

fices to be made are not weighed in the balance, against honor, right, liberty, and equality. Obstacles may retard, but they cannot long prevent, the progress of a movement sanctioned by its justice and sustained by a virtuous people. Reverently let us invoke the God of our fathers to guide and protect us in our efforts to perpetuate the principles which by his blessing they were able to vindicate, establish, and transmit to their posterity; and with a continuance of his favor, ever gratefully acknowledged, we may hopefully look forward to success, to peace, to prosperity.

NO DIVIDED FLAG

FROM REPLY TO SENATOR DOUGLAS, UNITED STATES SENATE,
MAY 1860

WE believed then, as I believe now, that this Union, as a compact entered into between the States, was to be preserved by good faith and by a close observance of the terms on which we were united. We believed then, as I believe now, that the party which rested upon the basis of truth; promulgated its opinions, and had them tested in the alembic of public opinion, adopted the only path of safety. I cannot respect such a doctrine as that which says "you may construe the constitution your way and I will construe it mine; we will waive the merit of these two constructions and harmonize together until the courts decide the question between us." A man is bound to have an opinion upon any political subject upon which he is called to act; it is skulking his responsibility for a citizen to say "let us express no opinion, I will agree that you may have yours, and I will have mine; we will co-operate politically together, we

will beat the opposition, divide the spoils, and leave it to the courts to decide the question of creed between us."

I do not believe that this is the path of safety; I am sure it is not the way of honor. I believe it devolves on us, who are principally sufferers from the danger to which this policy has exposed us, to affirm the truth boldly and let the people decide after the promulgation of our opinions. Our government, resting as it does upon public opinion and popular consent, was not formed to deceive the people nor does it regard the men in office as a governing class. We, the functionaries, should derive our opinions from the people. To know what their opinion is it is necessary that we should pronounce, in unmistakable language, what we ourselves mean.

My position is that there is no portion of our country where the people are not sufficiently intelligent to discriminate between right and wrong, and no portion where the sense of justice does not predominate. I therefore have been always willing to unfurl our flag to its innermost fold, to nail it to the mast with all our principles plainly inscribed upon it. Believing that we ask nothing but what the constitution was intended to confer; nothing but that which, as equals, we are entitled to receive; I am willing that our case should be plainly stated to those who have to decide it and await, for good or for evil, their verdict. . . .

Mr. President, after having for forty years been engaged in bitter controversy over a question relating to common property of the States, we have reached the point where the issue is presented in a form in which it becomes us to meet it according to existing facts; where it has ceased to be a question to be decided on the footing of authority and by reference to history. We have decided that too long had

this question been disturbing the peace and endangering the Union, and it was resolved to provide for its settlement by treating it as a judicial question. Now, will it be said, after Congress provided for the adjustment of this question by the courts, and after the courts had a case brought before them and expressed an opinion covering the controversy, that no additional latitude is to be given to the application of the decision of the court, though Congress had referred specially to them; that it is to be treated simply and technically as a question of *meum et tuum*, such as might have arisen if there had been no such legislation by Congress? Surely it does not become those who have pointed us to that provision as the peace offering, as the means for final adjustment, now to say that it meant nothing more than that the courts would go on hereafter, as heretofore, to try questions of property.

The courts have decided the question so far as they could decide any political question. A case arose in relation to property in a slave held within a Territory where a law of Congress declared that such property should not be held. The whole case was before them; everything except the mere technical point that the law was not enacted by a Territorial legislature. Why, then, if we are to abide by the decision of the supreme court in any future case, do they maintain this controversy on the mere technical point which now divides, disturbs, distracts, destroys the efficiency and the power of the Democratic party? To the senator, I know, as a question of property, it is a matter of no consequence. I should do him injustice if I left any one to infer that I treated his argument as one made by a man prejudiced against the character of property involved in the question. That is not his position; but I assert that he is pursuing an *ignis fatuus*—not

a light caught from the constitution—but a vapor which has arisen from the corrupting cesspools of sectional strife, of faction and individual rivalry. Measured by any standard of common sense, its magnitude would be too small to disturb the adjustment of the balance of our country. There can be no appeal to humanity made upon this basis. Least of all could it be made to one who like the senator and myself has seen this species of property in its sparse condition on the northwestern frontier, and seen it go out without disturbing the tranquillity of the community, as it had previously existed without injury to any one, if not to the benefit of the individual who held it. He has no apprehension, he can have none, that it is to retard the political prosperity of the future States—now the Territories. He can have no apprehension that in that country to which they never would be carried except for domestic purposes, they could ever so accumulate as to constitute a great political element. He knows and every man who has had experience and judgment must admit that the few who may be so carried there have nothing to fear but the climate, and that living in that close connection which belongs to one or half a dozen of them in a family, the kindest relations which it is possible to exist between master and dependent, exist between these domestics and their owners.

There is a relation belonging to this species of property, unlike that of the apprentice or the hired man, which awakens whatever there is of kindness or of nobility of soul in the heart of him who owns it; this can only be alienated, obscured, or destroyed by collecting this species of property into such masses that the owner is not personally acquainted with the individuals who compose it. In the relation, however, which can exist in the Northwestern Territories, the mere domestic

connection of one, two, or at most half a dozen servants in a family, associating with the children as they grow up, attending upon age as it declines, there can be nothing against which either philanthropy or humanity can make an appeal. Not even the emancipationist could raise his voice for this is the high road and the open gate to the condition in which the masters would from interest in a few years desire the emancipation of every one who may thus be taken to the north-western frontier.

Mr. President, I briefly and reluctantly referred, because the subject had been introduced, to the attitude of Mississippi on a former occasion. I will now as briefly say that in 1851 and in 1860 Mississippi was and is ready to make every concession which it becomes her to make to the welfare and the safety of the Union. If on a former occasion she hoped too much from fraternity, the responsibility for her disappointment rests upon those who fail to fulfil her expectations. She still clings to the government as our fathers formed it. She is ready to-day and to-morrow, as in her past and though brief yet brilliant history, to maintain that government in all its power, and to vindicate its honor with all the means she possesses. I say brilliant history; for it was in the very morning of her existence that her sons on the plains of New Orleans were announced in general orders to have been the admiration of one army and the wonder of the other. That we had a division in relation to the measures enacted in 1850 is true; that the Southern rights men became the minority in the election which resulted is true; but no figure of speech could warrant the senator in speaking of them as subdued; as coming to him or anybody else for quarter. I deemed it offensive when it was uttered, and the scorn with which I repelled it at the instant, time has only softened to con-

tempt. Our flag was never borne from the field. We had carried it in the face of defeat with a knowledge that defeat awaited it; but scarcely had the smoke of the battle passed away which proclaimed another victor, before the general voice admitted that the field again was ours; I have not seen a sagacious reflecting man, who was cognizant of the events as they transpired at the time, who does not say that within two weeks after the election our party was in a majority; and the next election which occurred showed that we possessed the State beyond controversy. How we have wielded that power it is not for me to say. I trust others may see forbearance in our conduct—that with a determination to insist upon our constitutional rights then and now there is an unwavering desire to maintain the government and to uphold the Democratic party.

We believe now as we have asserted on former occasions that the best hope for the perpetuity of our institutions depends upon the co-operation, the harmony, the zealous action of the Democratic party. We cling to that party from conviction, that its principles and its aims are those of truth and the country, as we cling to the Union for the fulfilment of the purposes for which it was formed. Whenever we shall be taught that the Democratic party is recreant to its principles; whenever we shall learn that it cannot be relied upon to maintain the great measures which constitute its vitality, I for one shall be ready to leave it. And so, when we declare our tenacious adherence to the Union it is the Union of the constitution. If the compact between the States is to be trampled into the dust; if anarchy is to be substituted for the usurpation and consolidation which threatened the government at an earlier period; if the Union is to become powerless for the purposes for which it

was established, and we are vainly to appeal to it for protection, then, sir, conscious of the rectitude of our course, the justice of our cause, self-reliant, yet humbly, confidently trusting in the arm that guided and protected our fathers, we look beyond the confines of the Union for the maintenance of our rights. A habitual reverence and cherished affection for the government will bind us to it longer than our interests would suggest or require; but he is a poor student of the world's history who does not understand that communities at last must yield to the dictates of their interests. That the affection, the mutual desire for the mutual good which existed among our fathers may be weakened in succeeding generations by the denial of right and hostile demonstration, until the equality guaranteed but not secured within the Union may be sought for without it, must be evident to even a careless observer of our race. It is time to be up and doing. There is yet time to remove the causes of dissension and alienation which are now distracting and have for years past divided the country.

If the senator correctly described me as having in a former period against my own preferences and opinions acquiesced in the decision of my party; if when I had youth, when physical vigor gave promise of many days and the future was painted in the colors of hope, I could thus surrender my own convictions, my own prejudices, and co-operate with my political friends, according to their views as to the best method of promoting the public good; now, when the years of my future cannot be many, and experience has sobered the hopeful tints of youth's gilding; when approaching the evening of life, the shadows are reversed and the mind turns retrospectively, it is not to be supposed that I would abandon lightly or idly put on trial the party to which I have steadily adhered. It

is rather to be assumed that conservatism which belongs to the timidity or caution of increasing years would lead me to cling to; to be supported by rather than to cast off the organization with which I have been so long connected. If I am driven to consider the necessity of separating myself from those old and dear relations, of discarding the accustomed support, under circumstances such as I have described, might not my friends who differ from me pause and inquire whether there is not something involved in it which calls for their careful revision?

I desire no divided flag for the Democratic party, seek not to depreciate the power of the senator or take from him anything of that confidence he feels in the large army which follows his standard. I prefer that his banner should lie in its silken folds to feed the moth; but if it unrestrainedly rustles impatient to be unfurled, we who have not invited the conflict shrink not from the trial; we will plant our flag on every hill and plain; it shall overlook the Atlantic and welcome the sun as he rises from its dancing waters; it shall wave its adieu as he sinks to repose in the quiet Pacific.

Our principles are national; they belong to every State of the Union; and though elections may be lost by their assertion, they constitute the only foundation on which we can maintain power on which we can again rise to the dignity the Democracy once possessed. Does not the senator from Illinois see in the sectional character of the vote he received that his opinions are not acceptable to every portion of the country? Is not the fact that the resolutions adopted by seventeen States on which the greatest reliance must be placed for Democratic support are in opposition to the dogma to which he still clings, a warning that if he persists and succeeds in forcing his theory upon the Democratic party its days are

numbered? We ask only for the constitution. We ask of the Democracy only from time to time to declare as current exigencies may indicate what the constitution was intended to secure and provide. Our flag bears no new device. Upon its folds our principles are written in living light; all proclaiming the constitutional Union, justice, equality, and fraternity of our ocean-bound domain for a limitless future.

CHIEF-JUSTICE CHASE



ALMON PORTLAND CHASE, distinguished American statesman and jurist, and for nine years (1864-73) Chief-Justice of the Supreme Court, was born at Cornish, N. H., Jan. 13, 1808, and died at New York, May 7, 1873. He received his education at Dartmouth College and subsequently studied law under William Wirt, was admitted to the Bar in 1829, and the next year began practice at Cincinnati. An edition of the Statutes of Ohio prepared by him brought him into notice, and in 1834 he was appointed Solicitor for the United States Bank in Cincinnati. He engaged in the anti-slavery movement in 1837 as counsel for a fugitive slave, and in 1842 defended Van Zandt, the original of Van Tromp in "Uncle Tom's Cabin," who was indicted for aiding slaves to escape. The case was carried to the Supreme Court of the United States and there argued in 1848 by Seward and by Chase. His connection with this famous case brought the future Chief-Justice into prominence as an anti-slavery champion, and in 1849 he was elected to the United States Senate. In 1855, he was chosen Governor of Ohio, and in 1857 was reelected to that office. In 1861, he entered Lincoln's cabinet as Secretary of State, and continued to occupy that responsible position until 1864, when he was appointed Chief-Justice of the United States, a post he held until his death. As Chief-Justice he presided at the impeachment trial of President Johnson. Chase was a man of unusual abilities, and during the Civil War era was of great service to the government. His legal opinions are noted for the excellence of their literary style, and are deemed models of juridical composition.

SPEECH ON THE KANSAS-NEBRASKA BILL

DELIVERED IN THE UNITED STATES SENATE, FEBRUARY 3, 1854

[The bill for the organization of the Territories of Nebraska and Kansas being under consideration, Mr. Chase submitted the following amendment: "Strike out from section 14 the words 'was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and'; so that the clause will read: '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 is hereby declared inoperative,'" and proceeded to say:]

MR. PRESIDENT,—I had occasion a few days ago to expose the utter groundlessness of the personal charges made by the senator from Illinois [Mr. Douglas] against myself and the other signers of the Independent Democratic Appeal. I now move to strike from this