Nebraska and Kansas Bill

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SPEECH

OF

HON. T. T. FLAGLER, OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES, MAY 16, 1854.

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

Mr. FLAGLER said:

Mr. CHAIRMAN: It has pleased the coördinate branch of our Government to send for concurrence here a bill for the organization of the Territories of Kansas and Nebraska. That bill contains a provision which has arrested the attention and awakened the solicitude of the American people to an extent unparalleled. The voice of my immediate constituents comes to me in tones deep and unbroken, like that of the mighty cataract on our border, solemnly and earnestly protesting against impairing the Missouri compromise, as this bill contemplates, and enjoining me to oppose it in their name and behalf by all the means within my power. I am happy to say, sir, that my own views and feeling are in perfect unison with those of the constituency I represent; and I am impelled to break the silence which I have observed since my advent upon this floor, and which I would, of choice, still preserve, because I am persuaded that in the judgment of many of them, I shall not have exhausted those means, unless I oppose this bill in its present shape both by speech and vote. Thus prompted, nay, thus constrained, I launch my bark upon the stream of discussion, from whose depths every pearl has been sought for and found, and from whose shores every flower and thing of beauty has been gathered. True and pertinent things—if not new things—I shall aim to utter. On this great theme, at this momentous crisis, line upon line and precept upon precept may well be excused. Let none wonder or complain that this far-reaching question we are considering brings agitation and prolonged discussion. If there was no agitation, we might be well assured the spirit of liberty had departed from us—if there was no voice of man against this bill, the stones in our streets would cry out.

It is no new thing, Mr. Chairman, that the National Government is invoked to call into being these temporary organizations, these States in embryo. Even before the formation of our present Constitution, it was found necessary, under the Articles of Confederation which it superseded, to enact, by ordinance, a government for the "Territory of the United States northwest of the river Ohio." This celebrated ordinance, the pioneer of kindred enactments, by virtue of which our family of States has increased from thirteen to thirty-one, was formally and distinctly sanctioned by an act of the first Congress which assembled after the adoption of that Constitution. In this ordinance are two prominent and well defined characteristics. The one is the assertion and exercise of the right of supremacy in the National Legislature over the temporary government it creates, and the other is the prohibition of slavery and involuntary servitude in said Territory, except for crime.

Considering, sir, that the ordinance embracing these distinctive features was passed immediately before, and sanctioned immediately after the adoption of the Constitution of the United States; considering that those who were concerned in ingrafting those provisions into the ordinance of 1787, were the same master minds who modeled the Constitution itself; and considering the unanimity with which the sovereignty of Congress and the prohibition of slavery was incorporated into the first bill for the organization of a territorial government, there seems to be no escape from the conclusion that, unless, indeed, as has been already said, the Constitution itself is unconstitutional, that ordinance is not only the pioneer, but deserves to be the model of all subsequent organizations of territorial governments by Congress, so far as those two features are concerned. That ordinance is a platform hewn out of the tree of liberty, and upheld by the pillars of the Constitution.

The bill before us is objectionable, since it departs from those constitutional, proper, and even necessary, features of our earliest territorial organization. We find it not only relaxes the hold which, of right, as the trustee for the States, Congress should exercise over whatever concerns the Territory in which it erects the frame-work of government, but it also casts off the palpable duty of Congress in making "needful rules and regula-

tions for the Territories," to secure for them "the blessings of liberty." It is the organic law—the Constitution—which imposes this duty upon Congress; but we search in vain for any such provision in the bill. The wise and liberty-loving statesmen of those other—shall I say better—days stamped the impress of freedom upon our national domain. This bill leaves to the determination of we know not whom, the settlement of a question we know not how, which the National Legislature is constitutionally and morally bound to settle, and that in favor of freedom.

The bill is objectionable in the next place, sir, because the rightful authority of Congress having been exercised to shut out forever human slavery from these Territories, it is proposed in this bill wantonly and wickedly to repeal that righteous prohibition. It is this which imparts to the objection colossal proportions; it is this which rears it to more than mountain height. How marked and sad the contrast between the principles and practice of the fathers of our Republic, and that of some of their descendants at the present day. The one erected barriers against slavery; the other finds one erected, and ruthlessly proposes to pull it down. The one held free labor identified with the welfare and glory of the land they loved; the other holds free and slave labor as equal, and entitled equally to be fostered by Congress in our national domain.

A darker shade, Mr. Chairman, is imparted to the proposed repeal of the prohibition against slavery in the Territories of Nebraska and Kanzas, when we contemplate the circumstances under which it was imposed. Slavery, which the fathers of our Republic regarded as an evil to be endured until, under the operation of the free institutions they established, it should at an early period fade away, became in process of time invested with increased vigor and strength. It looked upon and coveted for its own a liberal portion of our newly acquired national territory. It had insidiously gained a foothold in the Territory of Missouri, and when in 1820, a constitution was formed there initiatory to her admission as one of the States of this Union, the question, grave and solemn, came up in Congress, shall the number of slave States be increased by carving them out of our national domain. If there be any truth in history—if we may trust the recollections of a multitude of the living, it was a portentous epoch. It involved the recognition as right what the moral sense of the non-slaveholding States affirmed to be wrong. It was not only a fierce, but protracted struggle. Good men—statesmen—well nigh despaired of the Republic. It was settled at last—not as the non-slaveholding States desired, not as they expected—but as those who were the champions of slavery proposed and pressed upon Congress, and which, when settled, they heralded as a triumph, and substantial advantage for that interest. By this settlement—this compact—this covenant—as it has been variously termed, slavery was allowed to hold its ground in Missouri, provided it was forever shut out of the balance of the Louisiana purchase north of 36° 30′. Slavery took its portion under the agreement, while patient freedom was to wait until—in the unknown, far-off future—the wilderness, which was its portion, should become the abode of civilized man. One third of a century has passed away since that memorable period of 1820. The chivalrous actors in the conflict are no more. "Now there arose up a new king in Egypt which knew not Joseph." As though there was not ample present causes for estrangement between different sections of our country, it has suited the purposes of the god-fathers of this bill to rake up the ashes of past disagreements, to find in their too successful search an ember with which to enkindle a fierce and consuming flame. It is the practice of our Government to reward inventive genius by patent. These incentives are awarded, I believe, on two conditions: first, there must in fact be a discovery; and secondly, it must be susceptible of some useful purpose. So long as these inexorable rules are applied, I am well persuaded that the inventor of the discovery, that the Missouri compromise of 1820 was inconsistent with the legislation of 1850, and must, therefore, be declared "inoperative and void," will never get a patent. We are not advised that one was given to him, in ancient days, who invented the method of making his name immortal by applying the incendiary torch to the world renowned library at Alexandria, and dooming its rich treasures to destruction. I would there had been, for it might have saved us from the miserable and mischievous imitators of his example at the present day.

The objections to this bill might safely be rested here. The three reasons already adduced are, or should be, conclusive against its passage in its present shape, in the judgment of all fair-minded statesmen. But there are others, independent of these, which impel us to the same conclusion. Look at the section which is the subject of so much controversy, and which, to be appreciated, must be seen in its full proportions, viz:

"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 6, 1820; which, being inconsistent with the principles of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void, it being the true intent and meaning of this act not to legislate slavery into any State or Territory, 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: *Provided*, That nothing in this act contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of 6th of March, 1820, either protecting, establishing, prohibiting, or abolishing slavery."

Now, the object of this remarkable fourteenth section, of which the above is the concluding and controverted portion, is to repeal the prohibition against slavery as established by the Missouri compromise, and yet it is a surprising, not to say suspicious, circumstance that the word repeal does not appear! It could have been done in a brief sentence, and yet what an avalanche of words. It was easy to make its object plain, if it simply contemplated that repeal, and yet it is confessedly so obscure that a commentary is added, and to crown the climax, this addition to the text is subjected to an explanatory proviso! It has been well said that the objection against the bill on account of its obscurities is ample cause for its rejection. If passed, it must inevitably provoke endless controversy and litigation. It might well be entitled an act to increase the business in our courts, and thereby encourage the increase of that already

numerous profession, the law. If these statements are, in the judgment of any, overstrained, let it be remembered that both in and out of Congress, it is advocated for reasons diametrically opposite. It is far from being settled what is the principle it contains. But however much dispute there may be on other points, however much or little it may have of other elements, it is obvious that the section we are considering has the geometrical principle.

The section is—or is claimed to be—a triangle. It is elaborately and skillfully constructed with three sides; and, as seen from those respective points of observation, so does it present three different aspects, and is read in as many different ways. Some, in looking, fall desperately in love with it, because it grants to slavery what its admirers and propagandists choose to term an equality of rights. Others, looking upon another side, declare that they approve it because it proclaims non-intervention by Congress in the affairs of these Territories. Still another class—and it embraces well nigh all the friends this bill has, in its present shape, in the non-slaveholding States—gaze wistfully at its misty provisions, and, reclining in the pleasant and refreshing shade of some desirable office of the National Government, persuade themselves they see in it the cardinal doctrine of self-government, and therefore cannot withhold from it their disinterested support, albeit they are profoundly grieved that the anti-slavery proviso of 1820 is necessarily overthrown! Can those contradictory renderings be all of them legitimate and true? Are not some either deceivers or deceived? A section so equivocal and three-sided deserves a patient and scrutinizing examination. Let us recur to its language. It leaves the people of these Territories "perfectly free to form and regulate their own domestic institutions in their own way, subject only to the Constitution of the United States." The provision has an innocent and amiable look, well calculated to win the confidence of the unwary, but who need be told that, under its phraseology, lies an important and controverted question. The question is, what rights "under the Constitution" do the people within territorial limits have over the subject of slavery in the absence of any law, as this bill proposes to leave it?

In one quarter of this land—and it becomes me as a representative of a free constituency to take cognizance of the fact—in one section of the country, and that section most concerned for the passage of the bill with this provision—it is held that those people have no power whatever to act against slavery; they cannot, however desirous a majority might be, shut it out of the Territory. Volumes might be filled with proof in support of this doctrine as held by southern statesmen. It runs through their speeches in support of this bill, and explains full well their desire that it should pass. Take, for example, an extract from the recent speech of the able Senator from Mississippi, [Mr. BROWN.] Speaking of this alleged equality, he said:

"The conclusions, Mr. Chairman, to which my own mind has arrived on the several points involved are briefly these: That every citizen of the United States may go to the Territories and take with him his property, be it slaves or any other description of property; that neither the United States Congress nor Territorial Legislature has any power or authority to exclude him; and that the power of legislation, by whomsoever exercised in the Territories, whether by Congress or the Territorial Legislature, must be exerted for the equal benefit of all—for the southern slaveholder no less than for the northern dealer in dry goods."

The distingnished Senator enforces this view of the subject, by quoting the language of the late Senator Calhoun and others, and then adds:

"To fortify my own position, I might multiply authorities like these almost indefinitely. It may be sufficient to say that, so far as I know, no strict constructionist in the South has ever yielded the point that the inhabitants of a Territory could exclude slavery."

When the above quoted section was under consideration before the Senate, the following amendment was proposed to be added at its close:

"Under which the people of the Territory, through their appropriate representatives, may, if they see fit, prohibit the existence of slavery therein."

The vote upon it was as follows:

"YEAS—Messrs. Chase, Dodge of Wisconsin, Fessenden, Fish, Foot, Hamlin, Seward, Smith, Sumner, and Wade—10.

"NAYS—Messrs. Adams, Atchison, Badger, Bell, Benjamin, Brodhead, Brown, Butler, Clay, Clayton, Dawson, Dixon, Dodge of Iowa, *Douglas*, Evans, Fitzpatrick, Gwin, Houston, Hunter, Johnson, Jones of Iowa, Jones of Tennessee, Mason, Morton, *Norris*, *Pettit*, Pratt, Rusk, Sebastian, *Shields*, Slidell, *Stuart*, *Toucy*, *Walker*, *Weller*, and *Williams*—36."

This rejection, by the vote of every Senator friendly to the bill, in one unbroken phalanx, is conclusive of the motives of those who urge its passage, and of the ulterior and baneful purposes it is designed to visit upon the people of these Territories. It is the true intent and meaning of this act that those people shall not prohibit the slaveholder from going into with, and holding there, under their view of the Constitution, his human chattels. It is this doctrine of equality of rights, intended to be secured to the slaveholder by the honeyed phraseology of this bill, which draws to this measure almost the entire support of the South.

But is this doctrine of the strict constructionist correct? It has frequently been met, and its unsoundness made manifest, but never more conclusively and triumphantly than by one STEPHEN A. DOUGLAS, a Senator in Congress from Illinois, in 1850. He was manfully battling against this specious doctrine when, in his place on the floor of the Senate, he said:

"But you say that we propose to prohibit by law your emigrating to the Territories with your property. We propose no such thing. We recognize your right, in common with our own, to emigrate to the Territories with your property, and there hold and enjoy it in subordination to the laws you may find in force in the country. Those laws, in some respects, differ from our own, as the laws of the various States of this Union vary, on some points, from the laws of each other. Some species of property are excluded by law in most of the States, as well as Territories, as being unwise, immoral, or contrary to the principles of sound public policy. For instance, the banker is prohibited from emigrating to Minnesota, Oregon, or California, with his bank. The bank may be property by the laws of New York, but ceases to be so when taken into a State or Territory where banking is prohibited by the local law. So, ardent spirits, whisky, brandy, all the intoxicating drinks, are recognized and protected as property in most of the States, if not all of them; but no citizen, whether from the North or South, can take this species of property with him, and hold, sell, or use it at his pleasure in all the Territories, because it is prohibited by the local law—in Oregon by the statutes of the Territory, and in the Indian country by the acts of Congress. Nor can a man go there and take and hold his slave, for the same reason. These laws, and many others involving similar principles, are directed against no section, and impair the rights of no State in the Union.

They are laws against the introduction, sale, and use of specific kinds of property, whether brought from the North or the South, or from foreign countries."

Men change, but truth is unchanging; and since, by the testimony of him who leads the van of slavery propagandists, their theory of equality of rights is false, though it be ever so specious, every lover of his kind may well excuse himself from supporting a measure whose true intent and meaning is most palpably to infuse the curse of slavery into these Territories for which this bill provides a government. They are perfectly free, except that they are under an overwhelming constraint. They have a choice, too, provided they choose to admit and foster slavery. Sovereigns they are also, if they will but inaugurate the chain and the lash. Ay! they are left by this bill perfectly free to bow down and worship the dragon of American slavery. From such freedom may the people of those Territories be delivered! Pass this bill, send into the Territories judges whose appointment has to pass the ordeal of that same Senate—a majority of whose members have recorded themselves in favor of the doctrine of equality of rights, as held by the South—and they will go there to reflect judicially the views of those to whom they owe their position. They will give to this doctrine of the strict constructionist of the South, that the inhabitants of the Territory cannot exclude slavery, the controlling influence of judicial construction. For the inhabitants of the Territories there will be no escape from it—they will have no power to erect a single embankment, although slavery pours in upon them like a flood. They are tied, hand and foot, and then told, in bitter mockery, they are perfectly free!

But while the slavery propagandist may look upon this section, and admire it because it bears in legible characters his favorite doctrine, it deserves to be considered what grounds there are for the two other constructions deduced from it—non-intervention by Congress, and self government by the people of the Territories. In listening to the speeches upon this floor in behalf of this bill, it would hardly be suspected that the bill contained thirty-seven sections; that it extended to thirty-seven printed pages, and that, from beginning to the end, there is intervention with the affairs of those people. It does not suffer them to set up a government, but erects one for them. The act prescribes the boundaries of the Territories, requires the inhabitants to recognize the rights of the Indians there under treaties with the United States; vests the executive power in a Governor appointed by the President and Senate, and over whose appointment to, or continuance in office, the inhabitants of the Territories have no control; gives him the veto power, which can only be overruled by a two-third vote of the Territorial Legislature; designates the number of members in the Territorial Legislature; prescribes their qualifications and terms of service; limits the duration of their sessions, and the subjects of their legislation. This act, also, kindly extends a judicial system over these people—sends them, under appointment by the President and Senate, judges, marshals, and district attorneys to execute it; and enacts that all laws of the United States, not locally inapplicable, shall have the same force and effect as elsewhere in the United States.

In a word, this act, aside from the changes made necessary by locality, is almost literally a copy of former bills for organizing territorial governments. The most material difference is the giving to the Governor a qualified, instead of an absolute, veto; but since the same authority which provides these people a Governor grants them the money to carry on their government, erect public buildings, construct roads, &c., the difference between an absolute and qualified veto is, practically, of no account. And yet it is gravely held that the ambiguous provisions of the fourteenth section relieves the inhabitants of these Territories from the express and plain requirements of other portions of the bill. It is quite certain that those who place their advocacy for this measure on the ground that it frees these inhabitants from congressional intervention, and leaves them in the enjoyment of self-government, must indeed have eye-sight quickened by the telescopic power of Government patronage, and are thus able

"To see what is not to be seen."

And yet this bill, heavy laden with these obnoxious and reprehensible features, has received the sanction of the Senate, is adopted by the national Administration as a test of party fealty, and has its advocates upon this floor, who, with a zeal and eloquence worthy of a better cause, press it upon the attention of this House and the country. Various pleas are adduced for its passage, upon the sufficiency of which I desire to "give my opinion."

The most prominent of these, perhaps, is that which assails the validity and binding force of the prohibitory line of 36° 30′. The advocates of this bill have taken upon themselves the herculean labor of endeavoring to show that our whole nation has rested under a great historical mistake for thirty-four years. They are bold enough and desperate enough to affirm that the Missouri compromise, instead of being, as all mankind supposed, nay, as all mankind positively knew, the concession on the one part to admit Missouri as a slave State, and the agreement on the other to the perpetual exclusion of it from what remained of the Louisiana purchase north of 36° 30′ as the equivalent for that concession, was only a strife in regard to free negroes in that State, occurring, not in 1820, but in 1821. I am persuaded, Mr. Chairman, these gentlemen do not as yet fully appreciate the weight they have placed upon their own shoulders, or the magnitude of the undertaking to which they have addressed themselves. It is an effort as unsatisfactory and unending as the laborious task of Sisyphus, whose punishment it was continually to press the huge stone up hill! As well might they argue loud and long to prove that this session of Congress had no beginning, or, what would not be entirely destitute of plausibility, that it is destined to have no end. They do not, they cannot, obscure the light which has brightly and steadily shone on that great and memorable transaction of 1820. "This thing was not done in a corner." It is established by the testimony of those who participated, in or were contemporaneous with the mighty struggle, and whose evidence is unimpeached and unimpeachable. Hear one of those witnesses—an actor in those scenes of 1820, and an adherent of the slavery interest, which, he counsels his friend, has been a great gainer by the

very settlement of the question which he opposed. I offer no apology for reproducing this oft-quoted letter. On the contrary, I humbly submit that, so long as this bill is pending to repeal the Missouri compromise, this letter of Charles Pinckney should as much be read every day as the Journals of our proceedings. It would be a most appropriate conclusion and finishing stroke to the speeches delivered here in favor of that repeal. Suppose the question before us involved the lives of as many men as could stand upon the soil of Nebraska and Kansas; suppose that, instead of being settled in a legislative body, it was to be adjudicated by a court of justice, and under the well-established rules of evidence; suppose, also, that the question of their guilt hinged upon the credibility of Pinckney's testimony in reference to the facts stated in his letter —could that proof be shaken by the contradictory declaration of gentlemen on this floor? Would not the court and jury determine that the testimony of one witness who was present and simply told what he saw and heard could not be affected by the counter assertions of others who were, it may be, at the time unborn, or who, at best, derived their knowledge second-hand and from hearsay? Sir, the proof of this Missouri compromise, as an event occurring in 1820, and as adjusting a question of slavery, is settled, if there were not a jot or tittle of other proof, by this letter of Charles Pinckney. It is strong enough and conclusive enough to hang a multitude of men. Let us see what this letter says:

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, uninhabited, only by savages and wild beasts, in which not a foot of the Indian claim to the soil is extinguished, and in which, according to the ideas prevalent, no land office will be opened for a great length of time.

With respect, your obedient servant,
CHARLES PINCKNEY.

Mark the date, it is 1820; and a question of slavery allowed in one locality and prohibited in another, that is settled, settled so satisfactorily that this son of South Carolina takes an early hour of the morning to break the glad tidings to his friend. When any question relative to free negroes comes up in Congress, it will be a good time, an excellent time, to consider what bearing the legislation of 1821, has on that question. But meanwhile the unfulfilled condition of the compromise, the agreement, the covenant of 1820, has become a practical question. What was of no moment, as Mr. Pinckney truly said, in 1820, is of incalculable moment now. The South, as proven, had her triumph in 1820, the North asks, nay, demands, not a triumph, but simply even-handed justice to-day. McLane, and Lowndes, and Mercer, and their illustrious compeers of the South, took upon themselves, their constituencies and descendants, obligations which, it is safe to say, their successors in these Halls cannot escape or put away, without tarnishing the good name of those patriotic and honored sons of the South. I rejoice that there is a noble few who do stand by the ancient covenant. Happy would it be if there were more of the Representatives of the South who would attest their regard for the memory of the patriotic dead, by a scrupulous adherence to the engagements they made in a time of great national peril.

The next pretense insisted upon, as though it were a reason for the perpetration of this outrage, is, that the North subsequently refused to extend this line of 36° 30′ westward to the Pacific ocean. And wonderful to tell, this fact, which nobody denies, or cares to deny, is abundantly proved by sundry industrious gentlemen, whose laborious research among the musty Journals of Congress, have shown that not only once, but more than once, this proposition was made and refused. The right of the South to make these proffers is undisputed in any quarter, and why not the right on the part of the North to decline it equally indisputable? Or are we of the North to be told that we must take everything proffered by our dear brethren of the South, as the unfledged tenant of the bird's nest opens its tiny mouth and swallows all that's dropped therein?

The assumption then that these refusals to establish the same parallel of latitude in our newly acquired territories as the boundary between free and slave labor, worked any forfeiture of rights under the compromise of 1820, is both untrue and insulting. It implies that the representatives of the one interest had, in the settlements of the questions growing out of our acquirement of territory from Mexico, rights of choice superior to the other, and that the one had the right to propose a basis of settlement which the other had not the right, and was not "perfectly free" to accept or reject. If, then, this undoubted right of choice was vested in the North, why will the advocates of this repeal of the Missouri compromise expose themselves by affirming that the North lost thereby what was guaranteed to it by the engagements entered into some thirty-four years ago? Both parties, it may be safely said, were equally free, and the action of either or both in Congress at a subsequent period, in relation to another tract of country, and upon a question modified by the attending circumstances, can no more be plead in palliation or excuse for taking away the prohibition against slavery in those Territories, than the action of the British Parliament upon the Turko-Russian question. And it deserves to be mentioned in this connection, that the establishment of this line of 36° 30′ is now claimed by the slavery propagandists of our day as very objectionable in principle, and unfair to that very "peculiar institution" in its practical effects. If so, why is anybody to be blamed for not extending this line, and thus enlarging the alleged pernicious influences of which these friends complain? The North deserve praise, not censure, at the hands of those gentlemen for this act. And yet the North is complained of for this very thing, additional evidence of man's ingratitude to man. Who after this will venture upon a kind, good-natured act? It would seem, Mr. Chairman, that the refusal to extend the Missouri line by the North lays the South under increased obligations scrupulously to adhere to it as already established, however oppressive it may bear upon their sectional interest, in token of their undying gratitude to their northern brethren for preserving

them from an addition to its alleged onerous terms.

Still another plea by which this repeal is commended to the favor of the people, is, that the repeal is necessary in order to set up in the Territories, popular sovereignty. It has even been claimed, in some of the more lofty flights to which oratory has soared, in the advocacy of this bill, that it involves the same principle in the maintenance of which our revolutionary fathers converted Boston harbor into a mammoth tea-pot, and enriched the soil of many a battle-field with their precious blood. Now, it is a very pleasant day-dream to imagine one's self upholding—without fatigue, or sacrifice, or danger, it may be—the same glorious doctrines which impelled the men of '76 to peril their all for liberty! Nay, more than this; it will be of great and inestimable advantage to any statesman to be thus regarded. His political future is bright and alluring. Dark clouds may arise, but they cannot obscure the radiant and mellow sunshine which falls upon his upward path of political preferment. Other men may sink—but he will ever be upheld by the strong and irrepressible power of the popular will.

It is no marvel then that the advocates of this repeal of freedom's line, especially those representing a northern constituency, should be quite solicitous to screen their conduct by holding up this popular doctrine of popular sovereignty. The only difficulty in the way of the success of this beautiful experiment, is the circumstance—the trivial and unimportant circumstance, doubtless in the minds of those gentlemen—that it is quite apocryphal whether the doctrine is really in the bill, and if there, it is in such homeopathic proportions as to be of little value.

The section relied upon to prove the presence of this doctrine in the bill, has been already quoted, and an examination of it, in connection with the legislative construction by the Senate, shows that the freedom it grants is partial and one-sided; freedom to let in, but none to shut out slavery; and even this dubious boon is overwhelmned in the numberless other provisions which subject those sovereigns to congressional control. If the inhabitants of Nebraska and Kansas are sovereigns by this bill, they are certainly among the most dependent sovereigns the world has ever seen. A new and corrected edition of the dictionary should be issued immediately. They do not even set up their government, but Congress does it for them; they do not pay the expenses of their government, but it comes out of the Treasury of the United States. It is very well to talk of sovereignty of States, but sovereign Territories is a misnomer.

In the nature of things, Congress must and does, under the provision of this bill, as it always has done from the beginning of our national existence, prescribe the conditions upon which settlements may be made within territorial limits, and exercise a supervisory control over them until, by consent of Congress, territorial dependence is cast off, and State sovereignty set up in its stead. It is in vain to hope, therefore, that the mantle of popular sovereignty will cover with its graceful folds the deformities of this bill, or shield its advocates from the fiery indignation which it justly provokes. And besides, if it be necessary to repeal the prohibition against slavery in these Territories in order to install popular sovereignty therein, what shall be said of the bill of last year, which passed this House by a vote of two to one, without this provision of repeal? If this must be passed in its present shape, in order to leave those people "perfectly free," how ought the supporters of the former bill—including the Senator who stands in parental relation to this proposed repeal—hang their heads in shame that they then pressed a bill which ignored this principle? Nay, for thirty-four years these men and the entire body of the American people have upheld a prohibition which must now be taken away, because, forsooth, it denies popular sovereignty; is anti-Democratic and unconstitutional! Is this most pitiful pretense true? Has the Senator from Illinois, who has hitherto advocated and repeatedly endeavored to extend the Missouri line, been thus far anti-Democratic, and against popular sovereignty? Will he insist upon it? Or will he give up the sham excuse of popular sovereignty? Which alternative will he take? How deplorable that in this land of bread, there should be those who turn away from it to feed upon their own unsubstantial words!

It is affirmed, with great pertinacity, that the non-slaveholding States consent to, nay, proffer this repeal of the prohibition against slavery in the Territories for which this bill provides a government. This assumption would be entitled to respect, if it did not originate with those who have endeavored to forestall the sentiment of the North upon this question, and who have derided that sentiment whenever it was manifested in opposition to this repeal. What could the people of the northern States have done that they have not done in manifestation of their universal and undying hostility to this scheme? The press has sounded, loud and long, the note of alarm. Public meetings throughout the length and breadth of the northern States, have uttered their indignant resolves against it. State Legislatures have added their deliberate expression of hostility. The reverend clergy, shocked at the stupendous wickedness of this project, have made their voice heard and their influence to be felt against it. In popular elections which have been held since this repeal was pending, the suspicion that a candidate was in any way identified with it has been as fatal to him as the sirocco's breath. The masses of the people, who have been met in their various pursuits with the unexpected and astounding intelligence that the guarantee of freedom, made more than thirty years ago, was to be taken away, have united in sending their unnumbered remonstrances against the uncalled for and reprehensible deed. The author and abettors of this plot against freedom are not anxious to acquaint themselves with the popular sentiment of the North on this question of the repeal of the Missouri line. They apprehend—they have reason to apprehend—that, if allowed fully to represent itself upon this floor, it would unseat the representative who now proves recreant to its commands, and "crush out," once and forever, all attempts to enlarge the area of human bondage.

Mr. Chairman, my main purpose in asking a few moments of the time of this House has been to disclaim, for those who sent me here, any consent to this meditated outrage upon their rights and privileges under the proviso which protects

those Territories from the blight of slavery. They do not proffer, they do not consent to its repeal. For them I insist upon the unfulfilled condition of the Missouri compromise. In their name I demand that the stipulation to freedom shall be kept inviolate. In their behalf I formally and distinctly reiterate their protest, already on your files, against removing the landmark of freedom which our fathers set up. Sir, all classes, all parties there unite in this thing. Rarely, if ever, has there been a question of national concern on which there was such entire unanimity. Great pains have been taken to represent the opposition to the repeal of the Missouri compromise as confined almost entirely to the Abolitionists. It is time this delusion was dispelled. They are doubtless opposed to this repeal, and for good reason, but they are a small band in comparison with the gathering hosts arrayed in battle array against this perfidious act. The most earnest and inveterate in their indignant denunciations of this bill are those who not only acquiesced in but strenuously upheld the legislation of 1850, including what a leading journal of South Carolina has avowed to be a "barbarous" law. They have gone to the verge of concession for peace. They feel themselves betrayed, and they, as one, declare that since the legislation of 1850 is made the unworthy pretext for overturning the compromise of 1820, they feel themselves absolved from all compromises on slavery. Nor is this sentiment, it is but just to add, confined to those who have ranked as political opponents of the National Administration, under whose auspices this bill of abominations is to be piloted through this House, It embraces a large majority of those who, within their respective spheres in the district I have the honor to represent, contributed to bring this Administration into power. Those men protest they gave their influence and their suffrages to Franklin Pierce for no such purpose as this. It was not the entertainment to which they were invited. They admired his inaugural and message, and—credulous men—they believed in his pledge of peace. They now spurn this new party test, upreared on his broken promises and violated party faith. I repeat, sir—speaking for the electors of the Thirty-first congressional district of New York—I denounce and protest against the repeal of the prohibition of slavery contained in this bill. I warn its champions that the tempting fruit they grasp shall be as ashes to their taste. If they desire peace, they will have cause to deplore such peace as it will bring them.

In conclusion, sir, I respectfully submit that the title of this bill is defective. It does not convey the remotest idea of what it accomplishes. It not only organizes the Territories of Nebraska and Kansas, but it digs in those distant solitudes a deep and capacious grave, in which the broken pledge to freedom will be laid, but not forever. Around the spot good faith and honor shall keep their unceasing, sorrowful vigils, and be the first to hail its certain, its speedy resurrection morn.

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