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

SALMON 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 reëlected 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 Chase submitted the following amendment: "Strike out from section 14 the words 'was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and'; so that the clause will read: 'That the constitution and all laws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

bill a statement which I will to-day demonstrate to be without any foundation in fact or history. I intend afterward to move to strike out the whole clause annulling the Missouri prohibition.

I enter into this debate, Mr. President, in no spirit of personal unkindness. The issue is too grave and too momentous for the indulgence of such feelings. I see the great question before me and that question only.

Sir, these crowded galleries, these thronged lobbies, this full attendance of the Senate, prove the deep, transcendent interest of the theme.

A few days only have elapsed since the Congress of the United States assembled in this Capitol. Then no agitation seemed to disturb the political elements. Two of the great political parties of the country in their national conventions had announced that slavery agitation was at an end, and that henceforth that subject was not to be discussed in Congress or out of Congress. The President in his annual message had referred to this state of opinion and had declared his fixed purpose to maintain, as far as any responsibility attached to him, the quiet of the country. Let me read a brief extract from that message:

"It is no part of my purpose to give prominence to any subject which may properly be regarded as set at rest by the deliberate judgment of the people. But while the present is bright with promise, and the future full of demand and inducement for the exercise of active intelligence, the past can never be without useful lessons of admonition and instruction. If its dangers serve not as beacons, they will evidently fail to fulfil the object of a wise design.

"When the grave shall have closed over all those who are now endeavoring to meet the obligations of duty, the year 1850 will be recurred to as a period filled with anxious apprehension. A successful war had just terminated. Peace

brought with it a vast augmentation of territory. Disturbing questions arose bearing upon the domestic institutions of one portion of the confederacy, and involving the constitutional rights of the States. But notwithstanding differences of opinion and sentiment which then existed in relation to details and specific provisions, the acquiescence of distinguished citizens, whose devotion to the Union can never be doubted, had given renewed vigor to our institutions and restored a sense of repose and security to the public mind throughout the confederacy. That this repose is to suffer no shock during my official term, if I have power to avert it, those who placed me here may be assured."

The agreement of the two old political parties thus referred to by the chief magistrate of the country was complete, and a large majority of the American people seemed to acquiesce in the legislation of which he spoke.

A few of us indeed doubted the accuracy of these statements and the permanency of this repose. We never believed that the acts of 1850 would prove to be a permanent adjustment of the slavery question. We believed no permanent adjustment of that question possible except by a return to that original policy of the fathers of the Republic, by which slavery was restricted within State limits, and freedom without exception or limitation was intended to be secured to every person outside of State limits and under the exclusive jurisdiction of the general government.

But, sir, we only represented a small though vigorous and growing party in the country. Our number was small in Congress. By some we were regarded as visionaries—by some as factionists; while almost all agreed in pronouncing us mistaken.

And so, sir, the country was at peace. As the eye swept the entire circumference of the horizon and upward to midheaven not a cloud appeared; to common observation there was no mist or stain upon the clearness of the sky.

But suddenly all is changed. Rattling thunder breaks from the cloudless firmament. The storm bursts forth in fury. Warring winds rush into conflict:

"Eurus, Notusque ruunt, creberque procellis Africus."

Yes, sir, "*creber procellis Africus*"—the South wind thick with storm. And now we find ourselves in the midst of an agitation the end and issue of which no man can foresee.

Now, sir, who is responsible for this renewal of strife and controversy? Not we, for we have introduced no question of territorial slavery into Congress—not we who are denounced as agitators and factionists. No, sir; the quietists and the finalists have become agitators; they who told us that all agitation was quieted, and that the resolutions of the political conventions put a final period to the discussion of slavery.

This will not escape the observation of the country. It is slavery that renews the strife. It is slavery that again wants room. It is slavery, with its insatiate demands for more slave territory and more slave States.

And what does slavery ask for now? Why, sir, it demands that a time-honored and sacred compact shall be rescinded—a compact which has endured through a whole generation—a compact which has been universally regarded as inviolable, North and South—a compact, the constitutionality of which few have doubted and by which all have consented to abide.

It will not answer to violate such a compact without a pretext. Some plausible ground must be discovered or invented for such an act; and such a ground is supposed to be found in the doctrine which was advanced the other day by the senator from Illinois, that the compromise acts of 1850

"superseded" the prohibition of slavery north of 36 degrees 30 minutes, in the act preparatory for the admission of Missouri. Aye, sir, "superseded" is the phrase—"superseded by the principles of the legislation of 1850, commonly called the compromise measures."

It is against this statement, untrue in fact and without foundation in history, that the amendment which I have proposed is directed.

Sir, this is a novel idea. At the time when these measures were before Congress in 1850, when the questions involved in them were discussed from day to day, from week to week, and from month to month, in this Senate chamber, who ever heard that the Missouri prohibition was to be superseded? What man, at what time, in what speech, ever suggested the idea that the acts of that year were to affect the Missouri compromise?

The senator from Illinois the other day invoked the authority of Henry Clay—that departed statesman in respect to whom whatever may be the differences of political opinion none question that among the great men of this country he stood proudly eminent. Did he in the report made by him as the chairman of the Committee of Thirteen, or in any speech in support of the compromise acts, or in any conversation in the committee or out of the committee, ever even hint at this doctrine of supersedure? Did any supporter or any opponent of the compromise acts ever vindicate or condemn them on the ground that the Missouri prohibition would be affected by them? Well, sir, the compromise acts were passed. They were denounced North, and they were denounced South. Did any defender of them at the South ever justify his support of them upon the ground that the South had obtained through them the repeal of the Missouri pro-

hibition? Did any objector to them at the North ever even suggest as a ground of condemnation that that prohibition was swept away by them? No, sir! No man, North or South, during the whole of the discussion of those acts here, or in that other discussion which followed their enactment throughout the country ever intimated any such opinion.

Now, sir, let us come to the last session of Congress. A Nebraska bill passed the House and came to the Senate and was reported from the committee on Territories by the senator from Illinois as its chairman. Was there any provision in it which even squinted toward this notion of repeal by supersedure? Why, sir, Southern gentlemen opposed it on the very ground that it left the Territory under the operation of the Missouri prohibition. The senator from Illinois made a speech in defence of it. Did he invoke Southern support upon the ground that it superseded the Missouri prohibition? Not at all. Was it opposed or vindicated by anybody on any such ground? Every senator knows the contrary. The senator from Missouri [Mr. Atchison], now the president of this body, made a speech upon the bill in which he distinctly declared that the Missouri prohibition was not repealed and could not be repealed.

I will send this speech to the secretary and ask him to read the paragraphs marked.

The secretary read as follows:

"I will now state to the Senate the views which induced me to oppose this proposition in the early part of this session.

"I had two objections to it. One was that the Indian title in that Territory had not been extinguished, or at least a very small portion of it had been. Another was the Missouri compromise, or as it is commonly called, the slavery restriction. It was my opinion at that time—and I am not now very clear on that subject—that the law of Congress when the State of

Missouri was admitted into the Union excluding slavery from the Territory of Louisiana north of 36 degrees 30 minutes, would be enforced in that Territory unless it was specially rescinded, and whether that law was in accordance with the constitution of the United States or not, it would do its work, and that work would be to preclude slaveholders from going into that Territory. But when I came to look into that question I found that there was no prospect, no hope, of a repeal of the Missouri compromise excluding slavery from that Territory.

"Now, sir, I am free to admit that at this moment, at this hour, and for all time to come, I should oppose the organization or the settlement of that Territory unless my constituents and the constituents of the whole South—of the slave States of the Union,—could go into it upon the same footing, with equal rights and equal privileges, carrying that species of property with them as other people of this Union. Yes, sir, I acknowledged that that would have governed me, but I have no hope that the restriction will ever be repealed.

"I have always been of opinion that the first great error committed in the political history of this country was the Ordinance of 1787, rendering the Northwest Territory free territory. The next great error was the Missouri compromise. But they are both irremediable. There is no remedy for them. We must submit to them. I am prepared to do it. It is evident that the Missouri compromise cannot be repealed. So far as that question is concerned we might as well agree to the admission of this Territory now as next year or five or ten years hence."[1]

That, sir, is the speech of the senator from Missouri [Mr. Atchison] whose authority I think must go for something upon this question. What does he say? "When I came to look into that question"—of the possible repeal of the Missouri prohibition—that was the question he was looking into—"I found that there was no prospect, no hope of a repeal of the Missouri compromise excluding slavery from that Territory." And yet, sir, at that very moment, according to this

[1] "Congressional Globe," Second Session, 32d Cong., vol. xxvi, p. 1113.

new doctrine of the senator from Illinois, it had been repealed three years!

Well, the senator from Missouri said further that if he thought it possible to oppose this restriction successfully he never would consent to the organization of the Territory until it was rescinded. "But," said he, "I acknowledge that I have no hope that the restriction will ever be repealed." Then he made some complaint, as other Southern gentlemen have frequently done, of the Ordinance of 1787, and the Missouri prohibition; but went on to say: "They are both irremediable; there is no remedy for them; we must submit to them; I am prepared to do it, it is evident that the Missouri compromise cannot be repealed."

Now, sir, when was this said? It was on the morning of the 4th of March, just before the close of the last session, when that Nebraska bill, reported by the senator from Illinois, which proposed no repeal and suggested no supersedure, was under discussion. I think, sir, that all this shows pretty clearly that up to the very close of the last session of Congress nobody had ever thought of a repeal by supersedure. Then, what took place at the commencement of the present session? The senator from Iowa early in December introduced a bill for the organization of the Territory of Nebraska. I believe it was the same bill which was under discussion here at the last session, line for line, word for word. If I am wrong the senator will correct me.

Did the senator from Iowa then entertain the idea that the Missouri prohibition had been superseded? No, sir, neither he nor any other man here, so far as could be judged from any discussion or statement or remark had received this notion.

Well, on the 4th day of January the Committee on Territories, through their chairman, the senator from Illinois,

made a report on the Territorial organization of Nebraska; and that report was accompanied by a bill. Now, sir, on that 4th day of January, just thirty days ago, did the Committee on Territories entertain the opinion that the compromise acts of 1850 superseded the Missouri prohibition? If they did they were very careful to keep it to themselves. We will judge the committee by their own report. What do they say in that? In the first place they describe the character of the controversy in respect to the Territories acquired from Mexico.

They say that some believed that a Mexican law prohibiting slavery was in force there, while others claimed that the Mexican law became inoperative at the moment of acquisition and that slaveholders could take their slaves into the Territory and hold them there under the provisions of the constitution. The Territorial compromise acts, as the committee tell us, steered clear of these questions. They simply provided that the States organized out of these Territories might come in with or without slavery, as they should elect, but did not affect the question whether slaves could or could not be introduced before the organization of State governments. That question was left entirely to judicial decision.

Well, sir, what did the committee propose to do with the Nebraska Territory? In respect to that, as in respect to the Mexican Territory, differences of opinion exist in relation to the introduction of slaves. There are Southern gentlemen who contend that notwithstanding the Missouri prohibition they can take their slaves into the territory covered by it and hold them there by virtue of the constitution. On the other hand the great majority of the American people North and South believe the Missouri prohibition to be constitutional and effectual. Now, what did the committee propose?