Did they propose to repeal the prohibition? Did they suggest that it had been superseded? Did they advance any idea of that kind? No, sir; this is their language:

"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 a large portion 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."

This language will bear repetition:

"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."

And they go on to say:

"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."

Mr. President, here are very remarkable facts. The committee on Territories declared that it was not wise, that it was not prudent, that it was not right to renew the old controversy and to arouse agitation. They declared that they would abstain from any recommendation of a repeal of the prohibition or of any provision declaratory of the construction of the constitution in respect to the legal points in dispute.

Mr. President, I am not one of those who suppose that the question between Mexican law and the slaveholding claims was avoided in the Utah and New Mexico act; nor do I think that the introduction into the Nebraska bill of the provisions of those acts in respect to slavery would leave the question between the Missouri prohibition and the same slaveholding claims entirely unaffected. I am of a very different opinion. But I am dealing now with the report of the senator from Illinois, as chairman of the committee, and I show beyond all controversy that that report gave no countenance whatever to the doctrine of repeal by supersedure.

Well, sir, the bill reported by the committee was printed in the "Washington Sentinel" on Saturday, January 7th. It contained twenty sections, no more, no less. It contained no provisions in respect to slavery except those in the Utah and New Mexico bills. It left those provisions to speak for themselves. This was in harmony with the report of the committee. On the 10th of January—on Tuesday—the act appeared again in the "Sentinel;" but it had grown longer during the interval. It appeared now with twenty-one sections. There was a statement in the paper that the twenty-first section had been omitted by a clerical error.

But, sir, it is a singular fact that this twenty-first section is entirely out of harmony with the committee's report. It undertakes to determine the effect of the provision in the Utah and New Mexico bills. It declares among other things that all questions pertaining to slavery in the Territories and in the new States to be formed therefrom are to be left to the decision of the people residing therein through their appropriate representatives. This provision in effect repealed the Missouri prohibition, which the committee in their report declared ought not to be done. Is it possible, sir, that this was a mere clerical error? May it not be that this twenty-first section was the fruit of some Sunday work between Saturday the 7th and Tuesday the 10th?

But, sir, the addition of this section it seems did not help the bill. It did not I suppose meet the approbation of Southern gentlemen, who contended that they have a right to take their slaves into the Territories notwithstanding any prohibition either by Congress or by a Territorial legislature. I dare say it was found that the votes of these gentlemen could not be had for the bill with that clause in it. It was not enough that the committee had abandoned their report and added this twenty-first section, in direct contravention of its reasonings and principles. The twenty-first section itself must be abandoned and the repeal of the Missouri prohibition placed in a shape which would not deny the slaveholding claim.

The senator from Kentucky [Mr. Dixon], on the 16th of January, submitted an amendment which came square up to repeal and to the claim. That amendment probably produced some fluttering and some consultation. It met the views of Southern senators and probably determined the shape which the bill has finally assumed. Of the various

mutations which it has undergone I can hardly be mistaken in attributing the last to the amendment of the senator from Kentucky. That there is no effect without a cause is among our earliest lessons in physical philosophy, and I know of no causes which will account for the remarkable changes which the bill underwent after the 16th of January, other than that amendment and the determination of Southern senators to support it, and to vote against any provision recognizing the right of any Territorial legislature to prohibit the introduction of slavery.

It was just seven days, Mr President, after the senator from Kentucky had offered his amendment that a fresh amendment was reported from the committee on Territories, in the shape of a new bill enlarged to forty sections. This new bill cuts off from the proposed Territory half a degree of latitude on the south and divides the residue into two Territories—the southern Territory of Kansas and the northern Territory of Nebraska. It applies to each all the provisions of the Utah and New Mexico bills; it rejects entirely the twenty-first clerical-error section and abrogates the Missouri prohibition by the very singular provision which I will read:

"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 was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is therefore declared inoperative."

Doubtless, Mr. President, this provision operates as a repeal of the prohibition. The senator from Kentucky was right when he said it was in effect the equivalent of his amend-

ment. Those who are willing to break up and destroy the old compact of 1820 can vote for this bill with full assurance that such will be its effect. But I appeal to them not to vote for this supersedure clause. I ask them not to incorporate into the legislation of the country a declaration which every one knows to be wholly untrue. I have said that this doctrine of supersedure is new. I have now proved that it is a plant of but ten days' growth. It was never seen or heard of until the 23d day of January, 1854. It was upon that day that this tree of Upas was planted; we already see its poison fruits.

The provision I have quoted abrogates the Missouri prohibition. It asserts no right in the Territorial legislature to prohibit slavery. . . .

The truth is that the compromise acts of 1850 were not intended to introduce any principles of Territorial organization applicable to any other Territory except that covered by them. The professed object of the friends of the compromise acts was to compose the whole slavery agitation. There were various matters of complaint. The non-surrender of fugitives from service was one. The existence of slavery and the slave-trade here in this District and elsewhere, under the exclusive jurisdiction of Congress, was another. The apprehended introduction of slavery into the Territories furnished other grounds of controversy. The slave States complained of the free States and the free States complained of the slave States. It was supposed by some that this whole agitation might be stayed and finally put at rest by skilfully adjusted legislation. So, sir, we had the Omnibus Bill and its appendages, the Fugitive-Slave Bill and the District Slave-Trade Suppression Bill. To please the North—to please the free States—California was to be admitted and the slave depots here in the district were to be broken up. To please the slave States a stringent fugitive-slave act was to be passed and slavery was to have a chance to get into the new Territories. The support of the senators and representatives from Texas was to be gained by a liberal adjustment of boundary and by the assumption of a large portion of their State debt.

The general result contemplated was a complete and final adjustment of all questions relating to slavery.

The acts passed. A number of the friends of the acts signed a compact pledging themselves to support no man for any office who would in any way renew the agitation. The country was required to acquiesce in the settlement as an absolute finality. No man concerned in carrying those measures through Congress, and least of all the distinguished man whose efforts mainly contributed to their success, ever imagined that in the Territorial acts, which formed a part of the series, they were planting the germs of a new agitation. Indeed, I have proved that one of these acts contained an express stipulation which precludes the revival of the agitation in the form in which it is now thrust upon the country, without manifest disregard of the provisions of those acts themselves.

I have thus proved beyond controversy that the averment of the bill which my amendment proposes to strike out is untrue. Senators, will you unite in a statement which you know to be contradicted by the history of the country? Will you incorporate into a public statute an affirmation which is contradicted by every event which attended or followed the adoption of the compromise acts? Will you here, acting under your high responsibility as senators of the States, assert as a fact, by a solemn vote, that which the personal

recollection of every senator who was here during the discussion of those compromise acts disproves?

I will not believe it until I see it. If you wish to break up the time-honored compact embodied in the Missouri compromise, transferred into the joint resolution for the annexation of Texas, preserved and affirmed by these compromise acts themselves, do it openly—do it boldly. Repeal the Missouri prohibition. Repeal it by a direct vote. Do not repeal it by indirection. Do not "declare" it "inoperative," "because superseded by the principles of the legislation of 1850."

Mr. President, three great eras have marked the history of this country in respect to slavery. The first may be characterized as the "Era of Enfranchisement." It commenced with the earliest struggles for national independence. The spirit which inspired it animated the hearts and prompted the efforts of Washington, of Jefferson, of Patrick Henry, of Wythe, of Adams, of Jay, of Hamilton, of Morris—in short, of all the great men of our early history.

All these hoped for, all these labored for, all these believed in, the final deliverance of the country from the curse of slavery. That spirit burned in the Declaration of Independence and inspired the provisions of the constitution and the Ordinance of 1787.

Under its influence, when in full vigor, State after State provided for the emancipation of the slaves within their limits prior to the adoption of the constitution. Under its feebler influence at a later period, and during the administration of Mr. Jefferson, the importation of slaves was prohibited into Mississippi and Louisiana in the faint hope that those Territories might finally become free States. Gradually that spirit ceased to influence our public councils and lost its control over the American heart and the American policy.

Another era succeeded, but by such imperceptible gradations that the lines which separate the two cannot be traced with absolute precision. The facts of the two eras meet and mingle as the currents of confluent streams mix so imperceptibly that the observer cannot fix the spot where the meeting waters blend.

This second era was the "Era of Conservatism." Its great maxim was to preserve the existing condition. Men said: Let things remain as they are; let slavery stand where it is; exclude it where it is not; refrain from disturbing the public quiet by agitation; adjust all difficulties that arise, not by the application of principles, but by compromises.

It was during this period that the senator tells us that slavery was maintained in Illinois, both while a Territory and after it became a State, in despite of the provisions of the Ordinance. It is true, sir, that the slaves held in the Illinois country under the French law were not regarded as absolutely emancipated by the provisions of the ordinance. But full effect was given to the Ordinance in excluding the introduction of slaves, and thus the Territory was preserved from eventually becoming a slave State. The few slaveholders in the Territory of Indiana, which then included Illinois, succeeded in obtaining such an ascendency in its affairs that repeated applications were made, not merely by conventions of delegates, but by the Territorial legislature itself, for a suspension of the clause in the Ordinance prohibiting slavery. These applications were reported upon by John Randolph of Virginia in the House and by Mr. Franklin in the Senate. Both the reports were against suspension. The grounds stated by Randolph are specially worthy of being considered now. They are thus stated in the report:

"That the committee deem it highly dangerous and inex-

pedient to impair a provision wisely calculated to promote the happiness and prosperity of the northwestern country and to give strength and security to that extensive frontier. In the salutary operation of this sagacious and benevolent restraint it is believed that the inhabitants of Indiana will at no very distant day find ample remuneration for a temporary privation of labor and of emigration."

Sir, these reports made in 1803 and 1807, and the action of Congress upon them in conformity with their recommendation saved Illinois and perhaps Indiana from becoming slave States. When the people of Illinois formed their State constitution they incorporated into it a section providing that neither slavery nor involuntary servitude shall hereafter be introduced into this State. The constitution made provision for the continued service of the few persons who were originally held as slaves and then bound to service under the Territorial laws and for the freedom of their children and thus secured the final extinction of slavery. The senator thinks that this result is not attributable to the Ordinance. I differ from him. But for the ordinance I have no doubt slavery would have been introduced into Indiana, Illinois, and Ohio. It is something to the credit of the "Era of Conservatism," uniting its influences with those of the expiring "Era of Enfranchisement," that it maintained the Ordinance of 1787 in the northwest.

The "Era of Conservatism" passed, also by imperceptible gradations, into the "Era of Slavery Propagandism." Under the influences of this new spirit we opened the whole territory acquired from Mexico, except California, to the ingress of slavery. Every foot of it was covered by a Mexican prohibition; and yet by the legislation of 1850 we consented to expose it to the introduction of slaves. Some, I believe, have actually been carried into Utah and New Mexico. They may

be few, perhaps, but a few are enough to affect materially the probable character of their future governments. Under the evil influences of the same spirit we are now called upon to reverse the original policy of the republic, to support even a solemn compact of the conservative period, and open Nebraska to slavery.

Sir, I believe that we are upon the verge of another era. That era will be the "Era of Reaction." The introduction of this question here and its discussion will greatly hasten its advent. We who insist upon the denationalization of slavery and upon the absolute divorce of the general government from all connection with it will stand with the men who favored the compromise acts and who yet wish to adhere to them in their letter and in their spirit against the repeal of the Missouri prohibition. But you may pass it here. You may send it to the other House. It may become a law.

But its effect will be to satisfy all thinking men that no compromises with slavery will endure except so long as they serve the interests of slavery; and that there is no safe and honorable ground for non-slaveholders to stand upon, except that of restricting slavery within State limits and excluding it absolutely from the whole sphere of federal jurisdiction. The old questions between political parties are at rest. No great question so thoroughly possesses the public mind as this of slavery. This discussion will hasten the inevitable reorganization of parties upon the new issues which our circumstances suggest. It will light up a fire in the country which may perhaps consume those who kindle it.

I cannot believe that the people of this country have so far lost sight of the maxims and principles of the Revolution, or are so insensible to the obligations which those maxims and principles impose, as to acquiesce in the violation of this compact.