SPEECH

OF

HON. GEORGE E. PUGH, OF OHIO,

ON THE

CONDITION OF AFFAIRS IN KANSAS TERRITORY.

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AFFAIRS IN KANSAS.

The bill to authorize the people of the Territory of Kansas to form a constitution and State government, preparatory to their admission into the Union when they have the requisite population, being under consideration,

Mr. PUGH said: The condition of affairs in Kansas Territory for the past year has been such as to fill the heart of a patriotic statesman with unaffected sorrow and alarm. Together, like twin sisters, that Territory and the Territory of Nebraska came into existence on the 30th of May, 1854, by virtue of one act of Congress, and with organizations in all respects the same. In Nebraska, so far as we can learn, quiet and order have prevailed, and the foundations of a prosperous State have been securely established. But Kansas, almost from the hour of its birth, has been the arena of conflict, violence, and bloodshed. These disorders became more intense, as well as more frequent, from month to month, until the assembling of Congress in December last; and at an early period of the session—before the House of Representatives had notified us of its organization—had attained a serious degree of importance. The season in which we are accustomed to celebrate the advent of the Prince of Peace on earth—when of old the angels in manifest glory proclaimed "good will" to all mankind—that season, so sacred and festal, brought us tidings of the most terrible character; tidings that discontent had ripened into rebellion, and strife proceeded to the bitterness of civil war. The promises of the new year came not to soothe our anxieties; but, instead, a solemn message from the President, advising us that all the appliances of conciliation had been exhausted, and that we must prepare for an appeal to arms if we would maintain the supremacy of the laws. And now, since the last adjournment of the Senate, even more dreadful reports have reached our ears; and the "bloody issue" threatened, as well as foretold, by the convention which met at the Big Springs, in September, presses onward to a fiercer stage and still more frightful consequences. In this great emergency, Mr. President, each senator and representative of the United States in Congress ought to regard well his course, and beware lest through him our mighty republic should come to a fatal and inglorious ruin.

These reflections indicate with sufficient clearness the path I shall endeavor to tread. And it is rather to my constituents, for my own sake, that I now proceed to declare the conclusions, both of law and fact, in reference to the general question, at which I have deliberately arrived.

And first in order, I come to the substitute offered by the senator from New York [Mr. SEWARD] to the bill reported by the Committee on Territories. That proposes the admission of Kansas into the Union as a State upon the constitution adopted by the convention of delegates which assembled at Topeka on the 23d of October last. To this, sir, I have two preliminary objections, and each of them is insuperable:

1. I do not believe that the Territory contains more than twenty-four thousand inhabitants, and not that number, certainly, if one-half the accusations made by the senator from Vermont, [Mr. COLLAMER,] in his speech some weeks ago, be true. The votes given at the regular election for a delegate in Congress last fall, together with those which Andrew H. Reeder pretends to have received on the second Tuesday of October, amount to some six thousand; and as the inhabitants are chiefly men without families, or men who have left their families in the States whence they emigrated, I consider it a liberal estimate—and, indeed, an extravagant one—to say that the population is equal to four times the number of voters. The senator from Vermont does not claim, in his report, more than twenty-five thousand.

To countervail this fact as far as possible, the senator from New York asserts that no specific number of inhabitants is required by the constitution for the admission of any State. Perhaps, sir, such a requisite has not been expressed in terms; but when the constitution declares, article first, section second, "the number of representatives [in Congress] shall not exceed one for every thirty thousand," it was intended, I think, to fix that number as the least constituency to be allowed for a representative, except in the case of an original State, or a State admitted with a larger population, and reduced, by emigration or some other cause, below the standard.

If this were otherwise, however, I should not be disposed to admit any State with so meagre a population. It would be unjust to New York, or Pennsylvania, or Ohio, or Virginia, if her vote could be nullified in this House by the vote of two senators representing a less number of inhabitants by two-thirds and more than the act of Congress prescribes for the constituency of a single member in the other House.

2. The Topeka constitution never was adopted by the citizens of the Territory, nor even by a respectable number of them. It did not receive more than seven hundred and nineteen votes.

all told, in a Territory which contains five or six thousand legal voters. There is no pretence in the papers submitted to us that the people ever ratified it. The petitions from Leavenworth, presented with the constitution, make no such claim. They intimate, to be sure, that the people *would* have ratified it on the 15th of December, if the polls had been regularly opened, and the election allowed to proceed. Whether this be so or otherwise I cannot decide; but I am certain that no ratification such as the constitution itself requires ever was given. I cannot hesitate to say, therefore, that the "State of Kansas" is a mere fiction, and its governor, legislators, judges, *et cetera*, are but titular dignitaries.

I do not think it worth while at present to urge any other objection; the facts are plain, and their legal effect is beyond all disputation, or the necessity of serious comment.

It is next suggested rather darkly in the "views" submitted by the senator from Vermont, as a member of the Committee on Territories, that we should annul, *ab initio*, the proceedings and action of the late Territorial legislature. This would be an extraordinary, and, indeed, high-handed exercise of power—one for which there is no precedent, so far as I can discover, in the history of congressional enactments. I must have a very clear case to warrant me in such interference; and that case must establish, by certain and unanswerable testimony, these propositions:

1. That the members of the legislature, or a majority of them, were not properly elected.
2. That their acts of legislation are of a character intolerable to American citizens.
3. That there is no remedy less violent for the evils alleged.

Because, sir, it is a serious matter to avoid *in toto* a body of statutes under which marriages have been celebrated, estates distributed, property acquired, and rights otherwise established. I am not prepared to say that such an abrogation of the statutes *ex post facto* would cancel marriages or divest estates; but it would give rise to many doubts, and great confusion, uncertainty, and distress.

The senator from Vermont has endeavored to show, in his report and by his speech, that the Territorial legislature was—to use his own language—a "spurious foreign" legislature; or, in other words, that its members were not elected by the *bona fide* residents and voters. He has likewise asserted that some of the laws which it enacted were peculiarly oppressive and tyrannical. But I do not discover in his report or his speech, or in the speeches of his coadjutors, even a remote allusion to the last, and, after all, most important of the requisites I have specified. Let us admit, for a while, that his accusations are literally true; is there no redress on this side of revolution? In my judgment, sir, there is. A new house of representatives will be chosen in October, and in one year from that time a new council. If the governor—armed as he *now* is with the military power of the Union—should repress invasions or tumults at the election, and secure to the inhabitants an unmolested right of suffrage, cannot all obnoxious laws be repealed according to the regular and accustomed form?

The senator declares this impossible, however, until after the election of 1857; because, he says, the councillors already chosen will resist to the uttermost the wishes of the other house. I take such a suggestion to be, upon its face, rather improbable; but, as an extreme case, let us imagine it to be well founded. What then? Is the condition of the citizens of Kansas any worse than that which has at times befallen the citizens of a State? How often, sir, have the citizens of Indiana been deceived by the professions of legislative candidates, and induced to bestow their confidence only to find it betrayed without scruple, and themselves bitterly oppressed? It has happened, and too frequently, in the State of Ohio. But, sir, neither the citizens of Indiana nor those of Ohio ever dreamed of redress except through patience, submission for the present, and a change of rulers in due time. Are the citizens of Kansas so much better, I ask, that we must invent some unexampled remedy, next to a forcible revolution, rather than exact of them a little forbearance?

But, sir, let us proceed to the other requisites I have specified, and see if the senator from Vermont can establish either of them. First, then, is the question whether the Territorial legislature of Kansas was a "spurious" or a valid legislature. It seems to be taken as true, in both the reports submitted from the Committee on Territories, that in seven districts—represented in the legislature by three councillors and nine representatives—the election of March 30, 1855, was tumultuous and irregular. We have heard much, here and elsewhere, of the conduct of certain citizens of Missouri upon the border of Kansas, who are charged with having invaded the Territory in organized companies with arms in their hands, with music and banners, and driving the qualified voters from the polls. When we come, however, to the *verification* of all these charges—when we demand the occasion, the place, the circumstances—in every instance, so far as I have been able to discover, the venue is laid in one or another of the seven districts, or in some precinct where the returns of the election were disregarded. That violence may have occurred elsewhere, that the right of suffrage may not have been exercised in every instance with as much freedom as it should have been, that illegal votes may have been received and illegal votes rejected—these things, Mr. President, may have transpired. I cannot deny the assertion; nor, certainly, can I affirm it. No testimony to that effect has been produced here: none has been discovered by the Committee on Territories, or even by the senator from Vermont, a member of that committee who dissents from the conclusions at which his colleagues arrived. Neither the House of Representatives nor its Committee of Elections, after a deliberation of two or three months, could find any such evidence; and, as a last resort, an expedient of the most desperate character, three gentlemen have been appointed to

visit the Territory, well provided with money and political influence, armed with unlimited power to send for persons and papers, in the eager hope of discovering some fact, supported by the oath of some person, to eke out the multitude of assertions so lustily and recklessly made for a year past in public speeches, and through the newspapers.

In this emergency, sir, the faith of the senator from Iowa [Mr. HARLAN] soared above all difficulties. He exhorted us to adopt these assertions as matters of history, and not as matters controverted between rival parties, unsustained by official records, and to be established (if at all) upon clear and authentic evidence. He compared the assurance of their correctness, derived from the vague declarations of interested witnesses, anonymous writers, private correspondents, itinerant lecturers, partisan newspapers, not only with our assurance that Louis Napoleon is the ruler of the French empire, but even—I deplore such a comparison—with our assurance that the "Saviour of mankind was once made manifest in the flesh." Yes, Mr. President, as matters of history, that was the phrase. How it may have been, sir, with others upon that occasion, I know not; but, for my part, I was forcibly reminded of Bolingbroke's bitter apothegm, "All history *must be* false!"

The senator is not alone, however, in this achievement. Certain members of the Ohio legislature, with a lofty contempt for particulars, without any regard to the acknowledged sources of truth or rules of evidence, have comprehended, ascertained, and decided the whole question. They, forsooth, knew all about it. Naught, sir, did they care for the committees, or the commissioners, designated in either House of Congress: their eyes beheld, their ears heard, accurately, what transpired at the distance of more than a thousand miles And they seem to have postponed the transaction of their proper legislative business, deferred the performance of their own duties to another year, in order, graciously, to 'instruct" my colleague and myself, as well as twenty-one members of the other House, and the governors of all the States in the Union, how to solve a disputed question of fact. Sir, I believe the citizens of Ohio will regard such behavior—as I regard it—a mere and empty ebullition of partisan zeal.

I repeat, Mr. President, violence may have occurred in other districts or precincts than those specified; but there is no evidence of it, and nothing to render it even probable. When the fact shall have been established—if it ever can be established—by such testimony as we ought to receive in a case of great and solemn interest, I will be ready to act with some degree of confidence. At present, however, I do not believe that either a majority of the council, or a majority of the House of Representatives, constituting the Territorial legislature of Kansas, were unduly elected, or that the legislature was, in any sence, a "spurious" one. I should not be astonished, sir, if some degree of turbulence had prevailed in every precinct and at every poll. That would only be in keeping with the course of elections elsewhere in the United States for the last eighteen months. None of the scenes depicted as having occurred in the seven districts of Kansas, on the 30th of March, 1855, exceed, in tumultuous array, or in other qualification of banners, music, and fire-arms, the scenes which transpired at Cincinnati on the first Monday of April, in the same year. Nor were the consequences in any respect, more alarming and sorrowful. For days and nights together a furious mob kept that city in almost breathless fear—assaulted, time and again, the habitations of inoffensive men, feeble women, and helpless children—and was subdued, at length, by an appeal to arms, and at the sacrifice of human life. I will not relate what is said to have occurred at Louisville and at New Orleans during that year. Those are matters which I know only from report.

But I wish to remind the citizens of Ohio that, whilst a majority of their legislature had tears to shed over the turbulent elections of Kansas Territory, it looked with calm and even cold indifference at the violence, the bloodshed, the inexcusable wickedness, perpetrated at an election held in their own midst. No man has been punished for these transactions; no man has even been prosecuted. The "cause" of the Kansas insurgents is commended, by legislative resolutions, to the "warm sympathies" of the public; but the outrages inflicted on our citizens at home have not been thought worthy of notice. The ears of the governor and the legislature were deaf, pertinaciously, to the appeals of our own people: they would hear the "shrieks for freedom" afar off, thousands of miles, in Kansas Territory; but as for the occurrences in Cincinnati—the destruction of ballot-boxes, burning of ballots, poll-books, and tally-sheets, driving of judges from their places, abusing the mayor in the execution of his office, beating and wounding peaceable voters, firing muskets and pistols into houses filled with women and children—establishing a reign of imminent terror throughout one-third of the city, and alarming all the rest—these were matters of no consequence!

The senator from Vermont feels the urgency of this question, and has undertaken, therefore, to demonstrate that the foray of the Missouri border-men must have extended into other districts than the seven already specified. His argument depends altogether upon the fact that, by the census taken in January, 1855, it was ascertained that the Territory contained two thousand nine hundred and five voters, whereas at the election, (March 30,) more than six thousand votes were cast.

To this, however, a conclusive answer was suggested by the distinguished senator from Illinois, [Mr. DOUGLAS] upon the spur of the moment; it is, that the Territory was opened for settlement late in the previous year, and few immigrants had time to do more than select their locations, and mark out the limits of their "claims" for pre-emption; or, at furthest, break up the soil, and sow grain for the ensuing season, when the winter overtook them. Without

houses or other shelter--without food, or even a change of raiment--in a wild country--what course could these men take, Mr. President, except return to their former abodes in Illinois, Indiana, and Kentucky, or seek refuge in the border settlements of Missouri? And, sir, hundreds of these very men--emigrants from other States, (some even from New England,) sojourning in Missouri for the winter--men who had "claims" staked off, and crops planted in Kansas, are styled "non-resident voters," "border ruffians," "Missouri invaders," because they repaired to the Territory in March, 1855, and voted at the election. Had they a right to vote? To be sure, Mr. President, their families were not in Kansas, because they had not erected even cabins upon their farms to protect those families against the snows of winter; but they were *bona fide* residents of the Territory, and qualified voters in every conceivable sense. Even Governor Reeder, as the executive minutes will show, had not his family in Kansas at that time; yet no man denies, I imagine, that he was an actual inhabitant, and, as such, entitled to the right of suffrage.

These circumstances, Mr. President, show that the census cannot be taken as a fair indication of the number of legal voters. It was orderd on the 15th of January, but the fact is recorded out of its proper place, in the executive minutes, by more than a month. It only appears after three entries, dated February 27th, and by that time the census was almost completed. I do not pretend to give a reason why this was done; but certainly, if an inhabitant of Kansas, domiciled in Missouri for the winter, had gone to the records of the executive office, at Shawnee Mission, he could not have learned the time or the manner in which, or the persons by whom, the census was to be taken. When Cæsar Augustus promulgated the famous decree, "that all the world should be taxed," notice was given for every man to return "into his own city," and there be assessed; but when Governor Reeder wished to enumerate the inhabitants of Kansas Territory, in order to ascertain the legal voters, it does not seem that any notice was given, or, indeed, any record made, until the census had been nearly or quite finished.

Before the 3d of March, as the executive minutes show, all the returns of the enumeration had been delivered to the governor; so that the census was taken at the most inclement season of the year, in a country where few houses had been erected, and when one half the inhabitants, or more, had been compelled to seek shelter at their former places of residence, or in the neighboring State of Missouri.

The election was held on the 30th of March, 1855, in virtue of a proclamation dated twenty-two days previous. Is it wonderful, in such circumstances, that all those residents of Kansas who were sojourning in Missouri should have rushed into the Territory, should have voted, and should even have returned to their places of transient abode in Missouri, to await the coming of mild weather before removing to their farms in Kansas, and commencing to build their houses? The 30th of March is a bleak season in that latitude. It is not a time, sir, at which any man could well afford to live in tents, or commence, upon the prairies, to erect a permanent habitation. Is it wonderful that hundreds of the people of Kansas, who had returned for the winter to Illinois, Indiana, and Kentucky, should have made haste to regain the Territory in order to vote, and *then* sought a present shelter in the cities or towns of Western Missouri? Is it even wonderful, sir, that in all this confusion and tumult, when the Territory was without laws, and almost without a government; while thousands of absentees entitled to vote were speeding towards Kansas; while every steamer which ascended the river, day after day, was crowded with new comers and returning settlers--that the vague rumors of a great Massachusetts corporation, with millions of capital, organized for the purpose of securing the best lands of the Territory, and, by pouring in a flood of New England fanatics, not only excluding others from a choice of favorable locations, but establishing a colony from which offensive operations could be set on foot against the property and the peace of Missouri--even if these rumors were entirely without excuse, even if none of the persons sent out by the corporation had carried arms of a new and peculiarly destructive character, or indulged the least aggressive speech or threat--should have influenced some of the citizens and young men of Western Missouri, alarmed for their safety at home, or wishing to obtain locations in Kansas, or instigated by a sense of injury, well or ill founded, to join in the multitude of those who were rushing into the Territory, or proceed in companies, with arms displayed, with drums beating, and colors flying, (although this part, I believe, is mere exaggeration,) and engage in the general disturbance--some to seek their fortunes in the new community, some to create mischief, some to vote, some to drive voters from the polls, some to make speeches, and some only to make a noise.

Sir, these occurrences are not uncommon in the older States of the Union, and far less in the Western and Southwestern States. They were, upon this occasion, the inevitable results of the manner in which the census had been taken, and the suddenness with which the election was ordered, for untimely period chosen for it, and the fraud not due to all concerned. I repeat, sir, that I do not presume to question the motives of Governor Reeder in this transaction; he has enough to answer, to explain, and (if possible) to justify before God and his countrymen; and I will invent no charges against him.

Strangely enough, however, the results of the enumeration in January, 1855, do not materially assist the senator from Vermont in proving his assertion. These executive minutes show that the principal and almost entire excess of votes--about which we have heard so much--occurred in the seven contested districts. I have taken the trouble to compare the returns of

the census with the returns of the election, district by district, precinct by precinct, and such is the result of all my examination.

The census proves that, on the 15th of January, 1855, there were two thousand nine hundred and five voters in the Territory. I do not stop to count the four hundred and eight aliens in addition, each of whom could vote (by the Kansas act) as soon as he had taken the oath of allegiance, and declared his intention to become a citizen of the United States. I stand upon the fact that two thousand nine hundred and five voters were admitted by the census.

On the 30th of March, more than ten weeks afterwards, there were six thousand three hundred and thirty-one votes cast—showing an increase of three thousand four hundred and twenty-six beyond the census. But in those districts and precincts alone, the returns of which Governor Reeder rejected, the increase amounted to two thousand two hundred and seventy-nine votes. Add to these, sir, the excess of two hundred and seventy in Bull Creek precinct—for that was virtually nullified, also, by Governor Reeder's decision—and we have two thousand five hundred and forty-nine as the increase of votes in the contested districts. Take that sum from the total already mentioned, and there remain eight hundred and seventy-seven votes, as the increase in all the other (uncontested) districts.

Again, sir, without changing the results of the election, we could reject one hundred and forty-three votes in Pottawatomie precinct, against which some complaint seems to have been made; and this would leave an increase of only seven hundred and thirty-four votes.

Thus far, I repeat, the results of the election in March, 1855, will not be disturbed—except as to three councillors and six representatives (the three representatives for Leavenworth having been chosen again at the May election) in the Territorial legislature. And if we follow the counsels of the senator from Vermont as to the tenth representative district—if we suppose the election to have been vacated, and some other candidate than Mr. Tebbs to have been elected—we must reject the excess of votes (one hundred and fifty-nine) in that district likewise. Thus, after the mighty achievement of unseating *one* representative—for that is all—we should find the legal voters of Kansas to have increased, from January 15 until March 30, only five hundred and seventy-five!

And yet, Mr. President, the senator from Massachusetts [Mr. SUMNER] who asks us to believe this implicitly, asks us to believe, *also*, that when the constitutional convention met at Topeka, in October, 1855, the Territory had grown from a population of eight thousand six hundred and one, male and female, old and young, citizens and aliens, white and black, freemen and slaves, to fifty or even sixty thousand inhabitants!

The senator from Vermont complains that the two houses of the Territorial legislature, respectively, set aside the second election, held on the 22d of May, 1855, for councillors and representatives of the seven districts.

This, sir, is true; and the question arises, thereupon, by what authority was that election ordained? The question is not whether the election for councillors and representatives on the 30th of March should or should not be allowed to stand; because I proceed, throughout, upon the idea that to the extent of those districts it was irregular and tumultuous. The question is, what authority had the Governor in this respect? What power had *he* to order a new election for any district? The right of every legislative assembly to decide upon the election of its own members—free of all interference by the executive, or even the judicial department—is as old as the first parliament that ever held a session. Let us consider, for one moment, the consequences of a different doctrine. Wherever a protest was filed, as these executive minutes show, Governor Reeder set aside the election—although, in one case, the protestants were the unsuccessful candidates. No testimony was adduced; no trial was allowed; nor was any notice given. And so, it would seem, elections are to be vacated, members elect deprived of their offices, the right of representation taken from the people, and, practically, the whole legislative power usurped by the governor, as often as defeated candidates choose to protest against the result! Granted, if you please, that illegal votes were cast, by the hundred, in these districts: it did not follow, by any means, that all the illegal votes were given for the successful candidates; or that, rejecting them, the successful candidates had not a clear majority of legal votes.

If, by the Kansas organic act, Congress had conferred upon the Governor (as some suggest) the power to set aside an election, and order a new one, Congress would have transgressed its own authority, and the provision would have been altogether void. What! Mr. President, arm one man with a right to unseat councillors and representatives; give certificates to whoever he may like; order new elections at his own pleasure! What is this, I ask, but unlimited and despotic control of the government? It would not be a legislature, sir, that was so constituted. It would be a mere cabal, not appointed by the people, to register the Governor's own decrees. I grant that, by the twenty-second section of the organic law for Kansas Territory, the Governor was a returning officer—that it was his duty to receive and canvass the returns of the first election, and wherever the returns were regular, upon their face, grant certificates to the parties thereby appearing to have been elected.

If the returns were informal or irregular in any material respect, he might, perhaps, refuse the certificates of election. He was to declare the result from the official returns made to him, and not from protests, affidavits, or papers of that description. He was, to be sure, a judge of the fact; but the law prescribed what evidence, and what only, he should receive.

In case of equal votes, in case of death, resignation, or vacancy of that kind, the Governor could order a new election; but he could not *make* a vacancy, and then order it to be filled—whether by a new election, or otherwise. That power belonged, exclusively and inherently, to the Council as respected its members, and to the House as respected its members. "There is no other body known to the constitution," said Chancellor Kent, "to which such a power might safely be trusted." (Commentaries, vol. 1, sec. 11.)

Let us take the case, Mr. President, as I have supposed it. In seven districts, including three councillors and nine representatives, the election was not only illegal, but the returns were informal, and even fatally defective. Governor Reeder declined to give certificates to the parties having the highest number of votes. I do not complain of that; but he had no right to order a new election, either on the 22d of May, or at any other time. There was a *quorum* of the members, in each house, duly elected; he had ascertained that—declared it—given certificates to the parties. Here, sir, he should have left the business; and upon the two houses, when assembled, was devolved the task of examining the elections in all the districts—not upon the returns alone, but to the full extent and very matter of fact. I have no doubt, for these reasons, that the election ordered by Governor Reeder, on the 22d of May, was entirely unauthorized and void; and that it was the duty of each house, as soon as the legislature had been organized, to examine the election of March 30, 1855, in all the contested districts, reject the illegal votes, count the legal ones, and decide which of the candidates were, in fact, chosen at that election; or, in case this could not be ascertained, to annul the election, and order a new one. Let us see, then, whether the two houses did any more; whether, as alleged, they exceeded their right and their duty as a legislature. On the first day of the session, July 2, the House of Representatives adopted this resolution:

"That all persons who may desire to contest the seats of any persons now holding certificates of election as members of this House may present their protests to the Committee on Credentials, and that notice thereof shall be given to the persons holding such certificates."

That every legislative body has the power, even without a contest, to inquire into the right of its members to their seats, is very clear, and affirmed by a multitude of precedents. Nowhere has it been exercised more frequently, perhaps, than by one or the other House of the Ohio legislature.

The Committee on Credentials proceeded, under this authority, to examine the case of each member, as well of those who assumed to have been elected on the 22d of May as of those who had received certificates at the regular (March) election. What was the result? Out of twenty-two members present—there were but twenty-six in all—the right of *fifteen* members was affirmed by unanimous voice. As to the other seven cases, it would appear, four members of the committee (out of five) reported, "*having heard and examined all the evidence touching the matter of inquiry before them*," that the gentlemen who received the highest number of votes on the 30th of March were duly elected; or, in other words, counting the legal votes alone upon the law and the testimony adduced, the illegal votes did not change or at all affect the result.

And now, Mr. President, on what pretext did the fifth committee-man dissent? Did he deny the fact of election by *legal* votes on the 30th of March? No, sir, nothing of the kind. It was upon the pretext that Governor Reeder had, by law, the final, exclusive, and absolute right to decide the election of the members; and as *he* had set aside the choice made in seven districts on the 30th of March, the House could inquire no further. I have shown that this proposition was not only devoid of authority in the statute, but contrary to all the law, written and unwritten, that ever existed. It only remains to show, therefore, what the claim was, and here I find it, sir, in the protest of the rejected members:

"We, the undersigned, members of the House of Representatives of Kansas Territory, believe the organic act organizing the said Territory gives this House no power to oust any member from this House who has received a certificate from the governor; that this House cannot go behind an election called by the governor, and consider any claims based on a prior election. We would, therefore, protest against such a proceeding, and ask this protest to be spread upon the journal of this House."

The proceedings in the Council, I understand, were of like character.

One suggestion more. Whatever speech Governor Reeder may have made at Easton, in Pennsylvania, or elsewhere, prior to his removal from office, there is no occasion, when he was called to act as governor, that he did not affirm the title of the legislature as a regularly elected and constituted body in all imaginable forms—by messages and other appropriate recognitions—until the day (August 16) when he was removed. He denied the right of the two houses to adjourn their session from Pawnee City, and he applied the veto power several times upon that ground alone. Certain it is, therefore—until they crossed the path of his expected fortune, until they removed from his city of Pawnee, on the western verge of the settlements, to the Shawnee Mission—the members of the legislature had no cause to suspect that he disputed their authority as rightfully elected councillors and representatives.

That the removal was perfectly legal, as well as expedient, I do not entertain a doubt; and for ourselves, at least, no senator has attached any importance, thus far, to that topic, on which the Governor addressed the Territorial legislature at such length, and which he made the first

pretext of his disobedience to the Territorial laws. You have on your table, Mr. President, the proceedings of a court-martial by which an officer of the army was tried and dismissed the service for lending his influence—such, at all events, was the charge—to advance the speculation of Governor Reeder in the Pawnee military reserve. On his part, I am forced to conclude, the assertion of illegality at the March election—except in the seven contested districts—was a mere afterthought, and adopted only when his first excuse had proved to be unavailable.

But, sir, even if we allow that the Council and the House erred, or acted improperly, in admitting three councillors and six representatives who had never been elected, what would it matter? The majority of each House had been rightfully chosen; and the decision, though erroneous, or otherwise improper, is final and conclusive in law. So it is, sir, with the judgment of courts, and I have known many of them which I deemed erroneous, and even some which I deemed partial.

The senator from Vermont suggested, in his speech, that the admission of the councillors and representatives for the seven districts robbed the governor of his veto power. But that, sir, is a pure mistake. There were only three councillors out of thirteen in these districts—not one-fourth of the whole number; and even if they had voted to sustain a veto message, no different result would have been attained. But the senator lays stress chiefly upon the House, inasmuch as there were twenty-six members in all, and nine of them (little more than one-third) represented the contested districts.

But, as the senator from Illinois suggested, three of these nine were re-elected on the 22d of May at Governor Reeder's own election; and the question turns really upon the case of six members—less than one-fourth of the whole number. And, besides, the functions of the House are at an end, and new members must be chosen in October.

The veto messages were overruled in each instance by votes nearly or quite unanimous, and none of them were upon questions of any importance except the removal of the legislature to the Shawnee Mission.

Whichever way we turn, therefore, the results of the election in the seven contested districts make no difference at all. More than three-fourths of the members in each house were legally entitled to act and vote as members; and the statutes which they enacted (except in so far as these statutes may contravene the constitution of the United States, or the provisions of the Kansas act) are as valid and binding as any laws ever enacted; and if there be one obnoxious to the objection just excepted, in whole or in part, the courts are open, and all persons aggrieved may there find redress.

Mr. President, even if the case were not thus irrefutable at every point, no justification could be made for the course pursued by Governor Reeder and his associates at the convention of the Big Springs, and afterwards at Topeka. The two houses which assembled at Pawnee City, and thence adjourned to the Shawnee Mission, constituted the Territorial legislature of Kansas *de facto*, even if the election of March 30, 1855, had been irregular and illegal in every precinct. Now by an appeal to Sharpe's rifles, or any arbiter of that description, can questions of title or legal right be settled. The acts of an officer *de facto*, whether elected or not, are valid, and, as respects the public, are conclusive. Whilst I had the honor of occupying a seat in the Ohio legislature, six or seven years ago, thousands of the people believed—erroneously, sir, of course—that I had never been elected. Many of the statutes enacted at that session were passed by a majority of one vote, and the vote was my own. Judges and other officers were elected by the decision of my vote; but I never heard that any man disobeyed the judges or resisted the statutes, because he believed that I had no right to vote for the one or the other.

I repeat, sir, that the acts of an officer *de facto*, whether executive, legislative, or judicial, are not only valid, but, as respects the public, are conclusive. This doctrine has been announced time and again by the courts of England and America: it has been established, beyond all dispute, for more than two hundred years. (The State vs. Alling, 12 Ohio Rep., 16. Scovil vs. the city of Cleveland, 21 Ohio Rep., 16. Scoville vs. the city of Cleveland, 21 Ohio Rep., 126. The People vs. Hopson, 1 Denio, 574. Grenleaf vs. Low, 4 Denio, 170.)

I have already noticed the suggestion that certain statutes enacted by the Territorial legislature are intolerable, and that Congress should interpose in some manner to prevent the oppression thereby threatened. The preamble of the resolutions adopted by the Ohio legislature affirms that "such restrictions" have been imposed "upon the right of suffrage at future elections as will exclude the opponents of slavery from the polls." If the "opponents of slavery" are those only who disregard the obligations of the constitution of the United States—who live under our beneficent form of government, and enjoy all its advantages, but refuse to acknowledge its authority, or submit to its laws—then, perhaps, they are excluded from the right of suffrage in Kansas, as they might well be excluded everywhere. What are the "restrictions" imposed? That the voter shall, if challenged, take an oath to support the Kansas Territorial act, and the two acts of Congress for the redelivery of fugitive slaves. Where is the injustice of this provision? The organic act is the constitution of the Territory, and to be respected during the Territorial condition, as the constitution of a State is respected by its citizens. What is more common, sir, than to exact from the voter, when challenged, an oath to support the constitution of his State? This does not oblige him to approve the constitution as a measure, but only to promise that, while it continues in force as the constitution, he will obey it, as all patriotic, well-behaved, peaceable citizens do. The Kansas statute has precisely this extent. No man is required to approve the principles of the organic act, or of the acts relating to fugitive

slaves, but merely to swear that he will not violate those laws--promulgated as they have been by competent authority--so long as they continue in force. I can discover no reasonable objection to this. The organic act, I have said, is the Territorial constitution: it declares (section 28) that the acts of February 12, 1793, and September 18, 1850, for the redelivery of fugitive slaves, shall extend to the Territory of Kansas, and thus gives them all the effect of a fundamental provision. Those who cannot live under such a code of laws, therefore, need not become inhabitants of the Territory, or, if in it, need not remain there. They have no honest claim to vote--no more than an inhabitant of Ohio, whose conscience is so tender or so morbid (whichever you please) that he will not swear to support the constitution of the State.

But, sir, the case of Kansas in this particular does not stand alone. The ordinance of July 13, 1787, required of the governor, judges, and other officers, an oath or affirmation of "fidelity," as well as the ordinary official oath or affirmation, and that contained a provision, necessarily, that they would maintain the six articles of compact. The sixth and last article stipulated, in express terms, that all fugitive slaves should be redelivered to the masters from whom they had escaped.

Another criticism has been made sometimes upon this statute--namely, that it does not require a qualification of residence, but allows any man to vote, whether resident or non-resident, on paying a tax of one dollar. This allegation is entirely erroneous. The statute defines the qualification of the voter in clear and explicit language:

"Every free white male citizen of the United States, and every free male Indian who is made a citizen by treaty or otherwise, and over the age of twenty-one years, who shall be an inhabitant of this Territory, and of the county or district in which he offers to vote, and shall have paid a Territorial tax, shall be a qualified elector for all elective officers."

The voter, you observe, must be an inhabitant; and, if so, he cannot be a non-resident. The two descriptions are perfectly incompatible. To be sure, no previous term of residence is prescribed; but that has not been usual in the Territories, or even the new States, where the object is to invite immigration by all reasonable inducements. No such term of residence was prescribed in the ordinance of July 13, 1787, for those who had been citizens of any of the States.

As to the stipulation that each voter should have paid a Territorial tax—against which some objections are urged—it is only what the first constitution of Ohio required. The same stipulation has been made also in most of the other States; and at this very session the Senate passed a bill for the District of Columbia, in which it may be found—and without any objection.

It is true, sir, that one of these Territorial taxes was a poll tax of one dollar: but the voter need not have paid that if he had paid any other tax assessed for Territorial purposes. Nor, if any man had paid it, would that render him "an inhabitant" of the Territory, or authorize him to vote. I am not a friend of poll taxes; I have always admired that provision in the first constitution of Ohio by which poll taxes were prohibited for State or county purposes. But such taxes are levied in other States, and, among others, in the State of Massachusetts. Why, then, all this tirade against them in the Territory of Kansas?

The Ohio resolutions affirm, also, that the legislature of Kansas appointed "its own creatures" to all the Territorial offices—by which elegant phraseology is meant, I suppose, that the officers were chosen by the legislature. This, to a very limited extent, is true, but, in the main, is a gross mistake. The only officers to be chosen by the legislature, permanently, are the auditor and treasurer of the Territory, and district attorneys; and these are chosen for periods of four years. The law of Kansas, in this particular, follows the first constitution of Ohio—a constitution under which, for almost forty-nine years, the State enjoyed a degree of prosperity second to that of no community, either in ancient or modern times. That constitution provided for the election of the secretary of State, treasurer of State, auditor of State, judges of the supreme and common pleas courts, any many other officers, by the legislature, and for periods of service varying from three to seven years.

The laws of Kansas declare also, that until the election of October, 1857, a probate judge, two commissioners, and a sheriff in each county, shall be chosen by the legislature; but ther, and always thereafter, those officers are to be chosen by the people. The necessity for their election by the legislature temporarily is quite plain, inasmuch as by the organic law (section 25) the commissions of all officers appointed by the governor expired at the adjournment of the legislature. Without such an election, therefore, the Territory would have been bereft of subordinate and local officers. The probate judge and the commissioners together appoint justices of the peace, constables, and county officers. In this respect also the laws of Kansas pursue the first constitution and early statutes of Ohio. By the constitution the legislature elected three associate judges in each county; and these judges for a long while appointed the clerk, attorney, and other county officers. The sheriff and the coroner alone were elected by the people. Of course, sir, the members of the Ohio legislature could not have been ignorant of the history of their own State; but they were so anxious to remove a mote from the eye of their neighbor, as to have forgotten the good advice of the Scriptures.

It has been objected, also that most of the laws were copied, without alteration, from the revised statutes of Missouri. I see nothing objectionable in this. The legislature acted wisely indeed when it availed itself of the care and learning with which the statutes of Missouri had

been compiled, remodeled, and consolidated into a regular code. But, sir, those who make the objection should recollect that, by their favorite ordinance of July 13, 1787, the governor and judges were forbidden to adopt any law for the Northwestern Territory, unless it had been copied from the statute-book of some one of the States.

The senator from Vermont, however, complains chiefly of the eleventh and twelfth sections of an act for the definition and punishment of certain offences. The eleventh section is in these words:

"If any person print, write, introduce into, publish, or circulate, or cause to be brought into, printed, written, published, or circulated, or shall knowingly aid or assist in bringing into, printing, publishing, or circulating within this Territory, any book, paper, pamphlet, magazine, handbill, or circular, containing any statements, arguments, opinions, sentiments, doctrines, advice, or innuendo, calculated to promote a disorderly, dangerous, or rebellious disaffection among the slaves in this Territory, or to induce such slaves to escape from the service of their masters, or to resist their authority, he shall be guilty of a felony, and be punished by imprisonment and hard labor for a term not less than five years."

The purport of this enactment is not (as the senator imagines) to punish a man for declaring, in print or otherwise, that slavery is an injurious or improper institution, but for attempting to promote a servile insurrection; or, in the very words of the act, "promote a disorderly, dangerous, or rebellious disaffection among the slaves of the Territory," or "induce such slaves to escape from the service of their masters." Sir, I regret the necessity for such legislation; but, wherever slavery exists as an institution, laws of that character must be adopted. Governor Reeder assured the legislature of its power in this respect by his inaugural message. "A Territorial legislature," he said, "may undoubtedly act upon the question to a limited and partial extent, and may temporarily prohibit, tolerate, or regulate slavery in the Territory, and in an absolute or modified form, with all the force and effect of any other legislative act, binding until repealed by the same power that enacted it."

No, if the legislature had a right to "tolerate or regulate slavery" in the Territory, it had the right to provide—and was under a solemn obligation to provide—against insurrection and rebellion among the slaves; and any man anywhere in the United States, who publishes or circulates a "book, paper, pamphlet, magazine, handbill, or circular," inciting other men, black or white, to overthrow the established government by force, to disturb the peace of the community, to resist the execution of the laws—no matter with what excuse he fortifies such conduct—deserves to be punished. His offence, at common law, is that of publishing a seditious libel, and punishable with more severity, far more, than is prescribed in the Kansas statute.

To call an act which holds men accountable for publications calculated and intended to excite a servile insurrection, with all its horrors of bloodshed and rapine, an assault on the liberty of speech or of the press, is a mere trick of language, and, if generally admitted, would end in the destruction of those two inestimable rights. The true doctrine is expressed, sir, in all our State constitutions—namely, that no citizen shall be subject to censorship beforehand, but shall be responsible for an "abuse" of his privilege, detrimental to the public or individuals by indictment or private action. The Kansas statute, I repeat, does not forbid any one to publish a fair discussion of slavery, its objectionable features, its evil consequences—not at all. It only punishes the offence of stimulating slaves to rebellion or to run away from the service of their masters, and to that extent, in my opinion, it is defensible. No well-behaved citizen need ever stand in fear of its penalties.

The twelfth section is of a character quite different:

"If any free person, by speaking or by writing, assert or maintain that persons have not the right to hold slaves in this Territory, or shall introduce into this Territory, print, publish, write, circulate, or cause to be introduced into this Territory, written, printed, published, or circulated in this Territory any book, paper, magazine, pamphlet, or circular, containing any denial of the right of persons to hold slaves in this Territory, such person shall be deemed guilty of felony, and punished by imprisonment at hard labor for a term of not less than two years."

This, perhaps, does not embrace a publication discussing the character of slavery as an institution, or even the question of its establishment; it relates to a denial of the authority of the legislature in the premises. So it was interpreted by the governor, the judges, the attorney, the marshal, and many of the councillors and representatives, in the address published at Leavenworth, November 14, 1855:

"There is nothing in the act itself, as has been charged, to prevent a free discussion of the subject of slavery. Its bearing on society, its morality or expediency, or whether it would be politic or impolitic to make this a slave State, can be discussed here as freely as in any State in this Union, without infringing any of the provisions of the law. To deny the right of a person to hold slaves under the law in this Territory is made penal, but beyond this there is no restriction to the discussion of the slavery question in any aspect in which it is capable of being considered."

Neither this section nor the eleventh, I understand, has ever been executed; nor, indeed,

has their execution been attempted. In the peculiar circumstances of the Territory, however, I think the twelfth section was unjust; and, as it might be abused by a corrupt magistrate, I wish to see it abrogated. Such legislation has become too fashionable of late years, whenever men are embittered against their opponents.

But, sir, in respect to penal statutes, the present legislature of Ohio is not above criticism. One of the houses has passed a bill—which the other is expected to pass likewise at the adjourned session—whereby the sale, or even the gift, of a glass of wine, beer, ale, or cider, in any circumstances, is made punishable by a fine for the first transgression, and by imprisonment as well as fine in the second. Yes, sir, those who complain of severity in Kansas legislation have actually declared that if a man should find his neighbor by the roadside, weary, sick, or wounded, and, either for the sake of love or money, should relieve that neighbor with oil and wine—as the good Samaritan did—he ought to be hauled before some justice of the peace, and summarily as well as severely punished. And I suppose if our Saviour were to come again upon earth, and repeat the miracle which He performed in Cana of Galilee, instead of being overwhelmed with gratitude for so beneficent an exhibition of the Divine power, they would condemn him to the pillory or the stocks.

Indeed, Mr. President, the vagaries of legislation, and especially of penal statutes, are so strange, and even so ludicrous, that one should hardly treat them with an argument. The wisest of statesmen have not been exempt from such follies. In the model code proposed by Jefferson, for the definition and punishment of crimes, I find this section:

"All attempts to delude the people, or to abuse their understanding, by exercise of the pretended arts of witchcraft, conjuration, enchantment, or sorcery, or by pretended prophecies, shall be punished by ducking and whipping, at the discretion of a jury, not exceeding fifteen stripes."

Under such a law, I fear, several senators on the other side (my colleague included) would be in danger—to the extent, probably, of the fifteen stripes—for their "pretended" prophesies, often repeated, as to the results of the next presidential election.

Mr. President, it is due to myself, as well as to others, that I should confess how widely I misapprehended this part of the subject at the commencement of our session. I had read in the newspapers, and certainly believed, that none were admitted to the right of suffrage in future elections except those who would take an oath to maintain the entire body of statutes adopted by the Territorial legislature; and it is quite probable, sir, that in conversation and correspondence frequently, I have declared such an enactment to be unjust in principle, and indefensible anywhere.

The venerable senator from Michigan [Mr. Cass] suggested, in his able and thoroughly patriotic speech, that it would become us—the supporters of the Nebraska bill—to adopt some fair and moderate course in reference to these Territorial statutes. I always listen to his counsels with pleasure; but never, sir, did I listen with more pleasure, with more gratitude, than on that occasion. I believe it would be wise, prudent, and, upon the whole, equitable, calculated to allay, in a great measure, the excitement which now prevails in some of the northern States, and satisfactory, I hope, to well-disposed citizens everywhere, if Congress should undo the restrictions and tests contained in these acts of the Territorial legislature. To be sure, as I have shown, they are not without the color of precedent, but such precedents, after all, are better avoided than imitated.

The Territorial statutes, however objectionable, did not provoke the insurrectionary movement in Kansas. It began ere they had been enacted, and it has continued without the least regard to their operation or effect. That is demonstrated clearly in the report submitted by the senator from Illinois [Mr. Douglas] as chairman of the Committee on Territories.

Whence, then, have arisen these discords and troubles? From the unauthorized interruption of the citizens of Missouri, in great part, as I believe—but deeper than all that, as the real and responsible cause, from the establishment of an organized company, incorporated by the legislature of Massachusetts, to invade the Territory and take possession of it, to render ineffectual the competition of individuals, to forestall the settlement of that question which the organic act had left to the calm, deliberate, and peaceable decision of the people. The operations of the company were not as extensive, nor as important, perhaps, as they have sometimes been represented; but they have led, nevertheless, to all the controversies, all the serious quarrels, all the bloodshed, with which Kansas has been cursed to this hour. They have separated into hostile factions, arrayed with arms against each other, a body of settlers who should have devoted all their energies to the maintenance of peace and the foundation of a new and great Commonwealth. My colleague has several times asserted, with great excitement of manner, that citizens of the Free State party (so called) have been "murdered in cold blood" by their antagonists; but only such excitement could have prevented his detecting the absurdity of this assertion. Men of both parties have been killed, houses burned, and other property injured or destroyed. But there has been no "cold blood" in all this: it has been hot blood on both sides—blood heated by a thousand incentives to strife. The inhabitants were (and I fear still are) enraged at each other; and have sacrificed all that is dear to both parties, thus far, at the instance and for the pleasure of political aspirants. It is not so much the question, in my judgment, whether Kansas shall be a slaveholding or a non-slaveholding State, as whether the men of one faction or of the other shall be exalted to power.

I do not intend to speak of the Massachusetts Emigrant Aid Company at length. The senator from Alabama [M. CLAY] has exposed its purposes and its conduct with such accuracy of detail, such clearness of perception, that little is left for the rest of us. I wish to notice, however, a suggestion to which the senators from New York and Massachusetts attached so much importance. It is that the corporation violated no law; and, as for comity between the States, we have no rules upon that subject, except those which are expressed in the federal constitution. Sir, if senators stand upon this doctrine, where (let me ask them) did the State of Massachusetts find authority to create a corporation whose business was to be conducted without her own limits, and chiefly within the limits of another government? She had no authority for that; and, if we should apply a strict rule to her actions, the Emigrant Aid Company would be condemned at once. It could not make any contract or manage any enterprise beyond her own limits, and far less hold property in Kansas. It is upon the rule of comity alone that the corporations of one State are allowed to transact business, or even bring suits, in another State—a rule of comity, moreover, which is not expressed in the federal constitution. Let us hear what the Supreme Court has said:

"It is very true that a corporation can have no legal existence out of the boundaries of the sovereignty by which it is created. It exists only in contemplation of law and by force of the law; and where that law ceases to operate, and is no longer obligatory, the corporation can have no existence. It must dwell in the place of its creation, and cannot migrate to another sovereignty."—(*The Bank of Augusta* vs. *Earle*, 13 *Peters*, 588.)

I counsel those two senators, therefore, to look beyond the letter of the constitution in this respect, and to govern themselves rather by the wholesome idea on which our federal government is founded—that of equality between the States and non-intervention of one State with the domestic affairs of another. Upon this idea we know the Kansas act intended to establish forever the policy of our Territorial governments. In the true sense of the question, then, this Massachusetts corporation did violate the law—many laws—in a most wilful and officious manner. It violated the law of comity between the States; it violated the principles of the Kansas Territorial act; it violated the faith pledged in our federal constitution. In another respect, also, the corporation has greatly offended. How, except by a sheer perversion of our statutes, did the company acquire title to section after section of the public lands in exclusion of individual settlers, and with a view (as its circular declares) to sell them hereafter at an advanced price, and divide the profits among its Massachusetts stockholders? Was such the design of your pre-emption laws? No, sir. It is a violation of those laws; a bold and reckless attempt to seize the best portions of the public domain, in fraud of the rights of actual settlers, for the conjoint purposes of private profit and sectional agitation. I never heard—I cannot even imagine—a more palpable outrage, as well against the laws of the United States as against the peace of the Territory and the rights of individual citizens everywhere than this emigrant aid contrivance. It has been lauded by its friends, here and elsewhere; but I believe it to be a gigantic engine of mischief and wickedness. It has filled the Territory with confusion and bloodshed; has exasperated the two sections of the Union against each other; has led to those horrid scenes of ribaldry at which all Pandemonium rejoiced—scenes where

"The Priest
Turns Atheist, as did Eli's sons, who filled
With lust and violence the house of God."

In Massachusetts, to be sure, it is a moneyed corporation, and it appears even in Kansas only as a landed proprietor. But, sir, beneath these garbs we find a secret, oath-bound, political and military organization, with its "grand general" at Lawrence, its "grand vice-general" at Topeka, its "grand paymaster" at Leavenworth, its colonels, officers, sentinels, soldiers, and recruits, in every neighborhood.

I have said, sir, that Nebraska and Kansas were established by one law. Nebraska has had peace, Kansas only confusion. Towards Kansas the Emigrant Aid Company directed its operations; Nebraska it left alone. Herein consists the whole difference!

Thus far, Mr. President, of the questions directly before the Senate. But the resolutions of the Ohio legislature embrace other and kindred topics, on which many senators have spoken at length. I shall be pardoned, I trust, for a similar digression.

Some of those senators declare that Congress has the right, under the Constitution, to prohibit slavery in the Territories; that by the Kansas act of May 30, 1854, Congress abdicated its authority in an improper manner; and that the effectual method of obviating all difficulties (if we reject the State constitution now proposed) would be to restore the prohibition contained in the act of March 6, 1820, section eight. The resolutions of the Ohio legislature assert, moreover, that those who framed our federal government designed to prohibit the institution of African slavery in all the Territories, and, thereby, the creation of new slaveholding States.

The senators from Vermont and Iowa do not claim so much. They claim, however, that the intention was to tolerate slavery wherever it then existed in the Territories, and prevent its establishment wherever it did not exist.

I deny all these propositions. I believe that Congress has no authority over the citizens of

the United States inhabiting the Territories, except to provide for the protection of their persons and property against violence, or other wrongful aggression, until such time as they are able, by the adoption of a State government, to protect themselves. I believe that Congress has *no legislative* power (properly so called) over the Territories, and its whole authority is that of a landed proprietor, and a trustee of sovereignty for the inhabitants. Beyond this limit—beyond the right to control the use and disposition of the public domain, and so far abridge the political action of the inhabitants as to preserve their allegiance to the federal government, and ultimately admit them as a State into the Union—beyond this limit, I say, all exertions of power by Congress amount merely to usurpation.

It follows, Mr. President, that the fathers of the republic did not, in my opinion, propose either to restrain or encourage, establish or abolish, the institution of slavery in the Territories, or anywhere else.

The senator from Vermont has said, with deliberate emphasis, that the Constitution does not recognise property in men. I might answer, with equal emphasis, that it nowhere defines, or even indicates, what shall or what shall not be property in the United States, except where it speaks of the public domain, forts, arsenals, and the like. That was not the office of the Constitution. It established a government which, as respects our own people, is purely *federal* in character, and has no concern with the rights of property, except as they are defined by the laws of the several States. And, sir, it so happens that the only species of property to which a special protection was vouchsafed in the Constitution, is the right of one man to the "service or labor" of another. Whether this be property, in strictness of acceptation, I care not to decide. It is a right founded upon the laws of a State, and guarantied by the express compact of all the States.

Both these senators have been challenged, as others of their sect have been challenged, in times past, to specify the language of the Constitution from which they derive the vast congressional power now claimed; but no language is adduced, after all, except that of article fourth, and section third:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States."

This section does not confer any legislative power, nor does it even speak of any subject over which legislative power can be exercised. It merely declares that Congress, as an agent, shall exercise the proprietorship of the lands and other property of the Union. For, Mr. President, let us observe:

1. The power of disposition is quite as large and as absolute as that of regulation; and if Congress could legislate, in a political sense, for the inhabitants of a Territory, it could, in exercise of the power of disposition, transfer their allegiance to some foreign government, or even to an individual, by a mere alienation of title to the land.

2. The language is "the territory," "belonging to the United States," and not, as often misquoted, *the Territories* (plural) *of the United States*. In other words, the section refers to the public lands, *as such*, and not in any political sense—the public lands within the limits of a State, as well as those without. And hence the section proceeds in the alternative, "the territory or *other* property belonging to the United States."

The Senator from Iowa calls for the judicial decisions upon this point, and I shall endeavor now to satisfy him.

In the case of Gratiot and others, 14 Peters, 537, the Supreme Court said:

"The term territory, as here used, is merely descriptive of one kind of property, and is equivalent to the word lands."

In the case of Pollard's Lessee *v.* Hagan, 3 Howard, 221, the court said:

"We think a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory of which Alabama, or any of the new States, was formed, except for temporary purposes."

These purposes the court define to be an execution of "the trusts" created by the deeds or treaties of cession—namely, the trusts of providing for the organization of a new State, and its admission into the Union.

The senator from Vermont has ridiculed, as very absurd, that provision of the organic act which extends the Constitution of the United States over the Territory of Kansas, and asked, with an air of triumph, "Who ever supposed that the Constitution did not, *ex proprio vigore*, prevail in all the Territories?" I might answer, as the senator from Illinois has answered, that Daniel Webster supposed so, and made an elaborate argument in this chamber to prove it; but I have another authority to the same effect, namely, the Supreme Court of the United States. In the case cited by the senator himself—the facts of which, by the way, he misapprehended altogether—the case of the American Insurance Company *v.* Canter, 1 Peters, 511, it was decided that the courts of a Territory are not *constitutional* courts, and, necessarily, that the Constitution does not extend to the Territories by the force of its own provisions.

The Constitution is for *the States* alone; it is the Constitution of the United States, and not of the Territories, or even of the States and the Territories together. Its authors never dreamed

of a Territorial government to be created by Congress, and, o course, made no provision fo any such government. At the time the Constitution was signed, in September, 1787, every acre of land which had *then* been ceded by the States, of which they had the least knowledg or conception, was embraced by the ordinance of the Continental Congress, adopted in July o that year. This ordinance purported, by its own terms, to be an irrevocable compact betwee the citizens of the original States and those who should inhabit the territory in all future time I acknowledge, Mr. President, that, under the power to make treaties, the federal governmen can acquire territory; as, also, that the power of conquest is incident to the power of levying war. But the framers of the Constitution did not dream that an opportunity for annexation o conquest would ever present itself; they had no conception of the importance of the weste country, and far less of our splendid empire beyond the Mississippi river and upon the Pacifi coast.

The region west of the Mississippi, as well as that bordering upon the Mexican gulf, be longed to Spain—then the most splendid of the European monarchies, and one which ha always pursued the policy of sacrificing the happiness of her people at home in order to main tain the integrity of her foreign dominion. The framers of our Constitution did not contempla an extension of the Union in any direction. Canada had a standing invitation, for nine years in the articles of confederation; and as she did not accept it during that period, all hopes of he accession were abandoned. I have not said, sir, that the framers of the Constitution were opposed to an extension of our boundaries. They saw no probability of it, and therefore mad no provision for territories thus to be acquired. Let us not wonder, consequently, at the view entertained by Mr. Jefferson at the time of the Louisiana purchase, and his suggestion of suc an amendment to the Constitution as would affirm that exercise of power. Unhappily, sir, th advice was not adopted; for in his time, before abolitionism had arisen to disturb the peace o the Union, some fair, wise, and just provision could have been made upon this subject in th Constitution.

As a *political* government had been established for all the territory supposed to belong to th United States at that time, under the ordinance of July, 1787, the Constitutional Conventio deemed it only expedient to provide for the disposition and management of the public lands as *th property* of the Union. And hence the clause to which I have referred not merely fails to con for legislative or political dominion over the Territories, but a proposition of that character wa entirely rejected. Thus, on the 18th of August, 1787, it was moved, in the convention, tha Congress should have power—

"To dispose of the unappropriated lands of the United States;
"*To institute temporary governments for the new States arising therein.*"*

The first proposition was adopted, and is expressed, substantially, in the Constitution; th second was rejected.

But, sir, the Constitution affords us additional evidence. Its framers understood the wid distinction between a clause authorizing Congress to make "rules and regulations" for th disposition or management of the public lands, and a clause conferring upon Congress legisla tive or political dominion. In the eighth section of the first article, among the powers delegated, we find:

"To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress be come the seat of the government of the United States."

This power was limited, expressly, to a district *not* exceeding ten miles square—so jealou were our fathers of the authority of the federal government and of the exercise of a power thus arbitrary in character. Yet, after all, a power more despotic and irresponsible has been deduced—or, rather its deduction has been attempted—from language entirely inappropriate and over a region greater than the area of the original States.

Whence, then, is derived the authority of Congress over the Territories? I answer, Mr. President, that it is a *trust* arising from, and expressed in, all the deeds of cession from the States, and the treaties with France, Spain, and Mexico, by which we have acquired new do main—a trust for our citizens who may inhabit these Territories, and to be exercised solely with a view to their becoming one of the political communities known as States in our Union. And, therefore, whatever restriction or regulation of a legislative character would prevent the State, when formed, from standing on terms of equality with the original thirteen States, is improper, unjust, and tyrannical, whilst the territorial condition continues. It may be, sir, that no hand is powerful enough to stay the exercise of congressional legislation; and in that sense, perhaps, the authority of Congress would seem to be unlimited. But even unlimited authority does not confer the sanction of *right* upon an arbitrary regulation. I agree with Edmund Burke, that "arbitrary power is a thing which no man can give."

A regulation of the domestic and local affairs of a community—whether you call it a State a Territory, or by what title soever—in opposition to, or disregard of, the wishes of the inhabitants—restraining them from the advantages enjoyed by their fellow-citizens in other States o

* Journal of the Convention, page 260.

Territories, for the development of their material resources, the forms of labor which are best suited to their soil, climate, and circumstances—such a regulation, in my judgment, is a very gross abuse of the power, wherever power does exist, and a tyrannical assumption wherever it does not. And when we consider that the whole scope of a territorial government is to provide for the future admission of the community over which it exists into the Union as a State, the proposition becomes too clear for any dispute—except from those who love to cavil upon trifling distinctions, or rather upon distinctions without any difference—that whatever restriction cannot be imposed on the State after admission, cannot be imposed at that time; and whatever cannot be imposed as a requisite to admission, cannot, in good faith, be imposed during the territorial form of government. It would be a distinct breach of the "trusts" upon which alone Congress exercises dominion over the Territories—the trusts, namely, of providing for the erection of new States, and their admission into the Union. For, as was said by the Supreme Court in the case of Pollard's Lessee *v.* Hagan, already cited—

"Whenever the United States shall have fully executed those trusts, the municipal sovereignty of the new States will be complete throughout their respective borders, and they and the original States will be upon an equal footing in all respects whatever." 3 Howard, 224.

To forestall the exercise of State sovereignty, upon a question which is domestic and local in its character, would be not only unjust and unfair, but fraudulent.

In apology for such an abuse of power, nevertheless, the senator from New York declared to us, in set phrase, that slavery was and ever had been a mere "outlaw" in our political system. This proposition, Mr. President, is wholly untenable. So far from being an outlaw, as claimed, that is the only municipal institution of the States (as I have shown) over which the Constitution extends an express protection; and I may add, that it has existed at some period or other in every nation, and with every people, of whose history we have the least record. Nor can there be any doubt that slavery is recognised and protected to the present hour by the law of nations, upon the high seas, and in all places where it has not been excluded under the operation of a local law. The senator from Louisiana [Mr. BENJAMIN] cited the Institutes of Justinian, some weeks since, to the effect that slavery is a creature of the law of nations;* and thereupon the senator from New York attempted to ridicule the citation, by informing us that Justinian was a Roman Emperer—and perhaps a tyrant—who lived many hundreds of years ago. But, sir, the senator must know that Justinian did not invent (and probably never read) the Institutes which bear his name; that they were composed by the most learned and eminent men of the empire, and that to-day, they furnish law to more than two-thirds of the civilized world. The very paragraph cited by the senator from Louisiana is reiterated by Domat, the great expounder of the civil code in modern times, as well as by numerous other acknowledged authorities. Unquestionably, therefore, it is the law, as understood in continental Europe, in Mexico, in Central and South America. The courts of England teach the same doctrine. In the case of a French vessel, *Le Louis*, engaged in the African slave-trade, which had been seized by an English cruiser and brought into port for condemnation, Sir William Scott, than whom there is no more solid authority on questions of international law, declared even the traffic in slaves upon the high seas to be one which no nation could render illegitimate to the citizens or subjects of another. That was in the High Court of Admiralty, December 15, 1817. (2 Dodson's Adm. Report, 238.) At Hilary term, 1829, the Court of King's Bench—Abbott, chief justice; Bayley, Holroyd, and Best, justices—made a similar decision. (Madrazo *v.* Willes, 3 Barn and Alderson, 353.) That was an action brought by the owner of a Spanish vessel, engaged in the African slave-trade, against the commander of an English armed ship for a seizure upon the high seas, and the liberation of the negroes imprisoned.

The senator from Louisiana cited, also, the decision of our Supreme Court in the case of a Spanish vessel, *The Antelope*, captured with almost three hundred negroes on board, brought from the coast of Africa, which vessel had been libelled in the admiralty of the United States for condemnation. It was argued by some of the ablest lawyers this country has ever produced—by William Wirt, Attorney General, and Francis Scott Key, for the appellants; and by John Macpherson Berrien and Charles J. Ingersoll, for the claimants. The judges were unanimous in the opinion that slavery is recognised by the law of nations, and even the African slave-trade is not prohibited. In commenting on this decision, to be sure, the senator from New York attempted a refinement by admitting that a slave-trader could not be called a "piratical" outlaw. Sir, the distinction amounts to naught. There is no outlaw, upon the seas, except a pirate. He, alone, of all sailors, is unprotected on the highway of nations. The pirate belongs to no country, and his offences are against the whole world. Any one is authorized to arrest him, and the courts of any nation may convict and execute him. In October, 1834, twelve men of Spanish birth were tried for piracy at Boston, and seven of them were convicted and sentenced to death. They had been captured by a British officer, but, as their last outrage was committed against an American vessel, were sent to the United States for trial. They could as well have been tried and punished for this offence in England.†

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*Servitus antem est constitutio juris gentium, qua quis dominio alieno, contra naturam, subjicitur.—Book I, title 3, sec. 2.

† United States *v.* Gibert, 2 Sumner, 24.

These men were charged as "pirates and felons," according to the law of nations, and of course were not sent to Spain for punishment or trial. But, although Great Britain and the United States have both denounced the African slave-trade—have declared it to be a capital offence—our government cannot punish or otherwise molest an Englishman for engaging in it. "The courts of no country," said Chief Justice Marshall, "execute the penal laws of another." (10 Wheaton, 123.) The African slave-trade is piratical, to be sure, for our citizens, not by the law of nations, but in virtue of our own statutes. If any one of our citizens should engage in it, therefore, we can punish the offence; but no other nation can lay a hand upon him.

The case of a French schooner, *La Jeune Eugenie*, in the circuit court for the district of Massachusetts, has been cited as an opposite decision. Mr Justice Story held, to be sure, that inasmuch as the African slave-trade had been forbidden by the laws of France, no claim of ownership could be preferred to slaves rescued from captivity on the high seas in behalf of a French subject. But instead of pronouncing slavery an outlaw, the court decided exactly otherwise. What the senator from New York read to us two weeks ago was in reference to the African slave-trade—of which Mr. Justice Story well said, that beside the question of enslavement, it involved necessarily a breach of all moral duties and humane precepts. As to the institution of slavery, however, the Judge declared that it had a "legitimate" existence.—(2 Mason, 445, 446.)

But this is not all. I find that, even prior to the Constitution, our revolutionary fathers considered slaves as legitimate property, and extended to the master all the protection of the confederated government. In the provisional articles of peace with Great Britain, signed at Paris, November 30, 1782, by John Adams, Benjamin Franklin, John Jay, and Henry Laurens, as American commissioners, it was stipulated that the British forces should retire from the limits of the United States without "carrying away any negroes or other property" of the inhabitants.—(U. S. Statutes, vol. 8, p. 57.) The British commanders did not observe this article; and General Washington, after having addressed them several remonstrances without effect, laid the matter before the Continental Congress. It was referred to a committee for consideration; and finally, August 9, 1786, a resolution was adopted that the Secretary of Foreign Affairs should cause the numbers, names, and ownership of all negroes "belonging to the citizens of each State, and carried away by the British in contravention of the late treaty of peace," to be ascertained, and lists thereof made.—(Journals of Congress, vol. 4, p. 650.)

Between the 5th of April and the 25th of November, 1783, as Mr. Jefferson tells us, three thousand negroes were thus taken away; and our government required, and at length compelled, the government of Great Britain to pay for them. What authority, then, has the senator from New York in asserting that African slavery is an institution beyond the pale of the law? I leave him to the answer which these facts afford. I do not state them, sir, because I admire the institution, but because they are facts; and it is our duty to decide all public questions in the light of truth, upon established principles of law, without any perversion of historical records.

Frequent reference has been made to the legislation of Congress in early times to show that the original purpose of the federal government was to exclude slavery from the Territories. I am willing to abide an impartial review of all those enactments.

In the fifth resolution of the Ohio Legislature (you will recollect) your attention is specially invited to the scheme of governments adopted by the Continental Congress on the 23d of April, 1784. It may be found at length in the compilation of the public land laws, and contains no provision to exclude slavery from the States to be constituted and afterwards admitted into the Union. I begin with this scheme, Mr. President, because it was the first ever proposed—because Thomas Jefferson is said to have been its author—because it embodies all the essential features of the ordinance of July, 1787, except the anti-slavery clause. The deed of Virginia to the United States for the Northwestern Territory was dated the 1st of March, 1784, so that this scheme followed closely upon the cession. I admit, sir, that a clause was proposed for the restriction of slavery after the year 1800, and Mr. Jefferson voted for it; but his reasons and those of his associates (as I will soon demonstrate) were of a temporary and special character. The clause was rejected at that time, only seven States approving its principle; and the scheme went into effect without any provision upon that subject. To the General Assembly of Ohio, therefore, on the 9th of April, 1856, almost seventy-two years after the transaction, has been reserved the honor of discovering that "the original American policy" was embodied in a clause thus rejected on full consideration by a decisive vote. Sir, to my humble apprehension the "original" policy of our government, in this respect, the true "American" policy, should be gathered from the scheme as it was finally adopted.

Three years later in the Continental Congress, Nathan Dane, of Massachusetts, proposed an ordinance for the government of the Northwestern Territory; and on the 13th of July, 1787, it received the votes of eight States for adoption. Mr. Jefferson was then in Europe. The ordinance contains many clauses not authorized by the articles of confederation; and, of these, the most prominent is that for the admission of the new States to be formed under its provisions. Accordingly, in the Federalist, No. 36 and No. 42, Mr. Madison declared that it was a clear case of usurpation by the continental authorities. With a consciousness of the defect of congressional power in this regard, Mr. Jefferson's scheme proceeded upon the idea of establishing colonial States, and that no direct legislative control could be exercised over them. Provision was made, consequently, for a charter to be issued, under the seal of the confedera-

tion, by which the form of a *compact* might be assumed as between the Congress on the one side and the colonies on the other. Mr. Dane adopted the same idea for the legislation of July, 1787, and his ordinance declares that six articles, therein enumerated, "shall be considered as articles of compact between the original States and the people and States in the Territory, and forever remain unalterable unless by common consent." The anti-slavery clause constituted the sixth and last of these articles; and I call the attention of the Senate to the fact, especially, because it explains the series of congressional acts relative to the States of Ohio, Indiana, Illinois, Michigan, and Wisconsin, upon which the Senator from Iowa planted himself

We have thus seen that in July, 1787, the Continental Congress adopted a restriction of slavery which it had rejected three years before. Why this change? The scheme of 1784 embraced all the Territories ceded and *to be* ceded by the States; but the ordinance of 1787 was limited to the territory northwest of the Ohio river, and was based entirely upon the Virginia cession. Now, sir, it so happend that from the commencement of the revolutionary war, until the signature of the Federal Constitution, in September 1787, the State of Virgina was employing all her influence and all her votes to suppress the African slave-trade. Restrained from the consummation of that project by the oft-repeated royal veto upon the colonial statutes, the people of Virginia, in convention of delegates, August, 1774, agreed neither to import nor purchase another slave from Africa, the West Indies, or any place abroad. Four years afterward—as soon almost as she had thrown off British allegiance—Virginia enacted a law to prohibit the foreign slave-trade. Jefferson was its author, but to Madison's perseverance and energy (as Jefferson himself said) is due a large share of the success. In the constitutional convention, we all know, Virginia proposed that the introduction of slaves from abroad should be forbidden after the year eighteen hundred, or, if possible, at once. She was supported in this by Delaware, New Jersey, and Pennsylvania; but she was defeated by the votes of the two Carolinas, Georgia, and Maryland, with the votes of New Hampshire, Massachusetts, and Connecticut. New York did not give her any assistance, and Rhode Island was not represented. The extreme South wanted more slaves; the eastern States were engaged in the African slave-trade, and objected to its suppression. I repeat, Mr. President, the three States of Massachusetts, New Hampshire, and Connecticut—Maine was then a part of Massachusetts, and Vermont of New York—united with North and South Carolina, Georgia, and Maryland, on the 25th of August, 1787, in declaring that the African slave-trade should be tolerated until January 1808, a period of almost twenty-one years. It was in vain that George Mason pointed to the example of Virginia, and implored the convention not to perpetuate slavery upon the American continent.—(Madison Papers, Vol. 3, pp. 1398, 1399.) Newport, in the State of Rhode island, was the place from which vessels engaged in the slave-trade were fitted out; but Massachusetts furnished a large portion of the capital, and realized a share of the profits.

Let us pause here, Mr. President, for one moment. At this period (1787) the abolition of slavery was a possible, and even a probable, occurrence. The citizens of Virginia, Delaware, Pennsylvania, and New Jersey, were anxious to prevent the further influx of slaves, and thus prepare for the emancipation and colonization of those already introduced. The slaves of the Carolinas and Georgia were few in number. There was not a cotton factory on this continent. The cotton-gin had not been invented. Cartwright had just contrived the power-loom, but it was not in use. The first cotton sent from the United States to England was in 1785; but it was not until the first year of Washington's administration (1789) that sea-island cotton was planted here, and upland cotton cultivated for exportation. Previous to that time, of course, slavery was not profitable, and might have been abolished. I wish to engage in no criminations; but I must say that it does not become the New England States at all to quarrel with the South about slavery, or affect any special degree of virtue upon the subject. More slaves were brought into the Union from abroad, between 1787 and 1808, than were here at the time of the adoption of the federal constitution. Madison warned the convention, in express terms, of the consequences which have since ensued. "Twenty years," he said, "will produce all the mischief that can be apprehended from the liberty to import slaves."—(Madison Papers, vol. 3, pp. 1427, 1428, 1429.)

In all Jefferson said or wrote respecting the institution of slavery, he coupled it with the African slave-trade; and he looked upon the suppression of that as an indispensable prerequisite to emancipation. In one of his most remarkable papers—where he enumerates all those achievements the memory of which consoled him in old age with the reflection that he had not lived in vain—we find his Virginia statute for the abolition of the slave-trade; but neither in that paper, nor in his elaborate autobiography, nor in any of his letters or documents, (so far as I can remember) does he make the least reference to the proposition for excluding slavery from the Territories. How singular, Mr. President, if he deemed that so eminent and essential a matter as is now claimed—if he supposed it to be (as the Ohio legislature declares) an exposition of "the original American policy" on the subject of our territorial governments—that he should never have imagined it worthy of his own comment, notice, or even recollection!

Jefferson was anxious to suppress the horrors of the African slave-trade; and as the Congress of the confederation had no power to effectuate this great reform directly, he urged upon the State of Virginia to circumscribe the market for slaves, and thus, indirectly, abate the foreign traffic, by an exclusion of slavery from all her domain north and west of the Ohio river. But

Virginia had resolved to donate this empire to the confederation, and therefore referred him to the continental authorities. He appeared in Congress as a delegate in 1783, aided to complete the cession of the Northwestern Territory, and at once offered his territorial scheme, with an anti-slavery clause, in order to accomplish the design which he had so long cherished. He failed, however, as I have stated; but upon James Madison and the other delegates from Virginia, in the next Congress was devolved the execution of his purposes. This, sir, will explain the sixth article of the ordinance adopted July 13, 1787, excluding the institution of slavery from the Northwestern Territory. But after the federal constitution had been signed at Philadelphia, on the 17th of September, 1787, such an exclusion became entirely useless, inasmuch as a compromise had been made in that instrument whereby Congress was empowered to suppress the African slave-trade in the year eighteen hundred and eight. The anti-slavery article of the ordinance was dictated, therefore, by reasons of a temporary character, and, as I will prove in a few moments, was purposely omitted in all new cases of territorial government after the adoption of the federal Constitution.

Perhaps, Mr. President, some senator may suppose that I have dealt in mere conjecture, and ask me for the witness by whom I establish a fact of such pregnant and decisive consequences. Sir, I call him not only from the grave, but from silence hitherto as impenetrable almost as the grave itself. Among the manuscripts purchased by Congress from the executors of James Monroe, in the possession of our Committee on the Library, and as yet unpublished, is an original letter from James Madison, dated Montpelier, February 10, 1820, of which I will read an extract:

"I have observed as yet in none of the views taken of the ordinance of 1787 interdicting slavery northwest of the Ohio, an allusion to the circumstance that, when it passed, the Congress had no authority to prohibit the importation of slaves from abroad; that all the States had, and some were in the full exercise of the right to import them; and, consequently, that there was no mode in which Congress could check the evil but the indirect one of narrowing the space open for the reception of slaves.

"Had a federal authority then existed to prohibit directly and totally the importation from abroad, can it be doubted that it would have been exerted, and that a regulation having merely the effect of preventing the interior disposition of slaves actually in the United States, and creating a distinction among the States in the degrees of their sovereignty, would not have been adopted, or perhaps thought of?"

You will recollect, Mr. President, that Madison was a member of the Congress which enacted the ordinance. He knew, therefore, all the circumstances attending its adoption; and here, by his own hand, those circumstances are related. The occasion of the letter was itself solemn, and even momentous. In February, 1820, while the Missouri controversy engaged universal attention—when the ordinance of 1787 was made the staple (as it has since been) of all the arguments for congressional intervention—we find that Monroe, then President of the United States, addressed Madison for advice; and Madison, from a retirement no longer disturbed by partisan suggestions, informed him of the special, temporary, and exceptional reason upon which the anti-slavery clause was founded.

Why, sir, let us recall what happened at the second session of the first Congress. North Carolina did not come into the Union until after Washington's administration had commenced, and then at length surrendered her western domain—the present State of Tennessee. On the 26th of May, 1790, an act was passed to establish a government for the region thus ceded (U. S. Statutes, vol. 1, p. 123.) It extended the provisions of the ordinance of July 13, 1787, *except the anti-slavery clause*, over the territory of the United States south of the Ohio river. The senator from Iowa undertook to account for this by a suggestion that North Carolina so stipulated in her deed of cession; to which I answer, that if it had been the established policy of the government (as now pretended) to exclude slavery from the Territories of the Union, Congress never would have accepted the grant upon such terms. The cession of Virginia was rejected by the Continental Congress from January, 1781, until March, 1784, because of certain conditions exacted by that State, and from which, in October, 1783, her legislature receded. So that, if the policy of Congress had been what the senator claims, North Carolina would have been forced to abandon the condition proposed.

But the senator says, also, that Congress tolerated slavery in Tennessee, because it existed there at the time, and prohibited the same institution in the territory northwest of the Ohio river, because it did not exist there. The senator is misinformed in this particular. There were slaves in the Northwestern Territory when the ordinance of 1787 was adopted; in fact, sir, there were none but slaveholding settlements. These were at Detroit, now in the State of Michigan, where the Pawnee Indians were held as slaves, and at St. Vincennes, Indiana, and Kaskaskia, Illinois, where negro slavery existed. As late as February 12, 1793, slaves were held in the Territory by color of law; and the fugitive-slave act of that date, the first ever passed, expressly provided for their reception. (U. S. Statutes, Vol. 1, p. 302.) Moreover, Mr. President, slavery existed in what now constitutes Indiana and Illinois, despite the ordinance of July 13, 1787, from the time of its first settlements until after both those States had been admitted into the Union. In certain resolutions unanimously adopted December, 1806, by the legislature of Indiana Territory, to which I shall have occasion to allude hereafter, this fact is related to Congress in the most positive terms. The first constitution of Illinois, adopted

August 26, 1818, sanctioned the title to all slaves then within the State; and Illinois excluded slavery, as a permanent institution, by a small number of votes.

In this connexion, Mr. President, I would ask why, if the anti-slavery clause of the ordinance of 1787 was intended to have so permanent and extensive a character as now claimed, did not the constitutional convention, which was sitting at Philadelphia at the time of its enactment, embody that provision in the Constitution of the United States? It could not have escaped the attention of the members—many of whom were likewise members of Congress—and the fact is, as I have shown, that their attention was directly called to the question of conferring on Congress a legislative power over the territories. All this is inexplicable, sir, except in view of the statement contained in Mr. Madison's letter.

It is true that the same Congress which refused to exclude slavery from the region south of the Ohio river, had passed an act on the 7th of August, 1789, whereby the ordinance of 1787 was modified in two unimportant particulars, and that this was done, as the preamble states, to adapt the ordinance to the federal Constitution. But that affirmance rested, as did all the subsequent acts for the subdivision of the Northwestern Territory and the admission of the States formed out of it, upon an idea that the ordinance was (as its own terms declare) a "compact" between the people of the Territory and the people of the thirteen original States, and was "forever" unalterable. Even in the act of April 19, 1816, for the admission of Indiana as a State, it is recited that the six articles of the ordinance to which I have alluded, were "irrevocable" articles. (United States Statutes, vol. 3, p. 289.) I do not acknowledge that this was a correct exposition of the legal effect of the Constitution of the United States upon the ordinance; but I say that it was the opinion entertained by Congress and by all the courts of the northwestern States, until December, 1850, when the case of Strader *v.* Graham, 10 Howard, 82, was decided by the Supreme Court here. It is merely idle, then, to cite either the ordinance or the act of August 7, 1789, or any of the acts relating to the Northwestern Territory or States, as an indication of the general policy of the Constitution or of Congress.

A great deal has been said in praise of the ordinance, here and elsewhere, as if it were the perfection of human achievement. How singular that, like the Missouri restriction of March 6, 1820, its virtues should not have been discovered until after it ceased to exist. During the whole period of its operation in the territory now constituting the States of Ohio, Indiana, and Illinois, the ordinance was disliked and even detested by the people. Why should this have been otherwise? Until the Territory contained five thousand free male inhabitants of full age, the legislative authority was vested in a governor and three judges, appointed by the President, and not responsible, in any degree, to those over whom they exercised so great a dominion. That this authority was abused by the governor and judges, there are many records of Congress to demonstrate.

The ordinance invested the governor with an absolute veto, one that all the members of the Territorial legislature together could not overrule. It was exercised by the first governor, Arthur St. Clair, so frequently, and in a manner so reckless and wanton, as to have left an impression to this hour upon the political character of Ohio. In May, 1851, almost half a century after the ordinance had ceased to operate, a convention of delegates assembled to revise the State constitution; and although experience had shown the wisdom of a qualified or limited veto, such as the President exercises, the tradition of St. Clair's despotism was so vivid, and the sentiment of the people so well understood, that all attempts to confer a like authority upon the governor met with signal defeat. Never, since Ohio was a State, has the veto power been tolerated in any shape or form.

The ordinance required a property qualification for all officers and electors. A member of the Territorial legislature was required to have, in his own right, a fee-simple of two hundred acres, and an elector a like estate in fifty acres; and this, sir, at a time when the public lands were sold only in large tracts, and at enormous prices. Against such a restriction upon the right of suffrage, the inhabitants of the Territory protested from first to last.

Ohio has been styled, of late years, the "first-born" of the ordinance. This title is one which, in early times, she would have considered as no compliment. Certainly she was not a dutiful child. Her State government was formed without the sanction, and against the will of the Territorial legislature. It was upon an earnest appeal from the inhabitants—disqualified to vote, most of them, under the ordinance—that the act of April 30, 1802, to authorize the adoption of a State constitution was passed. Even the delegate in Congress, elected, of course, by the "qualified" voters, opposed it. But President Jefferson lent his ear and his influence nobly to the complaints of an oppressed people. The act of Congress enlarged the right of suffrage at the election for members of the convention, far beyond the provisions of the ordinance. In truth, Mr. President, the ordinance was trodden under foot by the people, and all who then exercised authority under it were treated with contempt and derision. While the convention was in session at Chillicothe, Governor St. Clair demanded the right of addressing it in his official character; but the delegates refused to recognise him, refused to hear him at all, until he asked the privilege merely as an individual. They required him to disband the Territorial legislature which had appointed a session at Cincinnati, about that time. Of this, however, there was no need, the legislature had been driven from Chillicothe, by a popular tumult the previous year, and its members concluded not to provoke such extremities again. There never was a community so disgusted with its form of government.

Strange to relate, Mr. President, one of the most obnoxious features in the ordinance at

that time, was the anti-slavery clause. It was evaded in Ohio by a simple process. An indenture was executed in Virginia by which a slave covenanted to serve his master for life; and then the slave was taken to the Northwestern Territory as an apprentice. To such an extent did this prevail under the ordinance, that when the first Constitution of Ohio was adopted, November 29, 1802, a provision was inserted to annul such indentures thereafter.

In the residue of the Territory, Indiana and Illinois, this question assumed a more serious importance. In November, 1802, while the Ohio convention was in session, the inhabitants of the Indiana Territory (comprising what is now Illinois as well as Indiana) elected delegates to a Territorial convention by which their grievances might be considered and made known to Congress. The convention assembled at Vincennes in December of that year, and General Harrison presided over its deliberations. A memorial to Congress was prepared, signed, and sent to the House of Representatives. The original document is now before me—authenticated by General Harrison's signature and by the Territorial seal—taken from the files of the House of Representatives. As it has never been printed, to my knowledge, I will read those paragraphs which relate to the prohibition of slavery and to qualified suffrage:

"*To the Senate and House of Representatives of the United States in Congress assembled:*

"The memorial and petition of the inhabitants of the Indiana Territory respectfully showeth:

"That nine-tenths of your memorialists being of opinion that the sixth article of compact, contained in the ordinance for the government of the Territory, has been extremely prejudicial to their interest and welfare, requested the governor, by petitions from each of the several counties, to call a general convention of the Territory for the purpose of taking the sense of the whole people, by their representatives, on a subject to them so interesting, and of afterwards taking such measures as to them might seem meet, by petition to your honorable bodies, not only for obtaining the repeal or suspension of the said article of compact, but also for that of representing and petitioning for the passage of such other laws as would, in the opinion of the convention, be conducive to the general welfare, population, and happiness of this distant and unrepresented portion of the United States.

"This convention is now sitting at Vincennes, and have agreed to make the following representation to the Congress of the United States—not in the least doubting but that every thing they can desire (not prejudicial to the Constitution or to the interest of the general government) will readily be granted to them.

"The sixth article of compact between the United States and the people of the Territory, which declares there shall be neither slavery nor involuntary servitude in it, has prevented the country from populating, and been the reason of driving many valuable citizens possessing slaves, to the Spanish side of the Mississippi—most of whom, but for the prohibition contained in the ordinance, would have settled in this Territory—and the consequences of keeping that prohibition in force will be that of obliging the numerous class of citizens disposed to emigrate to seek an asylum in that country where they can be permitted to enjoy their property.

"Your memorialists, however, and the people they represent, do not wish for a repeal of this article entirely, but that it may be suspended for the term of ten years, and then to be again in force; but that the slaves brought into the Territory during the continuance of this suspension, and their progeny, may be considered and continued in the same state of servitude as if they had remained in those parts of the United States where slavery is permitted, and from whence they may have been removed.

* * * * * * * * * * *

"Your memorialists further show, that they view that part of the ordinance for the government of the Territory which requires a freehold qualification in fifty acres of land as elector for members to the general assembly as subversive of the liberties of the citizens, and tending to throw too great weight in the scale of wealth. They therefore pray that the right of suffrage, (in voting for representatives to the general assembly) may be extended to the free male inhabitants of the Territory, of the age of twenty-one years and upwards, but under such regulations and restrictions as to you in your wisdom may seem proper.

* * * * * * * * * * *

"Your memorialists are well aware that the consideration of the numerous objects contemplated by this memorial will require more time than can well be spared from the important and general concerns of the Union; but when they reflect upon their neglected and orphan-like situation, they are emboldened to hope that their wants and wishes will meet with all the indulgence and attention necessary to secure to them the relief which is so essential to their welfare and happiness.

"Done at Vincennes, in the Indiana Territory, the twenty-eighth day of December, in the year of our Lord one thousand eight hundred and two, and of the independence of the United States the twenty-seventh.

"By order of the convention.

"WILLIAM HENRY HARRISON,
"*President, and delegate from the county of Knox.*

"Teste:
"JOHN RICE JONES, Secretary."
[Territorial seal.]

This memorial was presented to the House of Representatives on the 8th of February, 1803, and was referred to Messrs. Randolph, Griswold, Robert Williams, Lewis R. Morris, and Hoge, as a select committee.

On the 2d of March, 1803, the committee made an adverse report on both the particulars which I have specified. (American State Papers, "Public Lands," vol. 1, p. 160.) This was referred, says the Clerk's endorsement, to "a Committee of the Whole House to-morrow." The morrow, unfortunately, was the last day of the Congress, and the subject, of course, was not considered. Two facts are worthy of notice in this connexion: First. The African slave-trade had not been abolished; it was still entitled to a license of five years, almost, under the Constitution. Second. A scheme for the concerted insurrection of slaves in Virginia had been discovered three years previously, and the public mind had not recovered from that alarm.

On the 15th of December, 1803, the memorial was again considered, together with the report of the select committee, and thereupon Messrs. Rodney, Boyle, and Rhea, of Tennessee, were appointed a new committee to examine it. These gentlemen reported, February 17, 1804, in favor of the prayer of the petition, and especially that the sixth article of the ordinance should be suspended for ten years, "so as to permit the introduction of slaves born within the United States from any of the individual States." (Am. State Papers, "Miscellaneous," vol. 1, p. 387.) In respect of limited suffrage in the Territories, the committee said:

"It must be the true policy of the United States, with the millions of acres of habitable country which she possesses, to cherish those principles which gave birth to her independence and created her a nation, by affording an asylum to the oppressed of all countries."

A resolution was reported, therefore, contemplating what is now called "alien" suffrage.

This report, also, was committed to a Committee of the Whole House, but never was considered, I suppose, as there is no trace of any vote or discussion.

At the next Congress, December 18, 1805, the subject was again brought before the House, and was referred to Messrs Garnett, Morrow of Ohio, Parke, Hamilton, Smith, of South Carolina, Walton, and Van Cortlandt. This committee reported in favor of the petition, February 14, 1806. (Am State Papers, "Miscellaneous," vol. 1, p 450.)

It will be noticed that Jeremiah Morrow, then the sole representative of the State of Ohio, was a member of the committee; and as the report was unanimously made, it might be well to ascertain what his opinions were. I will quote, therefore, from this document:

"Having attentively considered the facts stated in the said petitions and memorials, they are of opinion that a qualified suspension, for a limited time, of the sixth article of the compact, between the original States and the people and States west of the river Ohio, would be beneficial to the people of the Indiana Territory. The suspension of this article is an object almost universally desired in that Territory. It appears to your committee to be a question entirely different from that between slavery and freedom, inasmuch as it would merely occasion the removal of persons, already slaves, from one part of the country to another. The good effects of this suspension, in the present instance, would be to accelerate the population of that Territory, hitherto retarded by the operation of that article of compact, as slaveholders emigrating into the western country, might then indulge any preference which they might feel for a settlement in the Indiana Territory, instead of seeking, as they are now compelled to do, settlements in other States or countries permitting the introduction of slaves. The condition of the slaves themselves would be much ameliorated by it, as it is evident from experience that the more they are separated and diffused, the more care and attention are bestowed on them by their masters—each proprietor having it in his power to increase their comforts and conveniences in proportion to the smallness of their numbers. The dangers, too, (if any are to be apprehended,) from too large a black population existing in any one section of country, would certainly be very much diminished, if not entirely removed. But whether dangers are to be feared from this source or not, it is certainly an obvious dictate of sound policy to guard against them as far as possible. If this danger does exist, or there is any cause to apprehend it, and our western brethren are not only willing but desirous to aid us in taking precautions against it, would it not be wise to accept their assistance? We should benefit ourselves without injuring them, as their population must always so far exceed any black population which can ever exist in that country as to render the idea of danger from that source chimerical.

"Your committee consider the regulation contained in the ordinance for the government of the territory of the United States, which requires a freehold of fifty acres of land as a qualification for an elector of the General Assembly, as limiting too much the elective franchise. Some restriction, however, being necessary, your committee conceive that a residence continued long enough to evince a determination to become a permanent inhabitant, should entitle a person to the rights of suffrage. This probationary period need not extend beyond twelve months."

The committee reported these resolutions, with others, for adoption:

"That the sixth article of the ordinance of 1787, which prohibits slavery within the Indiana Territory, be suspended for ten years, so as to permit the introduction of slaves, born within the United States, from any of the individual States.

"That every white freeman of the age of twenty-one years, who has resided within the

Territory twelve months, and within the county in which he claims a vote six months immediately preceding the election, shall enjoy the rights of an elector of the General Assembly."

It may be, Mr. President, that the citizens of Ohio will sanction the doctrines expressed in the resolutions of the present legislature; but, if so, they will depart from the landmarks established by that staunch old patriot and pioneer, Jeremiah Morrow, in the days when he, alone, spoke for Ohio in the other House of Congress—those ever-memorable days, too, when Thomas Jefferson stood at the helm of our federal government.

But, sir, I have not finished the history of this matter. Tired of delays, at length the inhabitants of Indiana Territory took the law into their own hands; and, by an act of their legislature, recognised slavery as a territorial institution. The fact is stated in two other documents (never published) which I have before me— taken likewise from the files of the House of Representatives. They were presented, it seems, on the 17th of January, 1806, and referred to the select committee previously appointed, of which Mr. Garnett was chairman. They will best explain themselves:

"At a meeting of the citizens appointed to form a committee from the several townships in the counties of St. Clair and Randolph, to take into consideration and represent to the general government the grievances of these counties, the 25th day of November, 1805:

"Present in committee: James Lemon, John Messenger, William Scott, John Whiteside, Moses Short, John Edgar, E. Backus, John Beaird, E. Bilderback, John Everts, William Chatlin, Ralph Drury, Henry Levin, William Goings, Samuel Kenney, Robert Robinson, Jean F. Perry, N. Jarrott, Etienne Pansaunce, and William Biggs.

"On motion, unanimously resolved, That Colonel John Edgar be chairman, and Robert Robinson clerk of this committee.

Resolved, That a memorial be prepared stating the grievances of these counties; that it be signed by the members of this committee, and transmitted to the Senate and House of Representatives of the United States in session. * * * * * * * * *

"And whereas the ordinance of 1787 for the government of this Territory is respected by the people as the Constitution of their country, this committee entertain a hope that the general government, after guaranteeing to the people the privileges in that ordinance contained, will not pass unnoticed the violation thereof by the late act of the legislature of this Territory, authorizing the importation of slaves and involuntary servitude for a long term of years.

"And although this committee entertain no doubt but that the act in question will render service by adding a spring to the growth of this country, they express the disapprobation of a people who never will consent to a violation of that ordinance for this privilege of slavery. When Congress shall deem a change of the ordinance expedient, they will cheerfully agree to the measure."

Some senator may suppose, perhaps, that the committeemen or their constituents were opposed to slavery, and resented the idea of its introduction. Not at all, sir. They wished a division of the Territory, and this complaint was inserted with others, in order to make out a case of usurpation against the Territorial legislature. The establishment of a court of chancery was another pretext for complaint. In their memorial (which I have here) they implore Congress to allow them the privilege of holding slaves.

"The memorial of the undersigned persons, being a committee appointed by the inhabitants of the Illinois for the purpose of laying their grievances before the national legislature, respectfully sheweth:

"That this country is composed of that part of the domain of the United States on the northwest of the river Ohio, which, by the ordinance or compact of 1787, has been designated to form the western State, bounded by the Mississippi, the Ohio, the Wabash, a north line drawn from Vincennes to the divisional line between the United States and Canada, and by this line to the Lake of the Woods and the Mississippi.

"That for the purposes of a temporary government, it now forms a member of the Indiana Territory, and is divided into two counties, Randolph and St. Clair.

"That the form and extent of this government have, from certain circumstances, become not only undesirable, but productive of the most pernicious effects; and your memorialists most humbly solicit your attention while they detail these circumstances, while they suggest the propriety of a division of this government and the erection of that part of it, above described, into a separate colony.

"Your memorialists approach your honorable body with the more confidence on this subject, since they flatter themselves that the nation has become sensible of the situation in which they have been, their long struggles, their unprotected state, their patient submission to inconveniences, and their claims to be now heard.

* * * * * * * * * * * *

"Your memorialists would further beg leave to solicit, as a thing which would be promotive of the prosperity of this country, the permission to hold slaves in it.

"The principle of domestic servitude we do not advocate; yet domestic servitude has found its way into the United States—it is immovably established there. When an evil becomes irremediable, is it not wisdom to convert it, if possible, to some use?

"However unnecessary this state of servitude may be thought in the eastern part of this Territory, no man has doubted its importance here, where, among whites, health and labor are almost incompatible; here, too, a country to which it would probably bring back the principal settlers of Upper Louisiana, since they have been driven from home by the fear of losing their servants."

I have related the action of the third select committee upon the Indiana memorial, to which, as I have said, these two documents were likewise referred. That report was committed to the Committee of the Whole House, but I cannot find that it ever came to a vote, or was even discussed.

The legislature of Indiana Territory persevered, however, in its application. In December, 1806, it adopted, *unanimously*, a series of resolutions upon the subject, and a copy was presented to the Senate as well as to the House. (Am. State Papers, "Miscellaneous," vol. 1, p. 467.) I will read one of the resolutions:

"*Resolved, unanimously*, That the citizens of this part of the former Northwestern Territory, consider themselves as having claims upon the indulgence of Congress, in regard to a suspension of the said article, because, at the time of the adoption of the ordinance of 1787 slavery was tolerated, and slaves generally possessed by the citizens then inhabiting the country, amounting to at least one half the present population of Indiana and because the said ordinance was passed in Congress when the said citizens were not represented in that body, without their being consulted, and without their knowledge and approbation."

Upon these resolutions in the House a fourth committee was appointed, of which Mr. Parke was chairman. This committee reported on the 12th of February, 1807, in favor of the rights claimed by the Territorial Legislature. (Am State Papers, "Miscellaneous," vol. 1, pp. 477, 478.) I will not detain the Senate with reading from the report.

By this time, as we have seen, the question had become complicated with that of dividing the Territory; and at the next session, December 31st, 1808, a report was made in favor of such division. (Am State Papers, "Miscellaneous," vol. 1, pp. 945, 946.) A slight concession had been made by the act of February 26th, 1808, in respect to the right of suffrage. (2 U. S. Stat. 469.)

On the 3d of February, 1809, the Territory was divided, and Illinois obtained a separate government. (2 U. S. Stat. 314.) This was followed by an act on the 27th of the same month, providing that the members of the legislative council in Indiana, should be chosen by the people. (2 U. S. Stat. 525.) By the acts of March 3d, 1811, and May 20th, 1812, the right of suffrage in both Territories was extended to the full limit suggested in Mr Garnett's resolution. (2 U. S. Statutes, 659, 741.)

Here ended the intervention of Congress. But the legislature of Illinois Territory followed the example set by that of Indiana, and African slavery continued to exist there (as I have said) until and after the adoption of a State government.

This recital demonstrates another fact. It is, that legislation can exercise no permanent influence in deciding whether slavery shall or shall not be established, or even continued. Vain and futile to the last degree is any enactment on that subject. The condition of the country, its climate, soil, and staples of production, the supply of laborers—these are the decisive elements, and these, in spite of all ordinances or other statutes, will at length decide. It proves, also, that the institutions adopted under a territorial form of government by the people do not indicate always the character of the State after its admission into the Union. Indiana and Illinois are non-slaveholding States—not because the ordinance of 1787 so provided, but because the labor of Africans was found to be unproductive, and the influx of population from Europe (which began after Napoleon's downfall) supplied a host of laborers in the northwest, far more efficient, intelligent, and useful, than slaves ever can become.

Let us return, however, to the primitive legislation of Congress. Soon after John Adams assumed the presidential chair, it would seem, the discovery was made that a portion of the dominion which now constitutes the States of Alabama and Mississippi did not belong to Georgia—as theretofore supposed—but had been acquired from Great Britain by the limits prescribed in the treaty of peace; and, therefore, on the 7th of April, 1798, a Territorial government was established over it. Here, certainly, is an occasion for Congress—fettered by no terms of cession—to have realized that "American policy" which the Ohio legislature instructs me to pursue. The inhabitants were few in number, and the slaves less—not so many, at all events, as were then held in the Territory northwest of the Ohio river. But Congress only extended the ordinance of July 13th, 1787, "excepting and excluding the last article," over that region—or, in other words, refused to prohibit slavery at all. (United States Statutes, vol. 1, pages 549, 550.)

The next case in order is that of Louisiana. It was during Mr. Jefferson's administration, March 26, 1804. The tenth section alone is worthy of notice. That prohibits the importation of slaves from any port or place without the limits of the United States, or of slaves brought into the United States after a certain period. It should be mentioned in this connexion, that an act of Congress had been passed February 28, 1803, imposing severe penalties on the master of a vessel which imported negroes, from abroad, into any State whose legislature had forbidden the traffic. (2 U. S. Stat., 205.) The Louisiana act, however, did not prevent the in-

troduction of slaves, except as before mentioned, from any part of the United States. (2 U. S. Stat., 286.)

These are all the acts of Congress which preceded the Missouri question; and from these, I submit, no argument can be drawn in favor of congressional intervention. Meanwhile, it should be recollected, five slaveholding States had been added to the Union—Kentucky and Tennessee while Washington was President; Louisiana during Madison's administration; Mississippi and Alabama during that of Monroe. Where can we discover at all the settled "policy," of which we now hear so much—the determination that no slaveholding State beyond the original thirteen should ever be permitted? Sir, there was no such policy or determination: it is a mere invention; a false coinage of later and degenerate times.

I have tried the patience of the Senate too much already to venture upon a discussion of the circumstances which attended the application, repeated rejections, and final admission of Missouri into the Union. Suffice it to say, sir, that the pretext employed against her—the fact, namely, that she was a slaveholding State—is a pretext employed on that occasion for the first time. It was denounced by Jefferson (who was then alive) in the most bitter language; it was denounced, also by Madison, by Jackson, and by Harrison. The letters of all these public men, addressed to Monroe, as President, may be found in the unpublished collection to which I have alluded.

This memorable controversy was the last struggle of the Federalists, as such, for political power. It originated with the Hartford convention; and then, as now, the proposition to exclude slavery from the new States and Territories went hand in hand with a proposition to alter the naturalization laws. Mr. Madison declares, in the letter from which I have quoted, that it was a scheme of "coalesced leaders" to divide "the republicans of the North from those of the South," and make "the former instrumental in giving the opponents of both an ascendency over the whole." The Kansas question of our day is but a repetition of that performance.

The concession made by the act of March 6, 1820, was unwise, and, as it proved, entirely unavailable. I do not censure those great and patriotic men who assented to it as an expedient for terminating the dispute. They hoped it would prove a "compromise" indeed—that it would settle the question for ever—that the Union would have security and the people an unbroken peace. In the same situation, assuredly, I should have done as they did.

But, sir, alas! the mistake was a fatal one. It brought no security and no satisfaction. It unsettled all that had been settled before. It only encouraged new aggression; and in the midsts of our war with Mexico, when the zeal of every patriot should have been kindled with a new flame, the most hideous feature of ancient Federalism—clad only in another guise—once more received the approbation of the House of Representatives. From the date of the Missouri act, in March, 1820, a hollow truce had prevailed; and the evil day was postponed, thrice and again, by the coupling of new States together—a slaveholding State with a non-slaveholding State—Missouri with Maine, Arkansas with Michigan, Florida with Iowa, Texas with Wisconsin. This, sir, is the "peace" which the senator from Vermont accuses the last Congress of having broken; and if this be peace, tell me, in God's name, what is discord!

From the day of its enactment, I repeat, until the day of its abrogation, with one exception, never did the representatives of the North agree to the line of the Missouri compromise. Some resisted it in the case of Arkansas, and some in the case of Florida. In the case of Texas, to be sure, they voted for its application—and because that would exclude slavery from a portion of the domain to be acquired. But in no other instance, sir, from first to last. I shall not relate the troublous controversy which grew out of our Mexican acquisitions; but as the senator from Vermont was so earnest in his charge that the southern senators and representatives had repudiated a solemn compact, had violated the pledge of their fathers, had broken the faith of the nation, I must refer to an occurrance with which he ought to be familiar. No senator denies, I presume, that Oregon was a part of the original Louisiana Territory, and subject, therefore, to the terms of the (so called) Missouri compromise. On the 15th of January, 1847, whilst the Oregon Territorial bill was before the House of Representatives, Mr. Burt, of South Carolina, moved to amend the clause in which slavery was prohibited by the addition of this preface:

"Inasmuch as the whole of the said Territory lies north of thirty-six degrees thirty minutes north latitude, known as the line of the Missouri compromise."

This was not a proposition that slavery should be permitted in Oregon, nor that the southern States, or their people, should have any immediate or practical advantage. It was only to declare that the act of March 6, 1820, was a compromise in good faith; or, as the senator from Vermont now calls it, a solemn compact, and to base a congressional prohibition of slavery upon the fact of its existence. The subject was debated, and came, at length, to a formal vote. There were 82 members in the affirmative, and 113 in the negative—the former chiefly from the southern States, and the latter entirely from the northern States. The senator from Illinois [Mr. DOUGLAS] voted in the affirmative, and the senator from Vermont [Mr. COLLAMER] voted in the negative. (Congressional Globe, vol. 16, p. 187.) They were both members of the House at that time. Upon whose skirts, then, is the blood of this precious compromise?

It was in the midst of a controversy whether the principle of the Missouri compromise should

or should not be maintained, that the inhabitants of California—abandoned by Congress to all the miseries of anarchy on the one hand, or military despotism on the other—exhibited the most sublime spectacle ever presented, in my judgment, by a community of American freemen. Without resorting to books or political philosophers for any advice, they proceeded to establish a government for themselves; and before Congress had determined whether slavery should or should not be allowed in that country, adopted their own State constitution and decided the question at once. That, sir, was a case where "popular sovereignty" came to the rescue, and a well-timed resue it was. And, thereupon, without prolonging the old quarrel, but dismissing forever the ghost of the murdered Missouri compromise, Mr. Clay and Mr. Webster—with the venerable senator from Michigan, the distinguished senator from Illinois, and others—adopted the case of California as a precedent for all future cases, and inserted a provision to this effect, at once, in the Territorial bills for Utah and New Mexico. That compromise, too, we are accused of having violated. Sir, is it not wonderful that all the survivors of that gallant band which supported, and finally carried in triumph, the Territorial acts of September, 1850, should now be charged with a misinterpretation of their own purposes and language—and this, too, upon the authority of a senator (from Vermont) who never lifted his hand to assist in that achievement, or of the senators from New York and New Hampshire, [Messrs. SEWARD and HALE,] who resisted to the very last? I appeal to you, senators, who—either in this House or the other—gave your votes and influence to that great measure of peace and constitutional vindication, the compromise of 1850, did you not all, without a single exception, vote for the Nebraska bill?

If the compromise of 1850 was intended merely as the settlement of a case then before Congress, it was not worth one half the trouble bestowed in securing its adoption; and the conventions of the two great parties which assembled in Baltimore, in June, 1852, committed an egregious act of folly when they affirmed a case already decided, and beyond reconsideration. But if the compromise be, as I have always supposed, the establishment of a principle applicable in all cases, henceforth and forever, it was a splendid achievement, and as appropriate to crown the career of Henry Clay and of Daniel Webster, as to vindicate the patriotism and mature wisdom of the senator from Michigan, and inaugurate the brilliant manhood of the senator from Illinois. It was wisely affirmed, in that view, by the two conventions of which I have spoken; and in that view, undoubtedly, it superseded the effect and principle of the Missouri compromise, and established, instead, the doctrine of congressional non-intervention.

Much has been said, in late years, concerning the extension of slavery, and that has now become the Shibboleth of a political organization. If by this phrase, "extension of slavery," is meant an increase of the number of slaves—whether by the re-establishment of the African slave trade or in any other wise, I concur in all the objections urged; but, if it has reference only to the removal from one place to another, within the United States, of those who are already in bondage, and especially the removal of a master with his slave from a State where the excess of population, the exhaustion of the soil, or any other cause, has rendered it impossible, or difficult, for him to provide the slave a due allowance of food and raiment, as the recompense for toil, to another State, or Territory, where the labor of the slave will be productive, and will improve the master's condition as well as his own, I am unable to perceive the philanthropy, or the political economy, which would warrant a tithe of the condemnations pronounced. A square mile, in South Carolina, can support only a certain number of human creatures—whether black or white—as all must be aware. As population increases, therefore, some must emigrate to regions less densely settled; or else, while the number of inhabitants increases, the means of subsistence remaining the same, want, misery, and starvation must ensue. These will fall in the first instance upon the slave, inasmuch as he is the inferior, the dependant, the subject. To him, thus restrained of the right of locomotion, it is an act of the highest beneficence that his master should be enabled to transport him to another region, more favorably conditioned, where those staples to the production of which alone African labor is adapted, can be ultimately cultivated with advantage.

What would be the condition of the southern Atlantic States, to-day, if Kentucky, Tennessee, Mississippi, Alabama, Louisiana, Missouri, Arkansas, and Texas had not been opened to their colonization? Sir, instead of prosperous communities of white men, they would now only be populated by the black race—would have degenerated to the forlorn and even desolate condition of Hayti and Jamaica. The white man would have been driven forth. The negro would remain. Instead of noble pillars, supporting the edifice of our Federal Union, they would be like those broken columns, disfigured and useless, which signify to the lone traveller where Nineveh, and Babylon, and Persepolis once reared their massive towers. Instead of burning stars, in the galaxy of our Republic, they would have been quenched by the blackness of darkness forever.

To the negro, therefore, as well as to the white man, to us of the northern States, to the Union at large, to the great cause of civilization and human advancement—for our own sake, in the generation which now lives and the generation to come, it is an affair of vital moment—of the very uttermost concern—that we should not commit the capital mistake of driving the white man from our southern States, and abandoning more than one third of this empire to the dominion of the negro. For, such, sir, will be the end, or something worse. As population presses upon the means of subsistence, year after year, the white race also will begin to suffer—to become degraded, feeble, and defenceless—until that dread calamity supervenes, a servile

insurrection, when our brethren of the South, with their wives and little ones, are overcome by the force of numbers, and either exterminated or driven from their ancient homes and fire-sides. Would you, then, recognise the negro as a fellow-citizen? Would you permit him to exercise the political power of the southern States? Would you suffer some brawny knave, half brute and half savage, to sit in this hall as a senator? No, sir, you would not! Despite the physiological comparisons, to which we have listened, concerning the two races, the Caucasian of the North would never associate on terms of such equality with the base and incapable negro. He would hasten to the rescue of his kinsman in the South; he would exterminate the negro utterly from the face of the earth, or else reduce that miserable race everywhere to a servitude more cruel, more desperate, more relentless, than ever was depicted in novel or in rhyme.

From this horrible issue, sir, an easy escape is at hand. Let the slave, as well as the master, have room! Let the southern States, like the northern States, send forth colonies, avoid the dangers of too great a population, and, while they secure thus their own peace, and the peace of the Union, the negro himself will receive a boon more desirable than present emancipation. Have we not room, in all our western domain, for the South as well as for the North? Are there not regions where cotton, sugar, and rice, can be cultivated?—staples for the production of which African labor is available, and even profitable; but to which the white laborer will not give his toil. The Caucasian cannot abide the heat of a southern summer; while to the negro heat is not objectionable, but grateful. Have we not room, I demand, for all our colonies?

Why, sir, in the State which I represent, in Indiana, Illinois, Michigan, Wisconsin, and Iowa, there are millions of acres of the virgin soil—acres that await only the care of the husbandman to cut their wild luxuriance and cover themselves with fields of abundant grain. In Arkansas, likewise, and the regions westward, as well as in Texas, there are lands which can produce rich and noble harvests; but which the white man, for a hundred years to come, never will cultivate with his own hands. Senators! you do not increase slavery, nor the number of slaves, by such a diffusion. You do not give this institution new power, or additional stability, or further advantage. You mitigate its evils; you postpone—if not forever avoid—the conflict of two irreconcilable races; you improve the condition of both; you point out the only chance of emancipation—except through bloodshed—which the negro can ever have—the only chance which the white man will ever give him, with bloodshed or without, to attain the least degree of comfort and happiness.

These are not alone my suggestions. They are the suggestions of the fathers—of Thomas Jefferson, James Madison, and James Monroe, whose names the senator from Massachusetts invoked so many times. In all Jefferson's disquisitions upon slavery, the evils which attend it, and the remedies for those evils, he never failed to declare that either immediate emancipation, or emancipation without colonization, would prove a bitter curse alike to the negro and the white man. From 1774 to 1787, as I have shown, he had great hopes, and an ardent desire, for the success of gradual emancipation, coupled with colonization. He wished, therefore, to stop the introduction of slaves. He bent all his energies—as did Madison—to the accomplishment of that enterprise. How he failed, and why he failed, the senator from Massachusetts has reluctantly testified. From that period, Jefferson abandoned the idea of emancipation in his lifetime, or in any definite series of years, and devoted himself to the discovery of some method by which the evils of slavery could be mitigated, and the chances of its final eradication increased. What was the method which he devised? You have it, Mr. President, in his Louisiana Territorial act. It was to allow the citizens of the Atlantic States a liberty of removal with their slaves to the Territories and new States; or, in his own phrase, to diffuse slavery over a large area, and thus avoid the terrors of insurrection, decrease the hardships of bondage, and render feasible, in some degree, a restoration of the African to his fatherland. I do not speak without authority here; and I now ask the Secretary to consider the evidence. In a letter to John Holmes, dated April 22, 1820, Mr. Jefferson said:

"Of one thing I am certain—that as the passage of slaves from one State to another would not make a slave of a single human being who would not be so without it, so their diffusion over a greater surface would make them individually happier, and proportionally facilitate the accomplishment of their emancipation, by dividing the burden on a greater number of coadjutors."

Such, also, were Madison's views. In a letter to President Monroe, dated February 23, 1820, that eminent statesman said:

"I have certainly felt all the influence that could justly flow from a conviction that an uncontrolled dispersion of the slaves, now within the United States, was not only best for the nation, but most favorable for the slaves also—both as to their prospects of emancipation, and as to their condition in the mean time."

But a complete exposition has been written for us by the hand of James Monroe. That he was in constant and confidential correspondence with Jefferson and Madison during the whole Missouri contest, is now clearly established. He received advice from them, and coincided with their opinions, as well as sympathized entirely in their sentiments. That he yielded, with great reluctance, to the prohibition of slavery in the national domain north of 36° 30′, is too well ascertained, and solely upon the suggestion that no other compromise appeared to be practicable. At one period, it seems, he determined to interpose the veto power, and actually prepared a message, the draught of which, in his own hand, is yet extant. It contains a full decision of every

point embraced in this debate; but I will read, at present, only the last two or three paragraphs:

"That should the slaves be confined to the States in which slavery exists, as the free population will continue to emigrate, the disproportion between them will, in a few years, be very great; and at no distant period the whole country will fall into the hands of the blacks. As soon as this disproportion reaches a certain state, the white population would probably abandon those States to avoid insurrection and massacre. What would become of the country in that state? Would the general government support the owners of the slaves in their authority over them, after the States, individually, had lost the power? or the slaves being in possession of those States, and independent of their owners, would the States be recognised as belonging to them, and their Representatives be received in Congress?

"That it would be better to compel the whites to remain, and the blacks to move," &c.

"That slavery is not the offspring of the Revolution; that it took place in our colonial state: that all further importations have been prohibited since the Revolution, under laws which are rigorously enforced; that in our revolutionary struggle the States in which slavery existed sustained their share in the common burdens, furnished their equal quotas of troops, and paid their equal share of taxes; that slavery, though a national evil, is felt most seriously by the States in which it exists; that it would be destructive to the whites to confine it there, and to the blacks, as the distribution of them over an extensive territory, and among many owners, will secure them a better treatment; that the extension of it to new States cannot possibly injure the old, as they will claim all their rights, since no attempt can ever be made, or idea entertained of requiring them to admit slavery; that an attempt to fix on the States having slavery any odium is unmerited, and would be ungenerous."

Sir, I can add naught to this testimony or these arguments; and if the Senator from Massachusetts would follow the example of the sages and patriots of our Revolution—would hearken to their counsels, and walk in their paths—how much better for himself, and for us all! It is the way of the constitution—a rigorous maintenance of equality between the States.

I have no fears of competition between the labor of white men and the labor of slaves in our Territories, or, indeed, elsewhere. There is ample space, ample occasion for both. The labor of the one cannot be successfully bestowed, at present, upon those pursuits which are adapted to the labor of the other. Let the citizens of each State, or Territory, decide for themselves, with a view to their own wants and condition, whether slaves shall or shall not be admitted. Let us have no prohibitions by act of Congress—no arbitrary lines. That was a dangerous and almost fatal error. The wonderful prescience of Jefferson alone was not deceived by the Missouri compromise; and all his predictions have been fulfilled.

Mr. President, I am neither an enemy of the negro, nor a friend of the institution by which he is subjugated. I wish the negro well. I wish him liberty and happiness—but I wish him liberty at such time, in such circumstances, and by such means, as will not debase and ruin the white man, or overthrow the great safeguards of our own liberty, and the liberty of those in whom we are most interested. Let the negro have, at present, as much comfort and happiness as, in his condition, can be attained. Let him not be restrained by limits within which he must either perish or subdue his master. He will not be made free by our intervention. Congress can do him no service. Congress can only, whenever it interferes, add to the sorrows of his condition. Whether the negro be capable of higher civilization—and, if so, when or how he will attain it—these are questions I am not able to decide. He is now, even as a slave, far advanced in the scale of progress beyond all his brethren in Africa. Freedom, thus far, has not advantaged him. The condition of free negroes in the non-slaveholding States is worse even, and more pitiable, than that of the slave. I do not speak of exceptional cases—of such as have risen, occasionally, above the level of their race—nor of negroes in the north-eastern States, or in the northern portion of my own State. There are not enough in these localities to excite the prejudices of the white man. I speak of those thousands and tens of thousands scattered along the Ohio river. In Cincinnati alone, there are thousands of such who have literally no rights—menials in every sense—without protectors or protection—eking out a miserable existence, dependent on public and private charity, spending a large part of their lives in prison, exposed to abuse and outrage of every description. It is a hopeless condition, Mr. President, because the free negro has no friends. He does not enlist the sympathy of Abolitionists—for he cannot vote, and no assault can be made, through him, upon the security of the southern States. Indiana and Illinois drive him from their borders; and if he should turn even to the "free State" men of Kansas—to the men who are "now battling," as the Senator from Massachusetts declares, "for the liberty of all," they, too, would exclude him by a fundamental act.

At one period of our history, as I have said, the emancipation and colonization of the African was quite practicable. Then did Massachusetts interpose; and the foreign slave trade, under her protection, was too powerful, and, in the end, victorious. But now, sir, a Senator from Massachusetts rises to denounce the conduct of those who controlled the destinies of his State, in past time, as utterly infamous. "The acknowledged turpitude," he called it, "of a departed generation." The Senator deals largely in the classics: and I commend him to the words of the Roman poet who rejoiced that he had never defiled the ashes of his fathers. Sir, I do not owe Massachusetts any allegiance; I have not a drop of her blood in my veins. But

I will defend the memory of those whom the Senator assailed. They were wise, and even humane, according to the measure of their generation; would that we might all be as worthy in our own! These were the men who gave Massachusetts her glory, her wealth, her freedom. And when the Senator paraphrased that great adjuration of Demosthenes, he did not appeal to the spirits of modern times, of the men who imagine themselves so much better and more philanthropic than all their ancestors—but to the spirits of the mighty dead—of those who, although they tore the African from his home and sold him into bondage, would not be slaves themselves—who trampled under foot the British stamp-act, and overthrew the British navigations laws—who first, at Lexington, and Concord, and Bunker Hill, resisted a monarch in arms, and poured out their blood to fertilize that soil whence grew the tree of American independence. And, sir, if the Massachusetts of this day does condemn the Massachusetts of yesterday with such bitterness and mortification as the Senator pretends, let her now contribute from the stores of that immense wealth which the Senator has boasted, to assist the southern States in restoring to Africa the descendants of the captive whom she brought hither.

The new Shibboleth, of which I have spoken, is not uttered for the sake of the slave; it does not touch the question of humanity at all. It is only the watchword of a political crusade, and employed to advance the project of humiliating and subjugating the southern States. To be sure, sir, we have heard of the three-fifths clause, so called, as one which should not be extended, in its effect, by the admission of new slaveholding communities. But how can this be material to the argument? Each slave will be counted in the apportionment of taxes and representation, whether he remains in Carolina or is taken to a new State. Opposition to the three-fifths clause in the constitution, is another point of doctrine taught by the Hartford convention. Why, sir, what is this clause? It is only that, in the apportionment of representatives, as well as direct taxes, five southern negroes shall be estimated as three white men. If the "Republican" orators, so called, would denounce this clause for a different reason—if they arraigned the constitution because it had stripped from the slave two-fifths of his humanity, and thus reduced him to a fraction of manhood—there would be some consistency, at least, in their behaviour.

Why should not the southern negroes be counted? The northern negroes are counted—not as five to three, but as five to five. So are women, children, persons not naturalized, lunatics, idiots, and criminals. If the southern negro be a human creature, although a slave, why should he not be counted as such? Sir, I will tell you. This was a compromise; not one which the South desired, but one which was forced upon her by the northern delegates. They admitted that the slave was a man; but, said they, he is also the subject of ownership, and of taxation! And so they proposed, and the South agreed, that only three-fifths of a slave should be estimated for representative purposes; and, as a recompense for the disadvantage, that direct taxes should be levied in the same ratio. Thus the compact was made, and thus it should be maintained.

But, sir, the struggle is not for the other House of Congress: it is for this House, and for the presidential chair. The northern States are exhorted to unite against the southern States. Wherefore? To prevent the admission of a new slaveholding State? How does that injure us? Beyond the limits of delegated power in the constitution, Ohio cannot be affected by the action of the federal government. She is sovereign. She is, in all other respects, independent. If the constitution were faithfully executed in spirit and in letter, it could make no difference to us in Ohio as regards our prosperity, our rights, our domestic affairs, if all other States of the Union tolerated, and even cherished slavery as an institution. And so, if the constitution be faithfully observed henceforth, it is of no consequence—not the least—whether the slaveholding or the non-slaveholding States be the more numerous.

The Senators from Massachusetts and New York have marshaled their cohorts to "dislodge" the South from "high places." This, sir, is but the prelude to something else. The control of our federal government, when obtained, will enable their partisans to chastise, afflict, and lay waste one-half the Union. It cannot be done, of course, as long as the constitution is observed; and, therefore, the design may be expressed more distinctly, as a design to usurp the federal government, in order, by the force of mere numbers, to disregard and destroy the constitution of the United States. Sir, it can terminate in nothing else. Even if senators on the other side were ever so sincere in the declaration that they will not concern with slavery as it now exists in the States, they could not keep such an assurance; they would be overborne by their own followers, and either compelled to violate their word, or give place to others less scrupulous. For whenever this triumph of sectionalism shall be complete—if so terrible a calamity can occur—the men whom you have taught to believe that slavery is wicked above comparison, and therefore must be prohibited in the Territories, and abolished in the District of Columbia—the men who have learned from you to interpret the constitution as they please—will insist that public duty, the voice of conscience, the higher law, all impel them to liberate the African at once. And you must yield to the demand—or else, like the Girondins, be hurled from your places and sacrificed to the wrath of the demons you will have raised and inspired. Then would the saturnalia be celebrated—as when the negroes of Hayti were emancipated, suddenly to turn upon and exterminate their masters; when the guillotine would be restored, perhaps for the punishment of those southern "aristocrats" against whom the Senator from New York inveighed with so much bitterness; when some new "embassy of the human race" would wait upon the Senate with another Anacharsis Cloots at its head.

and behind him the froward women and imbecile men, white and black, native and foreign, whose congenial occupation is only to outdo each other in profane and foolish tirades—when the Deity would be dethroned by formal resolution, the places of His worship converted into recruiting stations, and the ministers of His gospel habitually indulge the arts of an auctioneer.

I implore you, Senators, to pause, to survey the narrow isthmus on which we stand. This combination of the northern States against the southern States, where will it terminate? Already from this chamber the dread appeal has gone forth. It will either remain unanswered—a mark to the wisdom of the people—or it will come back, in another session, with millions of fearful echoes; and each echo the knell of ruin.

Not such, Mr. President, were the appeals of Washington, or Jefferson, or Jackson. The slightest discord between the North and the South grated harshly on their ears, and filled their hearts with pain Jefferson turned from the very verge of his grave to declare:

"The Missouri question, by a geographical line of division, is the most portentous one I have ever contemplated." (Letter to Monroe, March 3d, 1820.)

Jackson has warned us, in immortal accents, to beware of abolitionism in all its Protean shapes. And where, sir, could we find a more appropriate commentary on the speeches of the senators from New York and Massachusetts than is contained in the farewell address of George Washington? The reference is familiar, and, it may be, hackneyed; but when the citizens of fifteen States are personified by an offensive title—"*The Slave Power*"—and thus exposed to the hatred of their fellow-citizens—when to the most flagrant misrepresentations of their opinions and aims is added the assault of new parties, public and secret, political and religious, based solely on geographical discrimination; when I see all these signs, Mr. President, I know that the awful crisis has come at last—the crisis in which the people of the United States must either turn with affection, with gratitude, with confidence, to the admonitions of Washington, or turn away to destruction forever! If the millions of simple-hearted agriculturists, mechanics, and laborers—men too honest themselves to suspect others of deceit and falsehood—do not arouse, and that speedily, vain are all theories of popular government—vain the wisdom of sages—vain the faith of patriots—vain the blood with which "the noble army of martyrs" have testified in past time.

Mr. President, awful as may be this crisis—impending the issues of life and death to us, to our beloved country, to freedom, to civilization, nay, sir, even to the African himself—my hope does not fail. The senator from Massachusetts took occasion to inform us, to be sure, that he and those who are associated with him in political action will achieve a complete victory in the course of the present year. I am not a prophet, sir, as that senator assumes to be; I am only a humble, devout, and trustful believer in the ways of Divine Providence. But I find in the Holy Book which has been written for our guidance in both temporal and spiritual affairs, a text worthy of the senator's consideration: "*Let not him that girdeth on his harness boast himself as he that putteth it off!*" The senator has a desperate conflict before him—one where he will be resisted with a courage so brilliant, a zeal so virtuous, a perseverance so stubborn, that the very stars, in their courses, will seem to fight against him as they fought against Sisera of old. The senator need not flatter himself by arguments drawn from the year 1854. That tempest of delusion has nearly spent its strength; it was sudden, but short-lived—desolating in the assault, but soon to be followed by grateful rains which will reinvigorate the seeds of patriotism once sown in the hearts of the American people, and since parched and withered, alas! by the great material prosperity we have so long enjoyed and abused.

The future, Mr. President—the future! Let the senator from Massachusetts look forward, and tell me whereabout, in the whole horizon, north or south, east or west, he can descry a single omen of that stupendous misfortune with which he proudly threatens us. Sir, it must be otherwise. God is merciful, and in His mercy will I trust. From the trials of the last two years—from all the gloom of bigotry, fanaticism, and public demoralization, so predominant, a new and more splendid procession of events in our history must begin—the age of principles, more comprehensive, more equitable, more salutary than have been taught since that fearful Missouri question first shook the Republic from its centre to its extremities:

> Magnus ab integro sæclorum nascitur ordo:
> Jam redit et Virgo, redeunt Saturnia regna!

The clouds of sorrow break away from our enraptured vision; and already, upon the firmament above, behold emblazoned in eternal characters the triumphant signal of the UNION of our fathers—the CONSTITUTION by which that Union was established—the CIVIL AND RELIGIOUS LIBERTY of which the Union and the Constitution are such magnificent and perpetual guarantees. SENATORS! Let us all rejoice in this mighty deliverance. Let us not only take a better resolution for the controversies which environ and waste our lives, but gather fresh and pure hopes for the untold millions who will lift their eyes to these heavens after we shall have finished our days on earth, and gone to sleep as all our fathers have gone.