

S P E E C H

OF

HON. JOHN SHERMAN, OF OHIO,

DELIVERED IN THE

HOUSE OF REPRESENTATIVES, JANUARY 18, 1861.

The House being in the Committee of the Whole on the state of the Union—

Mr. SHERMAN said:

Mr. CHAIRMAN: I have listened with respect and attention to all that has fallen from my colleague, [Mr. PENDLETON.] Much that he has said I approve; but it seems to me that instead of appealing to this side of the House for conciliation, kindness, and forbearance, he should appeal to those around him, who alone provoke the excitement now prevailing in this country.

MEANING OF COERCION.

He says the Army should not be used to coerce a State. If by this he means that the Army should not be used to conquer a State, to compel her to be represented, to maintain the courts or post offices within her limits, to burn her cities or desolate her fields, he is entirely correct. I do not believe that any Administration will pursue such a policy. But, sir, we have a Government, a great Government, to maintain. It is supreme within the powers delegated to it; and it is provided with ample authority to protect itself against foreign or domestic enemies. It has the exclusive right to collect duties on imports. It is the exclusive owner of forts, arsenals, navy-yards, vessels, and munitions of war. It has a flag, the symbol of its nationality, the emblem of its power and determination to protect all those who may of right gather under its folds. It is our duty, as the representatives of this Government, to maintain and defend it in the exercise of its just powers. Has it trespassed upon the rights of a single individual? Does any citizen of South Carolina complain that this Government has done him wrong? No man can say that. The Government for years has been in the hands of the Democratic party, controlled chiefly by southern citizens. They have controlled its power and patronage; and now, when the Republican party is about to assume the reins, they seek to subvert it. They organize revolution under the name of secession.

WHAT SOUTH CAROLINA HAS DONE.

What have they done? The people of the State of South Carolina have seized the custom-house in the city of Charleston; they have closed that port, and prevented the United States from the exercise of their conceded exclusive power of collecting the revenue from imports. They have taken, by force, money from the Treasury

of the United States, and applied it to their own use. They have seized the arms and munitions of war of the United States deposited in arsenals within the conceded exclusive jurisdiction of the United States, and turned them against the Army of the United States. They have seized the revenue and the property of the United States. They have seized a loyal citizen of the United States engaged in the discharge of his duty, imprisoned him, and threatened his life, for the exercise of a plain constitutional duty, charging him with treason against the State of South Carolina. They have taken citizens of different States, rightfully and peacefully attending to their business, insulted them, inflicted the most degrading indignities upon them, and then forcibly expelled them. They have raised a military force of artillery, cavalry, and infantry, with the avowed purpose of expelling, or, to use their own chosen word, coercing, the United States from the forts, arsenals, and other property still in the possession of the United States. When Major Anderson, for the safety of his small force, removed it from Fort Moultrie to Fort Sumter, they seized Fort Moultrie, Fort Pinckney, and other property.

More recently they fired upon a vessel in the employ of the United States, conveying reinforcements and provisions to our troops. In this act of war, they used the cannon and munitions of war paid for out of our Treasury. Forts ceded by the State of South Carolina to the United States were used to expel a vessel of the United States in the pursuit of its lawful commerce. When the "star-spangled banner" was hoisted to her mast-head, as a sign of nationality, appealing to all the patriotic recollections which cluster around it—your flag, my flag, the flag of Virginia, of Ohio, of Kentucky, of Massachusetts, the flag of every State and of the whole Union, the rustle of whose folds has so often excited the pride and patriotic ardor of Americans in every part of the habitable globe—that flag, invoked for the protection of an unarmed vessel, carrying provisions to our own troops, was fired upon and dishonored. An act of war by citizens of the United States, and therefore an act of treason, was applauded by officers and citizens of that State, and perhaps by those of other States. It was not an act of war against you and me merely, but against every loyal and patriotic citizen of this great Republic. Up to that

moment we had done nothing. This Government has been more forbearing, more quiet, more complacent, under this series of offences, than any Government instituted since the foundation of governments.

WHAT OTHER STATES HAVE DONE.

And now, Mr. Chairman, the same lawless violence is breaking out in other parts of the country. Forts, arsenals, navy-yards, and vessels of war, intrusted without defence to the patriotism of the people, have, upon one pretext or another, been seized, and are now held by lawless force. Upon the recommendation of members of Congress, Fort Pulaski was seized by troops, under an order from the Governor of Georgia. I suppose there is not a member upon the other side who will declare that it would be given up peacefully to the troops of the United States if it were demanded by our national authorities. More recently still, the navy-yard at Pensacola was taken by an armed force, under the order of the Governor of Florida. I have here a telegraphic dispatch sent to this Government:

"January 12, 1861.—Commissioners appointed by the Governor of Florida, with a regiment of armed men at the gate, demanded the surrender of this navy-yard, having previously taken possession of one of the magazines. I surrendered the place and struck my flag at half-past one o'clock, p. m., this day."

Mr. Chairman, suppose Great Britain, suppose France, suppose all the Powers of the world combined, had thus outraged the flag of the United States: would not every one of us have demanded men and money to wipe out the indignity, and to repel further like assaults, at whatever hazard? Yet, sir, the Governor of Florida, before the State of Florida had seceded, goes with an armed force, seizes upon our property, and turns the guns of the people of the United States against the Army and the Navy of the United States. I am also told—with what truth I do not know—that cannon are planted upon the banks of the Mississippi river, at or near the city of Vicksburg, in the State of Mississippi, and that our steam boats are now compelled to land there and to give an account of themselves. We do not know at what moment they may be subject to tribute and seizure. To whom? To the State of Mississippi? I agree with all my colleagues from the State of Ohio, from both sides of this House, that there is one thing immutable—a law that is a higher law. It is, that the Mississippi river, gathering all the rivulets of the Northwest into one current, must be permitted to float our commerce uninterrupted and untrammelled to the sea, or thousands of men will float down upon its waters and make it free.

No one doubts, I suppose, that the forts at the mouth of the Mississippi are in the possession, not of the troops of the United States, but troops that will resist the troops of the United States. There is no doubt that Baton Rouge has been seized; no doubt, sir, that act after act of war has been repeated.

WHAT SHALL WE DO?

I ask you, as the Representative of a brave people, what shall we do? The question is not, shall we coerce a State? but shall we not defend the property of the United States against all

enemies, at home or abroad, here or wherever the flag of our country floats? Must this Government submit to insult and indignity? Must it surrender its property, its flag, its nationality? Do you, gentlemen from Virginia, whose great statesman had so large a share in laying the foundations of our Government, desire to see it thus dishonored? Are you ready to join excited men, who will not listen to reason; who even spurn your patriotism as timidity; who reject your counsels, and who would drag you as unwilling victims at the heel of their car of Juggernaut, crushing under its weight all hope of civil liberty for ages to come? Are you aroused into madness by political defeat?

Mr. HILL. Will the gentleman allow me a moment?

Mr. SHERMAN. I will never decline to yield.

Mr. HILL. I think I know the feelings of the honorable gentleman well enough to know that the question I am about to ask will not be deemed offensive. I desire to ask him whether he thinks that it is wholly incompatible with the dignity of our great country that conciliation should be had with these parties that have so grievously offended, according to his argument, by the capture of these forts? Must these acts be expiated by blood, before any terms of accommodation can be had?

Mr. SHERMAN. My friend from Georgia, whose patriotic feelings I know and appreciate, well knows that I do not bring this matter forward for the purpose of adding to the excitement, but for the purpose of showing that the argument was not stated correctly by my colleague, [Mr. PENDLETON.] He said that *we* threatened to coerce a State; that *we* were about to inaugurate civil war; that *we* were devising means to march down upon and conquer South Carolina. My argument is, that South Carolina is not coerced; but that she is coercing this great Government; that she is coercing all the border slave States; that she is leading them by wild fanaticism, and by the community of interests, to take a step which I do not believe Virginia, or North Carolina, or Maryland, or any of the border States, would take, in the light of calm and cool reason. I do not wish to be misapprehended. I no not wish to have it supposed that I would make war upon any people of common blood and common heritage and common name; but I do say that it is your duty, gentlemen of the southern States, your duty, my friend from Georgia, to see to it that if this Government is to be dissolved, at least we should preserve the honor of our flag until hostile sections—not insignificant States—lead the van.

Mr. CLEMENS. Will the gentleman allow me one word?

Mr. SHERMAN. Certainly.

Mr. CLEMENS. I want to say a few words only.

Mr. SHERMAN. Very well; go on.

Mr. CLEMENS. The course of South Carolina toward Virginia has not only been marked as the gentleman from Ohio has characterized it, but her Governor declared in his message that Virginia must be dispensed with; that South Carolina must act without her, because she holds the Union above the Constitution;

and now Virginia is called upon to interpose to save a State from the just indignation of the people of the United States, which, in the inauguration of a revolution like this, could fix a stigma such as that upon a sister State of the Confederacy!

Mr. SHERMAN. Sir, it was but the other day that I was told by a distinguished citizen of an absolute monarchy—and the remark made a deep impression upon my mind—that he deplored the events now transpiring around us; that he deplored what he considered the inevitable fall of this Republic; but, said he, one good will result from it; it will stop forever the struggle for free institutions in Europe; it will establish upon a secure basis the existing Governments of the Old World. I felt that the remark was true. If this Government cannot survive a constitutional election; if we cannot defend our property and protect our flag; if this Government crumbles before the first sign of disaffection, what hope is there for free institutions in countries where kings and nobles and marshals and hereditary institutions and laws of primogeniture have existed for ages? Sir, when in modern times the love to liberty has inspired the masses of any people to demand the right of self-government, they have been pointed to the French revolution of 1798, and to South America, where changing Republics rise and disappear so rapidly that not ten men in this House can tell me their names. They have been pointed also to Mexico. God forbid that the despots of the Old World should ever adorn their infernal logic by pointing to a disrupted Union here! It was said, with a poet's license, that—

“Freedom shrieked as Kosciusko fell.”

Sir, freedom will die with the fall of this Republic. Those who survive the first calamity will find springing into existence military despotisms North, South, East and West. Instead of two divisions, there will be many divisions. The condition of this country will be worse than that of Mexico, because we are a braver, a stronger, a more powerful people, and shall fight each other with greater tenacity. If this Government is dissolved, the man now lives who will be the Napoleon of some section of this Republic. All history teaches us that a free Government is never broken up and disrupted unless a military despotism of force is substituted for the will of the people; and we have no right to suppose that our country will be an exception to the general rule.

THE BORDER SLAVE STATES.

Mr. Chairman, I appeal in all candor to the Representatives of the border States to arrest the tide that, but for you, will in a few days place us in hostile array with each other. I know that the movements in the cotton States have gone so far that we cannot arrest them. I appeal to the Representatives of the border States to arrest the progress of this storm for a little time, at least. Let us see whether there is any hope for peace and conciliation. If there is not, then, if we cannot agree, let us fight; but if we can agree, let us do it like men, and not be hurried off by wild and insane feelings of rage and disappointment by the weakest State in this Confederacy. Sirs, if you do, peace will again smile upon our

country. If you do not, I see nothing but civil war before us. My colleague may paint in beautiful language the blessings of peace; and cry “peace! peace! when there is no peace; but, Mr. Chairman, you and I see already rising in the West, where military feeling is so rife, a spirit which will not brook much longer the insults already cast upon the flag of our country. I do not threaten, for I dread—not for you and I, or the members of this House, for I suppose we have the ordinary courage of our race; we are but atoms in the storm—but thousands and millions of men, like us, will regret the day when this Government was hurried into revolution, without opportunity for parley or delay. If your people will not aid the Government in maintaining the public property in the seceding States, then we must do it in spite of you, or perish in the attempt. We must not allow the Government to crumble at our feet. You can arrest this movement, and you alone can do it. I ask you, gentlemen from Virginia and the South, does not your blood boil with indignation when you read of the surrender of our forts and the dishonor of our flag? Are they not yours as well as mine? Has the feeling of sectionalism become stronger than the love of country? I ask if the same patriotism which brought your fathers and mine into common battle-fields, amid all the storms of the Revolution, does not now rebel when you are forced into a civil war by the madness of a few men in the southern States? Sir, I do not believe it. For the moment, under the smart of imaginary wrongs, under the disappointment of political defeat, your people may be hurried into acts of madness; but when returning reason comes, we be to those who have led them astray! Then a single wave of the star-spangled banner will silence the miserable party cries with which you have misled them.

DISUNION IS WAR.

Let us not deceive ourselves with the idea that this Government can be broken up on Mason and Dixon's line, or upon any other line, without involving us in all we dread. There is no man, with a head to reason and a heart to feel, who does not shudder at the idea of civil war. Do you suppose that this Government can be divided in two, according to the plan of the gentleman from Virginia, [Mr. GARNETT,] with this Capitol, with the mouth of the Mississippi, with the Territories, and the thousand things that divide us, without provoking civil war? Why, Sir, we may do all we can to prevent it; we may throw ourselves into the breach; we may stand up and yield everything, or cringe down and yield everything; but I tell you that will not stop the surging waves. If this Government is divided, though we may agree to separate in peace—though every man here may sign the bond—we know that events hurriedly running forward will bring these two sections in hostile array against each other; and then, what a war is there, my countrymen! I know that your southern people are brave, spirited, active, quick; no man doubts that; but if you have had any misapprehension about the northern people—if you suppose that, because they are cold, because they are not fired by your hot blood, they will

not perform their duty everywhere, you are very much mistaken. We are the equals of each other; we are of the same blood, the same parentage, the same character; your warm sun has quickened your blood, but our cold climate has steadied the intellects and braced the energies of our people.

I again repeat, Mr. Chairman, that we should not allow ourselves to be deceived by words. The question is not whether the United States will coerce a State, but whether a State shall coerce the government; whether this noble fabric, devised by our fathers, shall fall without a blow. I appeal to you again; I appeal to the Representatives of all the States, whether we shall allow Fort Sumter, the only place where our flag floats in the harbor of Charleston, to be surrendered at discretion. For one, I say, NEVER! NEVER! Even if to-morrow I should vote to give South Carolina license to leave the Confederacy, if I had the power; yet, while that flag floats, it is the bounden and sacred duty of this Government to protect it against all enemies, and at all hazards. I had fondly hoped, while we disagreed, and while I knew that our disagreement was marked and decided, that you, gentlemen of the South, would yourselves take the lead in the defence of our property and our honor; therefore I sat silent. I had hoped that, while we were discussing, you would insist upon the protection of the property of the United States, and that our flag should not be dishonored until we separated, in peace or in war. I was much struck by a remark made the other day by the honorable Senator from Mississippi, [Mr. DAVIS,] that if we could not agree with each other, we ought to separate in peace—that we should take this old flag, and fold it away, and keep it as a much-loved memento for us all. But, sir, we cannot do that now. It has been lowered and tarnished, and we all know and feel it.

THE RESOLUTION RELATING TO MAJOR ANDERSON.

I was surprised that my colleague [Mr. PENNINGTON] did not vote for the resolution offered by the gentleman from New Jersey, in regard to Major Anderson. I hoped that the Ohio delegation would unite in favor of that resolution. I was still more surprised, allow me to say to the Representatives of Kentucky, that when their own gallant son had but performed his bounden duty they should have refused to vote to sustain him in his removal from Fort Moultrie to the strongest point in his command.

The resolution simply expressed a desire to enforce the laws and to preserve the Union—no more. I am willing to stand on this platform. I can join heartily with all those who made that pledge, whatever else they may think or believe about the questions that divide our people. If we can stand by each other, if our constituents will stand by us in that emphatic declaration, I do believe the good ship that has borne us thus far on a prosperous voyage will outlive the storm. But, sir, if we yield too far to the fury of the waves; if we now surrender without resistance the forts, arsenals, dock-yards, and other property of the Government, we only

demonstrate that we are not fit for the duties assigned us; and, if our names survive our times, they will only be recorded as those of a degenerate race, who had not the manhood to preserve what their fathers won. Gentlemen cannot come here and say, "We demand this; or we demand that; stand and deliver." That is the language of the highwayman. This is a great tribunal, where men reason and judge and weigh and doubt and hesitate and talk—and we have a good deal of that. No section and no State can, because the presidential election has gone against it, say, "We will have this change in the Constitution, or we will fire upon your flag; we will have that change in the Constitution, or we will seize upon your forts." That is not the principle upon which this Government was founded. Mr. Jefferson, when elected President in 1801, declared the true principle. He said it was the duty of all good citizens to obey the Constitution; to submit to a constitutional election; and he congratulated the country that the Federalists were willing to give the Democrats a fair trial.

Mr. LEAKE. The gentleman from Ohio quotes not the language exactly, but substantially the language of a man who lived in the county in which I was born, who died there, and is buried there—Thomas Jefferson. His language was, that it was the duty of all parties to the compact to obey the Constitution and the laws of the land. And now I demand to know of the gentleman from Ohio, whose high character and high intelligence will enable him to answer me, whether Ohio, his own State, is not now in open rebellion against the Constitution and laws of the United States? I demand to know whether she has not passed a law which violates the Constitution and laws of the United States in undertaking to violate the fugitive slave law; and whether her Governor has not, on solemn requisition of the Governor of Virginia, refused to surrender a man, not because he stole a negro, but because he was concerned in the John Brown Harper's Ferry riot? Has not Governor Dennison refused to surrender that man on the requisition of the Governor of Virginia? Who, then, is amenable to the charge which he is making against the South?

OHIO.

Mr. SHERMAN. I will answer the gentleman from Virginia; and I trust then he will not further interrupt me. Ohio is true to all her constitutional obligations. It is said that Ohio has a personal liberty bill, as you call it. It is not true; there is no such law upon her statute-book. Her law against kidnapping is similar to the law of Virginia, and she has no other. Her Legislature is now carefully examining all our laws to see if there is, by possibility, any clause or section which invades the constitutional right of any State.

The gentleman says Ohio has refused to surrender up fugitives from justice. I am here to defend my native State. I say it is not so. On the contrary, Governor Dennison refused to respond to the requisition in the case alluded to simply because the papers showed on their face that the alleged criminal never was in Virginia. They were based upon a mere constructive presence, a doctrine under which a citizen of Ohio, in Ohio,

may be dragged to Virginia for trial for an act lawful in Ohio. Governor Dennison gave the same decision that has been sanctioned by the courts of the southern States; and in strict accordance with the common-law principle that an accused shall be tried where the offence is committed.

Neither in the case alluded to of the difficulty between Ohio and Kentucky, has any right of Kentucky been violated. Governor Dennison followed the decision of the Governor of Kentucky, who held that no man could be taken from Kentucky into Ohio, and delivered up on a charge of stealing or kidnapping negroes, or other offences not recognized as criminal by the laws of Kentucky. Governor Dennison followed the recorded opinion of a distinguished attorney general of Ohio, now a citizen of Kentucky. I now and here fully justify him in the course he pursued. But, sir, I do not propose to argue this question. I have merely alluded to it for the purpose of showing that Ohio is true to all her constitutional obligations; and that her example cannot be invoked to justify nullification or treason.

THE ARMY MUST BE USED TO MAINTAIN THE UNION.

Under the grave responsibility upon which we are acting, I feel it to be my duty to you, to my fellow-members, and to my countrymen, North and South, to say frankly, that in voting for this Army bill, I vote with the expectation that the Army will be used in protecting the acknowledged property of the United States, in recovering that which has been unlawfully taken, and in maintaining the Union.

It may be said that the gravity of the events that surround us demands a greater force than is provided by this bill. The regular Army is a mere skeleton. The present force will scarcely defend our frontier from Indian incursions; but it forms a nucleus capable of any reinforcement demanded by the exigencies of the times. I do not contemplate, in any event, hostile invasions of the soil of any State, unless demanded for the defence of the acknowledged property of the United States. It is the duty of the Government to suppress insurrection in a State; but in this event the military power can only be used in strict subordination to the civil authority. If the civil authority refuse to call for such aid, or suppress the courts, the military power cannot interfere. If the courts are closed, the duties of postmasters cannot be enforced, or the mails protected, and therefore the postal service must necessarily be suspended. No doubt this measure will soon be adopted. If the revenue is refused, or cannot be collected, then goods cannot be imported, and ports must be closed. If a State shall, in violation of the Constitution, undertake to regulate commerce, then her commerce must be suspended. No doubt other measures can be devised that will preserve the peace of the country until the people of the States may confer in a constitutional way, unless one or more of the seceding States shall, by military force, shed the blood of their fellow-citizens, or refuse to surrender to the proper authorities the acknowledged property of the Government. I know that all the gentlemen around me must deeply deplore a civil war, especially if

that war shall involve the fate of this capital and the disruption of the Government. No man with a head to reason or a heart to feel can contemplate the inevitable results of such a war without the most serious desire to avert it. It is our duty as members of this House, it is the duty of Congress, I am happy to say it is now the acknowledged duty of the President, as it is of the incoming Administration, to use forbearance to the extreme point. Let not physical force be arrayed in civil war until the last hope of peace and conciliation has been exhausted; then let each branch of the Government, acting in concert with each other, perform their respective duties, though the heavens fall!

PEACE AND CONCILIATION.

What can we do for peace and conciliation? I anticipate at once your reply; you say, "let us compromise; yield what we demand of you." Let us compromise, and we will preserve the Union; civil war will be averted. This I know is the earnest appeal of patriotic men in the southern States, who would gladly give their lives to stop the march of treason in those States. How useless it is to talk about compromises, concessions, conciliation, adjustment, when, if everything was conceded, the integrity of the Government may be broken up by a majority of a single State. If we hold this Union, and all the rights it secures to us, and all the hopes we base upon it, upon the whim or will of a single State, then, indeed, it is the weakest Government ever devised by man. If a single State may destroy our nationality, then indeed is the wisdom of our fathers the wisdom of babes. We can no longer talk about the weakness of the old confederacy or anarchy of Mexico.

Sir, we owe it as the most sacred of duties to put down this heresy. If it now fortifies itself by sectional animosities, if it rises from party rebellion to sectional and civil war, still it must and will be met with determined resistance. Upon this point, I am glad to say, the people of Ohio are united, if the unanimous voice of the Legislature of that State is a true indication.

Again: I say, what is the use of concession, conciliation, or compromise, when, if we yield everything you demand, you cannot say to us: "It will save us from disunion" or war? Are we not in danger of quarreling about terms of conciliation, when traitors are overthrowing the Government we wish to preserve? Are we not dividing ourselves for their benefit? What will satisfy South Carolina and Florida and Mississippi and Alabama? They want disunion, and not compromise or conciliation. The Democratic party would not agree to their terms, and they seceded from the Charleston and Baltimore conventions. Is it likely that we will yield what our northern Democratic friends could not yield? Can you expect that this "Black Republican party," as you please to call it, will yield to you what your northern Democratic associates dare not? It is utterly idle to talk about any such terms of concession.

THE COTTON STATES WILL NOT COMPROMISE.

I do not believe any terms which our people

could yield and preserve their own self-respect would satisfy South Carolina, Florida, or some of the other southern States, because they are bent upon disunion.

We know that gentlemen who represented South Carolina on this floor, if the newspapers correctly report them, declared in the Charleston convention, held recently, that they had brooded over this matter from long years, and that they only sought an opportunity, an occasion; or, if I may use the word, a pretext, for the secession of the State of South Carolina and the disruption of the Union. Some stated that they had brooded over disunion and prayed for its consummation since boyhood. We know, sir, that the seeds of this revolution were sowed in the time of Andrew Jackson and John C. Calhoun. We know that, in 1832, the doctrines upon which this revolution is going forward were initiated, and from that time the young men of South Carolina have been educated in the school of disunion. They have cherished those doctrines in their innermost hearts. All the concessions we might make, all the compromises we could agree to, all the offerings of peace we could make for the salvation of this Union, would not be able to secure that desired end, if South Carolina could prevent it.

Again: we might on this side properly say we have done nothing to impair any constitutional right. We propose to do nothing to infringe yours. We have succeeded in a constitutional way in electing a President of the United States. All we ask is that he may be inaugurated in peace, and may develop his policy in the usual manner. We can add that this is the demand of all our people, not only of those who voted for Mr. Lincoln, but of every loyal citizen. You tell us your people are excited and alarmed, that they apprehend that an overwhelming anti-slavery sentiment is about to be inaugurated in power that will directly or indirectly affect the constitutional rights of your States.

MISREPRESENTATION OF THE REPUBLICAN PARTY.

Perhaps you will confess, what you know to be true, that for political purposes, in the struggle of partisans for ascendancy, both parties in the South have united to fire the Southern mind against the hated Black Republicans of the North. Speeches have been distorted, single sentences have been torn from their context and made to deceive and mislead. Garrison, Wendell Phillips, Seward, Lincoln, and latterly Douglas, have been mixed in a hated conglomerate, and used to excite your people. A philosophic opinion of Mr. Seward has been construed as the statement of a settled purpose to overthrow slavery in the States, although in the very paragraph itself all idea of interference by the people of the free States with slavery in the slave States is expressly excluded. It is but a year since you inflamed your constituents because some of your fellow-members recommended, without reading, a book written by one of your own citizens, containing obnoxious opinions about slavery. Nearly all of you gave birth, vitality, and victory to the Republican party, by adopting a policy you now join in condemning. Some

of you broke down the only political organization that could compete with us, and thus gave us an easy victory. You have all contributed, more or less, in perverting the public mind as to our principles and purposes. And I tell you, gentlemen, that when you call the Republican party an abolition party, in the sense you use the word abolition; when you quote from Garrison, Wendell Phillips, and from like extreme men, and circulate their opinions all over the South, telling the people of your States that the people of the North have been educated in these sentiments, profess them, and are going to put down slavery in the States, you do a great injustice to the intelligence and the safety of your people.

I have heard here, over and over again, this course of agitation pursued. Only the other day in the Senate of the United States Mr. Douglas—I beg pardon, the Senator from Illinois—quoted from one of the speeches of Mr. Lincoln that passage so familiar to us all, that, in his opinion, the States would at some day be all slave or all free. Sir, in this time when the people of the southern States are in a storm of excitement, that speech of the Senator from Illinois is sent over those States as tending to show that Mr. Lincoln would in some way interfere with slavery in the States. Mr. Lincoln answered this inference with a solemn disclaimer over and over again on the same “stump” with that Senator. I ask whether it was just to quote the opinion without giving the disclaimer? It certainly was not. We might answer all you say by declaring that the Republican party does not propose to interfere with your constitutional rights. I have no doubt that the administration of Mr. Lincoln will carry out the doctrines of the Chicago platform; but not the platform as you pervert it. Sir, it will convince the southern people that all the things said about us are unfounded. What, then, will be the fate of hundreds of politicians in the southern States who have stirred their people up to the present intense excitement?

Yet the baptism of misrepresentation through which this Republican party has thus far advanced, does not excuse us from doing all in our power to produce conciliation, harmony, peace, quiet, a fair and honest adjustment of all the difficulties that surround us.

SLAVERY IN THE STATES.

Let us see where we stand. Slavery is either the cause, or is made the pretext, for all our differences. Slavery of the African race is recognized in *fifteen* of the southern States. It is prohibited in *eighteen* northern States. Congress is the representative of the people of all these States. All parties affirm that Congress has no power to abolish slavery in any of the fifteen States, nor to establish it in either of the eighteen States; and that it has no right to interfere with that subject directly or indirectly in either of the States. So far we are agreed. At an early day of this session, I was surprised at the request of a fellow member from a southern State, that we should insert, as an amendment to the Constitution, that Congress shall never interfere with slavery in the States.

Why? Who claims such power? Its denial is in the platform of every political party, and in none more clearly stated than in the Chicago platform. Every prominent politician has stated it as an axiom of American politics. But I was told there was such an apprehension in the southern mind, to remove which would tend to reconciliation. In other words, a constitutional amendment is wanted to convince the South that what has been so often stated to their people was not truly stated. Very well; let the Constitution be so amended. Declare in your own language, in the clearest manner, that each State shall make, change, modify, its domestic institutions in its own way. As a matter of convenience, I prefer such an amendment, as it will save us forever, I trust, from answering the oft-repeated assertion that we intend to interfere with slavery in the States.

In connection with this subject, I can cordially approve the fourth proposition stated by Mr. SEWARD. It is as follows:

"I hold myself ready now, as always heretofore, to vote for any properly guarded laws which shall be deemed necessary to prevent mutual invasions of States by citizens of other States, and punish those who shall aid and abet them."

Fortunately, in our history, we have had but two such invasions, both calamitous to those who set them on foot. The one was the armed invasion of Kansas by citizens of Missouri; the other was the conspiracy and armed foray of John Brown on the soil of Virginia. These examples are not likely to encourage similar attempts; but whenever they occur, they should be promptly and severely punished.

FREEDOM OF SPEECH AND OF THE PRESS.

Our people in the North have the right to express their opinions about slavery; to write them, to speak them, to preach them. Freedom of speech, freedom of the press, and freedom of opinion, are essential to the preservation of republican institutions; and they never can be, and never will be surrendered. Their convictions that slavery is a social, moral, and political evil, are fixed and immutable. They are now shared by the great body of the civilized world. They are not likely to be weakened by time or reason, and surely they will not be weakened by threats of disunion. They have a right to their opinions; you have a right to yours. You can write them, print them, speak them, preach them. The providence of God will, in due time and in His own way, determine this difference of opinion. Opinions may freely be left to test their strength before the Great Arbitrator. We go a step further. We invite you into our midst. You can discuss your peculiar opinions and views in any town or city in the northern States. It would be far better for you to invite a similar discussion of our opinions rather than confess your weakness by mob violence, and excite alarm among your citizens, and unfounded hopes among your slaves, by misrepresentations.

FUGITIVES FROM SERVICE.

Your right to recapture fugitive slaves, under the words "persons held to service," is not disputed by any considerable number of persons. By some it is held to be a right to be enforced

wholly by State authority; but it is settled by a series of decisions, both in the Federal and State courts, that it may be enforced by congressional enactment. We insist that the present law upon that subject is unjust, harsh, and unconstitutional in some of its provisions; that it may be used to kidnap free men as readily as recapture fugitives; and that its practical effect is to excite resistance. It ought to be and will be modified. The laws of the States to prevent abuses under it will then fall, or be promptly repealed.

FUGITIVES FROM JUSTICE.

The complaint is made by gentlemen that fugitives from justice have not been surrendered. I have already referred to this matter in reply to the gentleman from Kentucky, [Mr. STEVENSON.] This grows out of the construction given to the clause of the Constitution providing for such surrender in these words: "treason, felony, or other crimes" include all prohibited offences by State law, or only crimes recognized by common law. The Governors of Kentucky and Ohio have limited these words to crimes at common law; but no doubt they would follow a legislative construction when given. Let us declare that the surrender shall be made for all offences committed in person, within a State, and guard against constructive crimes or a constructive presence. If a citizen of Ohio enters within the jurisdiction of Kentucky and violates her laws, he should not escape from punishment by fleeing to Ohio; nor should a citizen of Kentucky so escape. Good neighborhood and comity demand respect for even police regulations.

SLAVERY IN TERRITORIES.

The only remaining question, then, is in regard to slavery in the Territories. As to Kansas, I trust she may this day be admitted. I understand the bill is now under consideration in the Senate. How can gentlemen, without blushing for very shame, say to us anything about slavery in the Territories, when they seek to prevent the admission of Kansas? They attempted to drag her unwillingly into the Union under the Lecompton constitution, and yet the Senate delay her admission when she has an ample population, and presents a constitution approved by the people. Why, then, not appeal to your political friends to do promptly an act of justice by clothing her with State sovereignty.

In regard to the balance of the territory north of $36^{\circ} 30'$, I believe no sane man thinks, after the experience we have had in Kansas, that slavery is going into any territory north of that line. Indeed, it is yielded that slavery may be prohibited in that territory by constitutional amendment. I know that slavery can never be planted there. I care not if Congress, I care not if the Supreme Court, should so decide, yet I know that slavery cannot by any rule, by any law, or any decision, or by any act, be carried into the territory north of $36^{\circ} 30'$. The attempt to carry it has been properly met. The contest between freedom and slavery was fought in Kansas. We won the victory; and you ought to yield at once, and gracefully. The victory was won two years ago, and not at the last election.

The political power of slavery was settled in the contest unhapily invoked by you. If the

slave States will fairly read the logic of events, they would no longer seek to be the central sun around which all the other States must revolve. They will seek no longer the delusion of a united South, thus inviting a united North; but as separate States and as separate communities of southern States, as cotton States, as border States, as Western States, they will take their proper places in this great community of States. Who thinks of oppressing New England because New England is in the minority? Who thinks of oppressing the Pacific States because they are in the minority? If the southern States will be but satisfied with equality, and not thrust their local institution upon us as a great national institution, the contest about slavery will die away. Then peace will be restored; harmony and quiet will come. We will love each other better for the strife that was between us. The declaration of the Chicago platform, that freedom is the natural condition of the Territories will not then obstruct your growth, expansion, power, or prosperity.

There is a Territory west of Arkansas covered by treaty stipulations with the Indians. By our treaties with the Indian tribes this Territory cannot be admitted as a State or included within the jurisdiction of a State; and therefore it is idle to talk about it.

NEW MEXICO.

The only Territory, then, which remains is the Territory bounded on the south by Mexico, on the north by Kansas and Utah, and on the west by California, containing about two hundred and seven thousand square miles—a narrow, thinly-populated country. When you analyze all this controversy, the whole results in a contest about a territory of but little value. Shall New Mexico be free or slave? This is the question upon which this Government is to be disrupted, our flag dishonored, and upon which State after State goes out of the Union. The question is, whether New Mexico, with its peons, with its wild lands, with its half-breeds and Mexicans, its mixed population, shall be free or slaveholding territory.

There are three propositions made in reference to that Territory. The first is to leave it alone. By the act organizing New Mexico, the people of that Territory have a right to form themselves into a State; to frame their institutions, not inconsistent with the Constitution of the United States, and to apply for admission into the Union with or without slavery, as their constitution may approve. The same organic law provides that their Territorial Legislature may pass laws not inconsistent with the Constitution; but it provides also that these laws may be sent here for our approval; and if we disapprove them, they shall not be laws. My colleague [Mr. BINGHAM] last session introduced a bill to declare our disapproval of some provisions of those laws. The Senate did not agree to the bill, and that Territory still stands, nominally, a slaveholding Territory. I am told that there is one negro slave man there and eleven negro slave women, and a large number of peons.

The next proposition is, that we shall admit New Mexico as a State at once. She has one hundred and six thousand inhabitants. It is proposed to admit her as a State; and of course, that would allow her to frame, regulate, change, and modify her own constitution. I must confess it struck me favorably, and I gave my assent to it. There are, however, serious objections to it—not in regard to slavery, but in regard to other questions which I might mention. I doubt very much whether their people want a State government; indeed I think I may say that the people are not able to pay the expenses of a State government. I believe I can say, from the best information, that they do not desire a State government. They prefer to remain in a territorial condition. Their population is sparse, and their settlements remote from each other. Under these circumstances, the difficulty in the admission of New Mexico does not grow out of

the slavery question, but out of other questions, and especially out of their system of peonage. Yet I am willing to stand by the declaration which I made to my constituents; and I will vote for the introduction of New Mexico as a State; and that is the *ultima thule* to which I will go.

MR. CRITTENDEN'S RESOLUTIONS.

We have another proposition, offered by the distinguished Senator from Kentucky, [Mr. CRITTENDEN.] It has been variously modified. I cannot vote for that proposition; and I will state frankly the reason. In that proposition I find this clause:

"In all the territory south of said line of latitude, slavery of the African race is hereby recognized as existing, and shall not be interfered with by Congress; but shall be protected as property by all the departments of the territorial government during its continuance."

This provision, protecting slavery in New Mexico by constitutional enactment, is extended to all the territory hereafter to be acquired. Why, sir, on a recent occasion I proposed to amend this section by providing that in future no territory should be acquired except by treaty, requiring a concurrence of two-thirds of the States; and that the act of acquisition should form it into a State. Gentlemen from the South voted against it; and they frankly confess they do not look to the extension of slavery in New Mexico, but look to future acquisition. I think we have had experience enough in this matter, and I trust in God that, if this country hangs together, we will acquire no more territory; and that we may live in peace and quiet. Not that I am opposed to the acquisition of territory *per se*, but rather than have a family quarrel over the territory, rather than have this quarrel between the North and the South over again, I would forego to the end of time the acquisition of a single foot of territory.

I cannot vote for the proposition of the Senator from Kentucky, simply because it protects the institution of slavery in the Territory of New Mexico; it takes away from Congress all power over the subject; it takes away from the people of the Territory all power over the subject; it makes this Government establish, protect, and uphold slavery in that Territory. I believe that slavery is a local institution, municipal in its character, protected by State laws, having rights exclusively within those States, and having no rights beyond those States except the right to recapture fugitives who escape from service. Believing, as I do, that that is the correct construction of the Constitution, I never will, whatever may be the consequences, vote for a proposition to establish, protect, and uphold slavery anywhere on God's earth. And in doing this, I only use the language of the greatest statesman that Kentucky ever produced. And here I might end what I have to say. The proposition of the gentleman from Tennessee [Mr. FERRIDGE] modifies to some extent the proposition of the Senator from Kentucky; but even that does not meet the difficulty; it still leaves substantially the provisions of the Crittenden amendment, although he has ingrafted upon it a provision against the future acquisition of territory. I could not, therefore, vote for it; and I would not, the other day, vote to suspend the rules to admit it, for the reason that I will never vote to suspend rules to admit a resolution that I am not willing to vote for.

Now, Mr. Chairman, I have gone over the whole field. I have given my views, speaking for no other man, frankly and fearlessly, and I will stand by them now and in the future. I have given you my opinion upon all these points. I tell you that this whole controversy was fought and won by us two years ago, and all you have to do now is to admit Kansas. That is the only act of power now needed. There let it stand. Let us live together like a band of brothers. If we cannot agree with you about slavery, why, you do not agree with us. I know there has been a great deal of intemperance of language on this subject; but I ask, if it has been used upon our side, has it not been used upon yours? If there have been harsh and violent words used, I have not uttered them, that I know of. If I have, I beg every man's pardon; because I think that violent language, calculated to stir up excitement and agitation, ought not to be used in a deliberative assembly. I ask you if you have not sinned to repent of, if we have? Let us be at peace. Let us go on with the administration of the Government kindly, harmoniously, hopefully, trusting in that providence of Almighty God which has thus far guided and guarded us, until this nation has become a marvel to the world. Can we not go on in the same way in which we have gone on in the past? Why not let the Republican Administration be inaugurated in peace and quiet? Try it, in the name of God! Are you cowards, that you would flee from an apprehension? I know you are not. Stand by the old ship of State! Give the Republican Administration a fair chance. If it does not do right, you will find thousands—ay, millions—in the northern States who will stand by you. I believe it will do right. Give it a trial. That is all we ask, and what we will demand at all hazards.