human authority, to affect it, he tells us that the Spanish claimants "in the Amistad case" are clearly entitled to compensation under the Spanish treaty of 1795, and recommends that an appropriation be made for that purpose out of the National Treasury.

What is this Amistad case? Who are these Spanish claimants? On the 28th day of June, 1839, a Spanish schooner, named Amistad, sailed from the port of Havana, in Cuba, bound to Puerto Principe, in the same island, having on board Captain Ferrer, and two Spanish gentlemen named Ruiz and Montez; also fifty-three Africans, claimed and held by these Spaniards as their slaves. These fifty-three persons were natives of Africa, speaking an African dialect. Ignorant and un instructed as they were, they had the natural love of liberty, and the natural affections for humanity of home and kindred, sweet visions of which sooted their troubled rest amid the horrors of that second death, the middle passage.

The felon-ship, with its cargo of human souls,

moved out, like a thing of life, over the calm, blue waters of that western sea, on which was seen, sinking beneath its waves, the lifeless body of one of those captive children of sorrow. The felon-ship floats on. "The day is gone; the rains of night gather, "low and cold, like the shadow of death, upon the doomed and guilty vessel, as it labors in darkness amid the lightnings of the sea, its thin masts written upon the sky in lines of blood, and girded with condemnation." The uplifted arm of one of those sons of wrong and oppression, made strong by the mighty arm of the God of the oppressed, comes down in terrible retribution upon the master at the helm, and he falls a lifeless corpse upon the deck. His body is consigned, with that of his captive who had gone before, to the same silent burial in the deep waters, there to rest until the sea gives up its dead!

On the 27th of August, 1839, the United States brig Washington captured the vessel and crew, off the coast of the United States, and brought her into the port of New London, Connecticut. The officers of the brig filed a libel in the District Court of the United States for the district of Connecticut, against the vessel, cargo, and slaves, for salvage. On the 29th of August, 1839, Ruiz and Montez filed in that court claims to the negroes as their slaves, and claimed the right to hold them under the treaty of 1795. The United States attorney for the district of Connecticut filed an information, stating that the Minister of Spain had claimed of the Government of the United States, that the vessel, cargo, and slaves, should be restored under the provisions of the treaty of 1795, between Spain and the United States. On the 23d of January, 1840, the district judge made a decree in the case, wherein is recited the decree of the Government of Spain, made December, 1817, prohibiting the slave trade, and declaring all negroes brought into the dominions of Spain by slave traders free, and enjoining the execution of the decree on all officers of Spain in all her dominions.

The court decided that these Africans were kidnapped, and could not be held or claimed under the treaty of 1795. From this decree the United States, in pursuance of the demand of the Minister of Spain, duly accredited to the United States, appealed to the Circuit Court of the United States for the district of Connecticut. The Circuit Court affirmed the decree of the District Court in the premises; and from this decree of the Circuit Court, the United States appealed to the Supreme Court. At the January term, 1841, of the Supreme Court of the United States, this great cause came on to be heard upon the claim of Ruiz and Montez to these Africans as their slaves, and the answer of the kidnapped Africans, that they were natives of Africa, born free, and of right ought to be free, and not slaves; that in the land of their nativity they were unlawfully kidnapped, and forcibly, and against their will, and under circumstances of great cruelty, carried to Cuba, Spain, and the "Spanish claimants," Ruiz and Montez, were ably represented on the trial of the cause by the Attorney General of the United States, Mr. Gilpin. These Africans, captives in a strange land, awaited with fear the issue, in the prisons of Connecticut. To the honor of our country and of our

common humanity, these captives found an advocate in one of the most remarkable men of his time, or any time, now gone, the profound and illustrious John Quincy Adams—that venerable man, who had filled the highest and most responsible trusts of his country, and had conferred honor upon each. After an absence of a third of a century from the presence of that great tribunal, Mr. Adams appeared to plead the cause of the poor, the oppressed, and defenceless. He said:

"I appear to plead the cause of justice, * * * of liberty, and life, in behalf of many of my fellow-men, before the same court which, in a former age, I had addressed in support of the rights of property."

Touching was his allusion to the fact, that he stood before the *same* court, but not before the same judges—Marshall and his great associates were gone to join the illustrious dead—stronger than any formal argument was his statement:

"This court is a court of justice; and justice demands that the rights of each party should be allowed to himself."

It was in vain that the treaty of 1795 was set up by the Attorney General as securing to Ruiz and Montez the right to hold these men, women, and children, as their chattels, against their paramount right to themselves, by the law of nature and of nature's God. The court decided the case; and, by their solemn judgment, declared that the kidnapped Africans were free, and should be dismissed from custody, and go hence without day. They did go hence. They went back to their own country, under the protection of our flag, singing their simple songs of thanksgiving to him and His servants who had delivered them from the hand of the spoiler.

How comes it, sir, that the President has so high a regard for the decision of the Supreme Court in the Dred Scott case, and so profound a contempt for its decision in the Amistad case? Is it because the Dred Scott case is a decision AGAINST LIBERTY AND LIFE, and the Amistad case a decision IN FAVOR OF LIBERTY AND LIFE? By what logic does the President hold the one binding upon us, and the other not binding upon us? He recommends an appropriation to be made by us, to be paid to Spain, to be distributed among these Spanish claimants, "because," he says, "they are clearly entitled to restitution under the treaty of 1795." Appropriate out of your Treasury money to be paid to Ruiz and Montez to the amount of the value of fifty-three human souls. Have you that amount in your Treasury? What is the value of a human soul? The question, "What will a man give in exchange for his soul?" has been asked, but never answered. In keeping with this recommendation of the President, to pay those Spanish claimants for their kidnapped Africans, is that other recommendation for the purchase of Cuba and her six hundred thousand slaves, at a *price*. As a Representative and citizen of the United States, I beg leave to protest against this attempt to convert this Government into a mere pirate and slave trader.

This traffic in slaves is condemned and outlawed by all civilized nations. By statute we have declared this traffic on the high seas piracy, and punishable with death. By our treaty at present, with Great Britain, we have solemnly declared, without respect to time or place, that "the traffic in slaves is irreconcilable with the principles of humanity and justice," and that

both Great Britain and the United States "are desirous of continuing their efforts to promote its ENTIRE ABOLITION;" and it is thereby agreed "that both the contracting parties shall use their best endeavors to accomplish so desirable an object." (U. S. Statutes at Large, vol. 8, p. 223.)

The President gravely says that we should annex Cuba in order to put an end to the African slave trade, and that until this is done there is no hope for benighted Africa. The sincerity of the President's professions of sympathy for "benighted Africa" might not tax our credulity quite so much, if the President had executed our laws against this traffic at home, and if he had not asked us to pay these Spaniards for kidnapping Africa's children.

This Cuban annexation is only another attempt by legislation to maintain the political equilibrium of the slave with the free States, by the increase of slave representation in Congress. While this sectional party thus press these sectional measures upon us and upon the country, with equal zeal they resist all attempts to enact into a law that much-needed and beneficent national measure, the homestead bill, which has thrice passed this House, and has been as often defeated by this sectional party in the Senate. That measure, sir, which would give free homes to the homeless families of all our citizens, North and South, (and in the latter section they are legion,) finds no favor in this message, and was but the other day resisted and attempted to be defeated by the vote of every Representative of the slave interest, save one, on this floor. This measure would fill our vast Territories with a free and industrious population; would greatly increase the number of landed proprietors, and the measure of our wealth; it would secure to every family the means of acquiring that competence which, politically speaking, is the very rock of life, on which the citizen may stand erect, unawed by power, unbribed by gain, ready to return the supercilious sneer, to smile at the haughty frown, to give to truth its due force, and scorn "the embroidered lie."

This measure, so just, so national, and beneficent, is resisted by this sectional party. There stands the long list of aggressions of this sectional Democratic party, to which, in the brief time allowed me, I have but referred:

The repeal of the laws for the protection of free labor; the repeal of the laws for the protection of freedom and free labor in the Territories; the conquest of foreign territory for slavery; the admission into the Union of a foreign slave State; the rejection by this sectional party of the homestead bill; the restriction of the right of petition; the restoration of fugitive slaves at the national expense; the attempt to reward slave pirates for kidnapping Africans; the attempt to acquire Cuba, with her six hundred thousand slaves; the attempt to fasten upon an unwilling people a slave Constitution; the attempt to enact a secession law, thereby restricting the freedom of the press and the freedom of speech, in direct violation of the Constitution, which declares that Congress shall make no law abridging either; and the attempt, by extra-judicial interference, to take away from the people and their Representatives the power to legislate for freedom and free labor in the Territories.



