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NEBRASKA AND KANSAS.

SPEECH

OF

HON. T. D. ELIOT, OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES, MAY 10, 1854.

"Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment."—GEORGE WASHINGTON.

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

Mr. ELIOT, of Massachusetts, said:

Mr. CHAIRMAN: If it be true that gentlemen who have held seats upon this floor for many years, and are surrounded by personal friends to whom they have endeared themselves by constant acts of courtesy and kindness, have hesitated, doubting whether it were better to speak or to remain silent during the discussion of the territorial bills now upon our Calendar, you may be sure it is with greater diffidence that I have ventured now to claim the attention of the committee.

Yet I cannot say that it is with hesitation, or with doubt, for I have felt neither. I may not add to the amount of argument already adduced, but it is due both to the committee, and to the friends at home who have honored me with their high confidence, to state distinctly what I believe to be their united judgment upon the bills under debate.

From the South and the North, and the magnificent Commonwealths that are neither South nor North, where temperate breezes blow, and the even blood neither stagnates around the heart nor beats with hot pulsation, this committee have been pressed with argument and illustration. And fact and fancy have been vouched in, and made to work for freedom and against the rights of freedom.

I trust that the remonstrance of Massachusetts will not be unheeded upon this floor, when legislation is contemplated which no necessity has invoked, but which relentless craving for personal promotion has demanded.

Mr. Chairman, the popular voice has been pronouncing judgment upon this bill while we have been discussing its claims and its demerits. It is beginning to be understood that the "hand-writing" will come, and, in advance of the record, we hear from every side that truth of history, "Whom the Gods would destroy they first make mad."

Whether the result of this year's action shall be that these bills are defeated or driven to a successful vote in the popular branch of our national councils, the aspirants for favor who have brought them here will learn a lesson that must impress itself upon their memory with the stamp of iron. What scheme could have been devised other than this which could have created this universal indignation? The northern section of the Union, which was shaken more deeply than has been fully described in this debate by the acts of 1850, appeared to be in repose. They were not content. No, sir, they were not content! for they believed, or many of them believed, that in some of those acts power had been used which had never been conferred upon the General Government. And, sir, that feeling of discontent was intensely strong outside of the two northern political parties—the Whig party, to which I belong, and the Democratic party—in the minds of thousands of men, whom you will increase from your own Democratic ranks by thousands more, if this legislation shall prevail, who hold to freedom as they hold to life.

The zealous advocates of the principles of the legislation of 1850, while they claim to reaffirm the compromises, have come out with clear and undoubting voice of condemnation against this new and unlooked for aggression upon the rights of non-slaveholding States. And I thank God that those rights have been respected and most ably vindicated by the eloquence of the South.

This may not have been in its origin a southern attack upon the North. It may be an Administration attack; and that Administration may be bound to this extent by southern power. Nevertheless, the Administration is northern. Yes, sir, nominally northern. But where is the man that would rise up here in his place and say that the Administration, or the northern men who come to their aid upon this floor, represent the wishes or the convictions of the North? He that could establish that, will, at the same time, be able to demonstrate that this Nebraska bill is a law of freedom, and that the institution of slavery is an ordinance of God.

The advocates of the compromise, or more properly the acts of 1850, and their opponents, composing together the Whig party of the North, and many northern and western Democrats, and a goodly and welcome and honorable band of Whig brethren from the South, are here prepared to stand together in defense of a principle which was impressed upon these Territories when the noble

State of the venerable and eloquent statesman of the West was received among us.

Mr. Chairman, I am in no way responsible for the legislation of 1850, and so far as that act is concerned which was passed in addition to the act of 1793, I shall not be its apologist or its defender. I have never believed that the framers of the Constitution contemplated such a law; and if such an enactment had been presented to the southern men of that generation by a northern man, who thought thereby to gain their favor, they would have said, "we ask to impose upon the North no such legislation as that." But the acts were passed, and by the stern provisions of one of them, northern men were required to give such aid to the same, as most of the southern men who voted for the law would have deemed degrading, or submit themselves to its penalties.

Mr. Chairman, I have lived at the South, and have partaken of their whole-souled hospitality. Not one word of unkindness can fall from me toward them. My earliest lessons against slavery were learned where southern institutions flourish, and never have I heard stronger language of discontent than has been spoken there. On this floor, as my memory goes back to earlier days, I have listened to the rapt eloquence of southern statesmen while they held this House in the hollow of their hand, as they addressed them. No, sir, I have no feeling of unkindness for the South; but I cannot forget, as a son of Massachusetts, that once and again her rights have been violated, and her citizens set at naught, and the courts of justice shut against her when she has sought their aid. But it was the fanaticism of slavery that did that wrong. Massachusetts has not been faithless to the South; and if at any time her legislation has been censured, it will be found that she has been more sinned against than sinning. She did not contribute her vote in the House toward the passage of all the acts of 1850.

But when that stormy session had closed, and it was declared that now the nation was to be at rest, it would be difficult to show that more unwearied effort was made in any section of the Union to maintain the integrity of the laws than was made in Massachusetts. The friends or the supporters of those last acts may well exclaim, "Away with compromises. We have tried them, and our fathers have tried them in vain. We have bound ourselves, and have submitted to be bound, by acts of legislation we have disapproved, because we loved the Constitution and the peace and progress of the Union. Our fathers compromised when they consented to give back the fugitive. But it was contended that unless they yielded then and in that, no Constitution could be formed, and no Union made; and so the southern interest prevailed. And then, again, Missouri asked to come among us, and our fathers yielded, and again compromised, and again brought their convictions of duty and laid them down before the altar of the Union. And that sacrifice, which presupposed and rested on a faith great as Abraham's, gave to the South a slave State in the hand for wild freedom in the bush. And last of all, when it was said that the master was not secure in his rights, we ourselves yielded. The South asked, and the North gave; and another compromise was made. But it was said that that was to be the last. The new born principle of non-intervention was to be applied to lands recently acquired. The master was to have his hand made stronger, and the North was to have peace; and the covenant was struck, and the bargain was made, and the seal was set, and upon the whole 'FINALITY' was inscribed."

"But now again the cry of 'Give, give,' comes to us! The bush where freedom was to live has been cut down, and the cabin of the sovereign squatter rests there; and we are asked to yield again, and let the laws of slavery prevail where freedom had secured a home. And now we say to gentlemen of the South, if this is to be the way in which compromises are kept, we enter into no more of them from this time forth."

But, Mr. Chairman, the northern advocate of the compromise measures of 1850 must go further than that.

If there is no virtue in one part of the compromises, there is no reason why the rest should be preserved. If one part of the compact is to be rescinded, the whole must fall. And, sir, it is, beyond doubt, this compound feeling of insecurity as to the future—because of betrayed faith and broken promise, and of earnest and deep indignation that such return should be experienced for such sacrifices—that at the North, has raised up the sternest opposition to this new measure of wrong among Whigs and Democrats who were parties to that compromise, or who consented to it, that the Union might find repose. In the city of Boston, the distinguished gentleman who stood alone among the representatives of his Commonwealth in support of one of those enactments, did not doubt that he was imperatively required to preside in Fanueil Hall over a large meeting of Massachusetts men convened to raise their voice of protest against these bills. And so it has come to pass that *we who opposed* and *they who advocated* the principles of the legislation of 1850 are found together in opposition to this untrue Administration.

But, Mr. Chairman, when this Congress convened, no living man anticipated that the North would be so soon dared to the discussion of questions upon which the seal of finality had been avowedly impressed, much less would it have been believed that the gage of battle would be thrown down by the successor of the statesman who moved the free clause in the Missouri bill.

Within the term of one month from the commencement of the session, the Committee on Territories in the Senate reported their first bill for the organization of Nebraska. The reasons which had operated upon the minds of the committee were detailed in their report. The report remains. The bill has disappeared. It was spirited away and hurried to its grave, with no funeral solemnities, no requiem over its remains. But the report which accompanied its birth is here to tell us of its parentage, and of the hopes and fatherly aspirations of those who had brought it into being.

A new bill was offered, differing in its provisions from the former, and stultifying, in more than one respect, the reasons of the committee.

If the framers and first friends of the original bill were sincere in their political convictions, they intended to carry out what may be well called the "masterly inactivity" of the legislation of 1850, so far as the principles of that legislation applied to territorial organizations. Hear what they said:

"By the eighth section of 'an act to authorize the people of the Missouri Territory to form a constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain territories,' approved March 6, 1820, it was provided: 'That in all that territory ceded by France to the United States under the name of Louisiana, which lies north of 36° 30′ north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided always*, That any person escaping into the same, from whom service or labor is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid.

"Under this section, as in the case of the Mexican law in New Mexico and Utah, it is a disputed point whether slavery is prohibited in the Nebraska country by *valid* enactment. The decision of this question involves the constitutional power of Congress to pass laws prescribing and regulating the domestic institutions of the various Territories of the Union. In the opinion of those eminent statesmen, who hold that Congress is invested with no rightful authority to legislate upon the subject of slavery in the Territories, the eighth section of the act preparatory to the admission of Missouri is null and void; while the prevailing sentiment in large portions of the Union sustains the doctrine that the Constitution of the United States secures to every citizen an inalienable right to move into any of the Territories with his property, of whatever kind and description, and to hold and enjoy the same under the sanction of law. Your committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850. As Congress deemed it wise and prudent to refrain from deciding the matters in controversy then, either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the Constitution and the extent of the protection afforded by it to slave property in the Territories, so your committee are not prepared now to recommend a departure from the course pursued on that memorable occasion, either by affirming or repealing the eighth section of the Missouri act, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute.

"Your committee deem it fortunate for the peace of the country, and the security of the Union, that the controversy then resulted in the adoption of the compromise measures, which the two great political parties, with singular unanimity, have affirmed as a cardinal article of their faith, and proclaimed to the world as a final settlement of the controversy and an end of the agitation. A due respect, therefore, for the avowed opinions of Senators, as well as a proper sense of patriotic duty, enjoins upon your committee the propriety and necessity of a strict adherence to the principles, and even a literal adoption of the enactments of that adjustment in all their territorial bills, so far as the same are not locally inapplicable."

Now, Mr. Chairman, I do not feel called upon to assent to the doctrine of that report, so far as it can be said to assert a doctrine or opinion as to the effect of Mexican legislation upon slavery in the countries acquired under the treaty of Guadalupe Hidalgo, concluded in February, 1848.

This, however, is agreed upon all hands, that the United States had not an admitted title to that territory before the ratification of the treaty. But in 1820 the United States did own other territory. That had been ceded to them by the French treaty of April, 1803. After the disagreements and discussions, which kept the two Houses of Congress apart in 1819–'20, and the State of Missouri, lying north of 36° 30′, was admitted as a slave State, and the proposition of Illinois was accepted establishing in terms forever the parallel of latitude dividing possible slavery from absolute and affirmative freedom; after the southern gentlemen had gained that victory as they themselves, when heated and panting after the battle, claimed it to be; when at three o'clock in the morning of March 2, 1820, that letter was written announcing to the South that they had secured a present boon to slavery at the price of future, and far future, as it was then believed, concession to the spirit of liberty; after this time and these proceedings, how did the statesmen of the South and of the North regard that legislative action, and the countries which were its subjects?

The historical research and the amount of proof, more than plenary, if that may be, which this discussion has required and has spread before the committee, in direct reply to that inquiry, permit me to take the historic fact, as proved, that no man was bold enough to draw into public discussion the inviolable integrity of that line of freedom, as applicable to the territory through which it was extended, until after the period when it was deemed advisable to organize Nebraska as a Territory.

And, Mr. Chairman, standing upon the vantage ground of the present to review the past, two kinds of legislation are distinguished; one of which is applicable to the territory acquired from France, and the other of which concerns that country which the treaty of 1848 secured to us.

I cannot blame the South if they insist so far and so effectively as they may upon the policy of 1850, when Territories are to be formed, not affected, by the compromise line of 1820. As a northern man, believing slavery to be wrong in itself; believing it to be a curse and not a blessing to the land and its inhabitants; believing that our Constitution was made, and our Union formed, to establish LIBERTY FOREVER, and only to that end consented to slavery for a season, I should be a traitor to my convictions of right as a man, and of constitutional obligation as a citizen, if I did not oppose, at all times, the introduction of slave territory not known when the Union was formed into this brotherhood of States. But, I can appreciate none the less the weight of argument which the South might well adduce, afforded by the legislation of 1850, so far as applicable to lands not consecrated to freedom by the legislation of 1820. And, sir, it is that which was anticipated and feared while you were here holding in debate the territorial bills of that year. The South insisted upon what they termed "non-intervention." I hope to have time before my hour has expired, to consider that phrase and its historic meaning. There is a "non-intervention" which I subscribe to. But, the non-intervention against slavery was insisted on. The North remonstrated, and argued, and yielded. And why, sir, did they yield? This was the argument to them:

"As to California and New Mexico, I hold slavery to be excluded from these Territories, by a law even superior to that which admits and sanctions it in Texas. I mean the law of nature, of physical geography, the law of the formation of the earth. That law settles forever, with a strength beyond all terms of human enactment, that slavery cannot exist in California or New Mexico." * * * * * * "I mean to say that African slavery, as we see it among us, is as utterly impossible to find itself or to be found in California or New Mexico, as any other natural impossibility." * * * * * * "I look upon it therefore, as a fixed fact, to use an expression current at this day, that both California and New Mexico are destined to be free, so far as they are settled at all." * * * * * * "Free by the arrangement of things, by the Power above us. I have, therefore, to say that this country fixed for freedom to as many persons who shall ever h[illegible]n it, by as irrepealable and more irrepealable a law than the law that attaches to the right of holding slaves in Texas; and I will say further, that if a resolution or a law were now before us to provide a territorial govern[illegible] New Mexico, I would not

vote to put any prohibition in it whatever. The use of such a prohibition would be idle, as it respects any effect it would have upon the Territory, and I would not take pains to reaffirm an ordinance of nature or to reenact the will of God."

It was by such reasoning that the position assumed by the South was maintained against the convictions of many northern men, and against their strenuous legislative efforts. But, whether the reasoning were based upon the solid ground of truth, or upon its unsubstantial resemblance, the South carried their point; and then, for the first time, new territory was organized without direct or remote reference to the question of human freedom. And so a precedent was established; and thereafterwards the quick eye of southern statesmen soon detected a principle.

Now, without at this moment discussing that principle at all, I appeal to southern gentlemen that it applies, and can apply, only to Territories, not antecedently to their organization, impressed with the broad seal of freedom. It cannot be made, by fair and honest reasoning, to apply to other lands than those concerning which the legislation was carried on. The argument coming from the South, and applied to Territories other than those affected by the Missouri line, would be of weight. Because, although the reason which may have operated to induce the concession was, that a restriction upon slavery would be a useless reaffirmation of the law of God, yet the South would avail themselves of the act, uncommitted to the reason. The argument, however, exhausts itself upon other lands, otherwise acquired, than those about which we are now concerned.

This, then, Mr. Chairman, has been the history of the past. The ordinance of 1787 was in aid of freedom. The right to reclaim the servant was the first concession to the requirements of the South. In 1821 Missouri, a noble central State, containing more than sixty-seven thousand square miles of territory, was admitted into the Union. That State lies north of the 36th degree, and extends as far north as 40° 36'. From twenty thousand inhabitants, in 1810, her population had increased to more than sixty-six thousand in 1820. In 1850 it exceeded six hundred and eighty-four thousand. Passing to the south along its western line, and coursing through the State for nearly four hundred miles, the Missouri pours itself into the majestic Mississippi, which itself flows along the eastern borders of the State for more than five hundred miles. Nor are these her only rivers. Seven other streams, one of which is said to furnish boat navigation for more than six hundred miles, contribute to fertilize her surface, and enrich her treasury. Near the union of her two great rivers, the old city of St. Louis stands, inviting, yes, compelling the South and the West to contribute of their wealth to her prosperity. From four thousand six hundred inhabitants, when the State was admitted into the Union, the returns show, in 1850, a population of more than eighty-two thousand persons. On the west bank of the river, and raised above it by alluvial and limestone banks, it commands commercial advantages not surpassed by any city in the world which is not built upon the line of ocean coast. No man can predict the destinies of that State! If only she were free! There was a State which the sagacious statesmen of the South coveted! Of what value were the wilds of Nebraska, with the Rocky Mountains upon one side, and the Missouri upon the other? So lately as 1853, a standard writer has said:

"Its broad expanse is yet to be subdivided and gradually furnished with distinct forms of civil government, or remain the barren heritage of the untamed races for whose behoof it seems naturally designed. At present it is almost exclusively the abode of the savage and wild beasts, and is traversed by civilized man only through the like necessity which impels him to cross the pathless ocean on his way to countries beyond. Its natural resources have never been developed, and little more is known of its topography, its waters, forests, plants, minerals, &c., than what has been gathered by dint of a few partial explorations, or by travelers in their hurried journeys toward Oregon and California."

With such a region as that is now, what could slavery have done thirty years ago?

They secured an increased power in the Senate instead; and that the new State well understood how best to use her influence there is made manifest by the fact that, from the 2d of October, 1820, to the 3d of March, 1851, a period of more than thirty years, the distinguished statesman now representing upon this floor the constituency of St. Louis, occupied a seat in that assembly.

Missouri is what they obtained, and Louisiana they had, and Arkansas they were bound to get and did obtain, by virtue of the compromise line, in the year 1836.

Mr. STEPHENS. I will tell the gentleman what Massachusetts said:

"It is demanded of us, Do you seek to impose restrictions on Arkansas in violation of the compromise under which Missouri entered the Union? I might content myself with replying that the State of Massachusetts was not a party to that compromise. She never directly or indirectly assented to it. Most of her Representatives in Congress voted against it."

That is what Mr. Cushing said.

Mr. ELIOT. Who is that?

Mr. STEPHENS. Mr. Cushing.

Mr. ELIOT. Mr. Caleb Cushing?

Mr. STEPHENS. Yes, the present Attorney General.

Mr. ELIOT. Well, sir, go on.

Mr. STEPHENS. This is what Governor Briggs said.

Mr. ELIOT. A good man.

Mr. STEPHENS. Mr. Briggs, of Massachusetts, said, after replying to Mr. Wise, that Mr. Adams's amendment was not equivalent to the Missouri restriction:

"But, sir, upon this subject of slavery, I cannot go the breadth of a hair beyond the obligations imposed upon me by that instrument, (the Constitution.) I never can consent, with the views which I now entertain, to give a vote or do any other act which *shall sanction the principle or extend* the existence of human slavery."

Mr. ELIOT. Good!

Mr. STEPHENS. That is what Mr. Briggs said.

Mr. ELIOT. Certainly.

Mr. STEPHENS. Those are the grounds Massachusetts stood upon.

Mr. ELIOT. On those grounds an honest man in Massachusetts stood. Now let the gentleman read the vote, and I will stop to hear it.

Mr. STEPHENS. The vote was forty-nine northern men against the admission.

Mr. ELIOT. Will the gentleman tell me what was the number in favor of it?

Mr. STEPHENS. I do not think a single man from Massachusetts voted for it.

Mr. ELIOT. What was the number of northern men who voted for it?

Mr. STEPHENS. I have answered as to Massachusetts. There was not a man from Massachusetts who voted for it.

Mr. ELIOT. I am glad of it.

Mr. STEPHENS. I do not doubt it.

Mr. ELIOT. There is no need to doubt it, and I should have been still more glad if there had not been one man from Massachusetts in favor of the fugitive act of 1850.

And now, sir, without offering to surrender Missouri, or to give up Arkansas, they coolly propose to absorb Kansas, and put their hand upon Nebraska! And when the amazed North arouse from their lethargy, and call upon them to desist, they say, "It was no bargain. It was no compact. It was no compromise! We are honest people! We are honorable men! We are chivalric gentleman, if the truth must be spoken, without fear and without reproach."

Mr. Chairman, I should be slow to believe that a statesman from the South could have been found to initiate this scheme. No, sir; if the Spirit of Evil had presented himself to the statesman of the South, whispering this: "Fraud upon all latitudes," and pointing out to him those wide spreading fields, where kingdoms of this world might be builded, I trust that he would have looked upon that consecrated line, and replied, "Am I a dog, that I should do this thing?" And if the tempter had not forthwith left him, he would have buffeted him upon the spot, and said, "Get thee behind me, Satan!"

No, sir; let us do justice always. It took a northern Senator, under a more northern President, to conceive and bring to the light of day this evil deed, which, of itself, would shrink right back again into the darkness of the night. But it would be harmless if southern votes should be withheld. Though it starts from a northern head it comes from a southern heart, and addresses itself to the prejudices and apparent interest of the South—I say apparent, for I do not believe real. The South would be better off, and purer, and more happy, and more honored, to reject this offered bribe, by which their honor is sought to be bought out.

And now, Mr. Chairman, I wish to consider, somewhat, the modern doctrine of "non-intervention." If there is any truth established by our national legislation, it is, that from the beginning there has been intervention to restrain slavery, and never until 1820 intervention to extend it. Our venerated ancestors would have deemed their action a tempting of the Divine anger if they had, as a nation, legislated to extend its area.

Before the time when Missouri was received into the Federal Union, there had been uniform action on the part of the General Government to restrain and to determine slavery. There never had been the slightest interference with slavery *in the States;* and it is *that non-intervention* which has furnished to those who are desirous to enlarge the bounds of slavery their argument. I do not contend that the National Government have ever claimed the right to interfere with the institution as legalized within the State by the State. Then and there it is beyond the reach of Congress; and it has been always. But Congress never, that I can learn, from the first session under the Constitution until the final passage of the Missouri bill, sanctioned slavery in Territories where it had not been recognized before, and did not then exist in fact. By the French law slavery might have been established within this region. At New Orleans, and in the Territory of Orleans, it did exist in fact when Louisiana was admitted in 1812. It is possible that it may, to a very limited extent, have been established at St. Louis. I do not know how the fact was. If it was so, it did not extend into the interior, or exist *de facto*, except in the direct neighborhood of the city itself. If it did not, then it will be found that Missouri was the first State into which the institution can be fairly said substantially to have been carried by our legislation. If it did exist there then, we must come down to a still later period before we find Congress legislating slavery into a free country.

I do not forget that before the State of Missouri was admitted, our Old Thirteen had been joined by Kentucky, Tennessee, Mississippi, and Alabama. But Kentucky was formed from Virginian territory, and the home of slavery was not enlarged by her admission. Tennessee was ceded by North Carolina, and Mississippi, and Alabama by Georgia; and by the terms of cession the sixth article in the ordinance of 1787 was excepted, and made inapplicable to the Territories ceded. So that before 1820 it cannot be truly said, as I believe, that the Congress of the United States had, by any legislative intervention, established slavery in lands where, but for such action, it would not by local law exist

Now, Mr. Chairman, what is the fact of history, when at the beginning Congress was invoked to action upon Territories not a portion of the old thirteen States? I say nothing of Vermont, which came from New York, or of Maine, which was set off from Massachusetts when Missouri became a State, but of new lands not comprised within the admitted limits of the old States

And it is to be observed that no one doubted that Congress had a right to legislate upon the subject of slavery in these Territories. Before the Federal Constitution was framed, the lands northwest of the Ohio river were ceded by the Legislature of Virginia; and without delay the Congress of the Confederation acted. Here was the occasion when the doctrine of non-intervention was to be recognized, if anywhere or at any time applicable. But the statesmen of Virginia, and their patriotic fellow-laborers in constitutional legislation, earnestly working to establish liberty and the eternal rights of men, had not among their truths "self-evident" discovered this. They were "wise" men, but this cardinal principle of modern Democratic law-givers was "concealed" from them! To whom, sir, has it been "revealed?"

Thomas Jefferson had declared, not long before, at his own home in Virginia, that the greatest object of his desire was to "abolish domestic slavery in those Colonies where it was unhappily introduced in their infant state." Upon his blinded vision this miracle-light could not fall. It was reserved for our own times, and for those who were born and reared among the homes of freedom, to perceive how ignorant of its principles those men were who formed the Constitution under which we live. Within ten years from the time when the Declaration of Independence was signed,

its immortal author introduced his resolutions for freedom before the confederated States. He did not "intervene" alone for the countries which were the subject of the ordinance of 1787. But it was the desire of his heart that no slave should stand upon any territory which the blood of the Revolution had cleansed. Wherever the Territories of the United States are, said he, there let there be freedom! The resolution which he offered, if only it could have prevailed, would have secured to freedom the noble State from which, but just before I had the honor of a seat among you, that eloquent voice was heard which denounced this scheme as "a plot against the peace and quiet of the country," [Mr. CULLOM, of Tennessee.] And more than that—it would have covered, with its broad, bright shield, the land of the honorable gentleman whose classic and pungent speech entranced this committee a few days since, [Mr. HARRIS, of Mississippi.]

But although Mr. Jefferson failed in that attempt to impress forever upon all territories, whether they had been ceded, or were to be ceded to the General Government, the character of freedom, he did not fail because of any belief or doctrine entertained or promulgated that it was outside of the power of Congress to legislate in that behalf. Four years afterwards the ordinance of 1787 was passed. And it cannot be forgotten by any one who has made the action of our Government at this period his study, that not the voice of a single State was finally raised against the passage of that law. With the moral power of the whole brotherhood of States this ordinance claimed the early care of the General Government after our Constitution was adopted and our present Union formed. Not a voice was heard that has echoed down the ages to us from that proud assembly of great men who first assumed to direct the course of their common country, when she was yet learning how to walk among the nations of the earth, to tell those patriotic legislators that they violated any right, or committed any wrong, when they affirmed the ordinance of Mr. Jefferson.

Mr. Chairman, the lands about which this House is now debating are secured to freedom by an ordinance as irrepealable by rightful legislation, as that which has covered the northwest territories since the session of our first Congress.

The argument of "compromise" and "compact" has been exhausted. The father of compromises, if he were in this Hall, made classic by his lofty form and his persuasive voice, could find no logic that had not been employed by eloquence kindred to his own.

But he would have heard some squatter logic about which he had not read.

The people have a right to govern themselves. The squatters are the people. Therefore, the Missouri compromise should be repealed. There is the syllogism.

"This is a question of self-government, and the people have a right to form their own institutions." That is the proposition.

But does it follow from that that we cannot legislate to inhibit slavery in the Territories? What people have a right to form their own institutions? Can colored people form such institutions as they wish to establish? If these bills shall be so amended that free colored citizens may remove their families and their effects into Nebraska and Kansas, and be considered as good as squatters, one objection to the bills would be obviated. But this House have decided that colored citizens, however free and however educated they may be, cannot "squat." It takes a white man to do that. He may be what is called a "poor white man;" but the color of the skin secures the right. It is not, then, all people that may form their own institutions, but white people only.

Mr. Chairman, the time will come when we shall see the iniquity of such exclusive legislation. There is not another nation upon the face of the earth, that is civilized and not barbarous, that would condemn, and ostracize, and degrade a freeman because God had not made him white. The people have a right to govern themselves. What people? First, the white people. But not all white people. For it is plain, that as the bill came to this House, none, or almost none of the foreign population, although residing there, and that with the intent of remaining permanently there, would be entitled to say whether or not slavery should find a home among them.

I do not propose to examine the positions for or against this second exclusion; nor do I feel called upon at this time, or for the purpose of my present argument, to express any opinion upon that point. But the design is obvious, and to that I object. A precedent has been established in other territory for giving rights to our emigrant population, seeking homes in these unsettled regions, more extensive than are enjoyed in older settlements, and under organized governments. And if no better reason can be assigned for withholding from them the right to vote upon the questions affecting the form of institutions under which they wish to live than that there are not many "John Mitchells" among them, and that they believe in the superior efficacy of free labor over slave labor, I confess myself then prepared to say that I should accord to them at once the right to vote.

But this second exclusion narrows the people down to those few who shall make their "pitch," or their "location," as it would be termed at the North, upon these lands, who are emigrants from other States. Well, sir, and when are they to settle this mighty question of human freedom that is to give character to this vast region for untold ages? Is it to be done at once? Shall the first hundred or the first thousand "white people" decide this question? And how are they to do it? By vote and enactment of some sort, clearly. But before this vote, and before their territorial act shall become an operative law, what is to be the "*status*" of the slave who has been carried there by his master? Where is the jurist upon this floor that shall tell us that upon territory of the United States, free at the time, he may carry his slave, and hold him there in bondage? It cannot be done. Judge Story says:

"There is a uniformity of opinion among foreign jurists and foreign tribunals, in giving no effect to the state of slavery of a party, whatever it might have been in the country of his birth, or of that in which he had been previously domiciled, unless it is also recognized by the laws of the country of his actual domicile, and where he is found and it is sought to be enforced. In Scotland, the like doctrine has been solemnly adjudged. The tribunals of France have adopted the same rule, even in relation to slaves coming from and belonging to their own colonies. This is also the undisputed law of England. Independent of the provisions of the Constitution of the United States

for the protection of the rights of masters in regard to domestic fugitive slaves, there is no doubt that the same principle pervades the common law of the non-slaveholding States in America—that is to say, foreign slaves would be no longer deemed such after their removal thither."—*Conflict of Laws*, § 96.

Nor has this eminent jurist been left without corroborating authority. In the case of Saul *vs.* his creditors, in an opinion delivered by Judge Porter, in Louisiana, as reported in the 17th Martin, 569, the learned Judge, who was an eminent jurist and statesman also, has said, by way of illustration:

"By the laws of this country slavery is permitted, and the rights of the master can be enforced. Suppose the individual subject to it is carried to England, or to Massachusetts? Would their courts sustain the argument that his State or condition was fixed by the laws of his domicile of origin? We know they would not."

And this is the clear reason as stated by that court:

"If the law is limited as to place, the tacit agreement which is founded on a supposed consent that the law should govern them, must be considered to have that limitation in view. The parties are presumed to have agreed the law should bind them as far as that law extended, no further."

This principle has been sanctioned and confirmed in other States, and by judicial tribunals at either section of the country. Now, Mr. Chairman, unless, against all precedent and all constitutional law, as heretofore defined and recognized, it shall be held to be the law that slavery is national and not local; unless it shall be held that the Constitution of our common Union converts our national domain into slave territory, so that a slave voluntarily carried there yet remains in bondage; unless it shall come to be the law that the stripes upon the flag of our nation shall shut out the stars, and ingloriously protect that institution whose "unhappy introduction" Jefferson lamented, it must follow, that upon this soil no slave can stand until, after its admission as a sovereign State, fit legislation shall so provide.

A sovereign Territory is a political anomaly. That proposition has been too ably discussed to need revision. The rights of sovereignty can no more attach to the Territories within our borders than the rights of majority can attach to the infant within our homes.

It has been argued here that the "law of nature" will exclude slavery from Kansas. But if the South contend for an abstraction in favor of slavery, shall the North surrender a principle in favor of freedom. If territory secured to freedom by solemn covenant, held peaceably and uninterruptedly by liberty for thirty years, is now to be yielded up to slavery, what hope have we of the North in the future? What can we claim that is secure?

But it must follow, that when the ordinance of 1787 was passed, the same law of nature did not prevail! Thomas Jefferson had not found it out. It was not known, indeed, when Oregon was formed in 1848. It is a law of recent formation. Against the argument stands out the fact that along the whole western border of Missouri these Territories lie. No, Mr. Chairman, slavery is no respecter of latitude! It may be true that where southern staples are not relied upon as articles of commercial profit, slave labor, upon a large scale, would not be useful. If not useful, it would not be f[illegible]d. But domestic servitude would certainly e[illegible]t. Will any gentleman attempt to prove that slavery might not be carried into New Hampshire?

This region of Nebraska runs far up into the north, and the effect of establishing these Territories as now desired, may be to join American slave soil with the free soil of Canada. Between the two the physical line of separation would not be visible. Would the moral line be equally unseen? Upon that border land what free American would desire to live? Poor enough is the consolation to be derived from the memory of English serfdom, or extravagance, or crime, when such legislation is at hand!

But, Mr. Chairman, I cannot longer ask to detain the committee, and must bring my argument, desultory as it has been, to a close.

I have listened with interest to the earnest arguments and eloquent addresses which have come to us from the South in support of these bills, and of the principle upon which our legislation is demanded. So long as gentlemen confine themselves to those considerations, based upon the compromises of the Constitution, which affect the integrity and inviolability of slavery within the known limits of their respective States, I have no reply to make. There is the bond, and until, under the wise providence of God, some change shall be wrought in them, or in our laws, no man can fairly be heard upon the floor of Congress. And I can understand how it has come to pass that their feelings are aroused and quickened upon this subject. I desire not to wound, or heedlessly to irritate them. I yield to them full right of freest speech. That same right I claim for myself.

Some gentlemen have used strong language in defense of their institutions. Their birthplace was among them; their education has been there, and all their earliest associations of home, and family, and kindred. They speak boldly for slavery. Let them do so without offense.

But if by any means it could be possible that the man who drew his first breath under a free sky, who learned, among the earliest lessons at home, at school, at church, which his mother, or his teacher, or his pastor taught him, to love freedom, and to hate oppression, if such a man could forget old principles for new honors, and advocate slavery for a price, no feeling of respect is entertained for him to qualify the deep disgust of honorable men at such offending.

For my own part, Mr. Chairman, I have no opinions to conceal or to disguise. I am a northern Whig. Upon the question of slavery I can have but one judgment; and when its extension is sought to be effected over Territories now free, I would resist it without misgiving and without fear. Although the youngest in my place in this House, I have the distinguished honor to represent a section of Massachusetts where are to be found her earliest pilgrim homes. It was there the first constitution was formed and the first school established and the first church dedicated to our God. The footfall that first touched that Rock of Plymouth struck it with a blow more potent for good than that which followed the prophet's rod within the wilderness; for from it there have poured, for many generations, the waters of Education, of Religion, of Life.


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