

tion, for, I cannot but believe that if the public lands had been reserved for the purpose for which they were intended, and that the crowded population of the east could go west and find homes there; great good would be done. We are growing in population, and the lands now illegally held by corporations under grants that have been forfeited or being acquired in vast tracts by foreign capitalists, would afford in the future, homes for millions of American freemen.

Let us return, then, to the original condition of things, before that terrible war separated us, making the South poor, and blistering the morality of the North; let us return to the principles of the founders of this government; let us accept the constitution and laws, and live up to them; let us keep our covenant and require the fulfilment of the covenant with us; let us be faithful to our trust; and above all things let liberty and justice, equality, concord, and fraternity prevail.

JOHN A. BINGHAM



JOHN A. BINGHAM, American politician, diplomat, orator, and judge, was born at Mercer, Pa., of Scotch-Irish stock, Jan. 21, 1815, and died at Cadiz, O., March 19, 1900. He graduated at Franklin College, and, after being admitted to the Bar, removed in 1840 to Cadiz, O. In 1854, he was elected to Congress, where he served with the intermission of one term for eighteen years. In 1864, he was appointed judge-advocate-general, and shortly after became solicitor of the United States court of claims. On the assassination of Lincoln, whose personal friend he was, Judge Bingham was summoned to Washington to investigate that crime, and immediately opened an office and concerted plans which led to the arrest, trial, and conviction of the conspirators. President Johnson appointed him special judge-advocate, and the work of examining and cross-examining the witnesses fell largely to his share. His argument for the prosecution occupied nine hours in delivery. He was a member of the committee that drew up the articles of impeachment of President Johnson, and, as chairman, made the closing argument before the Senate, which held a large audience for three successive days. His most important work, during his thirty years of public service, was the preparing and introducing of the fourteenth amendment to the Constitution. He won his chief fame as an orator, his most famous speeches advocating respect for national honor and national justice. From 1873 to 1885 he was United States Minister at Tokio, Japan.

SPEECH ON THE SECTIONAL PARTY

DELIVERED IN THE HOUSE OF REPRESENTATIVES, APRIL 24, 1860

MR. CHAIRMAN,—The annual message of the President of the United States, which has been referred to this committee for its consideration, should not be passed over lightly. It contains much that, in my judgment, is offensive to the people and injurious to their interests, and which should not be allowed to go to the country unchallenged. It is my purpose, sir, to speak of this paper with all the respect that is due to the distinguished position of its author, but with the utmost freedom and candor. I speak to-day as a representative of the people and for the people;

not as the representative of party or for party. I speak to-day as an American citizen, claiming every State and section and rood of the Republic as part of my native country, that country which at last has but one constitution and one destiny. I do not intend, in anything I may this day utter, to do injustice to any section of that country, or to any of its interests.

The President of the United States, in this paper, invokes all good citizens to strive to allay "the demon spirit of sectional hatred and strife now alive in the land." This sectional spirit, to which the President refers, manifested itself upon this floor during the first two months of this session. It found fit, fierce, and expressive utterance on the other side of this chamber amongst the avowed political friends of the President himself, in their attempt to arraign and condemn sixty of their peers here as the aiders and inciters of treason, insurrection, and murder; and this, too, without giving to the accused a hearing, without testimony, in defiance of all law, and without subjecting the conscience of these self-constituted triers to the inconvenient obligation of an official oath. While these gentlemen were thus attempting to enforce mob law on this floor, they were loud in proclaiming that the inauguration of a Republican President, elected by the people in conformity with the constitution and laws, should be resisted to the extremity of disunion and civil war.

These were the enunciations with which our ears were greeted for two months, pending the contest for the organization of this House. If it was fit that the President should rebuke this sectional spirit among the people, it is fit that its manifestations upon this floor should be rebuked as well; and it is eminently fit that the sectional policy of the President and of his party should be rebuked in return by the

whole people. There is so much in the tone of this paper that is intensely sectional, that I am constrained to believe that the President's plaintive invocation to allay "the demon spirit" was but smooth dissimulation, the better to disguise the sectional policy of himself and his party.

Sir, to put down forever this sectional party; to put an end forever to this sectional strife, and sectional innovation upon the constitution and the rights of the people, I am ready to join hands with good men in every section of the Union. That is a fell spirit, a demon spirit, which, under any pretence or for any purpose, would strike down all the defences of law; would sweep away all the landmarks of right and justice; would break down the traditional policy of this government, as wise as it is beneficent; which, instead of maintaining and perpetuating peace between every section of this country, would inaugurate and perpetuate discord, which would fill this goodly land with the lurid light of civil war; which would give its peaceful homes to conflagration, and its citizens to the sword; staining the white raiment of its mountains and the green vesture of its plains with the blood of human sacrifice shed in that unnatural and unmatched atrocity, fraternal strife.

Notwithstanding all I have heard, sir, upon this floor, of threats of disunion and civil war, I do not fear it; for there is in this land a power stronger than armies — that new power, born of the enlightened intellect and conscience of the people — the power of public opinion. That power speaks to-day, through the pen and the press, the living voice and the silent ballot. That power is stronger, I repeat, than armies. No, sir; notwithstanding all these threats, there can be no conflict of arms between the great sections of this Union. This land, consecrated to freedom and to man, by

the blood of patriots and of martyrs, would refuse to bear up upon its holy ground an army of traitors. Local rebellions there may be; but in the future, as in the past, they will be suppressed by the popular will; by that majestic voice of the nation, at whose lightest word the tumult of the mob is still, and the wild, stormy sea of human passion is calm. God is not in the whirlwind, nor in the earthquake, nor in the storm.

The question to-day is, not how shall civil war between the great sections of this Union be averted — for that is not to be, it is an impossibility — but the question of to-day is, how shall this sectional party and this sectional strife be allayed? I answer, sir, that this sectional strife will never be allayed by imitating the example, or adopting the policy of the President and his party; never, while there is an honest head or an honest heart in this land. Neither will this sectional strife be allayed, but fostered, rather, by the attempt, here or elsewhere, either by national or by State legislation, to enact sedition laws, by which to fetter the conscience, or stifle the convictions of American citizens. This sectional strife will never be allayed by the attempt, here or elsewhere, either by national or by State legislation, to annul the sacred right of domicile, to make it a felony for any freeman, born anywhere within the limits of the Republic, to live unmolested on the spot of his origin, so long as he behaves himself well, and it pleases God to let him live.

This sectional strife never will be allayed by the attempt to nationalize chattel slavery, to place it under the shelter of the federal constitution, and to maintain it in all the national domain, either by force of a congressional slave code, which the President recommends in this message, or by

force of Territorial legislation, enacted by virtue of congressional grants of power.

Sir, it is in such legislation as I have named, or in the attempt to inaugurate such legislation, that the President's party, sometimes misnamed the Democratic party, lives, and moves, and has its being. The time was, at the organization of this government, when it was conceded by every State and every great statesman in the land, that it was the right and the duty of the federal government to exclude slave labor and chattel slavery from every rood of the national domain, and to protect the free labor of freemen, not only in the Territories of the United States, but in every State of the Union, north, south, east and west, and wherever the jurisdiction of the government extended, either on the land or the sea.

In that day, sir, the grand words of the constitution, "to establish justice, to promote the general welfare, and secure the blessings of liberty," were not denounced as "glittering generalities," or the utterances of "infant philosophers;" but were reverently held, believed in, and acted upon, as absolute verities. Then, sir, to promote the general welfare Congress — the First Congress — legislated for the greatest good of the greatest number, by protecting the free labor of the whole country; and to establish justice and secure the blessings of liberty, that Congress re-enacted the ordinance of 1787 (which had ceased with the confederation to be law), for the government of all the national territory; declaring thereby that no person therein should ever be enslaved, except for crime; or be deprived of life or liberty, but by due process of law and the judgment of his peers; nor of his property the product of his toil, without just compensation. Under the influence of this legislation, enacted in the very spirit of

the constitution, and sanctioned by the great name of Washington, the country commenced its sublime march of independence; and was not then, as now, possessed of that devil, that demon spirit, which to-day rends and distracts her.

In that day, sir, it was everywhere declared and admitted that slavery did not exist by virtue of the constitution; that the constitution did not operate on any class of men, black or white, as property, but only and always as persons; that the institution of slavery was purely local, sectional, not national; existing only within the limits of such of the States as tolerated it, and there only by force of local, not national, law; that slavery was a great evil to the master and slave, foreign to the spirit of our laws and institutions, an evil to be softened, not aggravated, to be got rid of and ended, not to be spread into new lands to be perpetuated and eternized. Unhappily, the time came in the history of the Republic when these just sentiments and this wise national legislation to which I have referred, came to be questioned and denounced.

This was the beginning of this sectional strife. When and by whom was this strife inaugurated, by whom has it been continued, and who and what party are responsible for its continuance?

In the year 1803, by a treaty of purchase, the United States acquired from France the Territory of Louisiana. This acquisition was made confessedly without warrant in the constitution, but under a supposed public necessity. In 1804, an organic act was passed for the government of so much of this Territory as lay south of the thirty-third parallel of north latitude. By that act the traffic in foreign and domestic slaves was prohibited in that Territory, under the penalty of fine and the emancipation of the slaves. Jef-

erson, in his approval of this act, was either ignorant or careless of the alleged duty of this government to protect the slave property of the citizens of the slave States in the national Territories. It was clearly a violation of this alleged duty to provide that the citizen should not traffic in his slave property in that Territory without subjecting himself to fine and forfeiture.

The subsequent organization of Missouri as a slave State within that Territory, and her application for admission as such into the Union, gave rise to the first great sectional conflict, which was finally determined by the admission of that State, and the enactment of the compromise act of 1820, by which chattel slavery was forever excluded from all that territory lying west of Missouri and north of the parallel of thirty-six degrees thirty minutes north latitude.

After this compromise, the nation reposed in peace, and its policy in favor of free territory and the protection of free labor was deemed settled, until about the year 1830, when, under the beneficent effects of this policy, it became apparent that, unless it was abandoned, slavery itself must give way and cease to be in the slave States, by the general consent and in obedience to the ever-increasing demands for free labor. Then, sir, Maryland tolerated open and active efforts among her citizens for the abolition of domestic slavery. Then Kentucky tolerated like efforts for the abolition of slavery among her citizens; and Virginia saw and felt in every fibre of her existence that she must either throw off that giant wrong, or perish in its embrace. Her legislative assembly about that time engaged in a debate on the question of the total abolition of the system; some of her ablest citizens insisting upon it, foremost among whom was a distinguished gentleman who, but the other day, was appointed

our minister plenipotentiary to France [Mr. Faulkner] who repeated the expressive and prophetic admonition of Jefferson: "You must adopt some plan of emancipation, or worse will follow." It was then, sir, that in the South this sectional strife was again renewed, by opposing emancipation and by making war upon the great and beneficent policy of protection to free labor. That strife was by the South brought into these halls, and here inaugurated, by demanding that the system of protecting and encouraging the free labor of the freemen of this country by legislation should be abandoned. That sectional party in the South, then, as now, ostracized every open and avowed friend of emancipation and of protection to free labor. . . .

Whatever pretexts may have been urged, the real purpose of the South, in assailing this policy of protection, was to secure an advantage to the slave-owners of the South, at the expense of the free laborers of the whole country, North and South. The abandonment of this system for such a purpose involved the practical application, in the legislation of the country, of the specious dogma that the constitution was made for the minority; it involved the specific disavowal of the expressed intent and purpose of the constitution, "the promotion of the general welfare," of the greatest good of the greatest number; it involved the sacrifice of the interests of the many for the benefit of the few. What was this, sir, but a demand that Congress should so legislate as to make slave labor more profitable, and free labor less profitable?

That has been the demand, the end, and aim, of this sectional party, from that day to this. The watchword of this party then was, and still is, the expansion and protection of slavery and slave labor, at the sacrifice of free labor, by

the withdrawal of legislative protection from it. To accomplish the repeal of the laws which protected free labor, then, as now, the South blustered, and threatened secession and treason. South Carolina passed her ordinance and test act, so offensive and treasonable in terms, as to wring from the gentle spirit of her Grimké, in her Senate Chamber, the burning invective:

"Your ordinance . . . is the grave of liberty. Before I will pollute my lips or perjure my soul with your test oath, you may cut off my right hand and nail it up as a finger-board to point my way to the gibbet."

That State became a military encampment; the cry to arms was everywhere heard within her borders, and the treasonable purpose of armed resistance to the laws everywhere proclaimed.

Strange, sir, that armed resistance in South Carolina to the national laws for the protection of free labor should be hailed as patriotism, and those who advised or attempted it crowned with honors, while an old man, into whose soul the iron of oppression has entered, who, in his wild dream of duty, lifts his hand against the slave laws of Virginia, hoping thereby to shiver the fetters which bind four million of men, and lift them from the darkness of their prison-house into the sunlight of liberty, is denounced as a traitor, and strangled as a felon. What part, sir, did the President, who now complains of sectional strife, play in this sectional raid upon the laws and the interests of free labor, in this attempt to paralyze the mighty arm of intelligent industry, in which is the nation's strength, in order to secure increased profits to the few, who produce by proxy, and live upon the unpaid toil of slaves?