

bered to have seen applied to the sudden death not many years ago of a kindred spirit of old England—one of her greatest statesmen, one of his most valued friends:—

“Could not the grave forget thee and lay low
Some less majestic, less beloved head?
Those who weep not for kings shall weep for thee
And Freedom's heart grow heavy at thy loss!”

HANNIBAL HAMLIN



HANNIBAL HAMLIN, an American statesman, was born at Paris, Me., Aug. 27, 1809, and died at Bangor, Me., July 4, 1891. In early youth he learned the printer's trade, then studied law, and was admitted to the Maine Bar in 1833. He practiced his profession at Hampden, Penobscot Co., Me., until 1848, but had meanwhile served in the State legislature, and been Democratic representative in Congress during the years 1842-46. From 1848 to 1851, and for a further period on to 1857, he sat in the United States Senate, but resigned in the latter year to accept the governorship of Maine, to which office he had been elected as a Republican. A month later, having again and for a full period been chosen senator, he resigned the governorship and returned to the Senate. In 1861, he became Vice-president of the United States, having been elected on the Republican ticket with Abraham Lincoln the previous year, and he presided over the Senate during his entire term as Vice-president. He was collector of the port of Boston, 1865-66, and Minister to Spain, 1881-83. Hamlin was originally a Democrat, but being opposed to the extension of slavery he separated from his political allies, and in a speech in the Senate, June 12, 1856, detailed his reasons for his change of party. During his term of office as Vice-president the most cordial relations existed between him and President Lincoln. In both Congress and Senate, he warmly espoused the anti-slavery cause.

SPEECH ON THE COMPROMISE BILL

DELIVERED IN THE UNITED STATES SENATE, JULY 22, 1848

I AM admonished, Mr. President, by the whisperings within these walls that we are to be pressed to a decision of this great question at the present sitting. If therefore I would offer any suggestions which will control my vote and command my action, I must embrace the present as the only opportunity.

The question which we are now called upon to decide is of momentous importance. Yet from its decision I have no disposition to shrink. It is indeed startling that in the middle of the nineteenth century—in this model republic, with the sun of liberty shining upon us, and while the governments

of Europe are tottering to their base from the lights reflected from our own, and while they are striking down the shackles of tyranny over the minds of men—we have been gravely discussing the proposition whether we will not create by law the institution of human slavery in Territories now free.

Such in direct terms has been the question which we have had before us; such is the issue in fact now. Sophistry cannot evade it—metaphysics cannot escape it. If there have been those who have heretofore believed a discussion of this matter premature, all, or nearly all, have declared a willingness to meet the issue when it should be practically presented.

That crisis is now upon us, and as men faithfully representing the constituencies who have sent us here, we must meet it. I had hoped—nay, I had believed—that there were those common grounds of concession, union, and harmony, dictated by a lofty patriotism, upon which all would meet and by which we would settle this vexed question. Of all things, I have been desirous that we might be able to arrive at such a decision of this matter as would quiet the public mind and be just to all the people of all the States.

The character of the debate connected directly with this subject within the last few weeks must necessarily associate itself with the question immediately before us for our decision. This bill sprang from that discussion. They are one and the same. That was a bill for the establishment of a government for the Territory of Oregon. This includes also the Territories of California and New Mexico. As there is no connection in these matters I had hoped to have seen each bill presented by itself—to stand upon its own merits, or fall upon its demerits. The Senate has decided that they shall not be separated and we must meet it as it is presented.

I will state the reasons why I am compelled to withhold from it my vote.

We have acquired the Territories over which this bill extends. They are embraced within the Union and it now becomes our duty to legislate for them. It is proper and just that we should extend over them the laws of our country and adopt such other legislation as the case shall demand. It is a solemn and responsible trust committed to our hands.

We are about to shape and mold the character of these Territories which in time shall become a mighty empire. Their destiny is in our hands; the responsibility is upon us. Whether that country shall present all the elements of a free government in which man is elevated as an intellectual and moral being, or whether the despotism of slavery shall imprint its soil, are matters depending entirely upon us. Let wisdom guide us in the path of duty and let not the light of the past be lost upon us in our action. We must act; it now presents a point from which no man can shrink. The issue cannot be avoided; and let no one imagine that an intelligent public can doubt as to the character of that issue. No matter in what form presented it will be clearly understood.

True, the bill, like the proposition discussed by the Senate, does not profess to establish slavery by law. It leaves it to extend itself by the "silent operation" of the law without restriction. It does not guarantee it; but will it not permit it? And after it has found an existence will it not demand a guarantee? Thus, without inhibition, will it not become certain and fixed by the process of time? Is it too much that freedom of the soil shall be asked and demanded from this aggressive march of slavery?

I solemnly believe that this bill will allow of the extension

of slavery as certainly as if it created it in express words. The bill, as I understand it, concedes practically all that the ultra doctrines of the South demand, or will in its operations end in that. Let us, then, erect a barrier to this tide of moral evil.

With such a bill as this, I cannot hesitate to give the aid of my voice and my vote to arrest it. To know and understand the views of those who sustain it will enable us to judge of its merits. The public mind will be startled through all the North; it will thrill through all the country like an electric shock, that the acquisition of territory from a foreign power necessarily subjects it to the institution of slavery—that the flag of this Union carries that institution with it wherever it floats.

This is a new principle in the doctrines of slavery propagandism. It is not the doctrine of the founders of the republic. Democracy has been called progressive, but my word for it, she goes along in the old-fashioned stage-coach style, while this doctrine of slavery propagandism has mounted the railroad cars, if it has not assumed the speed of electricity.

I repeat, that it will startle the North when it is known that it is gravely discussed here that the constitution of the United States, whenever it extends over territory which we may acquire, carries with it and establishes the institution; that it in fact abrogates the laws of the free and gives instead the power of servitude.

This is a doctrine of a later day. It is not the doctrine that accords with the sterling patriotism of the founders of our republic. Far from it! While such are the views of aggressive slavery which are promulgated here, it makes our path of duty as clear as sunlight. We must prevent this tide, by positive law, from spreading over our free soil. This ex-

traordinary demand of this power leaves us but one course to pursue. We shall be faithless to ourselves—faithless to those we represent—faithless to our country, the age in which we live, and the principles of Christianity, if we falter. We have but to press on; and if, from any or various influences which shall be brought to bear against us, we shall not succeed, or shall suffer a partial defeat, yet—

“ Truth crushed to earth shall rise again—
The eternal years of God are hers;
While Error, wounded, writhes in pain
And dies amid its worshippers.”

While I do not admit the force or justice of these demands so pertinaciously insisted upon, yet they must be met or they will be certain to prevail. In my judgment these doctrines are not deduced from the constitution, but are in derogation of its letter and spirit; that instrument is in all its terms and in all its scope an anti-slavery instrument. It was conceived, it was enacted, it was approved by the States of this Union, not in the spirit of extension or creation of slavery, but in a spirit which looked to the future emancipation of the slave in this country. It looked not to the extension of the institution but to the time when this anomaly in our system of government should cease to exist.

I do not propose to follow gentlemen who have discussed this point at length nor do I propose to detain the Senate with the views and opinions which I entertain and which I have drawn from the constitution and which have brought my mind to a different conclusion.

It is necessary, however, that I state briefly my views; that I state the points without attempting to elaborate them. I deny, then, utterly and entirely this new doctrine which has been presented to us, that the constitution of the United States contains within its provisions a power to extend and

establish over territory now free the institution of slavery. If I understand the argument upon which it is based, it is simply this; that these Territories are the property of the people of the United States; that as such they are open to settlement by all the people of the United States; and that as the constitution recognized the institution of slavery at its adoption, it therefore authorizes the institution in those Territories which belong to the United States and in which the people of the United States may wish to reside with their slaves. The constitution does recognize slavery as existing, but it does not create or establish it.

Article I, section 2, says:

“Representatives and direct taxes shall be apportioned among the several States which may be included within the Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons including those bound to service for a term of years and excluding Indians not taxed, three fifths of all other persons.”

This, surely, is not establishing slavery by the constitution; it makes slaves a basis of representation and taxation. That is all. But in another place the constitution declares, Article IV, section 2:

“No person held to service or labor in one State by the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.”

From these extracts it would seem to be perfectly clear that the constitution does not create or establish; it only recognizes a class of persons held to service in the States by “the laws thereof,” not by virtue of the constitution. That

clause when fairly construed is only an inhibition upon the free States, that they shall not pass laws to prevent the owners of slaves from reclaiming them. The argument that slavery is recognized by the constitution is used as equivalent to establishing. The laws of the State support and maintain it, not the constitution. It is a State institution, resting on the local law of the State, without the aid, without the support, without the maintenance of the constitution in any way whatever.

Yet in the face of all this it is contended and attempted to be proved by metaphysical reasoning that the constitution extends beyond the States in which slavery is established; that it carries it into free Territories and guarantees it there. Can this be so? and if so, where will the power end? If the institution is one which has its foundation in the constitution and not one resting upon laws of the States, where is the limit to its extension? What is the next step in the application of the argument? After you have overrun your Territories what power can prevent the slave-holder from coming into the free State with his slaves?

If his right is a constitutional one; if he rests his claim there and is correct, a State law could not affect him, because it would be in conflict with the constitution. I cannot see how this conclusion can be avoided. If the premises are correct that result must follow.

But I neither admit the premises nor the conclusion. The constitution gives no right, it creates no right; it merely recognizes a right which is created by the laws of the State. That it is a local institution there can be no doubt. The courts of nearly all the States have so decided. Authorities to any extent could be cited; they are familiar to all. The moment a slave goes beyond the limits of the State where

slavery exists he becomes free. It must therefore look alone to local laws for its support.

I hold that the constitution, in and of itself, by its express language authorizes Congress to inhibit this institution in our Territories. I hold that the article in the constitution which gives to Congress the power to make all needful rules and regulations respecting its Territories, includes full and absolute authority over this whole matter. What is the language of this clause of the constitution?

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

What is this grant of power?

1. Congress may dispose of its public domain.
2. It may make “all needful rules and regulations respecting the territory or other property of the United States.”

To dispose of is to give, grant, or convey the public lands; but to make all needful rules and regulations implies and carries with it full and ample power of legislation in all cases where the constitution does not otherwise prohibit. There can be no doubt as to the meaning of the terms “rules and regulations.” The constitution itself interprets them. A law is defined to be “a rule of action prescribed by the supreme power in the State.” The constitution gives Congress power to “regulate commerce”—to make “rules concerning captures”—“to make rules for the government and regulation of the land and naval forces.”

It also provides that persons escaping from one State into another shall not be discharged from service in “consequence of any law or regulation therein.” In this case both terms are used—“all needful rules and regulations”—to give the widest scope to the power. But it is said that the

concluding words in the clause quoted—“or other property”—limit and confine our legislation over the territory to the same as property.

Grant that our Territories are denominated as property, whether inhabited or not, does not the same power exist to pass all needful rules and regulations for its settlement and its final admission into the Union as a State? The power is clearly within the scope and meaning of that clause.

The history of the manner in which that clause became a part of the constitution would settle the question if there could be a reasonable doubt. In the articles of confederation by which the States were united before the constitution was formed no such power was found. This grant of power was therefore made in the forming of the constitution for the purpose of giving Congress the power. The doings of the convention and the declarations of Mr. Madison are clear upon this point.

But, aside from this view of the case we have the uninterrupted use of the power by the general government for about sixty years. Hardly a Congress has existed which has not acted upon this power, from 1787 to this time. This power has been exercised by Washington, Jefferson, Jackson, and Van Buren. The Supreme Court of the United States has settled this question. Congress has already exercised the power and that power has been declared valid by the Supreme Court. In 1 Peters' Rep., 543, Chief Justice Marshall says:

“Whatever may be the source whence this power is derived the possession of it is unquestionable.”

In 5th Peters' Rep., 44, again the court says:

“Rules and regulations respecting the Territories of the United States necessarily include complete jurisdiction.”

Again the power is contained in the bill upon which we are acting. It continues the laws of Oregon in force for three months after the meeting of the legislature. It provides, in the Territories of California and New Mexico, that the legislative power shall not pass any laws on the subject of religion or slavery. Here we use the power in its broadest sense. We inhibit the use or exercise of any power on either of said subjects, and some others.

Could there be any doubt still remaining, and if we had no grant of power in the constitution at all there would yet be another source from which we must gather it. If the constitution was silent, as it is not, yet under that power which we can acquire we could most certainly govern. It matters little where you find the power to acquire; if you do acquire you must have the power to govern. The first is the major, the second is the minor proposition. It would not be good sense to contend that we have a power to acquire public domain and yet could not pass needful rules and regulations for its government. The case, when stated, is its own best argument. The sovereignty to acquire must contain the lesser power to govern.

These are briefly the reasons which force conviction upon my mind. Casuists have been known to deny their own existence and satisfactorily to prove it to their own minds. That may be a plausible and a practical doctrine when contrasted with the one that we have no power to govern our Territories. It is "too late" at the noon of the nineteenth century to deny that right or for us to avoid the duty of acting.

Having the power to act, what is the responsible duty which I feel imposed upon me? (for I speak for none other). It is that I should exert all the power which the constitution

gives to exclude the institution of slavery from our Territories now free, because it is a social, moral, and political evil. That such is its character needs no argument to prove. They are conceded facts—supported by the declarations and admonitions of the best and wisest men of the South—

"In thoughts that breathe, and words that burn."

I would resist that introduction of that institution in justice to a superior race of men—men who are capable of a higher state of social and political refinement. I would institute such governments as are best calculated to advance the true interests of our own Caucasian race and not degrade the dignity of labor by fastening upon it the incubus of slavery. I would resist it because I would not invoke or use the name of Democracy to strike down, as with the iron mace of a despot, the principles of social equality and freedom. I would not profane the sacred name of freedom while using it to impose a tyranny upon the minds or persons of men. Jefferson has said that "God has no attribute which can take sides with us in such a cause." The eloquent Pinckney has declared, "That the earth itself, which teems with profusion under the cultivating hand of the free-born laborer, shrinks into barrenness from the contaminating sweat of the slave."

Sir, my course is a plain one and clear from all doubt. Our position is unquestionable. We stand in defence of free soil and resist aggressive slavery. And we demand enactments for the protection of free soil against this aggression. We will not disturb that institution but we will stand in defence of the freedom of our soil as right in principle and beneficial to free white labor in all parts of our common country.