SPEECH

OF

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GENTLEMEN—After the lapse of four years of eventful progress, a presidential election summons to the political field both the patriot and the partisan—not, as of yore, to the discussion of questions of political economy, involving alone our material prosperity and national greatness, but to the far graver and more painful deliberation upon issues which are to determine, perhaps for all time, the fate of this confederacy—the repose, the safety, the very existence of the south.

In such an emergency, surrounded by such and so terrible responsibilities, I need not assure you, my associates in many a hard fought field, that as political debate is with me neither a passion or a trade, I shall therefore indulge only in the words of soberness and truth. Like yourselves—without political ambition—I am free from envy or asperity, and have no public wish or hope on earth but for the honor and equality of Virginia, the glory and perpetuity of this Union.

It is mournful to reflect, that we have arrived at an epoch, in our confederate career, in which the honor and security of Virginia are placed by our foes and weighed in the scale against the permanence of the Union. If they succeed in their frenzied and fiendish attempt, we are forced to select between degradation or disunion. No alternative is left us. Virginia's star *must* then shine alone with steady radiance, a planet in the firmament of nations, or be blotted out in the blackness of that darkness which threatens us from the north.

In this dread dilemma, the remorseless enemies of our peace have placed us. We are standing upon the defensive, opposing no barrier as yet to their assault but the constitution—the constitution, whose last refuge and defence at the north is found in the hearts and hands of its state rights democracy. In the midst of foes, struggling for principle alone, bearing without complaint the ungenerous and unmanly suspicions of southern whigs, who have by their own confession been betrayed by their allies at the north, this band of patriots still keep the banner of state rights streaming—

> "Streaming like a thunder-cloud
> Against the wind."

They deserve our gratitude, and demand our aid. To them we still look with confident hope in this trying exigency. For unless there yet remains enough of conservative democracy in the north to repel, by an union with us of the south, the fanatic horde who are shaking the pillars of the confederacy, a common ruin awaits us all. I do not yet despair of the republic. I have confidence still in that power which has controlled the factious elements of the north for more than half a century, and I still believe there yet remains enough of it to crush once more the hydra heads of faction, multiplied and formidable as they now appear.

In considering the topics, gentlemen, to which I should invoke your attention, and surveying the political arena to find a subject upon which a difference in *principle*, between ourselves and our neighbors and friends of the south, might exist, I confess my inability to

find any essential difference in principle declared, by our opponents at the south, upon any question involved in this canvass.

Indeed, there is but one *practical* question to be determined by us, and upon that the whole south, of all parties, were but a short time back united and harmonious, standing as we yet stand, first for the enactment of the Nebraska-Kansas bill; and secondly, with us against its repeal.

Democratic policy in the administration of the affairs of the nation, has been vindicated beyond cavil.

The slavery question is the only open one.

And the repeal of so much of the Nebraska-Kansas bill as declared the miscalled compromise of '20 inoperative, is the only practical form that question can take in the future legislation of the country. For if that question is settled favorably for us, we may perhaps hope for tranquillity and peace; if against us, I solemnly believe federal legislation over us is at an end.

Parties are arrayed upon this point alone. Fremont is pledged to repeal it, Fillmore to let it be repealed, Buchanan to prevent its repeal by every constitutional means.

Between Fremont and Fillmore the difference is scarcely appreciable, upon the question of repeal. That this is so, no partisan of Fillmore here has dared or will dare, as a test, to ask him whether he would discourage an attempt to repeal it, or veto a bill repealing it. Upon that subject, he is as silent as Scott was in '52 upon the repeal of the fugitive slave law, and he will continue so. Indeed, Fillmore has not a supporter at the north, the burden of whose discourse is not denunciation of the repeal of the compromise of '20, and a declaration that it must be restored. And so essentially has this become an article of party faith at the north, that the politicians of the know nothing and whig parties of Virginia have been forced to eat their own words—to humiliate themselves at the feet of their northern leaders, and to abandon a principle, which, two years ago, they declared it treason in a southern man to question. And while they confess they have not the manliness to right an acknowledged wrong by restoring the Missouri compromise, they declare it was unjust and unwise to repeal it. And although they assert, that its repeal has begotten all our woes, they have not the courage or the conscientiousness to advocate its restoration. How their northern allies must pity and contemn those, who "with bated breath and whispering humbleness," deprecate their resentment, and with fruitless contrition confess, they

"Know the right, and yet the wrong pursue."

Upon the democratic party, then, the burden of defending the repeal of the legislation of '20 has been cast by the followers of Fremont and Fillmore, north and south. This task I have assumed, though one of the humblest of that party; and I propose to call in aid of my labors, the testimony of whigs south and abolitionists north, and to vindicate the policy, the propriety and the justice of the principle of nonintervention established by the Kansas-Nebraska bill as a substitute for the compromise line of 36° 30′, which had been erased from the map of the United States by the legislation of 1850, known as the compromise measures of '50.

To do this, I shall be constrained to invite you to a retrospect of this question of slavery, in order to see whether there is any constitutional solution for the difficulties which encompass us, or whether we must not resort to the principles of right, equality and justice, to extricate the country from the unforeseen contingency in which we find it.

It may be safely assumed, that the constitution gives no power, in terms, to congress to legislate upon the subject of slavery in the territories. The power is only implied. Certainly it has none over those "after acquired," because we have the authority of Mr. Jefferson for the declaration, that when the constitution was adopted, it contemplated and embraced no territory beyond that within the then limits of the United States. And when he purchased Louisiana in 1803, his apology was found in the necessity "for seizing the fugitive occurrence" to do "an act beyond the constitution." He proposed an amendment of the constitution, so as to provide for this unforeseen case, to ratify the purchase and ordain laws for its government; but unhappily for us, the wisdom contained in his recommendation was never carried into practical effect, and the power to legislate for territory, acquired by conquest or purchase, remains to be exercised by virtue alone of the necessity for legislation, the constitution furnishing no authority for it. On the other hand, Taylor of N. Y. of whom you will hear much hereafter, said "No express power is granted to congress to acquire territory. If it exists at all, it is by implication." This was the northern view.

The principle upon which that power should be exercised, therefore, is the principle which gave existence to the Union—that of equal participation in all its benefits—the right of all its members to enjoy the immunities of person and property unrestricted.

This rule, so simple and so just, has been steadily disregarded by the north, and we have been denied our share in the property acquired by the blood and treasure of the United States, in proportion as its power has increased, and the memory of the revolutionary struggle and its fraternal obligations have become more and more faint.

In utter disregard of truth, and in the face of the restraints which the institution of slavery itself imposes, we have been charged with "aggression" upon the rights of the north, the crowning act of which was the repeal of the Missouri compromise.

To refute this accusation—which finds a parallel only in the complaint made by the wolf against the lamb—let us examine the history of the country in connection with its territorial expansion—passing by the fact that originally all the states but one were slaveholding. At the date of the constitution, and under the confederation, the states which have continued slaveholding, occupied then an extent of territory at least three times as large as the nonslaveholding states. To correct, in a spirit of liberality, this preponderance in the government, for the first jealousy of slavery was purely political, a surrender was made by Virginia of the northwestern territory—which was dedicated to free labor, and very nearly equalized the territorial limits of the two sections. This was the first surrender of the south, and the ordinance of '87 absorbed a large portion of her birthright. It was made not as a tribute to the fell spirit of abolitionism, but as a generous political gift to the spirit of fraternal equality.

This equilibrium continued until Louisiana was obtained by the treaty with France in 1803, which added to our limits a territory larger in extent than the whole United States, including its territories, was before its purchase. In this new territory slavery was an existing institution, recognized and protected by law, throughout its whole extent, and actually enjoyed wherever the territory was settled.

By the treaty of purchase, we stipulated that its inhabitants should enjoy their rights of person and of property, and should be admitted, without restriction, as states into the Union.

So obligatory was this treaty considered by such a man as John Quincy Adams, that as late as 1836, upon the application of Arkansas for admission into the Union, he said, "I cannot, consistently with my sense of my obligations as a citizen of the United States, and bound by oath to support the constitution—I cannot object to the admission of Arkansas into the Union as a slave state. She is entitled to admission as a slave state, by virtue of that article in the treaty for the acquisition of Louisiana, which secures to the inhabitants of the ceded territories all the rights, privileges and immunities of the original citizens of the United States, and stipulates for their admission, conformably to that principle, into the Union. Louisiana was purchased as a country wherein slavery was the established law of the land. It is written in the bond, and however I may lament it was ever so written, I must faithfully perform its obligations."

Thus spoke the arch enemy of the south. We shall presently see how the south again laid her rights, thus recognized, upon the altar of patriotism, a sacrifice to the peace and harmony of the Union.

Remember, gentlemen, that Louisiana was larger than all the rest of the United States and its territories. Embracing Texas and extending from the Mississippi to the Rio Grande on the gulf, and following those streams, or a line extended from them to the 49th parallel of north latitude, it included not only all of Kansas, but all of Nebraska, so that justly, by placing these two territories under the operation of the solemn compact portrayed by Mr. Adams, they are of right slave territories, made so by treaty; and being so made by treaty, congress has no power to legislate upon the subject, even though the constitution conferred a power of legislation as to territories, in terms, for no act of congress can repeal a treaty stipulation.

This Louisiana territory, out of which the states of Louisiana, Missouri and Arkansas have been formed in 1812, 1821 and 1836, respectively, constituted the entire territory of the United States from 1803 up to 1848, west of the Mississippi, except that territory known as Oregon, lying between the line of 42° and the present British possessions upon the north, and extending west to the Pacific, which was ours by discovery and occupation, if not by the treaty.

No serious objection was made to the Louisiana treaty and purchase; nor for many years did the north incorporate hostility to slavery in their political creed. It took its first public guise in the Hartford convention, where the seed of abolitionism and know nothingism—those twins—were planted together. But here it will still be seen that its objects were political only, and not incendiary. The little Yankee states, inflamed against the southern democracy, because of the action of Jefferson and Madison in vindication of free trade and sailors' rights, and the ultimate declaration of war and suspension of their commerce, were in a state of revolt; and assembling in convention at Hartford, they struck with venom but without power at the south, in declaring—

1st. That slave representation must be destroyed, to check democratic power.

2d. That a vote of two-thirds should be requisite to the admission of states from the Louisiana purchase.

3d. That emigration must be stopped, and no foreigner should ever hold office.

Such was the abolition and know nothing platform of that day.

From that germ all the subsequent agitation has come. It was the pestilential source of hostility to the democracy, to the south and to foreigners. It was the cloud, not larger than a man's hand in its beginning, which now overspreads the northern horizon.

From that period, the state of Louisiana having been admitted in 1812, the assault upon us began in the form of congressional agitation, and an opposition was organized to the admission of any more slave states into the Union, and preparations were commenced to disregard the treaty with France for the admission of states from Louisiana.

Taylor of New York at the same time said, in his jealousy of us, "It is necessary to retard the growth of that slaveholding spirit which appears to gain ground in the United States. Notwithstanding the exertions of abolition and colonization societies in various parts of the Union, it is feared and believed that public sentiment in the west is becoming more friendly to slavery."

That hatred of us had taken root—that faction had begun to rear its front in congress, we have the testimony of Nathaniel Macon, one of the wisest and most temperate politicians the country has ever known. He said in 1820, it was true "the constitution was a compromise as to slaves, but not a compromise to emancipate; it was a compromise as to representation, and nothing else."—"It is to be regretted, that notwithstanding that compromise, gentlemen had thought proper, at almost every session, to bring the subject before congress in some shape or other, and that they regularly in their arguments claimed new power over them."

How this claim of power has been steadily persisted in, we shall proceed to show. The next assault upon us was made by the attempt to impose a restriction upon Missouri, when she applied for permission to frame a constitution and to become a state of the Union.

Upon this subject there has been and still is great want of correct information—and thousands of honest and conscientious men at the south have been betrayed into the error of attaching a solemnity and importance to that miscalled Missouri *compromise*, which it does not deserve; and Mr. Clay's great name has been invoked to add to the general delusion. Southern politicians have, either through ignorance or design, given a false history of or a false coloring to the action of congress upon that subject, and have, by appealing to the spirit of honor which prevails at the south, faithfully to adhere to all its pledges, induced many of its people to unite in the denunciation which the abolitionists and know nothings and whigs at the north have poured out against its supposed repeal by the Kansas bill.

I propose to show that it was no compromise. That the north almost unanimously voted against it, and always disregarded and disclaimed it. That Mr. Clay had no other agency in the adoption of the line of 36° 30′ than his ability as a debator gave him in resisting the Missouri restriction, and that he was not upon the committee which recommended that line. That his connection with the subject as committee man was twelve months after the line of 36° 30′ had been adopted, when Missouri applied as a state for admission; and that the compromise which he reported was so mere a farce, that, to employ his own language, he laughed in his sleeve at the readiness with which it was accepted. Now to the proof:

On the 18th day of December 1818, the legislature of Missouri territory applied to congress for permission to call a convention of the people to frame a constitution. On the 13th day of February 1819, while that subject was under discussion, Mr. Tallmadge of New York moved that Missouri should be *restricted* from the enjoyment of her existing institution of slavery in the formation of her constitution. This was the first appearance of the Missouri *restriction* in congress, and was moved in the lower house, in committee of the whole, and adopted on the 15th of February by a vote of 79 to 67. Upon the 16th of February, the House agreed with the committee in the restriction, by a vote of 87 to 76, and the bill was passed, and sent to the senate with the restriction attached, on the 17th of February. Upon the last named day the house, in committee of the whole, was considering the question of a *territorial* government for Arkansas; and a similar restriction was moved by Mr. Taylor of New York to that bill, and was passed by a vote of 75 to 73. The next day, in the House, a motion to strike that clause from the bill was decided by a vote of 88 to 88—Mr. Clay, the speaker, giving the casting vote for striking out; and the bill passed finally, without the restriction, by a vote of 89 to 87.

I refer to this bill, for the double purpose of showing the temper of the House, and for the purpose of introducing the line of 36° 30′ upon the stage. After the restriction upon the territory of Arkansas had been voted down, as I have described, Mr. Taylor of New York, premising that there should be a line fixed to divide slaveholding and nonslaveholding territory, proposed the line of 36° 30′ as the dividing line, and as an amendment to the Arkansas bill. But seeing that his proposition met but little favor, it was withdrawn without being voted upon; and its withdrawal was significant of a fact which I shall bring to your attention hereafter. I ask you now to remember that when the line of 36° 30′ was first proposed to the Arkansas territory bill, and by a northern man, it met so little favor that it was not pressed to a vote, and to remember that when so offered, the Missouri restriction had been passed by the House, and was in full force.

The Missouri bill was sent from the house to the senate, and returned by that body with the restriction stricken out. On the 2d of March, upon the question of agreeing with the senate in striking out the restriction, the vote was ayes 70, noes 78. So the House adhered to the restriction, and the bill went back to the senate, and that body adhering to its decision to strike out the restriction, the bill was again returned to the house, and again the House adhered to the restriction by a vote of 78 to 66, and the bill fell. And thus the Missouri bill failed at the session of 1818-19, because the House insisted upon and the senate would not agree to the restriction.

Thus one session of congress passed away and Missouri and slavery were together proscribed.

I need not say that this action of congress, in imposing a restriction upon Missouri, aroused the whole south. Virginia spoke out, through her legislature, in a series of manly resolutions, protesting against it as violative of state rights and against the treaty for the purchase of Louisiana—and a set of resolutions passed the lower house of the legislature, declaring in substance, that if Missouri were kept out of the Union, Virginia would go with her; but these were modified in the senate. The greatest indignation was felt in Missouri, and the next congress was looked to, to right the wrong which had been done.

Nor was the north idle. Almost every state legislature passed resolutions against the permission to Missouri to form a constitution without the restriction, and town meetings were held every where for the same purpose. Mr. Webster addressed the Boston meeting, claiming the absolute right in congress to impose its own terms upon the territory of Louisiana, and its duty in this instance so to do—Baltimore too, (then as now, holding a meeting, and) taking northern ground in favor of Missouri restriction.

In this inflamed state of the public mind, the congress of 1819-20 assembled on the 6th of December 1819. On the 8th, Mr. Holmes of Massachusetts and Mr. Scott of Missouri presented petitions, first from Maine, to be admitted as a state; secondly, from the territory of Missouri, for leave to form a constitution. Upon the same day Strong of New York gave notice of a motion to introduce a bill to prohibit slavery in all the territories of the United States; and on the 13th, Taylor of New York moved for a committee for that purpose, which was appointed, but was discharged without acting. The Missouri territory bill, after various delays, was reached on the 24th of January, when the discussion began. On the 22d, Storrs of New York proposed an amendment, substantially to alter the northern line of Missouri, so as to make the Missouri river the northern boundary, with a view to establish that river as a line between the slaveholding and nonslaveholding states. This proposition he withdrew on the 28th, and moved to substitute it by the line of 38°, I suppose, with a view to adopt the northern part of the Arkansas river as a boundary instead of the Missouri—the object being to fix a well defined geographical line. This proposition was voted down. Mr. Taylor of New York then moved to insert the restriction upon slavery in the Missouri bill, as had been done at the previous session, and the House embarked in the discussion of that question.

Mean time, gentlemen, I should remind you, that the bill for the admission of Maine had passed the house, and been transmitted to the senate, referred to a committee, and reported back to the senate, with a bill giving unrestricted leave to Missouri territory to make a constitution, attached to it. This awakened a discussion in the senate, which began on the 13th of January. The senate came to a vote upon a motion to disconnect the two bills, on the 14th of January, and refused—ayes 18, noes 25.

Mr. Thomas of Illinois gave notice that he would move on the 18th for leave to introduce a bill for the prohibition of slavery in all the territories except Missouri. Accordingly, on the 18th he did introduce a bill to prohibit slavery in all the territories except in Missouri. On the same day Mr. Roberts moved to insert the slavery restriction in the Missouri territory bill, and upon that question the debate continued in the senate until the 1st of February, when it was voted down by a vote of 27 to 16.

On the 3d of February Mr. Thomas moved to amend the Missouri bill, by inserting the provision known as the line of 36° 30′, and prohibiting slavery north only of that line, a modification of his proposition of the 18th January in the substitution of a straight line for the boundary of the free states. The debate continued until the 11th, when Mr. Trimble moved to amend Mr. Thomas' proposition, by making it embrace *all* the territory west of the Mississippi, except Louisiana and the proposed state of Missouri, and his proposition was, on the 16th of February, voted down, and on the same day Thomas' amendment was adopted by a vote of 34 to 10—nine out of ten southern senators, and among them, both the senators from Virginia. This is the first vote ever taken in the senate upon the Missouri line of 36° 30′.

We are now approaching in the senate the supposed time of *compromise*, and I beg you to observe in what it consisted, how consistent the support of it was, and how the difficulties upon the territorial question have been managed. Bear in mind that the senate was with us, and therefore the *restriction* upon Missouri was steadily voted down. It was, therefore, impossible for the abolition branch to accomplish *that*, and so—as in the vote just quoted—they did the next best thing. Having failed to impose a restriction on Missouri, they were willing, by the vote for the line of 36° 30′, to impose a restriction on all the rest of the Louisiana territory; for as compared with the immense domain which lay above, scarcely a fragment of it lay below 36° 30′. So they voted for restriction in all its forms—first upon Missouri, and failing in that, upon nearly all the rest of the Louisiana territory; and then, to show in what spirit of compromise they acted, after voting for the restriction above the line of 36° 30′ in committee, when the bill came to be engrossed, they turned about, and nearly every man of them voted against the bill containing the line of 36° 30′, the vote upon that question being 24 to 20. Thus showing that if the "worst came to the worst" they would at least restrict above 36° 30′ and still take their chance to restrict Missouri The joint bills, however, providing for Maine and Missouri, with the line of 36° 30′ attached, passed, and were sent to the house on the 18th February.

Return with me now to the House, which we left on the 26th of January, after seeing

that they voted down the proposition of Mr. Storrs, for the line of 38°. As I have already said, upon the same day Taylor of New York, when the 4th section of the Missouri bill was read, moved to insert the Missouri restriction of the previous year, and the house launched out into discussion of it. This restriction was under debate in committee until the 18th of February, when the *House* took up the senate's amendments to the Maine bill, viz: the Missouri bill, and the line of 36° 30′, which I have just described as passing the senate. A motion was made in the House to refer the senate propositions to the committee of the whole, where the *restriction* to the Missouri bill of the House was under discussion, but it was voted down by the House.

In the course of the discussion, which then took place in the House on the senate bill, the line of 36° 30′ obtained its baptismal name of *compromise;* and Baldwin of Pennsylvania, a stout free-soiler, who, I wish you to remember for another reason, laughed to scorn the idea of this line having been christened a compromise; and he was one of the few northern men who afterwards voted for it. His reason for doing so I will speak of in its place. For the present let me say, that when with others he laughed at the term compromise, he did so because he claimed the absolute right in congress to prohibit slavery in all the territories, at all times and under all circumstances—a claim which neither he or they relinquished in voting for the line of 36° 30′.

On the 23d of February the house disagreed to all the senate's amendments to the Maine bill, including the line of 36° 30′, which was rejected by a vote of 159 to 18—north and south then voting against it. The debate had mean time continued on the Missouri restriction to the house bill in the committee of the whole, and it finally passed, March 1st, by a vote of 91 to 82; and the bill relating to the Missouri territory, with the restriction attached, was sent to the senate.

On the 2d of March the senate took up the House Missouri bill, with the restriction, struck it out, inserted the line of 36° 30′, and sent it to the House. Upon the same day the House proceeded to consider the amendments of the senate to their Missouri bill. The first question to be decided was on concurring with the senate in striking out the restriction upon Missouri.

And to this, gentlemen, I ask your special attention as explanatory of the vote which followed. It is assumed and insisted there was a compromise. The distinct proposition then to be decided was upon the Missouri *restriction*. Now, remembering that this proceeding is called a compromise, that is the restriction upon Missouri was to be abandoned upon condition that the restriction was to apply to territory north of 36° 30′ thereafter, let us examine the vote and see how upon the northern half of the miscalled compromise, faith was kept by the north. The vote upon removing the Missouri restriction was ayes 90, noes 87. In other words, we only saved Missouri from the grasp of the north by three votes, and if the House had been full, there would have been a tie.

I have taken, gentlemen, no notice of the action of a conference committee, because their report was laid upon the table, the action recommended by them having been adopted upon the Missouri bill which originated in the House.

Now, being charged with breach of faith upon this compromise—which consisted, as I will show you, of two terms, not of one, as the northern politicians and their southern followers assert—let us analyze that vote.

There were fourteen northern men comprised in the 90 ayes. These were all who complied with the obligations of the north. Now let us see if they were acting in a spirit of compromise. Of these, four were from Massachusetts, and two of them I know to have been democratic republicans, Shaw and Holmes—the last afterwards from Maine. These voted against the Missouri restriction upon principle—exalted principle—the same we now profess. They compromised nothing in uniting with the south in that vote. Hear what Shaw says to his constituency upon that subject, and see how thoroughly this Massachusetts patriot had learned the political lessons of Virginia's sages. In reference to the claim of power in congress to impose the restriction, after stating that it can only be implied, he says, "I have learned not only to regard the federal government as one of delegated powers, but that those powers, being expressly granted, should be construed strictly. Constructive or incidental powers in congress give to that body too great a scope. Depart once from the landmarks which the constitution has fixed, and congress may take to itself any power it pleases; the rights of the states will be denied or disregarded; the government will become a consolidated one, and the liberties of this people will be lost forever. I would confine congress to the powers expressly granted. There is a constant tendency in the federal government to accumulate power. It was by construction that the sedition law was passed. It was by construction that a Bank of the United States was created. Observations on the general course of the federal government have satisfied me that it is the bounden duty of a friend of the people and of state rights to watch with the utmost scrupulousness any enlargement of the powers of congress." So much upon the principle involved. Upon the propriety he says, "The slaveholding like the nonslaveholding states are alive to all questions that touch their property; and however humiliating it may be to speak of human beings as property, the constitution and laws of the country consider the slaves of the south as such. Any question calculated to affect the value or the right to this species of population could not but be regarded by our countrymen at the

south with the utmost jealousy. The country west of the Mississippi was purchased with the joint funds of the nation. All, therefore, had a joint interest in it. But the amendment proposed, by excluding slaves, absolutely excluded the population of all the southern and a part of the western states from that fertile domain. This furnished another ground of distrust. Besides, it exhibited a spirit of monopoly altogether incompatible with that harmony and good will so essential in preserving the union of these states. It created a distinction between slaveholding and nonslaveholding states—a distinction which loses none of its mischievous qualities from the ability to trace it on the *map of our country*. Who that regards the union of the states can contemplate the feelings which the agitation of this question excited, without emotion? And who, in reflecting upon it, is not reminded of the admonition of the Father of his Country, 'to frown with indignation upon the first dawnings of an attempt to array one portion of the inhabitants of this country against another.'"

These are the stirring notes sounded by a democratic republican of that day—and they yet awaken an echo in the breasts of thousands of the democracy of Massachusetts. Holmes, his colleague, thought with him.

Of their two associates from Massachusetts—I do not know precisely why they voted with us, unless upon the same principles, or because the Maine bill being dependent in the senate upon the Missouri bill, they voted to get them both through. It is certain that one of them deserted us at the next session.

Of Baldwin, another of the fourteen I have before spoken—he voted against the restriction, because, he said, that while congress had absolute power to impose it upon all the territories, the time to do so was when territorial governments were organized; and this not having been done when the territorial government of Missouri was organized, congress had lost its power to restrict, and Missouri had an absolute right to admission, by reason of this want of precaution in congress. So he asked nothing in return for his vote; and I think it may be fairly assumed that his colleague, and the only one from Pennsylvania who voted with him, was influenced by the same views. The two being less than one-tenth of their delegation in congress, can hardly be said to have compromised for Pennsylvania. Among the fourteen were three democrats from New Jersey, of whom it may be safely affirmed, they voted on principle, in the absence of any express declaration that they were voting in a spirit of compromise. The same is true I doubt not of the remainder. I have not been able to find the declaration of one of them, that he voted against the Missouri restriction in a spirit of compromise. It is perfectly certain there was no concert of action among northern men, not even upon the part of the delegation from a single state, for less than a third of the Massachusetts delegation, less than one-tenth of the Pennsylvania delegation, less than one-twelfth of the New York delegation and less than one-fourth of the Connecticut delegation voted against the restriction, and the votes of these delegations make up ten of the fourteen from the north. So that it is alike false and absurd to pretend that the north agreed to abandon the restriction upon Missouri, provided they were allowed to impose it north of the line of 36° 30′. It is historically false to say that the south agreed with the north and the north with the south to compromise upon these terms. For a compromise imports a yielding, a surrender upon both sides. It is predicated always upon mutual concession, and is defined to be an adjustment upon those terms.

Now, I pray you, gentlemen, to say what the north yielded. Did it give up the Missouri restriction upon our conceding the line of 36° 30′. Who from the north said so? They gave up nothing. They struggled to the last and we *beat* them by but three votes; and had the house been full, there would have been a tie, and Mr. Clay, the speaker, would have had stronger claims to the paternity of the compromise measures than he now has, by deciding the question with his casting vote.

I desire you, gentlemen, to place yourselves in congress upon the day this vote was taken, and see the same ruthless party banded together then, which threatens our peace as a people and our unity as a nation now—deaf to remonstrance or entreaty, voting in solid column to keep Missouri out of the Union, because of slavery, and see them beaten in their efforts by only three votes, and ask yourselves, is there a man among you who would have embraced that pestilent crew, in the spirit of fraternal amity engendered by a sense of mutual concession, which had healed all differences in a fair compromise. On the contrary, would they not have been as much your foes, as utterly unpledged and as bitterly opposed to you after their defeat as before.

And now, pass with me to the second scene in this drama—a scene which has been systematically colored and distorted until it has become, by common consent, the compromise itself—as if there were no other act belonging to that drama. Immediately after the north had been beaten by three votes, in the attempt to impose a restriction upon Missouri, a vote was taken upon the other amendment of the senate to the House bill, viz: the restriction upon all the rest of the Louisiana territory above the line of 36° 30′—which included nearly all except a piece before referred to, lying between the Red and Arkansas rivers. To the proper understanding of this vote, which has been grossly misrepresented, it is indispensable to keep in mind the object for and the circumstances under which it was given. After the defeat of the Missouri restriction, there was no part of the Louisiana purchase—which then embraced all the territory belonging to the United States upon which a restric-

tion against slavery could operate, except as before stated—which was not placed under the restriction attempted against Missouri, by this line of 36° 30′. In other words, that line made all the territories of the United States free soil, as far as an act of congress could make them, and operated therefore as a restriction upon all the territory of the United States; and for voting for this proposition, after being beaten in the same attempt upon Missouri, the north is said to have agreed to and compromised on the line of 36° 30′. For that amendment the vote stood 134 to 42, and Benton and his followers point to that as the vote upon what they are pleased to call the compromise. How false this is, the record shows. The House did, as I have before shown you the senate did—I mean of course the northern members of each body—they voted not to compromise a right or to settle a difficulty, but to impose a restriction—and hence all of them voted for the line of 36° 30′. As conclusive of this fact, Taylor of New York, who was the only one of the conference committee who disagreed with that committee and was opposed to all compromise, and voted from first to last for restriction, voted after he was beaten for the line of 36° 30′. On the other hand, out of the 42 votes against the restriction along the line of 36° 30′, thirty-eight were from the south, eighteen of these being from Virginia.

This, gentlemen, is the history taken from the record of the miscalled Missouri compromise. This was the last and decisive vote upon the question of slavery in Missouri and the Louisiana territory. The line of 36° 30′ was adopted after the defeat of the Missouri restriction—not as a compromise, because it compromised nothing—not by the south, because 38 of its members voted against it—but it was a restriction enforced by the north—a restriction which they could have enforced and would have enforced against the south, under any circumstances. Do not understand me as saying that the south have not been willing to stand by that line, and to give up its convictions that it violated the constitution and the treaty of 1803. No—inasmuch as a bare majority of the south voted for it, the rest were content to submit, and have fairly submitted ever since. It has been said and greatly relied upon, that this line was not designed to equalize the common territory of the Union, and that the spirit which dictated the line of 36° 30′ was not intended to be an admission that such a geographical line should be preserved in the future, but that it was to be confined in its operation to Louisiana territory alone. This is clearly an error. It is obvious that those who adopted that line meant to extend it in the future to the Pacific. The debates show that many of the statesmen of that day contemplated an extension of our domain across the continent far below our then Pacific possessions in Oregon. This record of the voting shows that the legislation was not designed for Louisiana alone, but that a line for all time was to be fixed to mark the limits of the two sections—because, having then the absolute power, the lower house of congress forebore to apply the restriction to the remainder of the Louisiana territory below that line, although the subject was frequently before it.

You well remember, gentlemen, that Mr. Thomas' first bill embraced all the Louisiana territory outside of Missouri, and that he afterwards changed his proposition to the straight line of 36° 30′, saying nothing of the rest of the territory.

Trimble in the senate, after the Missouri restriction was defeated, made the same effort without success. And in the House, after the same defeat, Taylor of New York, the ablest champion of and the mover of the restriction upon Missouri, submitted a motion to amend the line of 36° 30′, by inserting, in lieu of it, "all the territory west of the Mississippi, except Louisiana, Missouri and Arkansas;" but so little favor did his motion meet, that it was cut off by the previous question, and the geographical line of 36° 30′ adhered to. It seems clear, then, that the understanding of those who adopted the line of 36° 30′ was, that it was to fix a permanent geographical boundary between the sections. That portion of the Louisiana purchase which was left to the south, below the line of 36° 30′, was a strip of country lying between the western border of Arkansas and 100° west longitude, and bounded south by the Red river, and north by the line of 36° 30′, and was as large as all the New England states put together, leaving out Maine, although it was hardly one-twelfth part of the remaining territory. And it is past all doubt that unless the principle of fixing an unchangable and unistakable boundary had restrained the House, there can be no reasonable doubt but that this territory would have been restricted likewise.

This, gentlemen, closes that session of '19–'20, at which, what is called the compromise was adopted. Mr. Clay's authority and influence have been invoked to sanctify and hallow it. He has been styled the Great Pacificator; and although he modestly repelled the ascription of the merit implied in the term, yet he was so often called so, that he almost begun to believe it himself, and has shown, on many occasions, a great forgetfulness of the order of events. I repeat, that no vote was ever after this session taken upon the subject of slavery, either in the Louisiana territory or upon Missouri's admission; and I protest that I have been unable to find, that during this session, at which the line of 36° 30′ was adopted, that Mr. Clay ever spoke at all upon the Missouri restriction, or upon the question of compromise, or advocated the line of 36° 30′. Nor was he on the conference committee. Indeed, upon the very day on which the bill came from the senate containing that line, it passed the House, so that no opportunity for discussion was afforded. Mr. Clay's batteries had been leveled at the restriction upon Missouri, which had been the subject before the House, and which, in spite of his opposition, passed. I do find, however, that Mr.

Clay proposed a modification of the restriction, so as to leave it optional with the people of Missouri to accept or reject it, at their pleasure, and this was on the day before the line of 36° 30′ was adopted. This clearly shows, that up to that day nothing like a compromise had been suggested. And it was voted down—92 to 82. But he did not advocate the line of 36° 30′, nor was that line first suggested to the House by the conference committee appointed by him to consider the disagreement of the House to the senate's amendments to the Maine bill, because the report of that committee was never acted upon either in the senate or in the House, for Thomas' amendment in the senate to the Missouri bill from the House—by which the senate struck out the restriction, and inserted the line of 36° 30′—made the report of the committee upon the Maine bill *useless*, and it was quietly laid upon the table in the House. It is a fact worth remembering—and serves as another test—that there were but five members of the House from the north who changed their votes so as to defeat the Missouri restriction; and this is ascertained by examining the vote given on the 28th of February in favor of the restriction, moved by Taylor to the House bill, and the vote against restriction on the 2d of March, when the same bill came back from the senate, amended first by striking out the restriction, and next by inserting the line of 36° 30′. Those who had voted on the 28th of February for restriction, and changed their votes on the 2d of March, and voted against it, were Eddy of Rhode Island, Hill of *Maine*, Kinsey of New Jersey, Smith of New Jersey, and Stevens of Connecticut. These, then, were the five compromisers, because they are the only ones who changed their votes upon the Missouri restriction; and why they changed, at this distance of time, it is almost impossible to know. But that some of them were forced to recant by the storm which was begotten at home, I will show you in the sequel.

Thus, then, gentlemen, passed whatever of compromise there was upon the Missouri question; and the south, as usual, had surrendered its unquestionable rights to preserve the peace and harmony of the country. Nor should it be forgotten, that at this very time, Mr. Monroe, as he himself intimated, to appease the north, was engaged in making a further territorial surrender of the southern part of Louisiana to Spain, which years afterwards it cost us a hundred millions of dollars and thousands of lives to reacquire. Mr. Jefferson had obtained Louisiana, embracing Texas; and he said the only opposition his scheme met was from the northern federalists, who were opposed to the extension of southern territory. Mr. Monroe, urged by the threatening aspect of affairs upon this Missouri subject, and in order to quiet the clamor of the north, in his famous Florida treaty, gave up all our claim to Texas—a proceeding which Mr. Jefferson strongly disapproved, and Mr. Clay denounced in terms of the most violent invective. So that while we were surrendering in congress all the northern part of Louisiana, the federal government was surrendering all the southern, and both surrenders were prompted by the same patriotic impulse—patriotic, but unwise and utterly vain. As well might we attempt to quiet the importunate demands of the daughters of the horse leech as to hope to stay the northern harpies by surrenders. Steel, I fear, not gold alone, will ransom us. For one of the infamous abolition faction in the House—adding insult to injury—said of the inhabitants of Texas, thus surrendered to Spain, "that they might not only enjoy now the blessings of slavery, but the comforts of the holy inquisition along with them."

After this review, gentlemen, having seen that the north had obtained by our surrenders at least five-sixths of the original Louisiana purchase, that the south had consented to a violation of a solemn treaty, and an abandonment of its constitutional rights, receiving in return the poor boon contained in the permission given to Missouri to frame its constitution without any restriction upon slavery, will you not say with me, that the north was bound, if you will still call this a compromise, to adhere with the utmost fidelity to their pledge for the unrestricted admission of Missouri? But how was it? Did the north recognize its obligation, or consider itself pledged? Did it esteem the proceedings of that session a compromise?

I will undertake to show you, gentlemen, that it rejected the proposition in favor of Missouri, and repudiated the thing called a compromise. The indication of such a purpose was early manifested. With a view to a possible defeat of the Missouri restriction, a motion was submitted by Taylor of New York on the 29th of February, to strike out the words in the Missouri bill, admitting her into the Union when her constitution was formed, "on the same footing with the original states," and inserting a provision that the constitution of Missouri should first be approved by congress. This was obviously designed to keep open the controversy—to give the north another opportunity to impose the restriction—to give time for the sentiment at home to operate upon the few northern members, who stood with us—so that at the next session of congress, when Missouri presented her constitution and claimed admission, the north might be left free to refuse it.

The session of 1819-20 terminated, Missouri proceeded, under its permission, to organize a state government. Its people met in convention and adopted a constitution, and stood ready to ask admission into the Union as a state. It was hoped that the struggle was over. But not so. The north carried on the same agitation which it had conducted before the measures of 1819-20—the misnamed compromise—was adopted. Very much such a scene of commotion was presented as that which followed the Kansas-Nebraska bill. Nor was

this all. Even the legislatures of some of the northern states instructed their representatives, as far as they were able, to oppose the admission of Missouri as a state.

Let me give you an example:

On the 13th of November 1820 John C. Spencer introduced a series of resolutions in the New York legislature, (reaffirming those of the previous session, which insisted on the slavery restriction upon Missouri,) and instructing their senators and requesting their representatives to vote against any constitution Missouri might offer, unless it contained the restriction upon slavery. This was the New York commentary upon the solemnity of the compromise; and it passed by a vote of 117 to 4.

The congress of '20-'21 met on the 13th November 1820. In the interval between the sessions of '19-'20 and '20-'21, this agitation had made, as the Kansas bill agitation had made, the abolition element at the north predominant, and its results were shown upon the assembling of the congress of '20-'21, very much as they were exhibited in our last congress. The first controversy between the north and south was upon the election of speaker. Mr. Clay had written a letter to the House stating his inability to be present earlier than the 1st of January 1821, and the House proceeded to supply his place. Taylor of New York, who moved the Missouri restriction in the preceding congress, and had made himself conspicuous as the persistent enemy of the south, was the champion of the restrictionists, Lowndes of South Carolina of the south; and after a contest—then without precedent—continuing through twenty-two ballots, Taylor was elected (as his successor Banks was;) and in him the slavery opposition triumphed.

On the 16th November the constitution of Missouri was presented by her delegate, and referred to a select committee, of which Mr. Lowndes was chairman, and he reported, on the 23d, that all the conditions imposed by the former congress, when leave was given to frame a constitution, had been complied with, and recommended the admission of Missouri upon an equal footing with the other states.

Now, gentlemen, in pursuance of their factious purpose, the north again begins the war. But it was so flagrant a breach of propriety to refuse the admission of Missouri because of the absence of the slavery restriction, after the permission given her at the previous session to frame a constitution without it, that some pretext was necessary upon the part of the northern members of congress for their opposition. So they took hold upon a provision in her constitution which prohibited the immigration of free negroes, and declared she could not come in while that clause remained in her constitution. This was done too by representatives whose states had passed similar prohibitions against free negroes.

In short, as was universally felt and known, the real objection was to the admission of Missouri without restriction; and not having the face to attempt, by a direct attack, to deprive Missouri of the "absolute and unalienable" right, as Mr. Lowndes characterized it, conferred by the legislation of the previous session, the north tried to defeat her claims by this bald and shallow pretext. And among the first to announce his opposition upon that ostensible ground, however, was Storrs of New York, who had moved the adoption of the line of 36° 30′ the session before, and who now kept his faith by making, on the 8th of December, an hour's speech against the admission of Missouri. It is worthy of remark, that during the early part of the debate of this session, slavery was not mentioned, except in connection with the resolutions which came from the different northern states, instructing their representatives to vote against Missouri on that ground.

Upon the 13th of December the House came to a vote upon Mr. Lowndes' resolution, and it was voted down, and Missouri refused admission as a state, by a vote of 92 to 79. And voting against her admission were four out of the five *compromisers* whose names I have before mentioned. Thus was the *compromise* violated by the north within less than ten months after its passage; and violated upon such a despicable pretext and contemptible motive.

You know, gentlemen, that almost every northwestern state, which has framed a constitution, has inserted a clause against free negro immigration, precisely as Missouri did; and the old northern states had passed laws for similar purposes, which were then in force; and yet these compromising friends of ours refused admission to a state, because of a free negro prohibition in its constitution. What an infernal temper did this hostility display; and it shows too that there was a secret motive at work, which these people in congress had not the hardihood to acknowledge in the presence of Missouri's indefeasible claim upon the United States.

To show you, gentlemen, the temper of the compromising north, let me mention a little episode which took place in the house. Several memorials had been presented from Missouri to congress upon various subjects, and the clerk of the House had entered them upon the journal as petitions from the *state* of Missouri, and the speaker (Taylor) had stricken out the words "state of," so as to read Missouri alone.

A motion was made to amend the journal, by inserting the words stricken out by the speaker, and the vote was a tie—76 to 76—and the speaker gave the casting vote against inserting the words he had stricken out—Storrs voting against inserting. A motion was then made to insert the words "territory of" before Missouri, but this was voted down—150 to 4. So that Missouri was left in the anomalous condition of being neither state or

territory, floating, as Mr. Archer said, "at large." It was in this condition, after the defeat of Mr. Lowndes' proposition, when, on the 19th of December, Mr. Eustis submitted a resolution to admit Missouri, provided the free negro clause be stricken out from her constitution. This proposition remained unacted upon by the House until the 15th of January, when Mr. Eustis called it up, and moved its reference to the committee of the whole. To which also was sent the resolution from the senate for the unconditional admission of Missouri, with a proviso that congress did not assent to any provision of her constitution which violated the rights of the citizens of any state to all the principles which the constitution of the United States conferred. On the 24th of January Eustis' resolution was acted upon and voted down, there being only six votes in its favor.

And here Mr. Clay appears, gentlemen, for the first time upon this subject, at that session of congress. He had taken his seat on the 16th of January, and on the 24th, after the defeat of Eustis' proposition, he gave notice that he would call up the senate's resolution in a few days. Accordingly, on the 29th, the House went into committee of the whole, and Mr. Clay called up the senate's resolution, and spoke at length in its favor. It was debated in committee until the 2d of February; and voted down—83 to 79. So the north refused to admit the state of Missouri, although the constitutional rights of free negroes were secured to them by the senate's proviso.

Mr. Clay then moved for a committee of 13, which was appointed. He reported on the 10th of February. After stating, as Mr. Lowndes had stated in his report, that the question of restriction had been settled at the previous session, and there was nothing to report on but the free negro clause, his committee recommended a resolution, which, though couched in words of "learned length and thundering sound," meant no more than the senate's proviso. In support of his resolution, Mr. Clay did urge a *compromise* of views between those who were in favor of admitting Missouri unconditionally and those opposed to it because of the free negro prohibition; and he appealed to them to reconcile their conflicting views upon the free negro question, by adopting his resolution. On the 12th of February the vote in committee of the whole was taken, and the resolution voted down—73 to 64, and was so reported to the House. The House, however, upon the question of concurring with the committee, refused to concur—83 to 86, and so the resolution was voted up. And then upon a motion to read the resolution a third time, it was again voted down—83 to 80.

Notice of a motion to reconsider was then given, for the next day at 12 o'clock; and accordingly, being made, Mr. Clay made a most earnest effort, and besought the House, as an act of courtesy to absent members, to grant a reconsideration. He succeeded—a reconsideration was granted. Mr Clay then made an elaborate speech for the resolution, "reasoning, remonstrating and entreating" that the House would settle the question; and the vote was taken, and the resolution voted *down*—88 to 82—Mr. Clay's efforts to compromise the free negro question having been thus far unavailing.

These details, gentlemen, may be tedious, but no man can thoroughly understand the "compromise question," who will not have the patience to trace out and expose the general error which exists in supposing harmony and good understanding to have presided over its settlement.

On the 22d of February Mr. Clay moved for a joint committee. On the 26th of February this committee reported a resolution substantially the same with the last and with the senate's proviso that Missouri should assert, through her legislature, the "fundamental condition," as Mr. Clay styles it, that the citizens of other states should not be cut off from their constitutional rights by the Missouri prohibition against free negroes.

At this point the abolitionists became bolder, and Allen of Massachusetts, in discussing the resolution of the committee, spoke in general terms against slavery in Missouri, and declared his hostility to Missouri's admission upon any terms, without a restriction against slavery, to be uncompromising and unalterable, and that he should vote against her as long as her constitution did not prohibit slavery. He was called to order by a member, for debating a question decided at the last session, but the *speaker* decided he was in order, and he proceeded. The House came to a vote on Mr. Clay's free negro compromise resolution, and it was adopted—86 to 82. The resolution then went to the senate, and was passed—28 to 14.

And so, after a compromise between those who were in favor of permitting Missouri to do as she pleased with free negroes and those who were for preventing Missouri from discriminating against free negroes, and by which Missouri was to agree that she would not violate the constitution of the United States, she was admitted by four votes. And this ends the history of Mr. Clay's *compromise*—a compromise not upon slavery, but upon free negroes.

Well might Mr. Clay have smiled at the acceptance of his proposition, which was in fact the same all along offered, when it simply contained a provision that Missouri would not violate the constitution. Well might Mr. Badger call it "one of the most remarkable pieces of humbuggery ever palmed off on any legislative body." And he said too, in his place in the senate, that Mr. Clay had remarked in substance in the senate, "That he laughed in his sleeve at the idea that people were so easily satisfied." But *you* will see in the opposition of the north a determination not to compromise the question of slavery on any

terms. And I repeat, they never did compromise in the Missouri struggle. For three years she struggled for admission, and was opposed to the end with a pertinacity and relentlessness that is without a parallel; refused the first year; obtaining leave to make a constitution the next by three votes, and admitted as a state in the third year by four votes.

I could furnish you volumes of proof to show that the north retired from the contest, in which they were defeated by such a meagre vote, discontented, sullen and vindictive. They repudiated the action of congress in admitting Missouri, and never forgave it, sacrificing the few who stood by us. I will offer you a single proof of this. I shall not resort to the abolitionists, but take the testimony of one who was then a conservative whig, but has since been driven, by the abolition tendencies of that party, to join the great democracy of the nation. I mean Caleb Cushing of Massachusetts. In 1836 he said, in reference to this question of slavery, raised by the north upon the application for the admission of Arkansas, "It is asked of the north, do you seek to impose restrictions on Arkansas, in violation of the compromise under which Missouri entered the Union? I might content myself with replying that the state of Massachusetts was not a party to that compromise. She never directly or indirectly assented to it. Most of her representatives in congress voted against it. Those of her representatives who, regarding that compromise in the light of an act of conciliation, important to the general interests of the Union, voted for it, were disavowed and denounced at home."

Mark you, gentlemen, this is said of the state whose representatives gave four votes against Missouri restriction out of fourteen—a larger number than was given by any other state. And they were denounced and disavowed for it. If Massachusetts, then, was no party to the compromise, what northern state was?

But again, gentlemen, the north were tried upon this question in 1836. I have said that Arkansas, part of the Louisiana territory lying south of Missouri and of the line of 36° 30′, which had been constituted a territory without restriction in the session of '18–'19, applied in '36 for admission into the Union. Her application was entrusted to the care of James Buchanan, and was presented by him, so entirely did he then possess the confidence of the south. An objection was made to her constitution, because it made slavery perpetual, and a fierce contest was waged, and a large northern vote cast against her admission, although the attempt to restrict her as a territory upon the subject of slavery had failed, as I have shown you, seven years before. In the discussion which then took place, I do not find that any northern man spoke of or recognized the obligations of the Missouri compromise. Cushing certainly did not. The south appealed to it, and demanded to know if the north meant to adhere to it, and no response came, other than such as Cushing's. Arkansas was admitted, because she was situated between slave states, and free-soilism could never hope to grasp her.

It may be safely said, gentlemen, that the north has never recognized the surrender made by the south in '19-'20, as imposing upon it any corresponding obligation whatsoever, or as establishing a compromise of any description in reference to legislation upon slavery in the territories of the United States. The right to legislate for the prohibition of slavery has been always claimed, and will always be exercised, unless the democratic party should control the national councils; for north and south it is a canon of their creed that congress possesses no such power. Hands off, is their maxim.

I shall proceed now, gentlemen, to trace still further the relentless pursuit of us by northern fanaticism.

Missouri admitted, the line of 36° 30′ surrendered by the south, the storm which had threatened the permanance of the Union gone by, you will naturally enquire, what was there to create disturbance? From that period until '48, no territorial question arose, which could present the subject—Florida's position making objection on that score impracticable. The south was pursuing the even tenor of its way, the system of slavery was undergoing amelioration daily, and the whole country moving in steady march onward and upward to prosperity and renown. Why should its peace have been destroyed? Who kept alive and fed the flame of sectional hate—and while the south was losing, with each revolving year, its political weight in the national councils, and the nonslaveholding states were overshadowing her, so that the original jealousy of her political power had passed away? Who changed the warfare from a political to a domestic and social crusade, and attempted to fire the rooftrees which protected the wives and children of the south? Does any man hesitate for the reply to these questions? But I may not stop to pour out the tide of indignant and outraged sensibility, which burns in every fibre of my frame when the thought of our unprovoked wrongs comes upon me.

Let me say, gentlemen, that from the moment Missouri left the field, the north commenced its work of incendiary agitation. Not all the north, because at that early period the general mass of its people were not inflamed against us—the controversy had not degenerated from a political to a sectional one. We enjoyed, as a general rule, the respect of the north, and the abolition element was then despised and proscribed. But it forced its way, impelled by the restless spirit of a mad fanaticism, until it began to make itself felt in the political arena, and was an object of desire in the local struggles of party. Its alliance was with the federal or whig or know nothing party, because democracy was its mortal foe, and still is, wherever it has an enemy at all at the north. And the chart of its

course, adopted in the Hartford convention of 1814, led naturally to an affiliation with these parties. It has grown and gathered strength, dragging into its vortex the aspiring and the timid, until it stands this day threatening the union of the states and the liberties of all mankind in its disruption.

Its first steps were, as I have said, feeble and uncertain. It began with abolition societies, which were often broken up by mobs. But at length, it proceeded to inundate the south with inflammatory and insurrectionary pamphlets, denouncing slavery, and inciting our slaves to revolt. To arrest this, a law was passed by congress in 1836 to prevent their circulation through the mails—James Buchanan being the ablest advocate of that measure—and by it congress put upon the record their testimony to the fact that the north was disturbing our peace and endangering our safety.

Again the movement was changed, and congress was flooded with petitions for the abolition of slavery in the states, territories, and in the district. These petitions came from all classes of men, women and children, white and black. They contained prayers for the abolition of slavery in the territories, in the district of Columbia, and in the states. And so formidable had the movement become for abolition in the district, that as early as 1836 Van Buren was compelled to give a pledge not to sanction it, as a condition of his support by the south. And although he has since become tainted with the free-soilism which has ever infected the entire whig party of the north, he was then sound upon the question of slavery. Mr. Clay in '39 thus spoke of him: "Before his election to the presidency he was charged with being an abolitionist, and abolition designs were imputed to many of his supporters. Much as I was opposed to his election and am to his administration, I neither shared in making or believing the truth of that charge."

These petitions found their organ and exponent in congress, in John Quincey Adams, and gave rise to continual assaults on us in debate upon them, and inflamed the congress of the United States quite as much as it was ever excited by territorial restrictions upon slavery. To such a point had this offensive debate proceeded, so frequently and systematically was the plan of outrage and insult carried on, that in 1839, while Slade of Vermont was discussing one of these petitions, and debating the question of *slavery in the state of Virginia*, in the form of an answer to his own enquiry, *What was slavery?* the southern members rose with one accord to quit the House; and after the most tumultuous scene ever witnessed in congress, were quieted by Slade's being stopped by a rule of order, requiring the leave of the House before proceeding in this atrocious and inflammatory tirade. Leave to proceed being asked by Slade—before the motion for leave was put, and while he was still entitled to the floor—a motion was made to adjourn, that quiet and harmony might be restored to the agitated and indignant House, and Slade's insulting harangue stopped.

Upon the motion to adjourn, the ayes were 106, noes 63—Millard Fillmore voting no, to give Slade a further and full opportunity to insult and outrage the south.

The same day the southern members of congress met in caucus to deliberate upon this appalling state of affairs. Many propositions were submitted—some for an immediate dissolution of the Union—but a temperate spirit pervaded their deliberations, and a resolution was adopted to "lay on the table all petitions on the subject of slavery, without debate."

Mr. Patton of Virginia was selected to present this resolution to the House. The next day he accordingly asked for a suspension of the rules of the House, which was necessary, in order to present this resolution, and leave was granted, by a vote of 135 to 60—Millard Fillmore voting with the noes. The resolution was then put upon its passage, under the operation of the previous question, and adopted by the same vote—Millard Fillmore voting against it.

Of this vote such a man as Benton says, "This was one of the most important votes ever delivered in the House. Upon its issue depended the quiet of the House on one hand, or on the other, the renewal and perpetuation of the scenes of the day before, ending in breaking up all deliberation and all national legislation."

I have selected this vote, gentlemen, as a mere example, and only one, among many similar to it, of the steady advance of the northern spirit of abolition—an advance wholly independent of any extraneous exciting cause—such as that to which the timid and the traitorous ascribe the present state of things. There was no repeal of the Missouri compromise as a pretext. But in a period of calm, when slavery was restricted within the limits assigned to it by existing laws, this advance proceeded unchecked, "growing by what it fed upon"—its own malign and measureless antipathy to the south. It had drawn even then into its current some of the most prominent whigs of the north. Fillmore himself was one, who, although he has become since more nationalized, by fixing his ambition upon national objects, obtained his early prominence as a New York politician, by hostility to us—this prominence thus obtained making him useful and conspicuous when the whig party of the north ran their Janus faced ticket in 1848. Had he been left where they found him, a local politician, he would have stood this day by the side of Seward.

Let me return, gentlemen, to the advancing strides of slavery agitation—an agitation which no concession has ever checked—an agitation senseless and relentless, blind as a mole and deaf as an adder, which will never cease, except at the bayonet's point, while northern society, policy and conduct are dominated by agrarian demagogues and swayed by reckless and ruthless mobs.

Benton, whose lapse from the ways of probity in his early manhood—at a period when, if it is ever so in man's life, impulse is generous and character ingenuous—had lost him the respect of southern men, who came into public life with a stain upon his escutcheon, and instinctively felt that among the honorable men of the south he could never be tolerated, unless by severe contrition he repented him of the error of his ways—a repentance to be manifested by an humble and decorous demeanor, entirely at war with his natural effrontery and defiant shamelessness—Benton, who has deserted the south, because there could be no fellowship between it and him, and has carried with him that hatred which "vice always pays as a tribute to virtue," and which became most conspicuous in the exhibition of its excesses against that purest man the country has ever known, John C. Calhoun—Benton thus bears his testimony against his present fellows in enmity to the south. Writing of this period, '36 and '37, he says, "There was but little in the state of the country at that time to excite an antislavery feeling, or to excuse these disturbing applications to congress. There was no slave territory at that time but that of Florida; and to ask to abolish slavery there, where it had existed from the discovery of the continent, or to make its continuance a cause for the rejection of the state, when ready for admission into the Union, and thus form a free state in rear of all the great slave states, was equivalent to praying for a dissolution of the Union."

Again, in the same connection, he says, "The petitioners did not live in any state or territory or district subject to slavery. They felt none of the evils of which they complained, were answerable for none of the supposed sin which they denounced—and they committed a cruelty upon the slave by the additional rigors which their pernicious interference brought upon him. The subject of the petitions was disagreeable in itself, the language in which they were couched was offensive, and the wantonness of their presentation aggravated a proceeding sufficiently provoking in the civilest form in which it could be conducted. Many petitions were in the same words, bearing internal evidence of concert among their signers; many were signed by women—all united in a common purpose, which bespoke community of origin, and the superintendence of a general direction. Every presentation gave rise to a question and debate, in which sentiments and feelings were expressed and consequences predicted, which it was painful to hear."

This tribute to truth was rendered by Benton, and portrays in vivid colors the extent and the pertinaceous character of the attack upon the south, so wanton, so unprovoked. How entirely does it vindicate the action of congress in refusing to receive those petitions. But no sooner did congress so resolve, than that fact itself was made a pretext for further and more violent agitation; and it was asserted that the sacred and solemnly guaranteed right of petition had been invaded. And so much did the clamor grow, and so violent were the agitators, that southern men—some from real distrust of its wisdom, others as a mere partisan affectation of superior sagacity—began to doubt whether it were not better to let the petitions come. The apologists too of the north among us—men whose character for untrustworthiness at home obliged them to look north for support—were clamorous for the repeal of the rule excluding petitions; and, either deceived by the excitement into the belief, or employed to represent the agitation as the result of a supposed denial of the right of petition, they promised that its repeal would be attended by a cessation of all difficulty—and finally, a few years afterwards, obtained its repeal. And because congress was not and is not disturbed by these petitions, they point to that circumstance as an indication of their wisdom.

The truth is, gentlemen, the rule did not increase agitation, nor did its repeal stop it. Mr. Clay foresaw and foretold the course of the abolition movement as early as 1837. After referring to their petitions, &c. he said, "To the agency of their powers of persuasion they now propose to substitute the powers of the ballot box, and he must be blind to what is passing before us, who does not perceive that the inevitable tendency of their proceedings is, if these should be found insufficient, to invoke finally the more potent powers of the bayonet." To this ballot box they did appeal with success, and sent to the federal legislature representatives enough to utter their infernal sentiments, and to make petitioning a work of supererogation. They now declare their next resort to be the bayonet.

You will bear in mind, gentlemen, that in tracing the growth of abolition, from the Hartford convention, where it first organized its forces, and announced its creed to be, 1st, no slave representation in congress; 2d, a two-thirds vote to admit a state; 3d, no naturalized citizen ever to hold office up to this period—you will find that its moral influence, in poisoning the minds and hearts of the north against us, has been more pernicious and potential than its political influence. But now the fruits of its labors are seen at the ballot box, and it has become a dominant power in the state.

This apparent deflection from the line of argument I had laid down, has been made, gentlemen, for the purpose of tracing the growth of that hostile and implacable spirit, which, by the lips of Seward, declared in the senate, that the day for compromise has passed. I deemed it essential too, as supplying the connecting link between the two abolition movements in relation to territorial restrictions, occurring respectively in 1819 and 1848.

Let us now recur to the principle of the Missouri compromise, and see how it was ob-

served, and who violated it. To do this, let me remind you that when Texas applied for admission into the Union in 1845, the principle of that compromise was then applied by the north to the new territory about to be admitted. And its application in this instance, and by the north too, conclusively demonstrates that the line of 36° 30′ was designed not only for the Louisiana territory, but for any and for all future territory to be acquired. And its language in 1820, in referring to the Louisiana territory, was because that territory then embraced all the territory of the United States. So that we here have an example, to show the interpretation the north gave to the meaning of what is called the compromise of '20, and that interpretation was exclusively for its own benefit; because Texas, being a slave-holding country, unless some such principle as the one referred to intervened to prevent it, she had the right and we of the south had the right to insist upon her joining the Union, retaining slavery throughout her whole domain. But guided by the principle which our surrender of '20 had established, we consented that the north should claim the advantage of it, and the line of 36° 30′ was run outside and beyond the limits of the Louisiana purchase.

The war with Mexico ensued; and when the negotiations which attended its termination were about to be entered into, the north proceeded to show its sense of obligation to the "compromise," by introducing a proviso to a bill, (giving funds to the executive to complete a treaty for the acquisition of California, Utah and New Mexico,) prohibiting slavery in the territories thus to be acquired. This was the famous or infamous Wilmot proviso. And it was in terms a palpable and direct violation of the compromise but recently recognized by the north in the Texas annexation. It assumed the absolute right of congress to legislate upon slavery north and south of the line of 36° 30′, and expunged that line, because the territories just named would have been divided about equally, entirely to the Pacific by that line. That the Wilmot proviso did not pass the House, we are indebted to the northern democracy, who, with their associates from the south, held a majority in congress. Who doubts but that the last congress would have adopted it, if they had then had control of the House?

The treaty with Mexico was made. The territory referred to was purchased. The excitement its acquisition produced continued. In the session of '47–'48, and in the face of an approaching presidential struggle, at a time too when it is said the democracy north and south are accustomed to create or keep alive an agitation upon the subject of slavery, Mr. Clayton of Delaware, a whig, introduced into the senate a bill providing for the government of those territories, by which nonintervention upon the part of congress was established, and the question of slavery or no slavery, under the original laws of Mexico, was left to be settled by the courts. This bill met the views of the southern and most of the northern democracy. It was a mooted question whether the laws of Mexico prohibiting slavery, had been extinguished by the treaty; and the Clayton *compromise* bill, as it was called, proposed to leave that question to be determined by the judicial forum of the country. For it the south voted in a body, with the exception of eight whigs. And in so voting, the south followed the example of the north, and abandoned the principle of the Missouri compromise. Thus we have the north insisting, by the Wilmot proviso, that the compromise was a nullity—the south agreeing to accept, after this nullification by the north, a new term of adjustment. The bill unhappily was defeated by southern whigs—John S. Pendleton of Virginia among them. So the question of slavery was kept open for that presidential campaign, and Cass beaten by Taylor in the south, by denouncing Cass as anti-slavery, and north as proslavery, one of the chief objections to him north being his readiness to extend the line of 36° 30′ to the Pacific, through the new territories, and so dividing California with the north. Hear what Mr. Webster said of him in Massachusetts:

"And now I venture to say that Gen. Cass is in favor of what is called the compromise line. He announced this before he was nominated; and if he had not announced it, he would have been 36 degrees 30 minutes further off from being nominated. He will do all he can to establish it—and lastly, in my conscientious belief, he will establish it."

So, gentlemen, you who know how Cass was denounced here, may now say with pride, that if he had been elected, the compromise would never have been repealed, but established to the Pacific. And we may repel with truth and with scorn the imputation that we have kept the slavery agitation alive, to operate upon presidential contests.

Thus stood the subject of slavery in the new territories obtained from Mexico in 1848, when Taylor was elected. Of his plan of settlement, Botts said, "What does the executive plan propose to do? Why, to admit California, and do nothing upon any other subject. The recovery of fugitive slaves left unprovided for; in other words, to do nothing but keep up the agitation and excitement on the slavery question until it can be brought to bear upon another presidential election. So for one, I am constrained to condemn it, at whatever cost it may be to me, personally or politically." So he then charged the whigs with the same designs now imputed to us, of keeping slavery agitation alive for the purposes of the presidential campaign.

The whole country was profoundly excited as to the disposition to be made of the territories. The southern and most of the northern democracy endeavored to obtain an extension of the line of 36° 30′ to the Pacific. It passed the senate by an overwhelming vote, time and again, but executive influence, prompted by Corwin and Ewing, and urged by

Webb of the Courier and Enquirer, was too strong, and the effort was defeated. It was this defeat which begot all the slavery agitation. It was this abandonment by the north of that compromise, to which the south had adhered with undeviating fidelity, that reopened the excitement which the surrender of 1820 and 1845 by the south was designed to tranquillize, and made a new adjustment of the territorial question necessary, and led to the measures of 1850, establishing, in lieu of the line of 36° 30′, a new principle—that of non-intervention by congress in the territories upon the subject of slavery.

Meantime, the executive was not idle. Instructions were sent to the military commandant in California to call a convention of the people, and frame a constitution. It was done—the known disposition of the administration favoring a constitution excluding slavery. Accordingly, the convention met, composed of squatters, adventurers and reckless fortune hunters, adopted a constitution, and presented themselves for admission into the Union. Similar orders were given to the military commandant in New Mexico, where there was hardly an American in the country, and put into force. But in executing them, he met with unexpected difficulties with Texas. Her boundaries had not been established, and she claimed a large part of New Mexico; and the United States and Texas stood as at bayonets' points. The governor of Texas appealed to the federal government for redress, and announced his purpose to resist with arms any invasion of the Texan territory.

Thus matters stood when the compromise of '50, as it was called—although I never knew why—was projected. By that compromise—too fresh in the memory of all to require any recapitulation of its details—it was provided that California should be admitted, with all her "imperfections on her head;" and that territorial governments should be framed for Utah and New Mexico, leaving the question of slavery to be decided by the people when they framed their state constitutions. This was the new principle adopted by congress as a substitute for the geographical line of 36° 30′, which had been abandoned by the north—first, in their refusal to apply it as an amendment to the bill for the organization of the Oregon territory in 1848; secondly, in their uniform rejection of its principle, in voting against its extension through the newly acquired territories, in every mode, and as often as it was presented—upon the shallow subterfuge that it was designed only to apply to Louisiana, although they had just voted to apply it to Texas, which was no part even of the United States.

In view of this disregard of that compromise, the congress of '50 proceeded to establish territorial governments for Utah and New Mexico—California being lost to us irrecoverably. In framing the limits of those territories, no regard was had to the line of 36° 30′. New Mexico was formed in part from territory ceded by Texas, lying above the line of 36° 30′, which, by the terms of annexation, was to be free. And yet this part of New Mexico, as large as Massachusetts, Connecticut and Rhode Island combined, was exempted from the slavery restriction imposed by the line of 36° 30′, and allowed to act for itself upon the question. New Mexico embraced, too, a portion of the Louisiana purchase. Utah territory, all of which lay above the line of 36° 30′, embraced not only territory derived from Mexico, but a large and fertile tract of the Louisiana purchase. In establishing governments for these territories, the compromise measures of '50, obliterating the last trace of the line of 36° 30′, which the bad faith of the north had almost blotted out, left the question of slavery to be decided by the people, without restriction.

Thus, gentlemen, in the language of Mr. Buchanan, the compromise of 1820 "passed away," and in its stead the principle of 1850—that of non-intervention—was adopted, made necessary by the bad faith of the north. Mr. Badger, a Fillmore man, an eminent constitutional lawyer and an uncompromising foe of the democracy, thus speaks:

"Since I have had a seat in congress, in common with the south I have endeavored to obtain a recognition and perpetuation of the principles involved in the compromise of '20. We have signally failed. Whether we thought the rule just or unjust, favorable or unfavorable, we asked for nothing but the bargain fairly carried out, and we were at all times ready to be content with it. Now, after it has been utterly repudiated—after a totally different system of legislation has been adopted, in defiance of our votes and our remonstrances, I think it is a little unreasonable, a little absurd, that gentlemen should call upon us to respect a compromise which they themselves have destroyed. They have refused to carry it out in its spirit and fair meaning. They seek to maintain whatever of it is beneficial to themselves, and to disregard all the residue."

What becomes now, gentlemen, of these southern slangwhangers who make night hideous with their denunciation of *us* for violating plighted faith? Is it not the testimony of such a man, who for twenty years has been in public life, always a whig—has been a cabinet officer, and intimate with the whole course of public affairs—a sagacious politician and profound lawyer—is not his evidence, given at the time, cotemporary with the fact, worthy the credence of the southern people? If it is not, then let me ask them to believe every southern whig in the senate of the United States, for whom and in whose presence Mr. Badger said he spoke when he proclaimed that the legislation of '50 rendered that of '20 inoperative and void: "I desire to say, I think it right to say, and I think I have their authority to say, that with regard to the results to which I have come upon this measure, (the Kansas-Nebraska bill,) we all agree as one man—*every southern whig senator.*" We approach, now, that measure, so much maligned, which passed amid the acclamations of whig

and democrat at the south—the justice and the wisdom of which the whigs surpassed the democrats in vindicating—which was voted for by the entire whig delegation, with insignificant exceptions from the south—the Nebraska-Kansas act.

This act carried out the principle assumed by the legislation of 1850, and in organizing territorial governments, employed, substantially, the language of the Utah and New Mexico bills. In doing this, no notice was taken of the line of 36° 30′, but it was declared to have been rendered inoperative by the principles of the legislation of 1850.

This, then, gentlemen, is the point of attack upon us by the abolitionists, know nothings and whigs, north and south. They are all banded against the democracy, and all unite in assailing us for that declaration, viz: that the compromise of '20 was rendered inoperative and void by the legislation of '50.

To satisfy abolitionists and northern know nothings, would be a task for a southern man, in comparison with which, the labor of the Danaides was easy and fruitful. Nor could I hope to satisfy a southern know nothing or whig by the testimony of democrats, though they should speak as never man spake; for all that is left them now, amid the wreck of their principles, is that cardinal one, to which alone they have adhered with unrelaxing tenacity—hatred, insensate, unreasoning and reckless of the name and fame of democracy. I shall resort, therefore, gentlemen, again to those who are of them and with them, the men they place in posts of honor and trust, the exemplars of their creed and their sentinels upon the watch tower—not Jones, or Benjamin, or Pearce, or Pratt, all whig senators, now Buchanan men—but, Fillmore men, art and part with them in this contest.

And first let me dissipate some of the odium which has fallen upon a friend of the south—I might say *the* friend of the south in the senate—for his supposed attempt to repeal the Missouri compromise, for purposes, not of patriotism, but of self-aggrandizement. Nothing is more unjust than this. Douglass did not recommend a repeal of the Missouri compromise. In the report made by him to the senate, accompanying the original Nebraska-Kansas bill, he forebore to express any opinion upon the constitutionality or binding force of the legislation of 1820. But educing from the fact that the legislation of '50 forebore to pronounce upon the existence of slavery under the Mexican laws, and refrained from declaring whether, by those laws, slavery could or could not exist in those territories, the principle of nonintervention by congress upon the whole subject, he determined to apply that principle to the Nebraska and Kansas territories. The constitutionality of the legislation of '20 was greatly doubted. It derived its principal support from the acquiescence of the south, predicated upon the supposed readiness of the north to adhere to it as a geographical line. It had been so treated when Texas was annexed by the north, but repudiated when its application by the south was demanded to the territories acquired from Mexico. This had led to the fearful excitement which the legislation of '50 quieted. Quieted, not by yielding to the demands of the north, by prohibiting slavery, or in yielding to the demands of the south by establishing it; but by forbearing to do either; and by leaving the question of slavery, during the territorial probation, undetermined, it declared and announced the principle of nonintervention in these words, in the Utah and New Mexico bills: "When admitted as a state, the said territory or any portion of the same shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission." This principle Mr. Douglass applied to the Nebraska-Kansas bill. He did not affirm or deny the constitutionality of the legislation of 1820, but left that question to be settled by the proper legal forum. Had his scheme been adopted, there would have been no legislative interpretation upon the acts of 1850; but if a slave had been carried to Kansas, a suit for his freedom, under the legislation of '20, would have raised before the courts the legal question whether that legislation was constitutional. And the question would have been thus decided. If it was constitutional, the north triumphed; if not, the south was protected in the enjoyment of its rights of property. This was Douglass' plan. Referring to the legislation of '50, he says, in his report of the 4th of January 1854: "As congress deemed it wise and prudent to refrain from deciding the matters in controversy then, either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the constitution and the extent of the protection afforded by it to slave property in the territories, so your committee are not prepared to recommend now a departure from the course pursued upon that memorable occasion, either by affirming or repealing the 8th section of the Missouri act, or by any act declaratory of the meaning of the constitution in respect to the legal points in dispute."

The offence imputed to "him hath this extent—no more." And the obloquy heaped upon him by northern abolitionists and southern politicians is as undeserved and unjust as it is virulent and unceasing.

It was reserved for a *southern whig* to do the deed, which conventions of southern whigs and know nothings have so vehemently denounced, although, when it was done, they as vehemently approved and applauded.

When Douglass presented his report and the accompanying bill, it was esteemed too uncertain in its provisions for the defence of the south by the southern whigs, of whom Mr. Badger spoke, and so, one of them, Dixon of Kentucky, Mr. Clay's successor, offered an amendment repealing the Missouri compromise in terms. He sustained his proposition

by an able speech, in which he declared that the Missouri compromise had been repealed by the legislation of 1850, and congress should so declare. His proposition was subsequently so modified as not to declare the compromise of 1820 repealed, but to pronounce it inoperative and void, by reason of the legislation of 1850.

Now, gentlemen, I propose to examine the principle of the legislation of 1850. It is no more and no less than to leave the territories open to the people of the United States, permitting all and each of them to move into, purchase and occupy the land, thereof, and in moving to carry all the property they possessed, whether it consisted of slaves or other personal estate. This is the principle of nonintervention or letting the people alone and not oppressing and harassing them by laws which would oblige a southern man moving into these territories to give up all the comforts and conveniences of life and to become his own servant, in the performance of the most menial offices—which would oblige him to sell the nurse that took care of his infant child, before he should be allowed to try to improve his fortune in the lands which his own prowess had won or his own purse had bought.

This is the principle which entrenches upon no man's rights—infringes no man's liberty, but leaves each free to the pursuit of happiness in that mode which best suits him. Why should it not be so? Why should slaveholders be proscribed, when the spoils of conquest are to be shared, although they stood foremost in the ranks of war? Why should the people of the south, who made this Union, whose policy has shaped its career, so glorious until faction and fanaticism obtained the mastery of the north—why should they be disrated by those who would not have dared, when this Union was projected, to have claimed such powers as they now assert? Powers which southern men are found to vindicate. It is, gentlemen, but the result of a departure from those simple precepts taught by the republican fathers—precepts which are the guiding stars of all good government, which inculcate the necessity of eternal vigilance over those with whom power is entrusted. It is the result of that tendency to strengthen the arm of the federal government, and give all power to its legislature, which is becoming more and more manifest every day. A tendency which southern whigs have encouraged, in uniting with abolitionists of the north in their attacks upon every check the constitution gives to prevent congress from becoming absolute. They will not see that the time is approaching with fearful strides, when the north will be supreme in both branches of the legislature, and they will deplore in vain the madness which induced them to strengthen the arm of legislation, from a spiteful and puerile antipathy to executive power, which bears in its proportion to legislation the relation of King Log to King Stork. It is thus, gentlemen, that men familiarize their minds to the belief that congress possesses the power to seal up the territories against a slaveholder and his property. No such power exists. It is not to be found in the constitution, because when that instrument was framed, no contingency of the sort was anticipated, no provision made for it. Mr. Jefferson said, "The constitution has made no provision for our holding foreign territory." And, again, he says, "we must appeal to the nation for an additional article to the constitution approving and confirming an act which the nation had not previously authorized." In answer to a suggestion that the power might perhaps be implied, listen to the words of wisdom which fell from him: "When an instrument admits two constructions, the one safe, the other dangerous—the one precise, the other indefinite—I prefer that which is safe and precise. I had rather ask an enlargement of power from the nation, when it is found necessary, than to assume it by a construction which would make our powers boundless. Our peculiar security is in the possession of a written constitution. Let us not make it a blank paper by construction. It specifies and delineates the operations permitted to the federal government, and gives all the powers necessary to carry those into execution."

These sentiments were uttered, not by one who was assailing the abuse of federal authority and chafing under and struggling against its encroachments, but by one who was at the head of the government, administering the executive powers, and subject to, yet perfectly free from that intoxication which the incense of praise conveys to feeble minds, disposing them to believe that they need no checks or curbs. They were uttered by one who was then absolute in congress, in the influence he justly possessed over its republican members, whose majority was overwhelming, and who was firmly fixed in the enthusiastic affection of the people. And yet, under circumstances like these, he could see no authority in congress to legislate for newly acquired territories. I confess, too, to a great veneration for Mr. Lowndes, who seems by his vote in 1820, to have favored such an authority, and whose action is greatly relied upon by Benton and his copyists of the south. But if the question were one of abstract constitutional construction, Mr. Jefferson's opinion would greatly preponderate. But when we know that Mr. Lowndes was a man who loved peace and saw with pain the strife raging around him, we may well suppose that he yielded whatever of constitutional scruple he had, for the sake of what he esteemed was permanent tranquillity.

But, gentlemen, the ablest of all the enemies of the Nebraska-Kansas bill, Mr. Seward, who disclaims as earnestly as any southern know nothing the power in congress to compel involuntary emancipation in the states, concedes that the constitution "neither provided for, nor anticipated any enlargement of the national boundaries." And here let me refer to the language of one whose name is revered by every true Virginian, of whom Mr. Jef-

ferson said he had not written a line which he did not approve. I mean John Taylor of Caroline, whose philosophic and liberty loving mind thus portrays and fortifies the doctrine of nonintervention: "But this feudal power of annexing conditions to the settlement of a conquered or acquired territory by the government, has ever been exploded as tyrannical both here and in England. One of our principles in the colonial state was, that emigrants to such territories carried with them their native rights. But this would not be the case if our emigrants should be subjected to a diminution of their native rights by the pleasure of congress. If congress cannot legislate over the states from which they removed, but may do so by annexing conditions to a trust over that which the emigrants from these states may create, it is obvious that these citizens must have lost some very important native rights by an emigration from one part of our country to another." After arguing to show that none of these rights could be lost, he says: "Among these the *unconditional* right to make their own local constitutions and laws, without being subject to any conditions imposed by an extraneous authority, has been the most important, and universally exercised by every state in the Union."

Thus we see nonintervention is consistent with the spirit of our institutions and the philosophy of our government, is right in principle and wise in practice, and we should rejoice at its re-establishment as a rule of governmental policy.

That this principle was evolved by the legislation of '50, is the point in dispute. To maintain our view, I shall again resort to our enemies for proof. In explaining how he derived a *principle* from legislation, Mr. Badger said: "I understand by principle, any fundamental truth, any original postulate, any first position from which others are deduced, either as principles or rules of conduct. For example, it is obvious that this principle, postulate, fundamental truth, original position was assumed in 1820, in the passage of the Missouri compromise act, to wit: 'that congress should have power to establish a geographical line and to permit slavery on one side of the line and exclude it on the other;' and further 'that it was expedient that such a line should be selected and such an exclusion and permission attached to it.' That is exactly the view which I have of what is meant in the amendment, which has been incorporated in the bill, by the expression, 'principle of nonintervention recognized by the legislation of '50.'" He thus declares that while by the act of '20 the principle established was permission and exclusion of slavery on either side of a geographical line, on the other hand by the acts of '50 that principle was abandoned and nonintervention substituted as the governing motive, the fundamental truth upon which legislation proceeded.

To prove this, he begins by showing how the principle of 1820 was abandoned. "The Missouri compromise law was intended to fix a rule for all territories of the United States. It is applied in terms to that ceded by France, but we had no other. Therefore they intended to adjust the question between the different portions of the Union then and forever." He says that the whole history of that measure makes it clear that the principle as then adopted was "that as we acquired future territory we should apply that line." He proceeds then to show, gentlemen, that when Texas was annexed, in conformity with this principle, the line of 36° 30′ was applied by the north, because "that the *compromise* line under that name, and as a compromise line, was just as applicable in principle to Texas as to the particular territory to which it had been originally applied."

Both of these, you will observe, were acts of legislation. They had no necessary connection; but the *principle* of the first act, being designed to embrace the subject of the second, (although it had no application in terms,) was adopted as a matter of course, and the north were thereby estopped, by their own act, from declaring that the legislation of '20 was designed only for the Louisiana territory; for they had thus voted to extend it outside and beyond that limit, and stamped it, not as a mere piece of local legislation, but as fixing a principle for all territory. In language pointed and emphatic, Mr. Badger declares, "I think it is demonstrable, from the grounds of dictation on one side and resistance on the other; from the terms in which the contest resulted; from the reason of the case, and from the subsequent legislation of congress—for which no reason under heaven can be given, except that they were carrying out an established principle—that the *principle* of legislation embodied in the Missouri compromise was this: that a territorial line should be selected and slavery excluded on one side and allowed on the other, and that as we *acquired future territory* we should apply that line."

I have thus shown, by the testimony of one who does not deny the constitutionality of the compromise of '20, but who was an ardent and earnest friend of that measure, that it was intended to apply to all territory of the United States, wherever it was capable, geographically, of extension.

He then proceeds to show that "the principle upon which the legislation of '20 was based, was repudiated by the legislation of 1850," in declaring "that the application of the Missouri compromise to state and territory was insisted upon by the members of the senate in many, very many cases, that we asked nothing, we sought nothing, but the simple recognition of that compromise, carried out upon its original principle, and it was refused us, and that territorial governments established in 1850, were constructed in utter disregard of that Missouri compromise. If I can succeed in that, I shall then contend that it is unreasonable, that it is idle, that it is absurd—I use the term in no offensive sense—for gentlemen

to call upon us to maintain a compromise which has been repudiated and disavowed by themselves." This is the language of a Fillmore man, and when you have heard it, do you not feel a sympathy for him when you call to mind, that for these sentiments a southern press, published in our midst, denounces him in denouncing us, as having practiced an act of "dishonesty and fraud," in repealing that measure?

It is not for us to compose this strife; it is enough that we obtain from an adverse witness, testimony to the fairness and truth of our political conduct and propositions. But he was right, gentlemen. In every practicable form we endeavored to get that compromise adopted. It was offered as an amendment to the Oregon bill in 1848, and adhered to at the risk of defeating the bill. It was offered upon the California bill. It was offered in every shape when the compromise measures of '50 were under discussion, and invariably rejected. Mr. Badger says of these repeated efforts and failures, "Here were those of us on the floor representing southern constituencies, not only arguing, but, I may almost say, begging for the recognition of the Missouri compromise line. We could not obtain it."

Thus baffled in every effort to keep our faith, the compromise disregarded, repudiated and disclaimed, what did congress do? In rejecting the Wilmot proviso, it refused to legislate against slavery. In disavowing the obligations of the Missouri compromise, it abandoned the principle of geographical partition. In refusing to pronounce upon the existence or nonexistence of slavery in the Mexican territories, it declared its intention not to interfere by congressional legislation upon the subject in the territories.

But it then pronounced and announced the doctrine of nonintervention, the true principle of republican government. It let the people alone while they remained under a territorial government, giving them the power which none but a madman would deny them, of framing their constitution, when they became a state, to suit themselves. This was done, too, without the least reference to location, without considering where the territory was, whether north or south of 36° 30′. For Utah, which may now become a slaveholding territory under the legislation of '50, and is larger than New York, Pennsylvania and all the New England states combined, lies altogether north of 36° 30′; while New Mexico, which is even larger, lies both north and south of 36° 30′, but chiefly to the south. And both these territories have incorporated within their limits territory which never belonged to Mexico. Utah embraces within its boundaries a part of the Louisiana purchase, which lies north of 30° 30′, which, if that line had been preserved, would have been dedicated to free labor and the south excluded. New Mexico embraces a large portion of Texas, lying both sides of 36° 30′, all which, above that line, by the application of the Missouri compromise in 1845, was likewise closed against the south, but is now left free by the principle of 1850.

Thus we see that in its practical application, the legislation of 1850 repealed the very letter of the Missouri compromise, by operating upon a portion of the Louisiana territory itself. But it did more; it established a new principle for territorial government, and, as was truly said by Mr. Douglas, no one thought of the Missouri compromise as interposing a barrier to the universal application of this principle. The congress was legislating for all places and for all time, and trampled out in its march the paltry line of 36° 30′, which was born in dissension and was the fruitful source of continued and unending sectional irritation, erecting in its stead a comprehensive and equitable principle, which no just man can gainsay.

This principle was adopted in the Nebraska-Kansas bill, as it ought to have been, and I shall again let Mr. Badger vindicate it. Referring to Douglass, whose original bill had been amended by order of the senate, in a modification of Dixon's proposition, he says: "To my understanding it is evident that the honorable chairman could not have adopted operative words more strictly accurate and proper than those with which he has followed in this recital (*of the operation and effect of the legislation of* '50.) What are they? 'The compromise of 1820 is hereby declared inoperative and void.' It would not have been correct or just to the subject, to say we hereby repeal the Missouri compromise, as if we had taken a new notion, now suddenly in regard to it; but it is the true, proper and legitimate conclusion, that congress having in 1850 adopted a principle and grounded its action upon it, which is inconsistent with the principle of the Missouri compromise, that compromise should be declared inoperative and void. It is peculiarly appropriate to adopt that form in this case, because it is a legal consequence, flowing out of the facts recited, that it *ought* to be inoperative and void, and it is, therefore, declared to be so."

Can language be plainer? Could a more complete and thorough vindication of the propriety, justice and correct phraseology of a measure be found? It was spoken for every southern whig in the senate, and spoken to justify an amendment, proposed not by Douglass or by a democrat, but by a whig, and it is a complete justification. Do not understand me, however, as quoting Mr. Badger, to show the inconsistency of the whig party, then and now. Not at all. I use his evidence, because it is free from objection and comes from the Fillmore ranks, and is addressed to his partisans. But I adopt his sentiments; they are just, manly, patriotic and were ratified by the entire south when they were uttered, save those few who, having lost caste at the south, can only make themselves conspicuous, by burning a blue light to show, if possible, our internal dissensions.

May I not claim, therefore, gentlemen, to have sustained the proposition with which I

started, that the doctrine of nonintervention contained in the Kansas-Nebraska bill was right, was just, and ought never to be abandoned? It recognizes the principle so eloquently proclaimed by the president of the recent old line whig convention, held in this city: "If there be one principle more strongly consecrated by the constitution throughout and in every part than another, it is the absolute and exact equality of rights under it of the states; whether slaveholding or nonslaveholding, and of the citizens of the states, whether holders of slaves or not holders of slaves. Wherever goes the constitution, there goes and is protected this equality."—"Slaveholders equally with nonslaveholders have contributed their means, counsel or blood in the acquirement of the national territory. Asserting no exclusive claim to them for themselves, they will not submit to the exclusive appropriation of them by others. It is a pretension which must be abandoned or be made good by force, and the traitor party that prefers it, must, as I solemnly believe, be crushed by the sentiment of public justice, or, succeeding, this blessed Union perish in the moment of their victory."

The Nebraska-Kansas act complies with all the conditions so earnestly enforced, and the democratic party north and south stand by it. But does any other party? What is the complaint against us this day, made by the know nothings north, and echoed by their allies south? It is that the democratic party, in asserting these principles and acting upon them, has become sectional. Sectional, for doing that which all men at the south a short time since said was right. It is the most deplorable of all the evils of political warfare, that men will shut up their minds against the approach of reason, and their hearts against the appeals of truth. Does the history of party, oft chequered as it is with inconsistencies, afford such a desertion of well-considered and determined purpose as the southern opposition have shown in the last few months? Alas for the unhappy man who attempts repose upon the Procrustean bed of party. When the Kansas bill passed, who began the opposition to it? Aye, before it passed, who sounded the tocsin to awaken the agitation which has so frightened the southern opposition from their propriety? Who first gave the key note, and proclaimed as the shibboleth of agitation, the denunciation of the repeal of the *sacred* Missouri compromise? Why, Sumner, Wade, Chase, Giddings, and that infernal crew. The gong which summoned the abolition world to arms in defence of the *sacred* Missouri compromise, was sounded by the relentless foes of the south, by those who had always regarded that compromise as a "covenant with hell." They seized upon it, as they seized upon the fugitive slave law, as a means of electioneering. We all remember, gentlemen, the clamor and uproar the fugitive slave law created. And the agitation it gave rise to at the north, led to Scott's nomination in 1852, when his advocates at the south were opposed to declaring that law irrepealable, as they are now opposed to declaring the Nebraska bill irrepealable. Will the south tamely submit to the demands of northern fanaticism? Will the opposition party at the south consent or submit to a repeal of the Nebreska bill? Have they not sworn they would not? And is there a man among them who in his heart does not feel that Fillmore is the nominee of the repealers of the Nebraska bill, as Scott was of the repealers of the fugitive slave law? Why, gentlemen, can it ever be forgotten with what pride and exultation they pointed to the 12th section of the American platform, adopted in June 1855, at Philadelphia, and how they taunted us with not being so faithful to the south as themselves, who were indeed, "*par excellence*," the champions of *sectional* rights? Can it ever be forgotten that the 12th section was a solemn declaration that the Nebraska-Kansas act should never be repealed? And now does not every man in the country remember that when Botts said, "what have we gained by the Philadelphia resolutions? They have split the party all to pieces, and in such a manner as to leave us powerless unless the split can be healed."

And again: "For if the south shall continue to persist in holding on to that platform, (listen to me, I entreat you, when I tell you,) certain and inglorious defeat awaits us."

What an universal burst of indignation those sentiments evoked from the know nothing and whig politicians? And when these were followed up by a called meeting of the national council—the last one having adjourned until June 1856—called by the president—called for the express purpose of repealing that platform and *doing* nothing else—called to meet a day or two before the nominating convention, to relieve the candidate of the burden of that 12th section, and to leave the north free to agitate for the repeal of the Nebraska bill—can you ever forget the storm which raged among the know nothings of the south, and raged here in our midst?—for in this very hall the champions of the twelfth section suffered a fatal defeat—how the know nothing members of the legislature met on the 15th of last December, with a view, in their own language, "to sustain and encourage those truly national men who abide by and maintain the twelfth section of the platform adopted by the American party, and to declare that they will consent to no *abandonment* or *compromise* of the principles involved in that section, under any pretence whatsoever."—"That any *repudiation*, *modification* or *suppression* of the 12th section, implied by the election of any officer of unsound or doubtful opinions, would be a gross fraud upon those southern men who have united with the American party upon the guarantees of the section aforesaid." And more, they aimed a shaft directly at Botts when they say, "that those southern men who, in the present crisis, discourage the union of the south upon the basis of the adjustment laid down in the 12th section, shall be visited with our *unqualified detestation*, and can no

longer be regarded as national Americans, or as worthy of the social or political confidence of southern men"—so manifesting a degree of rancorous antipathy towards their present leader, far beyond that exhibited or felt by the democratic party.

And now, gentlemen, looking to what has occurred since, can brave words or professions of fidelity to the south—ever so apparently sincere—be trusted by the people? I cannot stop to prove it—but I assert what all men do know—that every thing which these men protested against and denounced has come to pass, and they are still working harmoniously in the traces, with rare exceptions, with northern know nothing repealers of the 12th section—a section, the object of which was to declare the eternal and undying determination of the southern know nothings to oppose any repeal of the Nebraska-Kansas act—following too in the wake of Botts, glad to get his countenance, when so lately they doomed him to social degradation.

If I had not resolved, gentlemen, to devote the time your patient attention has accorded me, to the discussion of the principles of the Nebraska-Kansas bill, I should be tempted to sketch for you the tortuous course of our opponents—a course which I do not believe the people they profess to represent will sanction—a course, the result of that pride of opinion and obstinate adherence to old, and now causeless enmity to the democracy, which destroys their usefulness, and renders all their labors vain. How vividly the Latin satirist paints them:

> "Still drag they through the sand the sterile plough,
> Still raise new furrows where no grain will grow;
> And would they quit at length the ambitious ill,
> The noose of habit implicates them still."

Turning from the contemplation of our adversaries' motley ranks to the harmonious phalanx of the democracy, how striking is the contrast. United north and south, the national flag inscribed with the articles of our creed—chief of which is an unqualified declaration of purpose to adhere to the Nebraska-Kansas bill, with the flag of every state of the Union bearing the same legend, we may not perhaps command (for it is not in mortal power to command) success, but we shall have the comforting assurance that we have deserved it.

Whatever fate betides this Union, we alone of the south can point to a party at the north who worship with us at the altars of the same political faith—men who have approved themselves our friends, not in words, but in deeds; men of whom there are yet enough to snatch this Union from the abyss which yawns for it.

Can it, can it be, that in times like these, our brethren of the south will not aid us in saving this land of our birth, of our affection, of our hopes? Will they not, with one voice and one arm, unite with us to preserve this glorious inheritance our fathers have left us, and swear with us never to be

> ——— "the victims of that canting crew,
> So smooth, so godly, and so devilish too,
> Who, armed at once with prayer-books and with whips,
> Blood on their hands and scripture on their lips—
> Tyrants by creed and torturers by text,
> Make this life hell in honor of the next"