

HON. E. M. CHAMBERLAIN,

OF INDIANA,

AGAINST

THE REPEAL OF THE MISSOURI COMPROMISE ACT;

DELIVERED

IN THE HOUSE OF REPRESENTATIVES,

MONDAY, MARCH 13, 1854.

WASHINGTON:
PRINTED BY A. O. P. NICHOLSON.
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SPEECH.

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

Mr. CHAMBERLAIN said: Mr. Chairman, it is now more than three months since this, the first session of the thirty-third Congress, convened. Assembled here from every portion of our wide-spread Union, the representatives of a people unparalleled for their prosperity and happiness, we brought with us all those feelings of devotion to that Union, and sentiments of harmony and mutual respect, which so happily everywhere prevailed.

The great principles on which the true happiness and glory of our beloved country depend had just consummated a triumph, in the inauguration of that *man of the people*, Franklin Pierce, without a precedent in the political history of the country. The spirit of compromise on which, in the nature of things, our republic was founded, and must depend for its perpetuity, vindicated in that very triumph the sincerity of our devotion to those principles.

The Missouri compromise, which cast its oil upon the troubled waters of 1820, had quieted "forever" all agitation of the slavery question throughout the residue of the Louisiana purchase, and the spirit of patriotism and peace, in which it had its origin, had again been successfully invoked, in 1850, in behalf of a newly acquired empire of territory; we were cultivating those sentiments of mutual respect, alike grateful to our feelings, honorable to human nature, and indispensable to the proper discharge of our responsible duties as the representatives of this mighty brotherhood of sovereign States.

Thus our session began; and thus, until recently, it has continued. Sir, it is with no feigned emotion that I ask, what has so suddenly and so sadly marred this most auspicious beginning? Who among us could we have deemed so mad as to have anticipated the fearful change which has been wrought; and, worse than this, sir, to have courted its fearful responsibilities? The "croaking" of northern fanaticism had ceased; the retort of threatened vengeance from the South had also ceased to pain the public ear, and all disturbing apprehensions had subsided into general repose.

But suddenly, sir, as if startled by the midnight war-whoop, the public ear is once more bent this way, listening, in almost breathless consternation, at the angry din which is once more disturbing our deliberations.

And why is it so? Why has this scene so changed? Why now these angry brows? Why this language of denunciation and defiance, as if the very demons of pandemonium had usurped these halls? Sir, I answer: Why? it is because of this threatened wrong and outrage to measures involving our most cherished recollections of the past, and hopes for the future. At least I answer for myself, if none other. I love my country, and cherish all its institutions. I love the constitution and all its compromises. And, dearer than the preservation of life, do I regard the preservation of *all the rights* it guaranties. I stop not here to inquire into the morality of the institution of negro slavery—that is a question settled by our immortal ancestors. It is enough for me to know that the constitution recognises its existence; and further, that without such recognition that constitution itself could never have existed.

But here, sir, is my ground, as enduring and impregnable as the eternal principles of truth and justice, which illumine and consecrate the pages of that sacred record.

I have said that the constitution *recognised the existence* of slavery. *It did not establish it.* It only provided for the protection of *existing rights*—the rights of the owners of property in slaves, on territory where it existed, whether that territory was organized or unorganized States; but never for its extension upon free territory, except by virtue of express legal enactments. This interpretation of the constitution is not debatable ground. It has ever been so uniformly acquiesced in, that it is not seriously a mooted question.

There is a difference between property in slaves and other chattel property. The very fact of the necessary recognition of such property by the constitution itself, by the clearest implication, establishes that distinction; and every law that has ever been passed upon the subject since the foundation of the government is an express recognition of the truth of this conclusion. Well, then, the extension of slavery upon free territory is not a *question of right*; and it matters not whether such territory has always been free, or the result of compromise—it has been made so by express legislative enactments. In either case, and *equally* in either, it can only be thus extended by express legislation. Here, then, is the issue before us.

Nebraska is now free; you demand of us that, by express legislation, we shall remove all barriers to the extension of slavery over that territory now while it is territory, and subject in that respect, *as well as in all others*, to our legislation. *Is this expedient?* That is the question, and the only question. I repeat, it is not one of right. *No, sir, no; it is not expedient.* We have been told that the mere repeal of the Missouri prohibition is not virtual legislation for the admission of slavery there. Then what do you ask? That territory, once slave, is free by virtue of that prohibition alone? What is the converse of this proposition? It is this: Remove that prohibition, and it is slave again. If this is not so, then again, sir, I demand what do you ask? Has all this tempest of excitement, which is this moment agitating a continent, been raised about a mere shadow, or so much moonshine? Sir, I am not so credulous of the gullibility of the South. If this is not the meaning of the last clause of the fourteenth section of the original bill, what does it mean? Here it is:

"That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States; except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March six, eighteen hundred and twenty, which was superseded by the principles of the legislation of eighteen hundred and fifty, commonly called the compromise measures, and is hereby declared inoperative."

The gentleman from Virginia [Mr. SMITH] more than deprecates—he denounces—the thought that representatives from the North should "skulk" behind their constituents upon this question. Well, sir, if "skulking" is the word, and this is not a sufficiently explicit repeal of the Missouri compromise act, let us have it so. Now is the time, sir. And if the repeal of that act does not admit slavery, and thereby *legislate* it into the Territory, and if that is what the South demand, and if it be true that we are now settling these vexed questions "forever," and if "forever" means "forever," let us have that so, too. Let us have no more "skulking" behind ambiguities. I call upon the gentleman from North Carolina [Mr. KERR] now to answer me here, that it may go upon the record before the people, whether it is not the end you aim at, in the proposed legislation, to be permitted to go into Nebraska with your slaves? To this question I ask a categorical answer, *yes* or *no*, and then we will see who stands fire.

Mr. KERR. The object aimed at is to get clear of the unjust and unequal principles which Congress has heretofore been acting upon for the oppression of the South.

Mr. CHAMBERLAIN. Very well. "The object is to get clear of

the unjust and unequal principles which Congress has heretofore been acting upon for the oppression of the South." That is, to "get clear" of the effect of the Missouri compromise restriction, which excludes slavery from Nebraska. What conclusion follows? This, of course—that you may be permitted to go there with your slaves.

Let us have no occasion hereafter to mar this beautiful piece of patch-work, by the insertion of ugly explanatory provisions, like the following explanation of an explanation to the bill reported from the Senate, which, to my dull apprehension, only leaves confusion worse confounded :

"It being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

Let us now explain this explanation of an explanation by adding the following :

"It being the true intent and meaning of all these explanations, that the Missouri restrictions being thus 'superseded' by the principles of the legislation of 1850, and being thereby rendered 'inoperative and void,' slavery is therefore admitted into Nebraska without further legislation, if the people see fit to go there with their slaves." Or let us more honestly avoid all this circumlocution, and by two steps come square up to the mark, and in two words do the same thing, by declaring, first, that the Missouri restriction is repealed ; and, second, that slavery is admitted into Nebraska.

But, sir, it seems that those who have so long and so stoutly resisted this conclusion have at length become convinced of its truth ; for we are *now told* that the whole objection has been removed by another grand and final explanation, as follows :

"*Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of the 6th of March, 1820, either protecting, establishing, prohibiting, or abolishing slavery."

Who speaks here—the people of the Territory, or Congress? Well, if this is a practical specimen of this great doctrine of "non-intervention by Congress," it only needs that Congress, the moment this bill passes, shall speak again, and simply recognise the existence of slavery *ere*.

If you propose to make slave territory of free, do so now, and away with all mental reservations, and their mischievous delusion. While, the face of all your professions, you are legislating upon this subject the sacrifice of one of the most sacred rights of the North, let your

acts at least have the merit of honesty and boldness. If you do not propose to make slave territory of free, then carry out your doctrine of "non-intervention," and let the Missouri compromise alone.

But, sir, whatever you may make of this African side of this picture, whether black or white, there is one feature upon the other side of it which, in the name of everything democracy ever held dear, I do most solemnly protest against. I protest against the "native American" feature of it. Yes, sir, I do protest against your legislating negro slaves into this Territory, and legislating Dutch and Irish emigrants out of it. You dare not pass this bill, mutilated, as it now is, by this shameful disfranchisement of that most useful and worthy portion of our people. Let us see how it reads. Listen to this proviso:

"Provided, That the right of suffrage and holding office shall be exercised only by citizens of the United States."

I have heard provisos called infamous; but I hope American democracy has not so degenerated, that infamy like this has become a fundamental principle of its creed.

I now propose, Mr. Chairman, to inquire how it is that "the eighth section of the act preparatory to the admission of Missouri into the Union has been superseded by the principles of the legislation of 1850, commonly called the compromise measures?"

I believe, sir, there were at one time bundled into the same omnibus five at least of these measures. But the same measures were subsequently separately considered and adopted.

Now, sir, let us gather together this interesting family of fratricides and group them around their impaled brother, which it seems that in villanous conspiracy they have so long been "after with sharp sticks."

Here, gentlemen, I introduce you to the melancholy remains of the famous eighth section of the act preparatory to the admission of Missouri into the Union:

"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 labor or service as aforesaid."

Now, sir, let us see "who killed Cock Robin."

First. Let us arraign the fugitive slave law. The sixth section of this act commences as follows:

"And be it further enacted, That when a person held to service or labor in any State or Territory of the United States has heretofore, or shall hereafter, escape into another State or Territory of the United States, the person or persons to whom such service or labor may be due, or his, her, or their agent or attorney, duly authorized by power of attorney in writing, acknowledged and certified under the seal of some legal officer or court of the State or Territory in which the same may be executed, may pursue and reclaim such fugitive person," &c.

Well, sir, I believe this does "supersede" the fugitive slave branch of the aforesaid famous eighth section. But another question arises: Is there anything in that eighth section "*inconsistent with the principles of this legislation?*" No; clearly not.

Second. Let us look at the "act to suppress the slave trade in the District of Columbia."

This act simply provides, in two short sections, for what is embraced in its title. I see nothing there with which the Missouri compromise is "inconsistent," or by which it is "superseded."

Third. "The act for the admission of the State of California into the Union" is the best possible illustration of the duties of Congress upon this subject. Congress, after declaring that the constitution which she presents "is found to be republican in its form and government," by three short sections simply admits her "into the Union on an equal footing with the original States in all respects whatever," without asking a question or saying a word upon the subject of slavery one way or the other.

Fourth. "The act to establish a territorial government for Utah" merely contains the usual provisions upon that subject, with the additional declaration that, "when admitted as a State, 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."

To this privilege she has a right, irrespective of this legislation of Congress on the subject. This act, then, surely embraces no "principle" by which the Missouri restriction could be "superseded," for the people of Nebraska have the same undoubted right, when they frame a constitution, to ask for admission into the Union with or without slavery, as they themselves may decide, when thus assuming their position in the Union as a sovereign State.

Fifth. Last of all, then, though not least of these five famous "compromise measures of 1850," let us see how much "inconsistency" there is between this compromise of 1820 and the "act proposing to the State of Texas the establishment of her northern and western boundaries, and 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."

Now, Mr. Chairman, it does seem to me that any ingenuous mind must be struck with amazement when, on comparing the Missouri compromise of 1820 with the express provisions of this, one of the most important of all the "compromise measures of 1850," we find those very declarations of the measure now pending before this Congress, which embraces this whole controversy, directly contradicted by the record. This act of 1850, both by the clearest implication of one of its provisions and the express language of another, so far from regarding the eighth section of the act of 1820 as either "superseded by" or "being inconsistent" with the principles it enunciates, recognises its force and validity.

What, I ask, is the necessary inference to be drawn from the following provisions of its seventeenth section :

"That the constitution, and all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of New Mexico as elsewhere in the United States."

Surely the Missouri compromise act, being in full force, if not locally inapplicable, is embraced in this provision. If locally inapplicable, then no less surely it was neither "superseded" nor affected by it.

Well, now, look at this proviso in the first section :

"*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."

And what do we find in this "third article of the second section of the joint resolution for annexing Texas?" Why, sir, we there find, in the following language, the recognition of the Missouri compromise line itself in express terms :

"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."

Now, sir, with this record before us, I would ask if effrontery is not a mild term to apply to the persistence we witness around us in such monstrous absurdities as these?

Do you believe, Mr. Chairman, does any body believe, in view of this record, that the Missouri compromise is virtually repealed, or "superseded by," or is "inconsistent with," the principles of these compromise measures of 1850? I am well aware that there is somewhat extensively adopted a short process of reasoning to this construction; and in support of this process very high authority is referred to.

It is said that Judge DOUGLAS is of that opinion. Very high authority, I admit. But while I grant you, sir, that these conclusions are

quoted from Senator DOUGLAS at the senatorial tribune, yet, in the light of this record spread out before me, I must confess myself given over to judicial blindness if Judge DOUGLAS, in the judicial forum, would hazard his high reputation as a lawyer by entertaining such an absurdity for a moment.

But, sir, as if to persuade us, when we cannot be driven from the consistency of our course, an appeal is made to our magnanimity.

I venerate men who are truly magnanimous, for all such men are heroes. These are the men who lay down their lives when duty demands the sacrifice. I, for one, however, cannot sacrifice a sacred trust which my constituents have reposed in me. At this point, sir, magnanimity degenerates into treason.

We are called on now to yield up the Missouri compromise line of 1820, because, as the gentleman from Georgia [Mr. STEPHENS] and from North Carolina [Mr. KERR] allege, the North refused to acquiesce in that proposed in 1848. And this they call justice. Sir, as a full answer to this appeal for myself, and for the North, I ask these gentlemen to tell me, when has the democracy of the North ever demanded of the South to yield up one of her rights? Never! never!

Shall I be told that this Missouri compromise is a case in point? Why, sir, the South claimed this as a signal victory. And in the very moment of exultant triumph, Charles Pinckney, it seems, heralded it to a friend from this very hall on the 2d March, 1820, at three o'clock at night:

CONGRESS HALL, March 2, 1820, 3 o'clock at night.

DEAR SIR: I hasten to inform you that this moment we have carried the question to admit Missouri, and all Louisiana to the southward of 36° 30', free of the restriction of slavery, and give the South, in a short time, an addition of six, and perhaps eight, members to the Senate of the United States. It is considered here by the slaveholding States as a great triumph. The votes were close—ninety to eighty-six, [the vote was so first declared]—produced by the seceding and absence of a few moderate men from the North. To the north of 36° 30' there is to be, by the present law, restriction, which you will see, by the votes, I voted against. But it is at present of no moment; it is a vast tract, inhabited only by savages and wild beasts, in which not a foot of the Indian claim to soil is extinguished, and in which, according to the ideas prevalent, no land office will be open for a great length of time.

With respect, your obedient servant,

CHARLES PINCKNEY.

I had intended, Mr. Chairman, to have gone somewhat at length into a review of the course of the Democratic party, since the adoption of the compromise measures of 1850, both as shown by their action in Congress, and in every convention, both State and national, from that day to this, in order to sustain myself in the very position I occupy upon this question, by showing how entirely uniform they have been

in their efforts, first, to sanctify these measures "as a final adjustment, and a permanent settlement of the questions therein embraced;" and, secondly, to quiet "the agitation of the slavery question under whatever shape or color the attempt may be made." But my time admonishes me that I must content myself with a brief reference to this record.

I simply refer to the language of rebuke to this whole scheme of agitation—for it deserves no better name—in which the first resolution was couched adopted by Congress in 1852. That resolution, originally introduced, in substance, by honorable Graham N. Fitch, representative from my own (then) district, is in the following words:

"Resolved, That we recognise the binding efficacy of the compromises of the constitution, and believe it to be the intention of the people generally, as we hereby declare it to be ours individually, to abide such compromises, and to sustain the laws necessary to carry them out, the provisions for the delivery of fugitive slaves, and the act of the last Congress for that purpose, included; and that we deprecate all further agitation of questions growing out of that provision, of the questions embraced in the acts of the last Congress known as the Compromise, and of questions generally connected with the institution of slavery, as unnecessary, useless, and dangerous."

The other resolution, as the most significant reprobation which could be expressed of this wanton reopening of the "final adjustment and permanent settlement" of the slavery question, adopted at the same time, is as follows:

"Resolved, That the series of acts passed during the first session of the Thirty-first Congress, known as the Compromise, are regarded as a final adjustment and a permanent settlement of the questions therein embraced, and should be maintained and executed as such."

The Hon. Judge Hillyer, and the Hon. Mr. Jackson, both, I believe, from Georgia, were, as the records show, mainly instrumental in the final adoption of these resolutions.

And now, sir, from whose lips have we heard more thrilling appeals in this work of "agitation" in these very resolutions so pointedly rebuked, than from the gentleman who the other day addressed us, from Georgia? (Mr. STEPHENS, whig.)

Let us now turn, briefly, to the proceedings of the Democratic National Convention of June, 1852. That convention "renewed and reasserted the declaration of principles avowed on former occasions in general conventions." The following is the ninth and last of the series:

"9. That Congress has no power, under the constitution, to interfere with, or control, the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs not prohibited by the constitution; that all efforts of the abolitionists or others, made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have an inevitable tendency to di-

minish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions."

By the following resolutions, that convention expressed its opinion of the scope and meaning of the above proposition, its applicability to the principles of the compromise measures of 1850, and also of "the whole subject of slavery agitation in Congress or out of it:"

"4. *Resolved*, That the foregoing proposition covers, and was intended to embrace, the whole subject of slavery agitation in Congress; and, therefore, the Democratic party of the Union, standing on this national platform, will abide by, and adhere to, a faithful execution of the acts known as the compromise measures settled by the last Congress, 'the act for reclaiming fugitives from service or labor' included; which act, being designed to carry out an express provision of the constitution, cannot, with fidelity thereto, be repealed or so changed as to destroy or impair its efficiency.

"5. *Resolved*, That the Democratic party will resist all attempts at renewing, in Congress or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made."

Mr. Chairman, it seems pretty clear to my mind, from these resolutions, that in the opinion of that convention there were "others" besides abolitionists who needed admonition on this subject of "slavery agitation, both in Congress and out of it." I commend this admonition, as well as the candid consideration of its applicability, to some of our prominent democratic brethren, in both this and the other wing of the Capitol. I trust, sir, I shall be pardoned for a brief reference here to my own course.

I believe, sir, my democracy has never been honestly called in question by any man who knew anything about it; and, certainly, those who are ignorant of my course have little right to judge me in the premises. Be this, however, as it may, the world pays but very little respect to the judgment either of the ignorant or of defamers. At any rate, I give myself very little trouble about it.

The foregoing proposition, covering substantially the ground of the democratic platform of 1852, is identical, if my recollection is not at fault, with that adopted in precisely the same connection by the convention of 1844. I was a member of that convention, and represented Indiana on the committee of one from each State which draughted and reported the resolutions. There, sir, at Baltimore, for the first time that I ever set foot upon slave soil, I cordially, nay, sir, ardently, supported a slaveholder as the democratic candidate for the Presidency, and as cordially and ardently contributed my mite to the triumph of that year. The first vote I ever gave at a presidential election was given for a slaveholder—proud of the privilege of twice voting for Andrew Jackson—first in Maine, and then in Indiana. Sir, I hope the

South will afford me the pleasure of joining them in the election of many more such men.

I pass by with loathing all other reference to the name of Martin Van Buren, than to express a hope of pardon for the two campaigns I served in sustaining him, in the name of the principles he finally betrayed.

In 1843 I gave three months to the contest, which that year partially, at least, redeemed Indiana from "the disasters of 1840."

In 1848, as one of the electors at large for General Cass, I canvassed the State to its farthest borders; and though I would not upbraid the South or the Empire State, yet, to the honor of Indiana I say it, had they been as true as she to the principles of this self-same platform, General Cass would have been elected.

In 1852, when catechised upon the stump by abolitionists in relation to the fugitive slave law, I gave but one answer throughout the tenth congressional district—that "I went for Frank Pierce and the Platform."

And now, sir, let epithets and denunciations be bandied as they may, I have but this one answer: judge me by my works.

And here I take my stand. I tell you here to-day that I will abandon neither of two things: I will neither abandon nor abate one hair's breadth of my democratic principles, nor forfeit my honor in the abandonment of my plighted faith to the Missouri compromise.

Mr. Chairman, you now have both my position and reasons for it more than sufficient. But I cannot let the occasion pass without once more expressing my profound regret that this mischief has been brought upon us and the country. I deprecate it from my inmost soul.

If we persist in this course, in vain will have been all the lessons of our past experience, which should have been so instructive; in vain the admonition of those sages and statesmen, who now speaking from their graves, warn us of the dangers of sectional strife. And the worst enemy of our country could not imprecate upon us the displeasure of Heaven in more frightful judgments than those which must inevitably follow as the consequences of our course. What means the exultation which we already hear, that the South is united upon this question? We expect the South to be united upon this question. Though the South has not asked it, yet, as it has been tendered to them, I have no difficulty whatever in fully appreciating the entire sincerity and confidence with which the gentleman from North Carolina, [Mr. KERR, a whig,] the other day, made his appeal to the South in behalf of united action from that quarter, without distinction of party; for I understand

him to have entertained no doubt whatever that the bill opens the whole vast region which it covers to slavery.

It is true, sir, he admitted a doubt whether nature herself, the climate of the region, had not interposed a higher law, a more potent barrier to the introduction of slavery there, than the Missouri compromise law; and that, practically, it would be little more than a mere question of right; that slaveholders would hardly think of doing more than to take a few slaves with them for domestic servants, on the ground that slave labor generally could not be profitably introduced there.

Now, sir, this is honest. It scouts all feigned issues, all mental reservations, all false pretexts, and admits the true end aimed at—the right to introduce slavery into the Territory by virtue of the legislation now proposed.

But, sir, a passing word upon the point here made, that it is not so much a practical question as one of right—involving, in other words, a mere abstraction. The gentleman assures us, in language of decided emphasis, that the South will never abandon its rights. Sir, while I admire both the spirit and the heroism of that determination, I cannot forbear to answer, with equal emphasis, that it has no application whatever to the question before us.

Who asks the South to abandon its rights? Sir, I, for one, so far from doing so, stand ready, now and ever, to defend her rights to the utmost.

The South called upon to abandon her rights! Why, Mr. Chairman, precisely the reverse is the fact. It is the rights of the North which are in jeopardy. If it is but a question of principle, it is the North which is called upon to abandon that principle.

That Nebraska is now free, is a fact which has been settled and acquiesced in by the uniform legislation of thirty-four years. And whether incorporated into the same act or not, this was the consideration on the part of the North, for the solemn compromise entered into between the North and the South, as one of the express conditions on which Missouri, as a slave State, was admitted into the Union. And though, sir, at this day, I would not insist under like circumstances upon such terms, as a *new* proposition, it is no less the fact, that even in that adjustment the South claimed it as a triumph. Who, then, is now called upon to abandon rights? The North, sir; beyond all doubt, the North. And what do we propose in this emergency? Simply, sir, to abide by the constitution, in its spirit and letter; to abide by all the compromises upon this subject which that spirit has invoked; to abide by the Missouri compromise of 1820; to abide by the compromises of

1850; to abide by the Democratic platform of 1852, and in so doing to carry out in good faith the solemn injunctions of that platform, "to resist all attempts at renewing in Congress, or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made."

And is there to be no faith reposed in compromises? Is there no obligatory duty imposed by Democratic platforms? Sir, I denounce these repealing clauses in this bill as a deliberate and wicked violation of both.

The Missouri compromise has been sanctioned and sanctified by the uniform legislation of Congress, and the conscientious acquiescence—not of factions, but of the people—for thirty-four years. Its policy has been thus sanctified ever since the foundation of the government, for it is a policy coeval with that of the constitution itself. And if it is not as sacred as the constitution itself, it is only because it lacks its mere formal sanctions. It is the offspring of the same self-sacrificing spirit which offered up everything but honor and integrity upon the altar of the Union. That spirit, sir, alike pervaded the halls where the glorious old Continental Congress held its last sessions, and those where the constitution and all its compromises were ushered into being.

The Jeffersonian policy (as it should be called) of the proviso, or compromise of 1787, was but a virtual transcript, a practical application of the then theory of the constitution to the ordinance which gave the whole Northwest Territory—an empire itself—to freedom.

Here, sir, after lying in embryo three years, this great measure was brought into life, quietly, in its ultimate practical influences disposing of the whole slavery question over this vast region, out of which five of the largest and most prosperous States of this Union have been erected. And it matters not by whom, or when, or where it may have been applied, the same great mind conceived it which conceived the Declaration of Independence. And was Thomas Jefferson an abolitionist, in the hateful sense in which that word is bandied now-a-days? Shade of Patrick Henry, and all the host of his immortal compeers, forbid such desecration of his name!

Sir, are we to be told, after all, that this policy, thus sanctified, is all a cheat? That statesmen who have learned their principles in the schools of the last three-quarters of a century, have been but so many children playing bo-peep and blind-man's buff?

Let us now look at the great end which, as its advocates declare, is to be attained by the adoption of this measure. There is much apparent sin-

erity in the zeal with which it is asserted that, by denying the right to the people of the Territory to dispose of this whole question by a government of their own choice, we make their condition analogous to that of our colonial ancestors, and against which they rebelled; and that this view of the case involves a great principle, which every American citizen holds sacred; and, further, that by conferring upon them this power, we adopt the only practicable mode of allaying, finally and effectually, all further agitation of the slavery question. But, sir, the idea that this bill confers this right, even as now amended, is all a delusion; it is utterly fallacious from beginning to end.

Mr. Chairman, in answer to all this, I will now proceed to show, by the other express provisions of the bill itself, that, even if we adopt this measure, we after all deny these people almost every attribute of sovereignty, and multiply the chances for agitation and excitement a thousand fold.

There are three, and only three, departments of government recognised by our American constitution—the executive, the judicial, and the legislative. In two of these departments of the government you propose to create by this bill, you as effectually deprive the people of all participation in the appointment of their officers, as you do the very slaves you send among them. Both the executive and judicial departments you dispose of, and make the officers (which in the States we call the servants of the people) the mere creatures of the executive power of the United States, by provisions like the following. The twelfth section of the bill commences thus:

“And be it further enacted, That the governor, secretary, chief justice, and associate justices, attorney, and marshal, shall be nominated, and by and with the advice and consent of the Senate appointed, by the President of the United States.”

And how is it with the “legislative power of the Territory?” It is true you confer upon the people the mere shadow of sovereignty, in the election of the members of the legislative assembly, and upon that assembly the mere form of legislative power; but then, at one fell swoop, you deprive both of them of the very soul and substance of both, by subjecting all their acts to the veto of the executive, and the determination of the judiciary thus appointed.

Talk now, will you, of its “being the intent and meaning of this act, not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way!”

Mockery! worse than mockery! And is this the grand panacea you propose for slavery agitation? Let us see how it will operate. Sir,

there is no longer any faith in compromises. If by this act we repeal the Missouri compromise, the Congress which succeeds us may follow our example and repeal this act. Then, again, every Territorial bill that is introduced will call up a rehearsal of the scenes now being enacted here. Furthermore, under the provisions of this bill, this mock legislative assembly will, of course, play legislation, and try their hand at the adjustment of this question, subject to the veto, not of Congress, but of the President's vicegerent.

But, sir, before you reach this point, you carry the bitter waters of strife to every man's door; yes, even within the sacred precincts of his fireside.

The proposition that freedom and slavery upon the same territory are incompatible needs no illustration. They cannot exist together. The very moment the subject is agitated among the people there necessarily commences a war of extermination. You poison at their very sources the fountains of peace. Agitation, discord, strife, commenced among neighbors, will be carried to the ballot-box, to the courts of justice, and to the legislative assembly. And here, before the legislative assembly, the imagination falters in the effort to depict the scenes which will ensue; for here, sir, is the arena of life and death. Every measure they propose, (for I have shown you that they are not "left perfectly free to form and regulate their domestic institutions in their own way,") but every measure they propose upon this subject, must be either for or against slavery. And if even one assembly proposes slavery measures, the next, after another year of excitement, may propose to repeal it.

Well, Mr. Chairman, we have not yet reached the climax of evils which spring like hydra-heads from this measure at every step of our progress.

Ultimately, sir, in each of the Territories thus given over to excitement and distraction the people will take measures to form a constitution; then again will be witnessed another accumulation of the elements of discord. For here comes the *tug of war*. A constitution is to be formed, either admitting or excluding slavery; for here there must be a final settlement of the question, so far as the particular Territory is concerned. What, then, if a majority, especially a small majority, adopt a constitution excluding slavery? What will slaveholders do then in the Territory with their slave property, in view of the inevitable sacrifices they must suffer? Why, then once more the tocsin will be sounded, and the welkin will ring again with this howling tempest of slavery agitation throughout the Union. Nor is this the last or the worst of it. Once more sage Congressmen will find it will return to plague them; when the constitution is presented here for the action

of Congress, and all this concentrated strife is once more transferred to these Halls, the imagination again fails in all its efforts to depict the scenes that will ensue.

Mr. Chairman, I sincerely wish that it could be justly said that these pictures are overdrawn; but this is only a faint portrayal of the evils you inflict upon the country if you adopt this measure.

Why need you do so? Why not conform your practice to your preaching, and let this thing alone? Conform your actions as well as your professions to "the principles of the legislation of 1850, commonly called the compromise measures," which you have already done in the first section of this bill, by providing now for Nebraska, as you did then for New Mexico, that "when admitted as a State, said Territory shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission;" and then leave the people free to act as they please upon this question, when they can act to some purpose in the incipient exercise of their sovereign power under the constitution. But, no; this is not enough. In the exuberance of your generosity you must needs surfeit the people of the Territories with your gifts. And *such gifts!* You afflict them, sir, with a multitude of evils. In giving this measure to the Territories for the people, you give them identically what Jupiter gave Pandora for her husband. I beg of you not to afflict them thus against their will. At least, sir, defer it until, by another election, they may have an opportunity of signifying to you, through the ballot-box, whether they covet the gift.

At the moment of the introduction of this measure, I believe I hazard nothing in saying that there was a majority here truly reflecting the sentiments of their constituents upon the subject in their opposition to it; and I take it for granted that none will falter at any appliances which may have been used, as if to dragoon the timid into its support. For my part, I shall stand by all the compromises until my constituents, by instructions on the subject, inform me that I have mistaken their sentiments.

Mr. Chairman, there is a worse form of slavery than negro slavery. Here the shackles are riveted upon the mortal body, on whose perishing exterior the iron, hissing hot, it is true, burns the word slave. But the other, more terrible than this, is the slavery of the soul, where men dare have no opinions of their own. There the manacles are thrown around the immortal soul; and there, too, slave is branded with the more dreadful sting of that fire which is not quenched.

Sir, I had rather be the blackest slave that ever clanked his chains than one of these.

This measure may pass; but Indiana, whose devotion to the Union, the whole Union, is aptly inscribed upon the enduring marble which she has given as her offering to the monument of the Father of his Country, and needs no complimentary endorsement here, Indiana should stand—if she stands alone—firm in her integrity to the compromises and thus most appropriately vindicate her justice both to the North and South; and thus also her devotion to the Union.

Mr. Chairman, I do not stand here either to apologize for or deprecate slavery. In that indefinite variety which constitutes the true harmony of this Union, as well as the universe, these two extreme sentiments have their more appropriate representatives on this floor.

Touch whatever chord you may, in all the diversity of questions which agitate the moral or political atmosphere around us, and it vibrates in full harmony with the honest convictions of our friend over the way from New York, [Mr. SMITH,] that negro slavery is but an unmitigated evil. And this, no matter how demonstrable the evidence may be recorded, in the history of our race, that all the civilized nations of the earth have come up through this same ordeal; no matter how much more severely tested in the furnace of woe, the alembic through which have been distilled the sweat and tears which have given life, and tone, and vigor to their civilization. Well, then, sir, as if to give to this very sentiment its appropriate form and ultimatum upon this floor, here, upon this side of the house, is our friend from South Carolina who occupies a seat at my left, [Mr. ORR,] who, just as honestly, no doubt, stands ready to defend this institution, peculiar to his portion of the Union, at all times and under all circumstances.

Here, then, sir, extremes meet. And how? Why, sir, my position is precisely that of a medium between them, tempering and modifying these extremes in both. Sir, *I am from the West*, and these our friends—were a thing so incredible that they should desire to do so, for a moment admitted—could not get at each other in violent collision, because I, a full-grown man from the West, six feet in my stockings, stand between them and would not permit it. This, sir, is precisely illustrative of the position of the diversified interests and sentiments of this glorious, this mighty Union, spread out not only from ocean to ocean, but almost from zone to zone.

Sir, let this government confine its action to its own appropriate duties. Let this question alone where the constitution and the compromises have left it, and all is well.

But, in any event, I believe in the permanency of the Union. Though

the North rage and swear, in its fanatic zeal, that the Union, in its influences worse than a calamity, is a curse; and though the South, louder still, and more terrible in its wrath, hurl back defiance; yet the Union is safe. Brethren, you have neither time nor opportunity to meet in violent collision. *Not time*, because the progress of this fast age is making too many demands upon it. You have too many commercial and agricultural, manufacturing and mechanical, literary, moral, and scientific enterprises, which seem to claim your first attention. Indeed, we cannot afford to stop the Pacific railroad enterprise now long enough to quarrel.

It is too late, too late now, by a whole age, to think seriously of quarrelling about these things. Other and higher interests are calling our thoughts off in another direction, and much more profitably, too, every man of us admits. You have not opportunity, for this good reason. I have already given an illustration of the position and offices of the West, the mighty West, toward the brotherhood of this Union, in all anticipated fraternal quarrels. And this is no solecism. Meet as you might in hostile array, you would but laugh in each others' faces, and swear it was all a joke. More than this, the West stands between you; and the West has attained to the full stature of manhood.

If this were merely a northern measure, as it is not, contemplating an infraction upon the rights of the South, and this agitation had thus been induced, as it has not, by northern hostility to slavery, I would appeal to its movers to listen to that significant voice, the voice of a new-born age, which comes wailing to our ears from around the globe.

Africa is calling for her sons. The empire of the heathen gods of that barbarous race is passing away. The gloom is broken of the ages of impenetrable night, through which, since time began, that race, apparently dead to all the influences of civilization, has been shrouded in the pall of moral chaos.

A gleam of light at last betokens approaching day. Awakened to partial consciousness, Africa is calling on her sons for help. And from whence does she call them? She calls them from the school of more than three hundred years of slavery on this continent. Nor does she call in vain.

Though terrible has been the school in which they have thus been taught, yet they have now demonstrated the problem to the world, that they are capable of civilization, not by showing their capacity to resist, but to endure a state of slavery.

Sir, you cannot civilize an Indian, and you know it. Why do you

know it? Because you know that you cannot enslave him. And, sir, what does this demonstrate? Their certain doom to extinction.

Not so the African. You now know that you can civilize him. Why? Because you know that you can enslave him. He has thereby evinced that basis of moral stamina necessary to sustain both.

The Indian resists slavery, and his race perishes; the African endures it, and his race is civilized.

I am here advancing no mere speculative sentiments. I am giving no mere opinion of my own. I am but announcing, for the ten thousandth time, what the world has read on every page of their history for more than three hundred years—the doom of one race, and the destiny of the other.

Yes, sir; there is hope for Africa. But, “lo! the poor Indian!” there is no hope for him. Sir, pass this bill, and, perhaps in mercy, you hasten his doom. You break down the barrier which, while using the word “forever” in sheer mockery, you have temporarily erected around his last resting place on earth; you let in upon him the other two races, each his superior—the African slave and his Caucasian master; and then, torture it as you may, that word “forever”—construe it, if you can, to mean—and quiet your conscience, if you can, with the pretext that it really means—“during your own good pleasure;” and hunt around, with a thousand expressions of philanthropy on your tongue, yet every one of them a lie in your heart, to find him another home; and where, Pharisee of the world—sir, I am talking to the Caucasian race—where will you go to find it? Where is there a foot of earth, even enough for their graves, which is not a howling desolation, that you would give them for their homes “forever,” and mean what you say? No, sir; they will stay where they are, *not to live*, but to linger out the brief remnant of their miserable existence; and at last, if this measure accomplishes its contemplated end, this final desecration, even of their graves, will follow. Their bones—their very ashes—fattening the soil, will be converted into bread to pamper their destroyers, through the instrumentality of the toil of African slaves. Sir, we may profitably abandon that more precarious enterprise—plundering guano from the South American coast. We have two whole races of men to use up for the same purpose—the bones and ashes of the one, and the sweat and tears of the other—ay, sir, the domestic article. This I call the protection of home industry with a vengeance.

This will be famous work; and if you covet its fame, pass this bill.

But, sir, as I have already suggested, there is one of these races that

you will not destroy. The African race you will not destroy; and for the only and very sufficient reason that you cannot do it.

Yes, sir, in spite of you and of your best—nay, your worst—efforts for ages past, and ages yet to come, I repeat it—there is hope for Africa.

But, sir, in the name of God, “who makes even the wrath of man to praise him,” let us not further extend labors of benevolence and charity like these in this direction. Let us not, by repealing the Missouri compromise act, proceed upon the impious presumption that we may safely take this work out of the hands of Providence, by enlarging the area of slavery in this direction.

It becomes another question, however, when, by the acquisition of additional slave territory—Cuba, if you please—we may redeem our own name, in fact as well as in fame, from half the blackness of this “damned spot,” by redeeming an additional portion of the African race from the stagnant pools of that moral degradation in which they are held by an inferior branch of our own race, who themselves having long since reached their grand climacteric, and incapable of further progress, are also sinking to inevitable decay.

In that direction, sir, I even bid the work of slavery God speed; for there it would be a progressive work; progressive in the right direction—in upward tendencies; looking steadfastly not only to the final deliverance, but the regeneration of the race.

The vote we give upon the question before us is no small matter. We hold the destiny of whole races of human kind in our hands, and every vote we give is pregnant of their fate. Let us, then, act like men, as conscience and humanity dictate, and throw all considerations of mere selfish policy to the winds. Viewing our duty and the fruits of our deeds in this glowing light, once more I say, sir, I have hopes for Africa and her children.

There is a future, a glorious future, in reserve for them. I see the vista of that future opening, and, in the dim distance, the germs of a peculiar yet glorious civilization developing, expanding, evolving their fruits. And, sir, it will be a Christian civilization. And in the glow and mild radiance of that sun which will shed his beams upon this civilization, will be found attractions which will draw out and mature all that belongs to the highest order of the affections.

Now, I will venture to say that there is not a slaveholder in this House, or in this land, who has a human heart in his bosom, who does not *love* his slaves; and love them, too, for love’s own sake. And

why? Because his slaves first loved him. And, sir, I as little doubt that many of them love their slavery. This may be a bold and startling enunciation to some of my northern friends, but "He who tempers the wind to the shorn lamb" enables us to account for this, by having implanted this peculiar affection in their very nature. Who but the African would toil and labor out all his days for another—hardly thinking of himself the while—and be thriving, and cheerful, and comparatively happy, in his servitude? Why, sir, every one knows, for every one sees, that the negro—slave or free—is the very soul of mirth and music. And in the civilization which is reserved for his race, all these peculiar affections, of which we now see but the mere germs, will be brought out in the richest profusion of development.

Sir, I make no pretensions to the gift of prescience, for "I am neither a prophet nor the son of a prophet," yet I make these assertions for what they may be worth.

We are in the beginning of that time, when two peculiar and distinct orders of civilization—Christian civilization—are taking possession of the earth. The Caucasian, already in the ascendant, characterized by the highest order of intellectual development; at the same time, also, very selfish and very progressive. And the African, of which the Colonization Society is the harbinger, characterized by those peculiar traits already referred to.

In view, then, of all these mighty considerations, in conclusion I have to say, Mr. Chairman, that it is, after all, of less consequence what we do than what we cease to do. Let us cease to quarrel with each other and with Providence.

God made the world, and not we. By the confusion in which we find we are again involving ourselves, let us be admonished of the folly of our blind efforts to improve the condition of things around us, by turning the world's progress out of its wonted course. Let us compromise once more, by agreeing to abide by the compromises—**ALL OF THEM.**

For once in my life, sir, I find myself, under the peculiar circumstances, an advocate of the doctrine of "a masterly inactivity."

Let the Missouri compromise alone. Let slavery alone. Let the Indians alone—at least until we can see the path of duty before us more clearly defined. And in Heaven's name, unless we see some more urgent necessity than now exists, let Nebraska alone, if its organization must needs demand so great a sacrifice.