

SPEECH

HON. E. W. FARLEY, OF MAINE,

IN THE HOUSE OF REPRESENTATIVES, MAY 10, 1854.

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

Mr. FARLEY said:

Mr. CHAIRMAN: I purpose on this occasion to state the grounds of my opposition to the bills now before the committee, which I shall treat as one, proposing territorial governments for Nebraska and Kansas; and I cannot forbear saying, that it is to me a source of great satisfaction, that my associations upon this floor in no way make me responsible for the ill-advised and unjustifiable form in which the measure has been introduced. I was elected to a seat here as a friend of the compromises of 1850. I am so now. I represent a district, entertaining conservative opinions upon the whole subject of slavery in the United States, and I am not to be denounced as a political Abolitionist, or a fanatic, because I hold views in opposition to this measure, as I have never acted, politically, with those who are considered in the section of the country from which I come, as maintaining extravagant ideas upon that important subject.

None should the people of the North be arraigned as Abolitionists and agitators because they discountenance this movement. They have rights in this controversy; they have opinions which should be respected. The North is unanimously opposed to the extension of slavery over territory now free; she believes it to be a great evil, particularly to the white race; an institution which weakens rather than strengthens a people in those great elements which lie at the foundation of national power and happiness. This sentiment is sincere, and, she thinks, well founded. I cannot better describe the depth of that feeling than by reading to the committee an extract from a speech delivered at Niblo's Saloon, in New York, on the 15th of March, 1837, by that great master of our language, Daniel Webster, who, on that occasion, said:

"On the general question of slavery, a great portion of the community is already strongly excited. The subject has not only attracted attention as a question of politics, but it has struck a far deeper toned chord. It has arrested the religious feeling of the country; it has taken strong hold on the consciences of men. He is a rash man, indeed, and a little conversant with human nature, and especially has a very erroneous estimate of the character of the people of this country, who supposes that a feeling of this kind is to be trifled with or despised. It will assuredly cause itself to be respected. It may be reasoned with, it may be made willing, I believe it is entirely willing, to fulfill all existing engagements, and all existing duties, to uphold and defend the Constitution as it is established, with whatever regrets about some provisions which it does actually contain. But to coerce it into silence, to endeavor to restrain its free expression, to seek to compress and confine it, warm as it is, and more heated, as such endeavors would inevitably render it, should all this be attempted, I know nothing, even in the Constitution, or in the Union itself, which would not be endangered by the explosion which must follow."

Sir, the measure before us looks to the exten-

sion of slavery over Territory now free; and the opposition to it is not, therefore, of an abolition type; it assumes a more general character. Such, I take it, is the object sought in some quarters. That such may, and will, without doubt, be its effect to a greater or less extent, will not, I think, be denied. Southern citizens desire the privilege of carrying their slaves into Kansas and Nebraska, as well as a decision in their favor of what they consider their right in the abstract. Indeed, southern gentlemen, here and elsewhere, seem to be divided in opinion as to the effects which will follow the passage of the bill, some contending that it will be of real, substantial advantage, others, that certain amendments which have been incorporated into it, strip it of all advantages to the South. With these differences of opinion I have nothing to do. The geographical position of the country to be organized into Territories, particularly Kansas, and its local position with reference to the State of Missouri, forbid the idea that slavery will not go there. *One thing is certain, that so long as the Missouri compromise remains unrevoked upon your statute-book, slavery cannot go there. Repeal it, and it will go there.* I therefore oppose its repeal, directly or indirectly, and I plant myself upon its constitutionality in every feature, and upon those public exigencies which existed at the time of its passage, and gave to it a sacredness and importance in the estimation of the country, which has, perhaps, never been extended to any other act of Congress since the organization of the Government.

There is no evidence to justify the opinion that either the South or the North expected, much less desired, the repeal of the Missouri compromise when this Congress assembled. Judging from the action of the last Congress, the southern mind would have been satisfied with a bill in which the subject of slavery was left untouched. It is now pressed upon the attention of Congress and the country as an Administration measure; and the energies of the Government, under the direction of a victorious party, are bent to its success. It is said that it will settle the further agitation of the slavery question. It may in the South. Will it in the North? With the events of 1850 fresh in our recollection, and the evidences which are hourly forced upon us of existing discontent and disappointment among the people at the renewal of the slavery discussion in Congress, to persevere further in the prosecution of this measure in its present form, is to shut out eyes and ears to what is transpiring about us.

The compromise measures of 1850, as a whole, did not meet with general favor at the North when first proposed; for the sake of peace she came into their support, and has yielded it since with as much patriotism as any other section of the country. The friends of the compromise

measures of 1850 at the North, in both the great parties, won their position through much trial. Their struggles were not without advantage to the country, and they deserve a better fate than that which awaits them, in the contingency of the passage of this measure. They will be sacrificed, and with them all those citizens of the North whose friendship for the South has been distinguished for its firmness, consistency, and intelligence, rather than for overheated zeal and subterfuge. You destroy them at a single blow; you leave them without political position. What will the masses of the North say? Why, that your compromises are not worth the paper they are written upon. They will tell you that the measures of 1850, were considered a settlement of disputes then existing, and those only. Stop agitation! It cannot be done in this way. It will be reopened with tenfold vigor; old issues will be revived, and the public mind prepared for fiercer controversies. As a friend of the compromise measures of 1850, I deny that they were ever considered as superseding, setting aside, repealing, or in any way impairing the compromise of 1820. There is nothing in them to warrant that assumption. It is a bold and unblushing fraud upon the history and the common understanding of the people of the country as to the extent and effect of those measures. I know that such a construction was never given to them in my own State.

I hear it called a boon offered by the North to the South. Were it so, and clothed with a thousand benefits, the South should reject it, unless she be convinced that it is the free and spontaneous offering of such a portion of the people of the free States as would entitle it to be considered as a fair and truthful reflection of their will.

As to the sentiments of the people of Maine, so far as they were represented in the resolution passed by her Legislature at its recent session, protesting against the passage of the Nebraska bill, "so long as it shall contain any provision repealing, abrogating, rescinding or in any way invalidating the Missouri compromise," and the importance to be attached to that declaration, I differ from my colleague, [Mr. MACDONALD.] I am not aware that the difficulties attendant upon the organization of that Legislature had any influence in the passage of that resolution. I do not disagree with him in the censure which he casts upon an attempt, which was unsuccessful, to place a candidate for gubernatorial honors, who had received but a very small minority of the votes of her citizens, in the Executive chair of that State; that, and other transactions, had nothing to do with the action of the Legislature in relation to the Nebraska bill. I see no reason to doubt, indeed, I am fully of the opinion, that its action was the free and untrammelled voice of its members. That they were true exponents of their constituents, the evidences to my mind are conclusive. That resolution passed the House of Representatives by a vote of ninety-six to six. One half of those ninety-six members were Democrats, who had stood upon the Baltimore platform, and supported General Pierce for the Presidency, and among them were most of the leading democratic members of the House. It passed the Senate by a vote of twenty-four to one. Eleven of the twenty-four Senators are Democrats, and some of them distinguished for the liberality and nationality of their politics. Now, sir, I will venture this prediction, that if this measure goes over to the next session, no man can be elected to the next Congress, from the

State of Maine, as the avowed friend of the repeal of the Missouri compromise. As to the severity with which my colleague criticised the political action of the northern people, touching this question of slavery, and other matters of public concern, while, I will not say that the North is without her faults, I think it was unkind in one of her own sons to blazon her political errors, if she has ever committed any, to the world. I can, however, find an excuse for the ungracious character of his remarks, in the zeal which he considers it his duty to support the measures of the Administration, and particularly this one, proposing territorial governments for Nebraska and Kansas.

If gentlemen suppose there has been any change in the sentiments of those at the North, who have heretofore contended that Congress possesses the constitutional power to legislate upon the subject of slavery in the Territories, they are mistaken. The question of restriction will come up whenever additional territory is acquired, the destiny of which, as slave or free territory, is doubtful. The sentiment of the North is the same as it was. She now feels that there is a danger to outrage and betray her. Pass this bill, and she will do more to rouse a real anti-slavery sentiment in the free States than has been accomplished by all other causes combined. The anti-slavery sentiment of the North has, as yet, only been excited to by the Abolitionists; it is, however, the true sentiment of her population. Pass this bill, and you drive the great political organizations of the North to take sides with that sentiment.

The foreign migration yearly pouring itself upon her shores will join in it. Neither the northern man or the emigrant has a single sympathy with the institution of slavery. The northern man will, however, stand by the constitutional rights of the South; he will be liberal and conciliatory in his political action. Do not ask him to go further. Intelligent and independent men there, will look at this subject uninfluenced by party considerations. Opposition to the extension of slavery over territory now free, exists in the North in spite of the efforts of men enjoying the patronage of the Government under any Administration. The old idea of dividing the North through the disposal of patronage has had its day, and might as well be abandoned. The influence of officials in that section of the country has for years been growing "small by degrees and beautifully less," and the possession of the offices become an element of weakness, instead of strength, to the party in power.

The doctrine of non-intervention, as to the policy and wisdom of which the country is divided, and to which, in my humble judgment, a very large majority of the people are opposed, will not stop agitation. It is a mere expedient, a shuffling of the issue. In the extension of slavery over territory now free, the North, as well as the South, is interested, as a question of political power. The North knows and feels the advantages which the representation of three fifths of the slave population in this Hall, and in the election of President and Vice President of the United States, gives the South, for which the North gets no practical equivalent. That it gives the slave States, at this moment, twenty additional Representatives, and the same number of electoral votes; that it has given the South a monopoly of political power in the country since the organization of the Government. The North does not complain of this existing inequality; it is in the bond, and she

will stand by it; but in its farther extension, at war, as it is, with every principle of a free Government, she is interested, and will have a voice. If slavery gains a foothold in these Territories, it is a virtual exclusion of the people of the free States. Free labor and slave labor cannot both exist together, and each prosper. The South has not a better claim to these lands than the North, nor so good. As a question of comparative rights and interests, the balance is decidedly in favor of the free States. The aggregate white population of the free States is more than double that of the same class of population in the slave States. The number of slaveholders in the country, estimated as not exceeding three hundred and fifty thousand, is small, indeed, compared with the number of non-slaveholders.

As a northern Representative, I protest against the introduction of slave labor there, because it will as completely shut out the people of the free States, as though they were surrounded by a river of fire. I mean the great working classes of the North, native and foreign; the men who cultivate our lands, build our ships, construct our railroads, and, in the thousand other varied occupations of industry, add yearly to the national wealth and power of the country. If more land is necessary for slavery to spread itself over, it is more important for free labor, in all that goes to make the latter superior to the former. The practical effect of this measure is to throw the future condition of these Territories, particularly Kansas, under the control of slave labor. It borders upon a range of slaveholding counties in Missouri, and some of them extensively so. Its locality, then, divests the measure of that equality which, it is contended by its friends, will be secured to the North and the South by a repeal of the Missouri restriction; and these local influences, backed up, as there is every reason to suppose they will be, by the Administration, will be quite sure to decide their fate as slave states. Such, I contend, is the effect of the measure, if not its design. This is the view taken of it by the people of the free States. The people of New England, although considered of but little account in some quarters, have a deep interest in this question. Her sons are active, industrious, and migratory. She has as strong claims to be heard here as any other section of the country. She has never been backward to the calls of patriotism. In the struggle for independence, the New England Colonies furnished more troops, in the aggregate, than all the others. The sons of New England were foremost in every crisis, from the battle at Lexington to the surrender at Yorktown. He who underrates her patriotism, her fidelity to the Constitution, and the great interests of a common country, very much mistakes his calling. Her chief glory is her free labor; it has made her just what she is, and has given her a population equal to any other which has ever existed. It is my pride that my lot has been cast among such a people; and, God helping me, their rights in the occupancy of these Territories shall never be snatched from them, while I hold a seat here, without my earnest opposition.

If the Missouri restriction remains as it is, the citizens of the different sections of the country are left upon an equality. If the southern man cannot take slaves there, neither can the northern man. No existing rights of property are abridged or impaired. Since 1820, it has never been expected, in any quarter, that these Territories were to be opened to slavery; and the action contemplated by

this bill is in violation of good faith, and not justified by the sentiment of the country since that time. As evidence of the most conclusive character that the country has considered the act of 1820 binding, I call the attention of the committee to its eighth section—to the third clause of the second resolution of March 1, 1845, for annexing Texas to the United States, and to the fifth clause of the first section of the act of September 9, 1850, to establish a territorial government for New Mexico. Here is the record, so plain in its object and meaning, that he who runs may read and understand.

Before I proceed to a consideration of the constitutional power of the Government over the subject of slavery to justify the position which I have taken, I desire to say a word as to the rights of the Indians now located in these Territories. I am not at all sentimental in my opinions as to the policy of the Government towards the remnants of that once powerful race. Their destiny was indicated when the first white man touched the shores of the new world. I would be just to those who remain. From the delicacy of our relations with those tribes, growing out of treaty stipulations, I think it would have been wise to have postponed for a while longer the organization of these territorial governments. The Commissioner of Indian Affairs, in his report to this Congress, says:

"From the time that the original Indian title to the country was extinguished, under the authority of the act of the 28th May, 1830, and the tribes transplanted from the States and Territories east of the Mississippi and located in it, until the adjournment of the last Congress, it had always been considered a country set apart and dedicated to Indian uses and purposes; and it was equally well understood, before that time, that no person, other than an Indian, could reside there, except by permission of the Government, and for a special purpose." "The emancipation, therefore, of the opinion that the country was open to occupation and settlement at the time it was promulgated, was most unfortunate." "Congress had just before, by act of the 3d of March, directed the President to enter into negotiations with the Indian tribes west of the States of Missouri and Iowa, for the purpose of securing the assent of said tribes to the settlement of the citizens of the United States upon the lands claimed by them, and for the purpose of extinguishing their title to these lands in whole or in part." "I found it very difficult to quiet the Indians, and was unable fully to restore some of these people to the tranquil condition they were in before the discussion of the subject and exploration of their country commenced."

The Commissioner of Indian Affairs was designated by the President to enter into the negotiations authorized by the act of March 3, 1853. He failed, on account of the suspicions of the Indians that they were not to be fairly treated; but, he expresses the opinion, in his report, that the necessary treaties can be made with these border Indians during the months of April and May. None have yet been made. While, therefore, it is not denied, that the necessity for the organization of a civil government over Nebraska and Kansas cannot long be postponed, no present exigency of pressing importance exists for their organization. The Commissioner says, further, in his report:

"The statements which appear in the press, that a constant current of emigration is flowing into the Indian country, are destitute of truth. On the 11th of October, the day on which I left the frontier, there was no settlement made in any part of Nebraska. From all the information I could obtain, there were but three white men in the Territory, except such as were there by authority of law, and those adopted, by marriage or otherwise, into Indian families."

Mr. Chairman, I find the power in Congress to legislate upon the subject of slavery in the clause of the Constitution which says:

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

This language is so broad and distinct that it explains itself—the Territories are the common property of the people; the sovereign will of that people can only be expressed through their representatives in Congress. Hence, Congress, under that provision, is the only power which can legitimately make needful rules and regulations for their government. The sovereignty of the Territories is fixed in the people of the United States, represented in Congress; its power over them is unlimited, save so far as it is restricted by other provisions of the Constitution, and the principles of justice and equity. Congress shall have the power to "make all needful rules and regulations;" it has therefore the power to decide *what regulations are needful*. It has a discretion and responsibility confided to it, and it cannot rid itself of either, without a culpable neglect of duty. The right to hold slaves exists, not by any natural, inherent right, but by law alone; without law to sustain it, it falls. Congress, in its discretion, considering the institution of slavery injurious to the interests of the Territory about to be organized, and the country generally, may prohibit its introduction. If the clause to which I have alluded read in this wise, "Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory of the United States, inclusive of the subject of slavery therein," it would not strengthen the right of jurisdiction over that subject. It is as clearly embraced under that clause as any implied power, under the Constitution, which has been exercised by Congress; and perhaps more so than any other. The argument to be drawn from analogous powers, is entirely in favor of the right. Is the subject of slavery the only one of direct, personal, and domestic interest to the people of this country over which Congress has exercised the power of legislation? Has not Congress as clearly the right to legislate upon slavery in the Territories, under the clause I have quoted, as it possessed to pass an embargo or non-intercourse act in time of peace, under the "power to regulate commerce," the exercise of which carried ruin and devastation in its train? To contend that the power of Congress over the Territories extends only to the appointment of officers, is, in effect, a denial of all power in Congress to promote the interests of their inhabitants. They have the shadow of a Government, without any of the benefits which should flow from it. If Congress has not the right, and the people of the Territories have not the right, as is urged by one school, to touch the subject of slavery until the people assemble, by delegates, in convention, to form a State constitution, then, on a matter of the greatest importance, they are left in a state of anarchy.

Mr. Chairman, the practical questions which come back upon us are these: shall we establish the principle that the people of this country have no voice in settling the future destinies of half a million of square miles of vacant, unoccupied territory, and commit them to the hands of the first few persons, who may happen to reach it after we have established a territorial government? Shall we tie up the powers of this Government to that degree for the future? I am not willing to do it, and I am at a loss to appreciate the wisdom of that principle of popular sovereignty which takes from twenty millions of the American people the

power to exercise any control in the government of their unsettled possessions, and passes it over to the first wagon load of emigrants from the old States, or the Old World. Our march as a people is onward; and if we would have the principles of our form of Government keep pace with our progress, we must not divest ourselves of the power to lay deep the foundations upon which they are to rest in newly acquired possessions.

Again, sir, whence comes the power in the Constitution of acquiring territory? Is it under the treaty-making power? If so, it is an *implied power*. Wherever the power comes from, I ask if it does not carry with it the power to govern and regulate the territory acquired? It is a legitimate inference. But to legislate upon the subject of slavery is to interfere with the local affairs of the people, say the friends of non-intervention. Suppose you acquire Territories where the law of primogeniture prevails, or a system of *white servitude*, utterly at war with all our notions of the rights of our own race, cannot Congress, under the clause I have been commenting upon, abolish either, in such a manner as it shall consider most conducive to the public good? Oh, no! says the friend of non-intervention, it is a domestic question, and must be settled upon the great principles of squatter sovereignty.

It is said that these Territories, having been acquired under the Louisiana purchase, that there is a clause in the treaty by which it was acquired which secured the right of holding slaves in them, and that it was violated by the Missouri compromise. It reads as follows:

"ART. 3. The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and, in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

A portion of that ceded territory has been admitted—Louisiana and Arkansas—without restriction as to slavery, it already existing there, and Congress waiving the exercise of its power undoubtedly because of existing rights acquired in slaves. Besides, Arkansas was admitted since the passage of the Missouri compromise. When Missouri was admitted it was made a condition that slavery should be prohibited forever in all that territory acquired under the Louisiana treaty, exclusive of Missouri, and lying above the parallel of 36° 30' of north latitude, with the implied understanding that the remainder of the Louisiana purchase below the line, which includes the now unorganized territory west of Arkansas, might come into the Union with or without slavery. That is the restriction now sought to be repealed; and it is said, as a justification for its repeal, in order that the people of the Territory over which that restriction extends, may come into the Union on equal terms with other States, they must have the right of introducing slavery if they please; in other words, that the people of the States, by virtue of their sovereignty, possess the power to authorize the holding of slaves within their jurisdiction, whether their Territory was part of the original thirteen States, or acquired since the adoption of the Federal Constitution, notwithstanding slavery may have been forever prohibited by Congress within their limits while they were under a territorial government.

The equality of the States in a participation of political privileges, under the Constitution, does

not depend upon the existence of slavery within their limits. Is the right to hold slaves necessary to the full enjoyment of all the rights guaranteed to the people of the several States of the Union, under the Constitution of the United States? Is it a right inseparable to a republican form of government, which it is the duty of Congress to guaranty to every State? The rights of the States are well defined; nothing is said in the Constitution about conferring the power to hold slaves; it only recognizes the existence of the institution in the States where it is to be found, and provides for the delivery of fugitives from service. Slavery is a local institution, not a national one; slaves are held under State or local laws, and not by authority of Congress. In sixteen of the States the institution is prohibited by their local laws; in fifteen it is allowed. A citizen of Virginia cannot remove to New York with his slaves, and hold them in the latter State. His right to property in slaves is not derived from the Constitution of the United States, or the laws of Congress, and when Congress prohibits him from carrying that species of property into the free Territories of the United States, it deprives him of no right to which he is entitled under the Constitution.

As to that part of the Louisiana purchase embracing Nebraska and Kansas, there is no evidence that a single slave was held there at the time of its acquisition, or in 1820. The Missouri compromise, therefore, is not open to the objection that it impaired any rights to property in slaves. This part of the Louisiana purchase, so far as the question of slavery is concerned, and the power of the General Government over it, is not unlike the cession of Virginia of her title in the Northwest Territory, over which Congress immediately exercised a restrictive authority, by applying to it the celebrated ordinance of 1787, forever prohibiting slavery therein. If the power to make the purchase of Louisiana was not to be found in the Constitution, but rested in the necessity of the case, as was admitted by Mr. Jefferson himself, then the action of Congress, since its acquisition, were there an entire absence of authority under the Constitution (which I deny) to warrant its legislation, may be justified on the same ground of necessity.

The slave States are not cramped for room. Leaving Utah and New Mexico out of the estimate where slavery may go, if the people of those Territories so decide when they apply for admission into the Union, and the ratio of white population in the slaveholding States and Territories, to the number of square miles of slaveholding territory, is five and seventy-three hundredths of an inhabitant to the square mile. The ratio of white population in the free States and Territories to the number of square miles of free territory is seven and twenty-four hundredths of an inhabitant to the square mile. Now, the white population of the free States being more than double that of the white population of the slave States, it is plain, that there has been already appropriated to the latter, in proportion to their white population, more than double the amount of territory appropriated to the free States. This estimate is based upon the census statistics of 1850, and is, I think, substantially accurate. I dwell upon these considerations, not by way of reproach, but I do say, in view thereof, that upon every principle of fairness and equity, the subject of slavery in Kansas and Nebraska should be left where the men of 1820 left it. We have grown to be what we are

through the spirit of compromise and concession; if we now adopt some other policy, we must prepare ourselves for the consequences which will follow. If zealous partisans, North or South, desire a war of aggression by one section upon the other, pass this bill, and it will be but the first of a series.

It is contended, that if Congress possesses any authority over the subject of slavery in the Territories, it ceases the moment the people of those Territories assemble in convention to form a constitution, preparatory to admission as a State. If such be the case, then it is in the power of the convention thus called to reverse the legislation of Congress. How many settlers shall call this convention? Shall a few thousands, located in the vicinity of your forts and garrisons, determine forever the destinies of States large enough for empires? The propriety of the exercise by Congress of a guardian care over the Territories commends itself at once to the reason and judgment. The new settler, without means, and, perhaps, fresh from the oppressions of the Old World, deserves the protection and care of the Government over his adopted home. Non-intervention is the expedient of the politician to get rid of a troublesome subject. It is running away from responsibilities which the General Government cannot throw off, under the specious but fallacious pretense of leaving to the people of the Territories to do as they please with the momentous question of slavery. We may seek to put off this question of slavery in the Territories by a resort to non-intervention, but it will return to plague us as often as we make the attempt. Non-intervention will be popular South, when exercised for the extension of slavery; it will be popular North when exercised for the extension of freedom. It will not harmonize the struggle between the two elements; it has not those principles of nationality about it for which its friends contend. It overthrew its author as a candidate for the Presidency in 1848, and it will leave any other knight, gallant enough to mount it for a similar race, sprawling in the dust. It is two faced—it looks North and it looks South; which section is to be cheated can only be told when the curtain falls. If the doctrine of non-intervention is, possessed of such magical power, why not carry its application farther? It is difficult to justify the power which Congress has always exercised over the territories of the United States, which, indeed, it exercises in this very bill, without conceding its application to the subject of slavery. This very bill provides that the President of the United States may appoint the Governor of these Territories, also the judges; it gives the Governor a veto power; it fixes the qualification of voters; it prohibits the primary disposal of the soil. If non-intervention is the correct principle, why not leave the exercise of all these powers to be provided for by the people of the Territories.

There is one other feature of the Missouri restriction in which I am a believer, though on this point, I shall probably find myself differing from some who would not disagree with me as to the power of Congress to legislate upon the subject of slavery in the Territories while under a territorial government. I refer to that portion of it which declares that slavery shall be forever prohibited above the line of 36° 30'. It is said with much confidence, that this feature is unconstitutional; that the moment the Territory is admitted into the Union as a State, the people thereof, can,

by State action alone, authorize the admission of slavery, notwithstanding that restriction. I do not assent to this doctrine. It is said the States are sovereign, which is true to a certain extent. But their sovereignty is limited by the Constitution of the United States. They enter the Union under the conditions imposed by that instrument. The States of this Union cannot violate contracts; they cannot do an act in violation of the legislation of Congress, made within the purview of the Constitution. They are bound like other sovereignties, by the obligations of good faith and equity.

To illustrate my position, I contend that the State of Ohio, admitted into the Union under the ordinance of 1787, which forever prohibited slavery within her limits, cannot, by changing her constitution, allow slavery to be introduced, because it would be a violation of one of the conditions under which she was admitted; and the right to freedom of a person held to service under such circumstances would be a proper question for the Supreme Court of the United States. The power of Congress to admit new States is unlimited. It is not compelled to admit them. It may make the non-introduction of slavery a condition of the admission of a State, because the right to introduce slavery, is, as I have before remarked, not requisite to State equality under the Constitution of the United States. The principle is distinctly recognized as late as 1845, in the joint resolutions for annexing Texas to the United States, (part of that Republic lying above and part below the line of 36° 30',) in these words:

"And in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited."

"In such State or States as shall be formed out of said territory slavery shall be prohibited." Here is an express and unequivocal recognition of the principle of the Missouri compromise and of the prior legislation of Congress relative to the subject of slavery in the Territories of the United States.

Mr. Chairman, the Missouri compromise, for such I prefer to call it, was a compromise of opinions and interests between the two great sections of the country. It did not pass without southern aid, nor without northern aid. It was heralded to the world as a great national measure; it met the approval of the people, and has been fully sustained by them; and he who undertakes to assert, that it was considered by the people as superseded by the measures of 1850, has an up-hill work before him. The assertion carries its own refutation along with it. Such a farce cannot be successfully played off upon the voters of the North or South. This Congress may enact a thousand times over, that the measures of 1850 are a justification for the repeal or modification of the Missouri compromise; a northern President, turning his back upon the hardy freemen of those mountain regions from which he sprang, may endorse it, but the people of the whole country will often hurl our action back upon us as a falsification of the recorded legislation of the Republic. I doubt if any man can be found who took the ground, prior to the passage of the compromise measures of 1850, that they were to be construed as subversive of the compromise of 1820. I denounce the idea, as never having been alluded to among the people whom I represent. They believe, and such, I think, is the sentiment of the

people of Maine, that the measures of 1850 were supported as a distinct class of measures, and as best calculated to adjust the difficulties then existing. The object for which they were designed was accomplished, and the northern mind was content to take them as such, and has shown no disposition since to reopen the controversy.

And here let me say, that what, in my judgment, satisfied the people of the North in the organization of territorial governments for Utah and New Mexico, under the provision, "That when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission," was the supposed impossibility of slavery getting into either, owing to climate, soil, and existing laws. They did not give up the principle that Congress has the power to prohibit slavery in the Territories; they waived the exercise of it as inexpedient and unnecessary at that time. They were willing to trust the fate of these Territories to what seemed a favorable fortune. The result remains to be seen. For the sake of the Union, and under such circumstances, the North yielded the exercise of the principle, but did not abandon it. This statement is, I think, historically correct, and fully sustained by the celebrated resolutions of Mr. Clay, offered by him in the Senate, in February, 1850, and by the subsequent speeches of himself and Mr. Webster, all of which, it has always seemed to me, were the substratum of that series of acts now known as the compromise measures of 1850.

I say, then, that the true policy for the country, considering the radical differences which exist between the North and the South on the subject of slavery, is to let the Missouri compromise alone. It will be in vain that you attempt to satisfy the North that its repeal or modification is right, necessary, or expedient. It will be at war with the opinions, sympathies, and prejudices of the present generation of voters at the North, who have been educated to regard the Missouri compromise, as one of the great landmarks in the legislation of the Republic. Let it stand, and you will have peace, concord, and devotion to the Constitution. Repeal it, and your flag will wave over a discontented people. Gentlemen say it will be a nine days' wonder. They mistake. Its repeal will be the nucleus for an agitation which will manifest itself here for the next century, interrupting the legislation of Congress, and alienating the different sections of the Confederacy. It will puzzle any man to demonstrate the benefits which are to fall upon the country if this measure is adopted. I have heard the idea suggested, in the discussions which have arisen since its introduction, in which I do not at all concur, that slavery will not, to any considerable extent, go into these Territories. If the measure is destitute of the excuse that slave labor is not necessary in those Territories for their cultivation, and would be unprofitable, the impolicy of pressing its adoption is still more apparent. If it is to be urged because of the political advantages which will accrue to the South by making Kansas and Nebraska slaveholding States, it should not be forgotten that the North, too, may be roused to extend the political power of the free States. Those rich provinces lying contiguous to her northern borders are more desirable than those of Mexico.

Mr. Chairman, the introduction of this mexeo

ure into Congress is one of those great political blunders sometimes stigmatized as crimes. It has nothing to recommend it, while it is burdened with the guilt of scattering broadcast among the people of the country the seeds of dissension and sectional strife. It should be driven from every nook and corner of the land. False to the North, and of doubtful benefit to the South, it should have no resting place here. I do not feel that I use language too condemnatory. The present state of public sentiment, and the palsied condition of our legislation, justifies it. I care not whence the measure comes, or how supported, as a Representative of an American constituency, I will speak of it as I think it deserves.

Mr. Chairman, as a nation we shall gain no credit by repealing the Missouri compromise. The strength of free governments is in their domestic harmony and the respect which their political action commands from an adherence to the principles of truth and justice. The sentiments of the most enlightened nations are against the further extension of African slavery; the settled convictions of a large portion of our own people are against it. To permit it to spread over Kansas and Nebraska, under all the circumstances which are connected with this measure, is to war against the sympathies of the civilized world, and wound the sensibilities of the best friends of American institutions at home and abroad. I think it was the celebrated Robert Hall, of England, who said, after hearing the result of the great battle of Waterloo, that the clock of the world had gone back. Let it not be said of this, the Thirty-Third Congress of the United States, that it has taken a retrograde step in the great cause of humanity. I speak more with reference to the interests of the white race than the black. I never have believed that the two races were destined by the Almighty to live upon terms of equality, social or political, under the same Government. I reject the views of the morbid philanthropist and philosophical theorizer. I look at things as I find them. Such a state of equality between the two races has never existed, and, in my opinion, never can. Whenever the two races in anything like equal numbers are thrown together in a state of political equality, the one or the other must go to the wall. Immediate emancipation in this country would, in my opinion, be the greatest evil which could happen to both races. Changes, if any take place, must be gradual, and the work of centuries. I am content to leave the subject of slavery where it exists, to those most interested. My position is not, therefore, that of the political Abolitionists on the subject of slavery, with whom I should probably find myself differing on most every point, save its extension over territory now free; and if I find myself agreeing with them in opposition to the measure before us, it is because there is no middle ground left for men of moderate views to stand upon. You are forcing together unnatural alliances. We are fast driving, I fear, to what will prove the grave of the best hopes of the Republic, a geographical division of parties, so much deprecated by the Father of his country, and the most eminent of our statesmen. I wish southern gentlemen would take a dispassionate view of the effect of this controversy upon the northern mind. There is less of fanaticism in the free States than they think, and there is more of honest, sincere opposition to the extension of slavery over free territory. Distrust of the northern people should find no place in the southern heart. They have too often given their

support to southern statesmen, and to measures looking to the aggrandizement of the South, to justify any suspicion of their fidelity to the obligations due from one section of the Union to the other. It is time that all shuffling with the question of slavery was done away with. The North and the South should better understand each other. *Under the old compromises we can go along safely and securely. Let us leave to those who are to come after us the adjustment of future causes of irritation, should any occur.*

There is no necessity for multiplying the issues which already exist between the North and the South. In some quarters the agitation of sectional questions seems to be considered the *alpha* and *omega* of the duties of public men. Even now, the opinion is avowed, that our Government should interfere with the internal police regulations of Spain over the island of Cuba. It is seriously proposed by some persons, occupying important positions, too, to clothe the President of the United States with the discretion to suspend, during any future recess of Congress, the neutrality laws, so far as ourselves and Spain are concerned. The idea is also boldly advanced, that it would be proper to give him this discretion during the session of Congress. And for what purpose is it designed to give him these extraordinary powers? Why, to prevent the Spanish Government from taking any steps towards an amelioration of the condition of the slaves held in that island, or any emancipation of the same. In my opinion, there is not sufficient evidence to warrant the opinion that Spain has any such object in view, as the immediate emancipation of the slaves held in Cuba. Suppose she has, what right have we to interfere with the affairs of that Government touching her own people, any more than we should have to interfere with the affairs of the Governments of Great Britain or France regulating theirs? I can readily understand, that the acquisition of Cuba may be considered desirable in the South as a measure looking to the increase of the political power of the slaveholding States; and to the people of the northern States as important to their commercial interests; and to the whole country as an important military post, and as putting in our hands the power to break up the African slave trade carried on there. I am aware, also, of the objections which exist to having the island pass from the control of Spain to that of any other Power. Its acquisition would be dear upon any terms, unless the white population of that island desire it. What disposition have they yet manifested to throw off the Spanish yoke, much more to come under our own Government? The peaceable and honorable acquisition of Cuba, with the assent of her white population, is an event not to be dreaded; but its forcible acquisition, on the ground that we suspect that the Spanish Government has it in contemplation to emancipate the slaves held there, is quite another thing, and cannot be accomplished without a war, and to the jeopardy of the Union of these States. For such a purpose, to arm the President with despotic powers, would be an act of stupendous folly and wickedness, and should excite the alarm of every friend of the Constitution. The exercise by him of such discretionary powers would be an act of war. The people of this country never will sustain a war commenced upon such pretenses, unless they have so far changed their policy, as to avow their intention to regulate the affairs of other nations, and proclaim our flag to be the protector of buccanniers

and pirates. The South and the North have too much at stake to rashly hazard their most important interests in such a war, where neither honor nor aggrandizement can be gained. If it is expected that by springing this Cuba question upon the country at this time, and in this form, to divert the attention of the people from our domestic controversies, it will fail, and add to our present embarrassments. Sir, in the existing conflicts among the great nations of the Old World, our policy is peace. With peace, we shall enjoy a degree of prosperity which must place us in a position of power, wealth, and population, without a parallel in history.

To deny the power in Congress to legislate upon the subject of slavery in the Territories is to reverse its practice from the organization of the Government. The ordinance of 1787 was reaffirmed by the first Congress which assembled under the Constitution. The prohibition of slavery in free territory was the original policy of the Government. Under that policy, Ohio, Indiana, Illinois, Michigan, Wisconsin, and Iowa have been admitted into the Union. The same policy has been applied to the Territories of Oregon, Minnesota, and Washington. It was waived in 1850, in the organization of territorial governments for Utah and New Mexico, as I have before explained.

Fortunately, Mr. Chairman, under the Constitution there is a tribunal where these disputes may be settled. I mean the Supreme Court of the United States. It is the great conservative branch of the Government, standing between the recklessness of a radical Democracy on the one hand, and congressional over-action on the other. It has always enjoyed the respect and confidence of the country. The hearing and decision there, far removed from the excitement of the hustings, and the tempests of debate, of great questions arising under the Constitution and laws of the United States, are guarantees of impartiality and wisdom. I trust that these controverted questions touching the power of Congress over the subject of slavery in the Territories, if they are to continue to distract the country, will, sooner or later, be carried there for a settlement. Can the southern man fairly object? During the greater portion of the time since the organization of the Government, the majority of that Court, as now, has been composed of citizens of the slaveholding States.

Mr. Chairman, I will not forebode evil. I do not despair of the Republic. This contest cannot endanger the Union. For the sake of securing a triumph over the faith of the country, plighted by the patriotic men of 1820, the people will never throw away the countless blessings which the Union confers. I notice that a southern journal calls upon southern Representatives "to present the Nebraska bill as one alternative, and, if needs be, disunion as the other." Such a threat has no terrors for me. If I thought the southern mind was truly represented in that declaration, I should hear it with pain; but it would not change my determination to vote against the repeal or any modification of the Missouri compromise. If it be not egotistical, I will say, that let this contest terminate as it may, I can hardly conceive of the existence of any circumstances which would induce me to join

a sectional party. There are representatives here, upon this floor, from Louisiana, Tennessee, North Carolina, and Maryland, who, by their candor, firmness, and sound statesmanship, indicate that this cannot be made a strictly sectional question. In my opinion they deserve the thanks of the whole people. The national and compromise men of the country will rally around them; the masses of the people, who are neither politicians nor office-seekers, but desire peace and a faithful adherence to the Constitution, and the great compromises made under it, will stand by them. If this agitation is to continue, I shall to every reasonable extent act with such men. I shall follow the flag which is upborne by those who adhere faithfully to the compromises of 1820 and 1850, and I care not much who leads the column, if he is only reliable there; and when that flag fails me, I shall stop, but only to find some other banner, whose motto is, "preserve the faith of the nation against all attempts to violate it, come from whatsoever quarter they may."

APPENDIX.

"An act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories."

SEC. 8. *And be it further enacted*, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies North of 36° 30' north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided always*, That any person escaping into the same from whom labor or service is lawfully claimed, in any State or Territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

"Approved March 6, 1820."

Extract from third clause of second resolution for annexing Texas to the United States:

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

"Approved, March 1, 1845."

Extract from the fifth clause of the first section of an act approved September 9, 1850, entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico:"

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