

SPEECH



HON. EDWARD BALL, OF OHIO,

ON THE

NEBRASKA AND KANSAS BILL,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, MAY 9, 1854.

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WASHINGTON:

PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.

1854.



of her consent to the present day; and hence the South is absolved from all obligation to abide by it any longer. Sir, I say again, the people of your country do not warrant these declarations; and I will attempt, before I am done, to show that they do not. That all these allegations are mere pretences—excuses for the commission of this grand outrage which is proposed to be perpetrated against the North and the whole country.

First, we are told, that it is unconstitutional. Unconstitutional! I will not insult the intelligence of the committee, or the country, by going through any argument to prove its constitutionality. We are getting to be very smart constitutional lawyers, in this our day and generation. It is an age of decided progress. Professor Morse and Miss Fox are not the only persons who have recently made wonderful discoveries. Their discoveries sink into utter insignificance with that which proves that the fathers of this Republic, who drafted and adopted the American Constitution, were totally ignorant as to its true intent and meaning. To be sure, they made it; but they were ignorant of its provisions. It has remained for the greater men of this generation—Jefferson, Hamilton, Madison, Marshall, Clay, Lowndes, and Webster, and the other great men who lived in the dark ages—the great statesmen and constitutional lawyers of the present day—to furnish us with the true interpretation of that instrument and to save us from the perpetuation of the Government to the present time, all former legislation has been a series of mistakes and errors of our Federal Constitution.

I never, sir, said to adopt the former interpretation. I fully and freely acknowledge that this is a great era, and that we are a great people, and I hope that this is a transcendentally great Congress, and I hope gentlemen will pardon me, for saying that it has not yet progressed so far as to relinquish the old doctrines. I am still so constituted in my notions as to believe that Congress does not possess the power to govern and control the territorial possessions of the nation. If we establish a contrary doctrine, it will involve us in a constitutional difficulty in reference to our past territorial acts.

That was the great reason urged for securing the Slave Trade, &c. Was it not that they were governed by this, and that we should govern it now? For they said we spent a hundred and fifty or six hundred millions of dollars in money, and sacrificed thousands upon thousands of valuable human lives. For what, I ask, was that vast sacrifice of life and treasure made in the possession of the African continent for the purpose of African territories, if they had adopted doctrine of what is termed "non-intervention, by Congress" in, to become the order of the day? Why, sir, as soon as a territory is acquired it must, according to this new doctrine, be at once surrendered to the people of the territory. These thousands of slaves, who were taken at the time to be laboring the country and working it up, they are to be fully authorized and empowered to go on and adopt such a system of government as they see fit, such institutions, as their judgment, or their religion may dictate, or their own inclination to do so. It has no inconsistency with the Union, or even the prosperity of the country. If this doctrine is correct, what business has Congress or the President in meddling with the affairs of those who inhabit the wilderness?

The doctrine is not correct. It is absurd. It is admitted in the extreme. It is not only the right, but it is the duty of Congress, to protect and take care of the national possessions. It is the duty of Congress to see that the territorial organizations are properly trained, until they arrive at sufficient age and acquire sufficient strength to take their proper position in the confederation of States.

As parents, it is our duty to carefully train our sons, to throw proper influences around them, to do all we can to restrain them from intemperate indulgence, and to instill into their minds correct principles, until they arrive at that stage where parental control must cease by the law and custom of the country. If we have neglected this, we are, in part, at least, responsible for their after errors. If our duty has been done, that responsibility does not attach to us.

So with our territorial organizations. They are the children of the Government, the embryo States of the nation. They are now under the fostering care of Congress and the President. It is our duty to see that they are properly trained, so as to qualify them to occupy the best possible positions hereafter as States. We have no right to turn them loose upon the world to shift for themselves, until their stalwart proportions shall indicate that they are in a condition to protect and provide for themselves, no more than a father has a right to turn his son loose upon the world as soon as he is able to walk alone. It would be equally an outrage in the one case as in the other.

Mr. Chairman, this pretended non-intervention is all gammon to the sheerest humbug—to no man so liable to deceive any sensible man. Neither the bill passed by the Senate, nor the bill reported by the Committee on Territories in this House, provide for any such thing. Who appoints the Governors of these Territories? Who appoints their secretaries, their marshals, their judicial officers? Do the people of the Territories have anything to do with these appointments? Who pays the salaries of their officers? Who pays the premium of their legislators? Who pays for the erection of their public buildings? Who pays the bills for the entire expenses of their government? Why, does not everybody know it is to be done by the Federal Government? The President and the Senate appoint their officers. Congress appropriates the money to defray the expenses of their government, and it is drawn from your National Treasury.

Talk not to me of your non-intervention! Talk me not about your "popular sovereignty" in these Territories! You have not got it in your hands; you never had it there; you never intended it should be there; you do not now intend it. You are endeavoring, under "false pretences," to convert into a slaveholding ground territory which you heretofore, for a consideration which you have long since received, bargained should be forever free. So much for the constitutional objection.

I will now briefly notice the allegation that it is insulting and unjust to the South.

How is the South insulted by it? Who, I pray you, insulted the South by its agreement? By whose votes was it adopted? Again I put the question, Did the North impose it upon you? For you know, Mr. Clay, in his great compromise speech of 1850, tells you that it was passed by the votes of the North. He tells you that Lowndes and Calhoun, (of South Carolina) and King and himself,

posed for it. And he tells you that when it was passed there was great rejoicing throughout the length and breadth of the land, exceeding even that which followed the treaty of peace by which the last war between this country and England was terminated. Mr. Pinkney, of South Carolina, although he voted against himself, tells you that it "was considered a triumph on the part of the South." "Notwithstanding all this, we are now gravely told that it is "leading to the South." If it is an insult, it is one which the South has ever since been trying "to pocket." Time and again have messengers from the South's Legislature, upon its extension and application to territories since acquired. And their great complaint against the North has been that the North did not promptly and obediently acquiesce in the southern demand to have this "insulting" and "unjust" and "unconstitutional" measure adopted in reference to the division of the territory recently acquired.

It is somewhat strange that Lowndes, and Pinkney, and King, and Murray, and other eminent southern men, should so grossly and wantonly insult the South, in the first place, and that Madison, Jackson, Calhoun, Poinsett, Calhoun, Haynes, and the hundreds of other southern men, in Congress and out of it, should, from that time to the present, have merely and silently submitted to that insult; but it is remarkably strange, absolutely astonishing, that the gentleman from Georgia, (Mr. Symmes,) and other southern gentlemen now holding seats in this and the other wing of the Capitol, and who are now so eloquent in their denunciations of the measure, should, all along, almost up to this very session of Congress, have insisted with as much perseverance upon being allowed the privilege of "pocketing" a little more of this insult.

Sir, the South has been continually laboring to acquire and annex territory on the southern side of this nation, and then insisting upon the extension of the Missouri compromise line. The North, on the contrary, has not always been altogether willing to pay two thirds of the expenses of these acquisitions, and then surrender the whole of them to the South. The South complains of this refusal as a great wrong. So long as the South have a prospect of obtaining an advantage over the North by the recognition of the Missouri compromise line, it is all right and perfectly constitutional; but when it is ascertained that they cannot longer make it useful in the furtherance of their particular purposes, it all at once becomes unconstitutional, and it is very "degrading" for the South longer to submit to the division made nearly thirty-four years ago, mainly by themselves, after having secured to themselves all their own share of that division.

Fact experience shows that the Constitution has been a very flexible instrument in the hands of the South. It always means just whatever may suit their particular interests or define for the time being. In the early history of the country, when the North was engaged chiefly as shippers of merchandise, the Constitution authorized the establishment of a protective tariff. After New England became a manufacturing community, and the South became extensively engaged in raising cotton, a tariff became unconstitutional. At one time the Constitution authorized the establishment of a National Bank, or a similar institution, and at another time it authorized the establishment of such a bank. At one time it

clearly authorized, and at another time it prohibited, the river and harbors, but also the opening of the coast and the construction of canals and roads, and at another time it is a gross violation of the Constitution to appropriate money for works of public utility, especially if they happen to be situated in our own country. At one time it authorized the purchase of a new territory, and at another time it prohibited the great bonus, the all-seeing, all-merciful, all-sectional woman; then, and especially the woman, the most ferocious and deadly of all national enemies, the bare sight of which is calculated to throw the whole nation into the most awful convulsions.

Now, let us look a little into the matter of justice to the South. It is that gentleman's possessive right who is southern means, and we see that the people of the North have gone into certain Territories of the United States, with their property, from which southern people are excluded. Mr. Chairman, this is not a well grounded complaint. The Territories are open and as free to the people of the South as to the people of the North. A southern man can go into Oregon, Washington, Mississippi, and the prairie, and take with him any species of property which a northern man can take. I need not say if any there be, in all of the other side, a southern man who has the advantage of the one who is permitted to claim, and possess, a property, and which a northern man cannot possess, abandoning his home and moving to the southern South, it is in the South, and the southern man may own and possess the right of property in human flesh and bone.

The institution of human slavery is a provision which, as regards to the freedom of any persons at the North, it is impossible to see a few even at the South, nor would I think of it was upon slaveholders. I have known some families with the institution. I was born in the midst of it. I grew to manhood, and was educated in a slave State. I have seen the prejudices of the South in reference to the equality between the white and the black, and will retain those prejudices. I am not of that class who believe that a slaveholder might be sent to cast into "outer darkness," and punish by redemption. I have seen some men who think myself that the interest of either the white or black man would be best promoted by a general extermination and speedy emancipation of all the slaves in the country, without first trying to make arrangements for their comfortable re-education.

That, sir, I cannot subscribe to all the notions I have heard advanced in support of the institution of slavery. My acquaintance with it has compelled me to believe that it was a very holy thing — "God's institution," to use the very expressive language of the residents from Virginia, [Mr. Smith] who represents the district immediately across the Potomac.

Mr. HARRIS, of Virginia. "Did not" when upon earth, approve of the institution of slavery, and did not his apostles recognize it? Mr. HALL. "I will reply to the gentleman that I do not profess to be very thoroughly informed in questions of theology; but I do remember that both Christ and the apostles taught that we should be upon earth as we would have others to be upon earth." If the gentleman says that he would







Now, let us turn our attention to Arkansas for a few moments. It is charged that, "in 1836, when Arkansas—a State formed out of a portion of the Louisiana purchase, south of 36° 30'—made application for admission into the Union," the North again violated its promise, by voting against her admission, because she was a slave State.

That I may do the gentleman from Georgia (Mr. Stephens) an injustice, I will quote a portion of his speech, delivered here on the 17th of February last, which purports to furnish the proof of the bad faith of the North on the question of admitting Arkansas. "Here," he says, "is the record:

"Mr. John Quincy Adams, in this House, June 13, 1836, moved an amendment so as to strike a section of the bill for the admission of that State read thus:

"And nothing in this act contained shall be construed as an assent by Congress to the article in the constitution of the said State relating to slavery and to the emancipation of slaves." &c.

"Still helping on my daughter:

"On a vote, the effect of which was to allow the amendment, there were eighty in favor of adding the opportunity. There were one hundred and nine on the opposite side, which prevented its being offered. Of these eighty votes, some were from the North." Their object may have been to get a vote upon this distinct question of the prohibition by the House of the line established in 1820. But after the amendment was ruled out on the direct vote for the admission of Arkansas with a constitution tolerating slavery, though she was south of 36° 30', there are fifty-two names, headed by Mr. Adams, in the negative, every one of them, I believe, from the North. I have the Journal before me."

And this is the proof adduced that the North voted against Arkansas "because it was a slave State."

Now, sir, I assert, first, that the gentleman has not correctly represented the record. I do not charge that he has purposely misstated it. I presume he has not; I believe him incapable of doing such an act. But I must say, that before making such sweeping charges of bad faith against an entire section of the Union, he should have examined the record with greater care than he appears to have done on this occasion.

What are the facts, as shown by "the record?" The proceedings are recorded in the Congressional Globe of 1835-'6, on page 434. By reference to that record I find that a vote was taken on Mr. Adams's proposition, and the result was—yeas 32—not 80, as the gentleman states—nays 109. It should not be forgotten that at that time there were 137 northern members in Congress. The record does not show that all of these 32, who voted with Mr. Adams were northern men. But suppose they were, and suppose, also, that they voted against Arkansas because she was a slave State—what does it prove? Why, that while 32 voted for the amendment of Mr. Adams, 105 northern members did not so vote; and yet this is produced as a proof that the North violated its faith.

But, says the gentleman from Georgia:

"On a direct vote upon the admission of Arkansas with a constitution tolerating slavery, though she was south of 36° 30', there are fifty-two names, under the lead of Mr. Adams, in the negative, every one of them, I believe, from the North. I have the record before me."

Here, again, the gentleman exhibits an inexorable carelessness in his exaggeration of "the proof," which, as announced to us by him had before him. He tells us the fifty-two votes in the negative "were every one from the North." I, too, have examined that record. I find, among

those fifty-two, the names of Mr. [unclear] Delaware, Mr. Lewis Williams, of North Carolina, and Mr. Joseph R. Underwood, of Kentucky. Call you these "northern men?" I do not say whether there were any other southern members in that list of names. Suppose there were not, what is the result? Subtract the remaining twenty-nine from one hundred and thirty-seven, the number of northern members, and how does it come? Forty-nine northern members, then, did vote against the admission of Arkansas. And this is charged as a "violation of faith" on the part of the North. Does the gentleman pretend that the act of a vast minority can make the North responsible?

But even Mr. Adams, and those who acted with him, did not oppose the admission of Arkansas because she was a slave State. It was, in part, because of the following anti-republican provisions, which will be found in her constitution.

I have here the volume of American constitutions, from which I read the following extract from the constitution of Arkansas:

"*Emancipation of slaves.*  
"Sec. 1. The General Assembly shall have no power to pass laws for the emancipation of slaves, without the consent of the owners. They shall have no power to prevent emigrants to this State from bringing with them such persons as are deemed slaves by the laws of any one of the United States."

Here, sir, is, if gentlemen please, "the old Lord North principle," which "prevents the people from governing themselves." They shall not emancipate slaves (no, not even upon paying for them) without the consent of their owners. Yes, more. If every man in the State might consent, not desire to have Arkansas become a free State, yet even then the Legislature shall not have power to prohibit people from other States from coming in and imposing slavery upon the inhabitants of Arkansas. Yet, with these objectionable features in the constitution, only little more than one third of the northern members voted against the admission of Arkansas; and this, in the estimation of the gentleman from Georgia, and others, is considered conclusive proof that the North had violated faith.

If any proof were needed to show that it was not because the Constitution tolerated slavery that the objection was made by Mr. Adams, I need only refer you to the speech made by him at the time, a portion of which was read to this Convention the other day by the gentleman from Virginia, [Mr. Faulkner.] In that speech Mr. Adams distinctly declares that Arkansas has a right to be admitted as a slave State, and that his opposition is not based upon that ground. A farther proof of the truth of his statement may be found in the fact that he, and those who acted with him, voted, at the same time, against the admission of Michigan with a constitution prohibiting slavery. So much for Arkansas.

The next complaint is, that the North violated the Missouri compromise by voting against the annexation of Texas, with the line of 36° 30' in it.

Now, sir, I will ask, in all sincerity, if this is not a most singular—I had like to have said ridiculous, but I will not use that term—complaint to be made by an intelligent gentleman, as we all know the gentleman from Georgia to be? What connection had the Missouri compromise with the annexation or division of Texas? In 1820, the



...of the United States, by their representa-  
 tives, made when they considered it to be a fair divi-  
 sion of these territories between freedom and  
 slavery. A line drawn on the parallel of 36° 30'  
 was the dividing line. Twenty-five  
 years since the nation acquired another piece  
 of territory, about as large as some of the States  
 of the old line of divisions. The people of  
 this new acquisition claim that it shall be divid-  
 ed as to give them nearly all of it. Some of  
 the members of the North protest that it is an un-  
 reasonable, and manifest an unwillingness to  
 do so unreasonable a proposition; and for  
 that they are denounced as violators of the Mis-  
 souri compromise. Again, I ask, what has this  
 proposition to do with the Missouri compromise?  
 Is it there in that Missouri act which contains  
 the prohibition, express or implied, to send the  
 people of the South to agree to divide any future  
 acquisitions of territory by any particular line?  
 Yes, Sir; nothing. That first division was  
 perfect and complete in itself. We had then  
 no other territory to divide. No one then knew,  
 or anticipated, that twenty-five or thirty years  
 later that period Texas would become a part of  
 the United States, and that out of its acquisition  
 would grow a war between the United States and  
 Mexico, which was to result in the conquest by  
 the former of a very large part of the latter.

...as the gentleman from Georgia [Mr.  
 Cassin] has referred to the votes of northern  
 members on this question of the annexation of  
 Texas, as evidence of the "bad faith" of northern  
 men, I propose to examine the record in refer-  
 ence to that question. It exhibits some curious incon-  
 sistencies on the part of some gentlemen who have  
 been themselves conspicuous as advocates of  
 the repeal of the Missouri compromise; I find  
 some gentlemen who now have a holy horror  
 of anything that has even a speckling towards  
 sectional interference on the subject of slavery,  
 occupying a very different position at that time.

...I draw your attention to the proceedings of this  
 House, as recorded in the Congressional Globe  
 for 1844-45, commencing at page 193. There  
 you will see that a series of joint resolutions for  
 the annexation of Texas were offered by Mr.  
 Brown, which were finally adopted by the  
 House, and sent to the Senate. But what I wish  
 to call attention to, particularly, is this: Mr.  
 Brown's resolutions, when first reported, con-  
 cerned with the following clause:

"That such States as convenient and not exceeding  
 the number, in addition to said State of Texas, and  
 whose population may hereafter, by the consent  
 of said State, be formed out of the territory thereof, which  
 shall be admitted to admission under the provisions of the  
 Missouri 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 compro-  
 mise line, shall be admitted into the Union with or with-  
 out slavery, as the people of each State, asking admission,  
 may desire."

Here, you see, nothing was said about the ter-  
 ritory lying north of 36° 30'. Mr. Brown left  
 that question, I suppose, to be settled by the  
 people who might go there; but Mr. Douglas—the  
 "Little Giant"—then a member of this House,  
 now of the Senate—he who has heaped so many  
 epithets on those who propose now to adhere to  
 the agreement, made thirty-four years ago by our  
 fathers, that slavery of itself, and be carried into

what is now proposed as Nebraska and Kansas—  
 he who then is so much at variance with the Con-  
 stitution, and the doctrine of Republicanism—he it  
 was who, at that time, thrust himself forward as  
 the champion of this absurd doctrine of "congres-  
 sional interference," and finally proposed the fol-  
 lowing amendment to Mr. Brown's resolutions;

"and in such States as shall be formed out of that ter-  
 ritory which shall be admitted to admission with or with-  
 out slavery, as the people of each State, asking admission,  
 may desire."

At the request of Mr. Douglas, Mr. Brown con-  
 sented to accept his [Mr. Douglas's] amendment.  
 The previous question was then moved by Mr.  
 Cave Johnson, and, on a call for a second, the  
 vote stood—yeas 107, nays 97.

The next vote taken was upon the following  
 proposition: "shall the main question be now  
 put?" and resulted—yeas 113, nays 106. Among  
 the negatives I find the names of eighteen south-  
 ern members, and conspicuous amongst them the  
 name of Mr. Clingman—the same gentleman, I  
 believe, who now so ably represents a portion of  
 the people of North Carolina upon this floor, and  
 who favored as the other day with such an inter-  
 esting lecture on the "Free Soil" proclivities of  
 the Whig party. On the vote just referred to, I  
 find him dissented on either side by the names of  
 John Quincy Adams and Joshua R. Giddings.

The next vote taken and recorded, was, on the  
 same day, upon agreeing to the amendment of the  
 Committee of the whole—the substitution of Mr.  
 Brown's resolutions for another series previously  
 offered by Mr. Deenigool, of Virginia, I believe.  
 Upon this, the vote stood—yeas 138, nays 106.  
 Twenty southern names amongst the nays—the  
 name of Mr. Clingman being one of them, and  
 still in company with Messrs. Adams and Gid-  
 dings.

The amendment of the resolutions being con-  
 sidered in, the next vote was upon the engrossment  
 of the bill for a third reading. Here, again, the vote  
 was taken by yeas and nays, and stood—yeas  
 119, nays 97; amongst the latter twenty southern  
 names. The name of Mr. Clingman is with the  
 in company of Mr. Adams and Mr. Giddings.

The next and last vote taken upon Mr. Brown's  
 annexation resolutions was upon their final pas-  
 sage, and the result was—yeas 160, nays 93; still  
 twenty southern gentlemen voting in the negative,  
 and still I find the gentleman from North Carolina  
 supported by his old comrade, Messrs. Adams  
 and Giddings.

These proceedings all took place in this House,  
 on Saturday, 25th day of January, A. D. 1845;  
 and may be found recorded in the Congressional  
 Globe of 1844-45, pages 193, 194.

The resolutions having been sent to the Senate,  
 instead of the House's resolutions, the Senate ad-  
 opted a new set, which were finally passed, on  
 the 27th of February, 1845, by a vote of 27 yeas  
 to 25 nays; fourteen southern and thirteen northern  
 Senators, I believe, voting for them, and twelve  
 southern and thirteen northern Senators voting  
 against annexation. The southern nays are:  
 Messrs. Archer of Virginia, Barrow of Louisiana,  
 Bayard and Thomas Clayton of Delaware, Berrien  
 of Georgia, Cyprien and Morehead of Ken-  
 tucky, Foster and Jarrigan of Tennessee, Man-  
 gum of North Carolina, Pearce of Maryland,  
 and River of Virginia.

Here, then, is a proposition upon which the

South itself is nearly equally divided, as it is possible to be where there is not an exact division. One half the northern vote is cast for it, and even the majority, when it was so close that the change of a single vote of the thirty-four northern votes in its favor would have defeated it entirely. And yet the gentleman from Georgia brings up this question of annexation as one of the cases in which the North has inflicted a great wrong upon the South. With what justice the charge is made, I leave it to the committee to judge.

But, sir, I am not quite done with this subject yet. These amended resolutions were returned to the House for its concurrence. They came up for consideration on the 25th of February, 1845, and Mr. Hunt, of New York, moved to lay the resolutions on the table. The vote stood—yeas 69, nays 100. Prominent amongst the nays I again see the name of Mr. Clingman, still sticking to his old friends, Messrs. Adams and Giddings.

The next and last vote taken upon this question, when the yeas and nays are recorded, was on the same day, the question being upon concurring in the Senate amendment, and upon this proposition the vote stood—yeas 129, nays 76. Still twenty southern members in the negative, the gentleman from North Carolina among them, and in company with Messrs. Adams and Giddings.

I do not, Mr. Chairman, refer to these things by way of reproach to the gentleman from North Carolina; far from it. I think he was in good company at that time, and manfully contending for the right; but, sir, I refer to them to show that his precedents are not such as to warrant him in making the wholesale denunciations he did, some days ago, against the party which brought him into political existence.

If, what the gentleman now alleges against the Whig party and the Whig paper published in this city, is true, it is not more extraordinary, that with his acknowledged ability, his keenness of perception, his shrewd sagacity, he permitted himself to follow them so long, and to sustain them so uniformly in their errors. It certainly requires some explanation.

The next complaint against the North is, that they did not consent to recognize the line of 36° 30'—this unconstitutional, this unjust line, this line so insulting to the South—when they were organizing a territorial government for Oregon.

Mr. Chairman, that complaint is too frivolous, too trifling, to waste any time upon. The Territory of Oregon, it was affirmed by the gentleman from Georgia, was a part of the Louisiana purchase. It has been so admitted by southern gentlemen over and over again. No part of it was far enough south to reach within three hundred miles of the line of 36° 30'. It was embraced in the Missouri compromise of 1820, and its character settled by that act. It would have been an act of the most ridiculous legislative folly, to make any such reference to the line, as was proposed to be inserted in that territorial bill.

This in all I deem it necessary to say on that subject. I propose now to pay a little attention to the denunciations hurled by the gentleman from Georgia against those of us who entertain the opinion that it is right and expedient for Congress to legislate on the subject of territorial govern-

ments, doctrines of Lord Brougham and the Whigs of 1776. It is true, the gentleman does not go so far as some others, and deny the constitutional power of Congress to legislate in reference to the Territories. He tells us "he will not discuss the question of power—he never does discuss that question;" that he has told his constituents, and he says, "what that was a question he would not discuss." He tells us it is not right to exceed that power; that the people of the Territories "should be free from unauthorized restrictions and arbitrary taxation." That the people of these territories should have a right to govern themselves.

It had always seemed to me so natural, and so reasonable, that the right to acquire and own territory carried along with it also the right to control and govern those Territories, that it would be a waste of time to enter into any further argument on the subject. But what similarity is there that I would respectfully ask, between the doctrine of those who claim for Congress the right to govern and control the territorial possessions of the nation, and the propositions set up by Lord Brougham and the British Parliament, preceding the American Revolution? The complaint of our patriotic forefathers was not that the British Parliament and Crown had, not, in the first place, a right to govern and control their possessions; but that, after having voluntarily surrendered that right, to induce them to abandon their homes in the mother country, and come over here to settle in unbroken wilderness; and after the people, relying upon the stipulations contained in their charters granted by the Crown, had come, and driven back the savages, subdued the forests, opened up many plantations, built their towns, and organized their governments; that then the King and his Parliament undertook to oppress and annoy them, and to impose heavy taxes and other onerous burdens upon them, in direct and palpable violation of the provisions of their charters. That was the ground of complaint then. There is no sort of parallel between the cases. The comparison is very far-fetched, very far indeed.

But, may I not be permitted to ask, how long has the gentleman from Georgia entertained these very adverse opinions on the subject of congressional interference in the government of the Territories? If I am not greatly mistaken, it has not been a great while since the gentleman denounced, in strong terms, this doctrine of "constitutional non-intervention"—since he pronounced it as bad, if not worse for the South, than an open advocacy of the Wilmot proviso—since he pronounced it a division of the territories between freedom and slavery, by the line of 36° 30', to be a fair and just division; and, not long since, he did declare, in this Hall, the question of power—the constitutional power—of Congress to legislate upon the subject of slavery in the Territories; and that he claimed that Congress not only possessed the power, but he went further, and asserted that it was right, and the duty of Congress to exercise that power. Yes, more; he expressed his conviction that a different doctrine should be sustained.

Mr. Chairman, these old records are very troublesome things for politicians. They often expose us to the criticisms of the uncharitable. It happens to have here the Congressional record containing the proceedings of the House on the 25th of June, 1840, not quite four years ago. It ap-

that on that day the admission of the State of California being the question under consideration, the gentleman from Georgia made a speech without speech—a able speech—an eloquent speech, as all his speeches are. It was made in reference to non-intervention and the extension of the Missouri compromise. I ask the indulgence of the committee while I read a paragraph or two of it. It was in reply to a speech made by Mr. Cass, of Mississippi. The gentleman from Georgia [Mr. Saxton] said:

"It was true, General Cass was opposed to the Wilmot proviso, and he (Mr. C.) had never on this floor, or before the committee, attempted to represent him otherwise. He had, however, awarded to him all the credit he was entitled to in that position. But he had stated, what he had stated to the gentleman from Mississippi, that the position of General Cass was no better, if it was not worse for the friends of the South, than an open disclosure of the position of General Cass held that slavery did not exist in these Territories, that it never could go there, and that it was not in the constitutional power of Congress to make provision for its extension or protection there. This was the substance of General Cass's Nicholson letter. This was the substance of General Cass's understanding of it at the time."

The gentleman from Georgia proceeds to prove that a speech of General Cass, then recently made in the Senate, that General Cass had himself admitted the correctness of his (Mr. S's.) reconstruction of the Nicholson letter.

He then proceeds:

"I could not endorse him and his policy upon this subject, if I had worked with him upon all other questions. I have since the beginning been, as the gentleman from Mississippi says he is, in favor of the extension of the Missouri compromise line, or some other fair and just division of the territory. But I want no division which will give to any one protection to the South, in the extension of the Wilmot proviso, or to the North. The extension of the Missouri compromise, without the recognition of slavery south of that line, and all necessary protection, would be a perfect mockery of right, just as much so as the doctrine of non-intervention."

That slavery existed two years ago upon this floor, and upon which I have declared I should stand or fall. I hold that upon the acquisition of these Territories, their government devolved upon Congress, and that it was the duty of Congress to pass all necessary laws for the full and equal enjoyment by all the people of the United States, or such of them as might go there with their property of every description.

As a difference of opinion exists between the North and South upon the subject of slavery, I thought, and still think, that the purpose of such equal and just enjoyment, and of the Territory would be best. That Congress should pass all laws which I have mentioned—indeed, I have expressed the position of those who claimed the constitutional right to carry and hold slaves there, and yet denied to Congress the power to pass laws for the protection of their rights. The doctrine of non-intervention denied that power.

I then accused the gentleman from Mississippi now to be in favor of the extension of the Missouri line, with a party system and protection of our rights south of the line. And, yet, he would allow me to tell him that, according to the doctrine of General Cass, and the whole party to which he belonged two years ago, such a compromise or settlement would be an unconstitutional act, if they denied the power of Congress to pass any such law. For myself, I have always maintained that the South had an undoubted right to the equal participation in these Territories, and that it was the duty of Congress to see to it that that right was properly secured and protected. It is true those opinions of mine were held by many, two years ago, to be heretical, and were denounced. But I have the gratification now of seeing those who were holding the same opinions of men of all sides of the South. Collections of the light there, I was gathering was there no compromise two years ago.

This is the speech the gentleman from Georgia made in this Hall, less than four years ago. Can

pare it; I pray you, with the speech which he made here a few weeks ago.

"Look on this picture, and then on that!"

Conversion is unnecessary. His conversion is a very wonderful conversion—with no parallel in history. It is the conversion of Saul of Tarsus, while on his journey to Damascus to persecute the saints. There is, however, one remarkable difference: Saul persecuted those who differed from him before, the gentleman from Georgia after his conversion.

In order to quiet the apprehensions of the people of the North, some of the friends of this noble project tell us that it is not to extend slavery, but only for a great principle! that they are so earnestly contending. What is that great principle? Why, simply, the right to go where they please with their slaves. They tell us they never expect to see slavery established in Nebraska or Kansas; that it is contrary to the laws of nature that it should exist there. Why should slavery not exist, said he, profitable in at least one of these Territories? It is as the soil as productive, and the face of the country as beautiful, as in any other part of the United States! Ah, but the climate, the climate! Slavery cannot be profitably employed north of 36° 30'.

Mr. Chairman, I call on northern men not to be imposed upon by any such declarations. Turn to your last Census Report, and you will find that there are now nearly nine hundred thousand slaves employed in this country north of the line of 36° 30'.

Delaware, Kentucky, Virginia, Maryland, Delaware, and the District of Columbia, all lie north of that line. Is not slavery profitably employed in these States? Do not their inhabitants cling to the institution with a death-like grasp? Have not many of the strongest appeals in favor of the repeal of the Missouri restriction which have been made, both in this House and in the Senate, come from gentlemen residing north of 36° 30'? But to the principle.

Some gentlemen tell us that it is degrading to their feelings to be denied the privilege of taking their slaves into whatever Territory they may choose to go with them. Is there no principle on the other side of this question? Has nobody else but the slaveholder any feelings to be regarded, or wishty to be respected? Southern people—or some of them, for the continent is by no means universal, even in the South—think slavery a blessing, and that it ought to be spread broadcast over the land. Northern people, on the other hand, generally consider it a social evil; many of them consider it a stupendous moral evil, a great sin, and they shrink from all connection with it. To be regarded to be paid to their opinions, their prejudices, if gentlemen prefer to call that such? Now, sir, what is to be done under such circumstances? You must either disregard the rights of the one class or the other, or you must divide the Territories between them. Our fathers adopted the latter course, and for that they are now to be censured by a majority of the southern members of Congress. They are denounced as violators of the Constitution, but years ago the friends of the South, adherents of the doctrine of Lord North and the Tories of that time, I shall give no details of how they

Clay and King, and the other distinguished men who voted for the Missouri compromise of 1820; or of President Monroe, who gave it his sanction and affixed his name to it before it could become a law. I take it, sir, that those distinguished men understood quite as well the true meaning of the Constitution and the "rights of the South," and the North, too, as do the most nearly sagacious statesmen of the present day.

Another reason urged for the repeal of the Missouri compromise, is, that it is necessary to give peace to the country. A curious way to give peace, truly.

The country had peace. The last of the disturbing elements had just been calmed by the compromise measure of 1820. The two great political parties of the nation had assembled in conventions and adopted resolutions denouncing the compromise heretofore passed, a *final settlement* of the slavery controversy, and declared their purpose to discontinue any renewal of the agitation. These resolutions were accomplished in by the great body of the people in every section of the country. How comes the question now again before the country? Who stirred it up? Who, I ask, but these gentlemen who are so anxiously seeking, so ardently putting "for peace?" And how, I pray you, do they propose to give us "peace?" Simply by opening again the wounds that have just been healed, and causing them to bleed afresh. By repealing the Missouri compromise, and throwing us back where we started in 1820, when the first compromise was adopted, and just where agitation is sure to follow as effect to follow cause, every proposition to admit a new State into the Union, or to organize a territorial government. Sir, I should as soon expect to prevent the explosion of a powder magazine by thrusting a flaming firebrand into its midst, as to expect to prevent the agitation of the slavery question by the repeal of the Missouri compromise.

So far as my vote for or against the bill is concerned, it will make no difference whether the question shall be upon the passage of the Senate bill, or upon the House bill introduced by the chairman of the Committee on Territories; whether the Clayton amendment may be adopted or rejected; I shall vote against any bill which may have the effect of repealing the Missouri compromise.

So far as relates to the Clayton amendment, so it is called, I have not made up my mind fully how I shall vote upon that naked proposition. Although I may be induced to vote against it, for the purpose of securing those two Territories to freedom, where it rightfully belongs, I must say that I do not much like the notion of conferring the elective franchise upon persons until they shall take upon themselves the obligations of citizenship. But while I say this much, I cannot withhold an expression of my regret at some of the remarks that fell from the respected gentleman from South Carolina, [Mr. Hays], who sits on my right, during the delivery of his able speech the other day. On that occasion the gentleman made use of the following language:

"Such is the intention of a portion of those who oppose this bill, that, with the history of the foreign population in America fresh in their memories—a history which, at the same time, is a succession of ages and of crimes, by which the people have been degraded, poverty, misery, and wretchedness spread abroad, churches burned, and children sold into slavery, they cannot be induced to assent, even to those cal-

ends from the partners of the crime of the Old World, in selling their fellow-men into slavery to the New World."  
 "In passages of their masters, they have consented to swell this tide of corruption, which threatens to fill the perspective, by gratuitous donations of public land to the said every foreigner, upon the sole condition of selling his slaves."

Again he says:  
 "But, sir, the humanity of free nations would not allow the poor negro, who owes his condition to the cruelty of his ancestors, from the rich lands of this independent, rich, and successful, it without fee or reward to be sold as a commodity of the very slaves—the millions of the King George—who warned against our liberties, when they came, by the labor, and the continental army of America."

Mr. Chairman, I feel no disposition to play the demagogue on this or any other occasion. If there is any creature upon this earth whom I sincerely despise, it is the poor, miserable, wretched, degraded, who makes it his business to peddle his passions, or the prejudices, of any portion of our population; foreign or native born. That there have been disgraceful scenes enacted in our country; in which persons of foreign birth have participated, is unfortunately too true; but, sir, it is also true that similar occurrences have taken place in which native born citizens have taken part. I deprecate all such violations of law, whether by the one or the other. But, sir, in justice to a considerable portion of my constituents, I must say that the character of the foreign population, at least in Ohio, does not justify the sweeping denunciations of the gentleman, or of his colleague [Mr. Berran] in the other wing of the Capitol. If the gentleman would make a tour through the great West, he will find among our most substantial farmers, our most enterprising merchants, our most industrious and skilful mechanics, many, very many, of those who have come to us from foreign lands. He will find in the council chamber of my own city two of the eight senators elected by Germans, and more intelligent, order-loving, or worthy men, cannot be found anywhere. He will find some of our most distinguished medical practitioners who are also Germans by birth and education. He will find in our legal profession some of the eloquent sons of the Emerald Isle. He will find among our citizens of foreign birth, as he will among the native born, the learned as well as the illiterate, the wealthy as well as the poverty stricken, the orderly as well as the disorderly disposed. He will find them in the mass very much like other people.

Mr. Chairman, those who have introduced this agitating question into the Hall of Congress, and those who insist upon its passage, are under a fearful responsibility. From bloodstained and unrepentant, fraught with mischief, and filled with treachery, as it is, and there is an end of all your boasted compromises. Think not, sir, that when the South destroy this, the first born of all the measures of conciliation, after having secured, beyond the reach of congressional control, the institution of slavery in all, or nearly all, its own portion of the territory embraced in the division of 1820, that the North is going to adhere to the more recently adopted measure of compromise. Those who make such calculations will be woefully disappointed.

There are some things in the compromise of 1820 that are, and were always, far from being acceptable to the mass of the people of the North. There are some things in the foreign slave law

and are very objectionable, and, as we believe, unwarranted. Of this opinion is that opinion which requires northern men, when called upon, to support their rights by arms. It also, that which requires them to be captured and returned to you at the public expense. We cannot understand how it is that we are required to march and return in your name, when, if thousands of cattle stray off from us, and some of our domestics, we are compelled to hunt them up ourselves, and catch as best we can without assistance, and then foot the bills for their capture and return out of our own pockets. But, might we not consider these and some other provisions of the act of Congress of 1850, for the sake of personal property, we were willing to submit to them, and give of a final settlement of all the dilatory and important controversies growing out of the question of slavery. We had become sick, tired, disgusted with negro dissensions. We wanted an end of these agitations. We desired that the nation should have repose. Hence, we were willing to compromise these difficulties, even at the sacrifice of much. We hoped to see other interests cared for. We hoped to see the great and paramount concerns of the nation receive some attention from the Government, especially that great national wrong, which is, to enable the slaveholder, in a measure, the commerce of the world. And at the moment when the whole nation was congratulating itself that this angry controversy was settled, finally and forever, a demon of discord sprang up in the other wing of this Capitol, and proposes to repeal the very act by which the South is aided by such assistance from the North as it can obtain, either through bays of speech, through fear of the Executive lash, or from a consciousness conviction that the thing is right in itself, pass this measure if it will; but, and it is proper that it should be understood that the repeal of this act is the virtual repeal of the whole act. Southern gentlemen should understand distinctly that the North will from this moment consider itself absolved from all further obligation to regard any of the emancipations. There will be an end to the execution of your fugitive slave law to any extent beyond what, in the opinion of the North, is enjoined by the Constitution. The North will not, thereafter, consider itself under any sort of obligation to consent to the admission into this Union of future States with constitutions recognizing slavery, whether they be organized out of territory now included in Texas, Utah, New Mexico, or the Indian territory lying south of 36° 30', or elsewhere. It will be an end of all proposed compromises. It will be a protest against all future ones. How can it be otherwise?

Remember, whatever we may have thought of southern demands, we have always felt a strong conviction that southern honor would not be sacrificed, that the pledged faith of the South would be scrupulously maintained. From this bill repealing the fugitive compromise, and if it will be again for some time in attempt to violate the peace of the North that there is no southern slaveholder involved in the transaction; that there has not been a violation, a glaring violation of southern faith. Let it be understood that one portion of this great nation cannot longer receive confidence in oaths, promises and pledges of another, and what, I ask

you, will be the condition of affairs? And will take the place of cotton? Slavery, however, will be felt where brotherly rivalry exists. Instead of his falling of suddenly, which Washington, in his Farewell Address, exhorted us to cherish, sectional envy will pervade every nook of the country. He who cannot forgive this state of things, if this measure shall be passed, must be blind, irretrievably blind. And what is the proposed remedy for the evils which must follow? Sometimes we hear suggested a dissolution of the Union. Dissolution! There is no healing balm in that medicine. I ask gentlemen of the South what they would gain by dissolving this invaluable Union, even if such a thing was possible? Would your "peculiar institution" be then better protected than it is now? If your slaves escape into the Free States, where will be your remedy? Will you then have a right to take your slaves into any of the Territories where you cannot now take them? Do you expect the North, when you leave the Union, to kick at the Territories and let it after you? Do you even expect us to divide any portion of the Territories with you? If you do, you will be greatly mistaken. We shall do no such thing. We of the North will have no hand in any such work. We will do nothing which recognizes division in any form. We intend to remain in the Union. We intend to retain the common property of the Union. If you desire to send the people which have so long bound us together as a common brotherhood, you may go out as individual States, taking nothing with you but what property pertains to you in your capacity as States. Your institution of slavery must then confine itself within the limits of the States where it now exists, and where the people of the North claim no right to interfere with it in any manner or form. When you divide, you will make a most effectual movement for the prevention of the further extension of slavery.

But what would be the condition of the States of Delaware, of Maryland, Virginia, Kentucky, and Missouri? Think you, gentlemen of the far South, the people of these States will ever consent to a dissolution or division of the Union which would place them upon the dividing line between two hostile Republics? Never! no never! How long, under such circumstances, do you think it would take, before all the slaves in those States would be beyond the control of their masters and the jurisdiction of their States? Sir, it is idle to talk about a dissolution of this Union. The people North or South do not desire it; nor will they ever submit to it, under any circumstances; much less will they permit you to sever it, because the North will not consent for you to abrogate an arrangement which you formed upon it more than a third of a century ago, and to arrogate it, too, after you have received from the North all your part of the consideration.

Think you, sir, that the people of the Northwest, the great, the mighty Northwest, will ever consent that any obstruction or impediment should be thrown across the Mississippi or the Ohio rivers? These mountain waters belong to the Northwest. God and nature have provided them as the great highways for the mighty and increasing commerce. There are the ways to market for our vast productions, agricultural and mineral. We never

can, we never will, consent to have our right to freely navigate then questioned by any one. We pay no tribute to any one for this privilege. No barriers can be placed there to prevent the ingress and the egress of our commerce. Divide, if you will; but we warn you that you must leave these waters open and free.

But, Mr. Chairman, I beg pardon for alluding to the subject of dividing this Union. It is a subject which ought not to be discussed—it should not even be seriously thought of. This Union is not to be dissolved so easily. It has, for nearly seventy years, stood as a towering monument of

the wisdom and patriotism of our fathers. Under its blessed influences this Union has grown in size, in population, in wealth, in strength, and in influence, as no other nation has ever grown in so brief a period. It is destined still to stand, to live on, and to grow. Gentlemen at the South, or at the North, may fast, and bluster, and threaten; but the American Union will continue to exist until we, the noisy politicians of the nineteenth century, shall have died, and been forgotten, and our memories and our names together have been consigned to an eternal oblivion.