

HISTORY  
OF  
THE REBELLION

ITS AUTHORS AND CAUSES.

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BY JOSHUA R. GIDDINGS.

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TO  
THE PEOPLE OF THE UNITED STATES,

FOR WHOSE RIGHTS AND INTERESTS THE AUTHOR SO LONG LABORED,

THIS WORK IS RESPECTFULLY DEDICATED,

JOSHUA R. GIDDINGS.

## ADVERTISEMENT.

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By noting the time when any particular incident is said to have occurred, and then referring to the corresponding date in the "Journals of Congress," "The American Archives," "American State Papers," "Annals of Congress," "Debates in Congress," or "Congressional Globe," the reader will find official authority on which the statement is made. In all other cases the authority is particularly cited.



## PREFACE.

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THE present Rebellion is the first in the annals of mankind, where a people have risen in arms against liberty for the purpose of establishing a despotism. With its remote and proximate causes the people should be familiar; its authors and abettors should be known to the present and coming generations.

In the long struggle which preceded actual secession, the writer participated. It was his fortune to enunciate the policy of separating the people of the free States and the federal power from the support of slavery, leaving that institution entirely with the States, where it had been left by the patriots who framed the charter of our Union. Messrs. Adams, Slade, and Gates, then members of Congress, sustained the policy; others subsequently united with us; we were opposed not by reason, or argument, or justice, but by personal detraction, misrepresentation, insult, threats of violence, and denunciation.

The contest was earnest and protracted. For more than twenty years the author mingled in scenes of unusual interest. The adoption and repeal of the gag-rules; the trial of the Hon. John Quincy Adams; the censure of the author by the House of Representatives, and its reversal by the people; the annexation of Texas; the memorable defeat of the slave power in its efforts to establish slavery in California; the undisguised corruption exerted to tax the people of the free States for the payment of the debts of Texas; the civil war for extending

slavery into Kansas; the defeat of the Executive designs by the people, and the founding of free institutions in that territory, constitute some of the incidents in which the author participated.

Defeated in their designs of transforming the Government into a slaveholding oligarchy, most of the slave States rebelled against the Government which had protected them, defied its authority, and declared their intention to establish an independent power, devoted to a perpetual war upon human nature.

Few who mingled in these early conflicts now remain. Most of them have passed to their reward; and the author, as he lingers upon the verge of time, presents this volume to the people of the United States, as an humble memoir of the political scenes in which he participated, while it points out the causes and authors of the Rebellion.

JEFFERSON, OHIO, *August 30, 1863.*

# THE REBELLION:

## ITS CAUSES AND ITS AUTHORS.



### CHAPTER I.

#### THE FORMATION AND CHARACTER OF THE GOVERNMENT—ITS EARLY ACTION ON THE SUBJECT OF SLAVERY.

THE Continental Congress of 1774 united in a solemn assertion that “the inhabitants of these Colonies, by the *immutable laws of nature*, by the British Constitution and their several charters, have the right to life, liberty and property.”

This avowal constituted the first step in the formation of what we call the “American Union.”

The publicists of Europe and many leading minds of the Colonies had turned their attention to the philosophy of human governments : many asserted the *equal rights of all men to life, liberty and happiness*. The doctrine was at that time much discussed in public speeches, in newspaper essays and pamphlets published for its promulgation.

The Colonial governments had been formed at various periods prior to the general agitation of these doctrines. Georgia was the only colony founded upon the basis of human liberty, from which her people, however, receded after a few years of experience, adopting the despotic principle that governments possessed the same legitimate power to *enslave* men which they had to secure them in the enjoyment of liberty : and while the declaration of rights put forth by the Congress of 1774 was far in advance of the governments of Europe and those of the Colonies, it nevertheless fell short of those subsequently enunciated in the Declaration of Independence in 1776 : but for the purpose of maintaining those asserted in 1774, the Colonists took up arms and gallantly defended their adopted faith at Lexington, Concord and Bunker Hill.

1776.] But being involved in civil war, they felt the propriety of more fully vindicating their course before the Christian world ; and Congress appointed a select committee of five members to draft a declaration of principles to constitute the basis of the new government.

This committee consisted of John Adams, of Massachusetts ; Roger Sherman, of Connecticut ; Benjamin Franklin, of Pennsylvania ; and Thomas Jefferson, of Virginia ; each of whom had already distinguished himself as an advocate of the new philosophy. Mr. Livingston, of New York, was also a member of the committee, and, though less distinguished on this subject, is supposed to have been as much devoted to the support of human rights as were his illustrious colleagues.

In their report they proclaimed the self-evident truths, "that all men are created equal in their right to life, liberty, and the pursuit of happiness ; that governments are instituted to *secure* the enjoyment of these rights ; that whenever any form of government becomes destructive of these ends, it is the right and duty of the people to *alter* or *abolish* it, and reorganize its powers in such form as they may deem most likely to secure their interest and happiness."

This was the second avowal of rights put forth by the founders of our Government ; and differed from the first in announcing the prerogatives of life, liberty and happiness, as conferred on *all men*, in *all ages*, and in *all climes*. This declaration announced to the world that the Colonies had formed an indissoluble union for defending those doctrines : and was the consummation of the Union which had been commenced in 1774. But scarcely had the Colonies united upon these doctrines, when the subject of slavery came under discussion. Georgia called on Congress to *furnish troops to prevent slaves from escaping from the service of their masters*. Many of the States legislated in regard to slaves who should be employed in the service of the United States, and some of them called on Congress to provide for the military employment of slaves ;\* but the statesmen of that day carefully abstained from all legislation in favor of slavery, and wholly refused to recognize it as entitled to respectful consideration. But the commissioners appointed to negotiate a treaty of peace with England, were not thus careful. Messrs. John Jay, John Adams, and Benjamin Franklin, were appointed for that purpose. They met the commissioners on the part of the British ministry, at Paris, and had nearly completed the negotiation, when Mr. Laurens, of South Carolina, who had been confined in England, being released by the British government, joined them, he having

\* *Vid.* American Archives of 1776.



been also appointed a commissioner : at his suggestion the seventh article of the treaty was made to read as follows : " His Britannic Majesty shall with all convenient speed, and without causing any destruction, or carrying away any *negroes*, or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the United States."

There had been no instructions for the commissioners to make [1783] any stipulation in regard to slaves ; but as peace was important to the Colonies, the treaty was approved, notwithstanding this stipulation ; but neither the army nor fleet of Great Britain regarded this stipulation as of any validity whatever. When they left the United States they carried away many negroes claimed by the inhabitants, saying, in the language of the Declaration of Independence, " Governments are instituted to *secure the enjoyment of liberty and not to protect slavery.*" And this seems to have been the idea of the British ministry, who refused compensation for the negroes thus deported, in violation of the letter of the treaty.

The Government under the confederation, not only refused to act in favor of slavery, but its powers were actively put forth in favor of freedom. Congress abolished the institution in all the territories of the United States, and sent forth an address to the people, in which they said : " Let it be remembered that it has ever been the pride and boast of America that the rights for which she contended were the *rights of human nature*, and if justice, good faith, honor, gratitude, and all the other qualities that ennoble the character of a nation and fulfill the ends of government be the fruits of our establishment, the cause of liberty will acquire a dignity and lustre which it has never enjoyed, and an example will be set which cannot but have the most favorable effect on the rights of mankind."

The old confederation continued until 1789. During the thirteen years of its existence, the powers of Congress were exerted for the entire abolition of slavery in the territory possessed by the United States ; and when the governmental authority passed over to the new organization under the Constitution, no human being was held in bondage under its laws or within its exclusive jurisdiction. Indeed, during the existence of the confederation no member of Congress raised his voice in favor of slavery ; or if he did, it would seem that no record of such opinions was preserved.

In the convention which framed our Federal Constitution, at- [1787] tempts were made to resist the progress of free principles. South Carolina and Georgia demanded security against the abolition of the

slave trade, but the difficulty was compromised upon the constitutional assurance that it should not be prohibited until A.D. 1808.

The States most interested in slave labor also insisted on being represented in Congress according to their population, including slaves. This was violently opposed by members from those States which had commenced the work of emancipation, as it would give owners of slaves superior influence in the Government over the advocates of liberty proportioned to the number of slaves they should hold in bondage, and thus operate against the essential doctrines on which the Government was founded. This point was also compromised, and the slaveholding States were allowed a representation according to the number of their free population, superadding thereto three-fifths of the whole number of their slaves ; thus giving to slaveholders an influence superior to that enjoyed by the advocates of liberty ; and the Constitution was thus made to operate to that extent in favor of oppression. But as an equivalent for this superior influence, the advocates of slavery agreed to contribute to the support of Government in case of direct taxation according to their representation in Congress. This consideration, however, proved merely nominal, as the Government has seldom had recourse to that method of raising revenue.

But the effects of giving to the slave States superior representation over the free States proved injurious to the Government, as it created a feeling of arrogance and superiority among the slaveholders, and a corresponding sense of inferiority and dependence on the part of northern statesmen.

But none of the compromises operated further than to secure the States against any prohibition of the slave trade for twenty years, and the enjoyment of a superior representation in Congress.

Under the articles of confederation, each of the several States had, in their sovereign capacity, admitted the citizens of other States resident with them to enjoy all the rights and privileges which its own citizens enjoyed. Each also surrendered up offenders fleeing from other States, to be taken back for trial where the crimes had been committed. And under an assumed comity, each also gave up the slaves who had escaped to them from other States. These acts were performed by State authority, with which the Federal power possessed no right to interfere. And in framing the Federal Constitution, the several States, in plain and obvious language, stipulated that these practices should be continued, but gave no authority to Congress, or to the Federal Government to enforce these stipulations. And although this was the obvious construction of the Constitution, yet from abundant caution the tenth article of the

Amendments was adopted, declaring "that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people." Thus was Congress expressly prohibited from acting upon the subject contained in either of these clauses constituting the second section of the fourth article of the Constitution. But still further to secure the entire administration of the Federal power to the cause of freedom, the fifth amendment provided, "that no person shall be deprived" [by the United States] "of life, liberty or property without due process of law."

A large majority of the Convention that framed the Constitution were evidently lovers of liberty, and supposed they had secured the people against all future attempts to prostitute the influence or powers of the nation to the support of despotism in any form; and General Washington, the first President of the United States, entered upon his official duties as Chief Magistrate of a *free* government, committed *entirely to the securing of life, liberty and happiness to the entire people living under its exclusive jurisdiction*. No slave was captured or held under Federal laws. The northern States, acting in pursuance of the advice of the old Congress, entered at once upon the work of emancipation; and philanthropists looked forward to the day as not far distant when the entire nation should be free from slavery.

But the spirit of domination remained among the people of the slaveholding States. They had embraced the theory that black men were designed by the Creator to act as slaves to the white race. In carrying this theory into practice, three men from Virginia, named Francis McGuire, Baldwin Parsons and Absolom Wells, entered Washington county, Pennsylvania, and seized a free colored man named "John," carried him to Virginia, and sold him.

The offenders were indicted, and Governor Mifflin, of Penn- [1789.  
sylvania, demanded them for trial. But the Executive of Virginia refused to deliver them according to the stipulation of the Constitution. Indeed, the Governor of that State asserted that the act of enslaving free colored men constituted *only a trespass as between the parties, and a breach of the peace between the offenders and the State*; and as it was no *crime* to enslave free men under Virginia laws, there was no sufficient cause for delivering up the men who committed the trespass or breach of the peace in Pennsylvania. This seizing and enslaving a free man of Pennsylvania, being tacitly justified by the authorities of Virginia, would have constituted good cause for war between sovereign States. But the Governor of Pennsylvania, anxious to preserve the Union so recently formed, forbore all retaliatory



measures. Yet he transmitted an account of the whole matter to the President of the United States, who laid the same before Congress. It was, however, acknowledged by all that neither the President nor Congress could act upon the subject, and the State of Pennsylvania submitted to the outrage against her laws and dignity without receiving from Virginia any reparation or apology.\*

The ruffians who kidnapped and enslaved this free man, instead of being punished for the crime, were regarded as having set an example and established a precedent for other desperate men, who, without the fear of punishment, seized free men in both slave and free States, and sold them into bondage.

1790.† The Quakers of New York, New Jersey, Pennsylvania, Maryland and Virginia first petitioned Congress to pass laws prohibiting the slave trade.

On the petition being presented in the House of Representatives, no member attempted any vindication of that traffic or of slavery. Those from South Carolina stigmatized the memorialists as "*intermeddlers* in matters outside their appropriate sphere of action."

On the following day, however, a petition signed by the venerable Dr. Franklin, "President of the Society for Promoting the Abolition of Slavery, the Relief of Free Negroes *held in Bondage*, and Improvement of the African Race," was presented for the consideration of the House. This memorial, written and signed by that distinguished philosopher and statesman, who had served on the committee appointed to draft the Declaration of Independence and in the convention that framed the Constitution, set forth, "that mankind are all formed by the same Almighty Being, alike objects of His care, and equally designed for the enjoyment of happiness, THE CHRISTIAN RELIGION TEACHES US TO BELIEVE, AND THE POLITICAL CREED OF AMERICANS FULLY COINCIDES WITH THIS POSITION." The petition closed with the assertion that "the blessings of liberty ought rightfully to be administered *without distinction of color*, TO ALL PEOPLE,"† and the memorialist earnestly prayed Congress "to step to the very verge of their powers for discouraging every species of traffic in the persons of our fellow men."

The memorial also set forth in its preamble the formation of the society, which had been incorporated by the Legislature of Pennsylvania, and stated that, "by the blessing of Divine Providence, its efforts had

\* *Vide* American Archives of 1790.

† These may be regarded as the dying words of that illustrious statesman. He departed to his final rest a few weeks subsequently.



been directed to *the relief from bondage of many of their fellow creatures of the African race.*"

This public recognition of the primal rights of human nature; particularly *the equality* of those rights which God has conferred upon all the various members of the human family; and the assertion that "no distinction should be made on account of color," appeared well calculated to provoke denial by southern members. And but few circumstances of that day show more clearly the sentiment and feeling of the American people, than the tacit admission by southern statesmen of the truths uttered in this petition. No one denied that all men were formed by the same Almighty Being; that all were endowed by heaven itself with the right to life, liberty and happiness; nor did any one deny the doctrine that colored men have a right to live, a right to liberty and happiness.

Yet members from the slaveholding States assailed the memorialist; and charged him with *hypocrisy*. They asserted that such [1790. memorials were calculated to *stir up the slaves to insurrection, to light the flames of civil war*; and intimated that the lives of certain members who maintained the doctrines of the memorial would be endangered, should they happen to be found within certain slave States.\*

The debate was continued at great length, but the memorial was referred to the appropriate committee by a vote of 43 to 14.

The committee reported that Congress could not prohibit the slave trade until 1808, nor could it interfere with slavery *in the States*.

They expressed a confidence that the *several States would protect their free negroes*; asserted the right of Congress to levy a tax on the importation of slaves; to interdict their importation to other nations in American ships; to prohibit foreigners from fitting out slave ships in American ports; and pledged Congress to the exercise of its constitutional powers for promoting the humane objects of the memorialists.

On this report the debate was renewed with much warmth. The memorialists were again assailed and charged with interfering in business which did not concern them. The Quakers were charged generally with having acted as spies in the Revolution, and now making indirect attacks upon southern men. They also insisted that the reprobation of slavery and the slave trade by the committee imputed to southern men the blackest of crimes; that the admission that slavery was a barbarous institution was a substantial admission that slaveholders were a barbarous people. Dr. Franklin, at that time venerated both in Europe and America for his love of justice and his high moral character, was personally assailed

\* This is supposed to be the first threat of personal violence uttered in Congress on account of an avowed *loss of liberty*.

for having avowed the principles on which he had assisted in founding our Government.

1790 1      Northern members were more dispassionate, but appeared equally bold and determined. They disabused the memorialists of the charges made against them, vindicated their doctrines, and spoke with abhorrence of the crimes described in the memorial; but no further action was then had in regard to the matter.

## CHAPTER II.

## THE POWERS OF THE GOVERNMENT PROSTITUTED TO THE SUPPORT AND ENCOURAGEMENT OF SLAVERY.

THE Federal Government continued for seventeen years to maintain the rights of all men under its exclusive jurisdiction, to enjoy life, liberty and happiness. Foreign nations looked with admiration upon this as the only political organization founded on the immutable principles of *equal justice and equal liberty to all members of the human family*. [1798.]

But this recognition of the divine attributes as the basis of human government was in advance of the age. Nor were the American people prepared to maintain the doctrines in the spirit which prompted their adoption. The northern representatives, in framing the Constitution, had compromised their self-respect in yielding to the slave States permission to continue the slave trade, with its attendant crimes, for twenty years; and in surrendering to them a superior influence in the Government, according to the number of their slaves; and now Congress was called upon to involve the nation in the disgraceful work of legislating for the capture and return of fugitive bondmen. As we have remarked, there was not merely *no authority* in the Constitution for Congress to act upon this subject; but that power was explicitly declared "to remain with the several States or with the people."

Nor can we at this day state the reasons which prompted the introduction of this subject: nor can we name the member of the Senate who brought it forward. At that time the deliberations and proceedings of that body were kept secret from the people. From the annals of Congress we learn that on the 5th day of February, the House of Representatives proceeded to consider a bill from the Senate, entitled "An Act respecting fugitives from justice, and persons escaping from the service of their masters." We do not find that any debate was had upon it, but it passed the House of Representatives by a vote of *forty-eight* to seven.\*

The bill provided that whenever a person owing service in one State should escape into another, the person to whom such service or labor may be due, his agent or attorney, might arrest and take him back to the

\* This was the point at which the Government took its departure from the letter and spirit of the Constitution and of the purposes and designs of those who framed it.

State from which he had escaped. The bill further provided, that a fine of five hundred dollars might be assessed upon any person who should harbor or conceal the fugitive, or hinder, or obstruct his arrest, or rescue him after being arrested.

The passage of this bill marks an important era in the administration of the American Government. Up to that period its legislative powers had been exerted to *secure* (to the extent of its jurisdiction) *all persons in the enjoyment of liberty*, according to the declared purpose of those who achieved our independence. By passing this bill, Congress assumed to act for the support of slavery, and *against* that liberty which the founders of the republic declared that God had conferred upon every human being, and of which the Constitution explicitly assured the world that *no person should be deprived, except for crime*.

But the powers ordained by the Constitution to support liberty were now prostituted by Congress to uphold and secure slavery: and it were in vain for us, at this day, to speculate upon the motives of those who enacted this law. So far as we are informed, there was no debate, and no man assigned any reason for his vote. The record indicates its passage without any discussion, without attracting any particular attention; and probably northern members who voted for it regarded the subject as of little importance, while slaveholders must have deemed it very desirable.

But the precedent thus set was soon found to be important. The reader will recollect, that in our treaty of peace with Great Britain, His Majesty had agreed to withdraw his troops and fleets from the United States "without carrying away any negroes or other property of the inhabitants;" that, regardless of this stipulation, the army and navy of England deported many slaves. The several States from which they were carried could do nothing on the subject, and, although the clause was designed to uphold slavery, it had been inserted at the instance of Mr. Laurens, without instruction from the Executive, who appears to have felt little anxiety in regard to it. But as Congress had now acted for the support of that institution, the owners of deported slaves became clamorous for indemnity; and the President was importuned to obtain it from Great Britain.

As Congress had assumed the duty of protecting and upholding slavery *in the States*, the President appears to have felt unwilling further to refuse action in *favor* of the institution, although he had long been anxious to abolish it. With Europeans, precedents, in matters of legislation, were regarded as of binding force; and this practice naturally commended itself to the statesmen of our country, who did not at that time appear



to realize that a republican government could only be sustained by repudiating vicious precedents.

Fortunately, Judge Jay, of New York, was appointed minister plenipotentiary to negotiate the "treaty of amity, commerce and navigation with Great Britain." He was instructed to demand of that government a compensation for the slaves deported after the signing of the treaty of peace in 1783. The demand was accordingly made; but the reply of Lord Grenville was satisfactory to our minister, who, in his report to our Government, pronounced the claim "*odious*," evidently feeling that it was derogatory to the American Government to espouse the claims of men who professed to hold their fellow beings as *property*. The treaty was concluded without any reference to those claims; was approved by President Washington and his Cabinet, and was ratified by the Senate. [1794]

But a minority of the Senate were dissatisfied with the Executive for failing to obtain compensation for the owners of deported slaves; and Mr. Gun, of Georgia, presented to that body a preamble and resolution in the following language: [1795.]

"Whereas, it was claimed that many negroes and *other property* had been carried away by the British army, in contravention of the 7th article of our treaty with Great Britain of 1783; therefore resolved, that the President be required to renew negotiations on that subject, and if unable to obtain indemnity under the treaty, that he may urge its allowance as a matter *tending to cherish the desired friendship between the two governments.*"

This bold proposition for placing the Federal Government in the attitude of exerting its moral influence before the civilized world in favor of treating men as *property*, was maintained with zeal and ability and was debated at length, and was rejected by a majority of *one vote*.\*

While these efforts were being put forth to commit the Federal Government more fully to the support of this system of oppression, the Quakers of the free States, and of Delaware, Maryland, Virginia and North Carolina, remained true to that holy influence in favor of justice and liberty, which constitutes an essential element of their religion. They continued annually to petition Congress for the abolition of the slave trade, for the protection of *free* negroes, and to prohibit the building of slave ships in American ports by the people of other nations. And a law was passed prohibiting the exportation of slaves from the United

\* Mr. Hunter, of Virginia, attempted to renew this claim in the Senate of the United States sixty years subsequently.

States to other nations, and forbidding the people of other governments from fitting out slave ships in the ports of the United States.

But one of the most insidious methods of involving the people of the free States in the support of slavery, was that by which the Federal Government stipulated with southern Indian tribes for the arrest and return of fugitive slaves.

Early as 1705, slaves in South Carolina left their masters and fled to the Creek Indians, where they were received with hospitality. They at length found their way to Florida and settled upon the Appalachicola River. They obtained lands of the Spanish crown, and as early as 1735 were enrolled as a part of the military defence of that territory. Other slaves fled from Georgia, and found an asylum with the Creek Indians. In the years 1785, '86, and '87, the State of Georgia, in direct violation of the Articles of Confederation, made three several treaties with the Creeks for the purchase of lands and return of fugitive slaves. These treaties were declared to be fraudulent and void by the Indians, and at the adoption of the Constitution that State was engaged in war in consequence of these fraudulent treaties, signed by chiefs and warriors who had no other than a fabulous existence.\*

Soon as the Constitution was framed, the State of Georgia hastened to adopt it, and at once called on the National Executive to protect her people against the hostile Indians.

General Washington exerted the influence of the Government to obtain a treaty and permanent peace with the Indians. The treaty was effected at New York, in 1790, and contained an express stipulation for the return of fugitive slaves. But the slaves then resident with the Indians at once fled to Florida, and united with their brethren who resided on the Appalachicola River.

The Executive of Georgia complained that the Indians did not return the fugitives according to stipulation, and called on the President for a further treaty, which was agreed to, and Commissioners for negotiating it were nominated to the Senate and approved by that body.

But long before the meeting for negotiating the treaty was to take place, the Executive of Georgia furnished the Commissioners with a list of one hundred and ten slaves, who were said to have fled from plantations in that State. The return of these slaves was peremptorily demanded, and the Commissioners were informed that "*the people of Georgia would abide by no treaty in which her Commissioners were not consulted.*"

\* Vide "Exiles of Florida" and authorities there cited.

The Indians denied that those slaves were living with them; but asserted that they were with the Seminoles in Florida; that the Spanish authorities would not deliver them up, and that the Creeks were unable to capture them.

The Secretary of War, General Knox, in view of the difficulties surrounding this question, recommended that Congress should appropriate money to pay for these slaves. The President transmitted this suggestion to Congress, when it was read and laid on the table. The treaty was entered into at "Colerain," and several negroes were delivered to the authorities of Georgia at the time of making it; and the Indians renewed their promise to capture and return others soon as able to do so.\* [1795.]

At that time the popular mind had become so far diverted from the doctrines and spirit which guided the patriots who framed the Constitution, that no objections appear to have been made to this covenant for capturing and returning fugitive slaves, in either House of Congress.

But during the last session of the Third Congress, while a bill for the naturalization of foreigners was before the House of Representatives, Mr. Giles, of Virginia, moved an amendment, providing that every applicant for naturalization should renounce all titles of nobility before being admitted to citizenship.

Mr. Dexter, of Massachusetts, proposed to amend the amendment by adding a clause requiring such applicant to emancipate all slaves which he might hold in bondage.

The proposition, though in perfect accordance with republican institutions, excited much feeling among slaveholding members, who insisted that it was insulting to the dignity of the southern portion of the Union. They averred that the slave States, *since the Revolution*, had given a hearty support to the Government. Indeed, they appeared perfectly unconscious of that logic which teaches that no man could sincerely believe that God had endowed all men with an imprescriptible right to liberty, while honestly holding his fellow men in slavery.

The Fourth Congress was distinguished by the numerous important measures on which it was called to act. It became necessary to make an appropriation of money to carry into effect the treaty which had recently been negotiated with Great Britain and ratified by the Senate. When the bill making this appropriation came under consideration in the House of Representatives, the advocates of slavery stated [1796.]

\* *Vide* American State Papers, Vol. II., "Indian Affairs." Also the "Exiles of Florida" and authorities quoted in that work.



that their principal objection to it arose in consequence of the treaty having failed to secure a compensation for deported slaves. During this debate northern members exhibited greater delicacy than had previously characterized the discussion of slavery. They were cautious, avoiding all reference to primal doctrines. They seemed tacitly to admit that the Government might with propriety have insisted on full indemnity for the loss of the slaveholders ; yet as it was evident that a refusal to abide by the treaty would bring war again upon the nation, they insisted that it were better to make the appropriation. Southern members, however, remained firm in their opposition, and after a very protracted debate, the appropriation was carried by fifty-one votes in the affirmative to forty-eight in the negative, and the claims for deported slaves was thus disposed of apparently to the mortification of southern members.

In May, A.D. 1776, the Quakers of New Jersey, Pennsylvania and Delaware, at their yearly meetings, resolved to withdraw Christian fellowship from those members of their order who should continue to hold slaves. In obedience to this expression of their church, most of their members who resided in Delaware, Maryland, Virginia and North Carolina emancipated their slaves. The persons thus set free had been bred in bondage and ignorance, and most of them were stupid and slow of apprehension. Desperate men were in the habit of seizing these people, taking them South and selling them into bondage. The people of those States and of Pennsylvania sent numerous petitions to Congress, asking that body to pass suitable laws for securing these emancipated slaves in the enjoyment of their liberty.

This appeal to Congress to maintain the rights for the support of which the Government had been founded attracted attention. A resolution directing the Committee on the Judiciary "to report a bill to prevent the kidnapping of free negroes and mulattoes," was adopted, and the Committee reported a bill, but it does not appear to have been called up for action. Indeed, northern members appeared timid and unwilling to bring forward any subject offensive to their southern friends.

This feeling was further manifested on a bill to raise revenue by direct taxation upon slaves. It was reported in obedience to a resolution of the House of Representatives, but no further action was had upon it.

1777.] The Quakers of North Carolina, in obedience to the canons of their church adopted in 1776, declaring that no member should hold slaves, emancipated their bondsmen. The number of persons thus set free is unknown. But certain individuals entertained the opinion that men had no right thus to emancipate the servants whom they had held in bondage, and they seized the emancipated people as fugitives from



service. The Quakers applied to the judiciary, and were at first defeated. But they appealed to the court of dernier resort, and succeeded in obtaining a final judgment declaring the right of every master to emancipate his slaves. By this decision several hundred, perhaps a thousand, slaves were transformed into free citizens of that State. But this emancipation by the Quakers originated in religious principle, which seemed to imply that those who continued to hold slaves could not be regarded as conforming to religious duty. Slaveholders were restless under this implied reproof, and petitioned the Legislature of that State to devise means for remedying what they termed "*the evils of emancipation.*"\*

The Legislature did not hesitate to pass an act authorizing men who held a certain amount of real estate to capture and reënslave the persons previously emancipated, *excepting those who had served in the army of the Revolution.*

But the class of men thus authorized to capture and enslave their fellow-beings were educated and unwilling to engage in such piratical work, and they unanimously refused to enter upon it. Under these circumstances, the Legislature passed an amendatory act, authorizing *any persons* to arrest those who had been emancipated, and on proof being made that they had been thus set free, they were to be sold at public auction to interminable servitude.

Nor should the feelings of men at the present age be shocked at this manifestation of barbarism by the Legislature of North Carolina. If it be once admitted that legislatures or governments may in any case murder or enslave innocent persons, the time and occasion for doing it must rest entirely with those who possess the power. The effect of this legislative act was precisely that which was intended by those voting for it—men of desperate character, gamblers, horse-thieves and outlaws engaged in hunting and capturing these helpless and almost friendless people. The Quakers assisted them so far as they were able. They secreted some and fed them until an opportunity was presented for their escape. We have no authentic account of the number recaptured in North Carolina.\* Nor have we any data by which to arrive at the number who were captured under the fugitive act after reaching other States and carried back to North Carolina and sold into bondage. Many are said to have stopped in Virginia and Maryland, where the State laws regard all colored persons as slaves who cannot prove their freedom. These were said to have been seized and sold into slavery in those States, where such

\* The records of the Court of Appeals for the counties of Perquimans, Pasquotank and Chowan show that one hundred and thirty-seven of these emancipated people were sold by the Sheriff in *one day.*

transactions were so frequent as to excite no particular attention. Others reached Pennsylvania, where they recognized the Quakers as friends of humanity, and making them acquainted with their situation, were provided for and protected. Others, fleeing to Philadelphia, where Congress was sitting, were seized under the fugitive act and imprisoned in that city. While thus imprisoned, they drew up a short history of the persecutions to which they had been subjected. To this was attached a petition and prayer for relief, and this memorial was sent to Congress, then in session. Mr. Swanwick, of Pennsylvania, presented their petition to the House of Representatives, and moved "its reference to a select committee."

Mr. Blount, of North Carolina, hoped the petition would not be *received*. He believed they were slaves under the laws of North Carolina, although they had been manumitted by their masters and pronounced free by the courts of that State, and admitted to be so by the Legislature which had provided for their reënslavement.

Mr. Thatcher, of Massachusetts, did not regard them as slaves. He thought the petitions should be sent to the committee on the fugitive slave law, which should be so modified as to protect such people.

Mr. Blount replied somewhat arrogantly, asserting that they were slaves, and ought not to be allowed the right of petition until they should prove their freedom.

Mr. Sitgreaves, of Pennsylvania, would reverse the rule laid down by Mr. Blount, and allow them the right of petition, until they were proven to be slaves.

Mr. Smith, of South Carolina, would have the petition sealed up and sent back to the petitioners.

Mr. Christie, of Maryland, said it was useless to send this memorial to a committee, as the petitioners *could not prove whether they were slaves or not*; and he hoped the gentleman from Pennsylvania, Mr. Swanwick, would never present another such petition.

Mr. Varnum, of Massachusetts, hoped the petition would be referred. He stated that the petitioners complained of the fugitive act, and their complaints ought to be listened to and their grievances redressed.

From these extracts the reader will judge of the character of the debate. No more grave question was ever presented to any legislative body. It involved the fundamental principles which lie at the basis of all human governments. The first question presented was: "Did the members of the Legislature of North Carolina possess the legitimate, the moral, or the just power to enslave these innocent persons? By placing their mandate upon the statute book in the form of a law, declaring the manner in which these men and women should be captured and enslaved,

did they impose any moral obligation upon them to submit and become slaves? Did they confer any moral or legitimate authority upon gamblers, horse thieves and outlaws, to enslave those victims? Had these people in defending their liberties slain the bloodhounds, horse thieves and gamblers, would they have committed any moral wrong in so doing?"

The fugitive act was also used to reenslave those persons who had been set free; and Congress and the free States were thus involved in the support of this barbarism of North Carolina; but these considerations failed to secure even a reception for the petition. The House, by an exhibition of subservience to the slave power unworthy of the representatives of a free people, refused to receive the petition, only thirty-three members voting in favor of its reception, while fifty voted against it.

From the commencement of the Government, it had been a subject of constant complaint, that free negroes and mulattoes were kidnapped in the free States, carried South and enslaved. The subject was one on which Congress was frequently memorialized, and during the session of 1797 a Committee of the House was appointed to consider these memorials.

Mr. Swanwick, of Pennsylvania, from that committee, made a short report, stating the opinion of the committee that the subject had better be left to the action of the several States; although it appears that his own State, at that very time, could not protect the free men and women who had fled to it from North Carolina, because of the fugitive law which Congress maintained and kept in force.\*

Congress had assumed the support of slavery in 1793, and, in the short space of five years, appears to have come almost entirely under the control of the slave interest. During this period no measure tending directly in favor of freedom had received the sanction of Congress, except that of excluding foreign slavedealers from fitting out their vessels in American ports. Yet southern men entirely discarded the idea of rendering slavery permanent. On the contrary, they spoke of the institution deprecatingly, declared their abhorrence of it, and assured their northern friends that they hoped at some day to see it abolished. These declarations led northern members to sympathize with them, to regard slavery as a burden which they were willing to assist in bearing: yet individual members were occasionally led to the expression of principles that were offensive to slaveholders. Thus, when the bill to organize a ter- [1798.]

\* Sixty years subsequently the slave States complained of such enactments by the free States, and finally assigned the passage of laws for the protection of free colored persons as one of the causes of the rebellion of 1861.



territorial government in Mississippi was under consideration, Mr. Thatcher, of Massachusetts, offered an amendment excluding slavery from the territory, although Georgia had claimed it as a part of that State and had by her laws established slavery therein, and now consented to its being transferred to the United States upon condition that slavery should not be abolished. The mover declared that his motion was made in order to sustain the "*rights of man.*"

Mr. Harper, of South Carolina, did not believe the motion was a proper mode of sustaining "the rights of man." If sustained, he said it would banish every slaveholder from the territory, and exclude those who were absent.

Mr. Varnum, of Massachusetts, insisted that where a part of our species were held in bondage, there could be no proper respect for the rights of humanity. He hoped that Congress would so far respect those rights as not to legislate slavery any further than it then existed. He "*looked upon the holding of blacks in slavery in this country to be equally criminal with that of the Algerines in carrying our citizens into slavery.*"

To these distinct charges of barbarous despotism no southern man took exception, otherwise than to complain that it was calculated to stir up ill feeling in the South and to diminish the value of slave property. The debate on this proposition was somewhat protracted and was characterized by frequent allusions to the "inalienable rights of men," although the speakers appeared to regard the American Republic as actually sustaining slavery, and only twelve votes were cast in favor of Mr. Thatcher's proposed amendment.

But while Congress and the great body of the people appeared to have lost sight of the essential objects for which the Government had been established; and instead of exerting its influence and constitutional powers to secure liberty, was actually prostituting those powers to establish slavery, the Quakers remained faithful to their religion and to mankind. They deeply sympathized with their brethren in North Carolina, who were suffering persecution for having given freedom to their slaves; and at their yearly meeting they adopted a memorial to Congress, solemnly invoking that body "to take into consideration the circumstances of one hundred and thirty-four persons, and many others, whose cases had not been made public, recently emancipated in North Carolina by members of their church and again enslaved under authority of retrospective laws of that State." "Husbands, wives and children (said they) are separated from each other, and, with acts of a similar nature practised in other States, has a tendency to bring down the judgments of a righteous God upon our land." The memorial also referred to the "solemn pledge of

the Continental Congress of 1774, not to engage in the slave trade or to purchase slaves that should thereafter be imported."\*

Mr. Gallatin, a member of high moral and political position, presented this memorial to the House of Representatives, and moved its second reading. Southern members opposed this motion, charging the Quakers with impertinently troubling the House with this subject, which tended to stir up the slaves of the South to inflict calamities of far greater consequence than the evils then existing. They referred to events then transpiring in St. Domingo, and insisted that the memorialists were endeavoring to stir up similar scenes in the United States, and one member insultingly proposed to lay the memorial *under* the table. They, however, admitted that the fugitive slave act was greatly complained of, and expressed a willingness that its abuses should be inquired into; but insisted that the law of North Carolina was *valid*, declared that the State had a right to reënslave the persons set free by the Quakers, and that Congress was bound to sustain her in that legislation.

In this debate southern statesmen first publicly threatened to dissolve the Union, if Congress persisted in discussing the subject of slavery. They declared that a prejudice then existed in the South, that the northern and eastern States were opposed to "this kind of property, with which they had no right to interfere."

On the other hand, the right of petition was maintained and the character of the Quakers was vindicated, and great abhorrence of the barbarous character of North Carolina legislation expressed. The motion for a second reading of the memorial and its commitment to a select committee was carried by a vote of fifty-nine in the affirmative, which, being a majority of all the members, the negative was not counted; and although perhaps the only legitimate remedy sought by the memorial was a repeal of the fugitive slave law, yet the committee, in their report, did not even refer to that act, but stated that the evils complained of were *only to be remedied by the several States*.

The traffic in African slaves still continued, and although Congress could not prohibit it until A.D. 1808, yet they had the power to prohibit the fitting out of slave ships by other nations in our own ports, and to prohibit Americans from exporting slaves from the United States to other governments. The law of 1795 on this subject had proven ineffectual, and slaves were still purchased in American ports

\* This reference to "acts of a similar nature" is not very clearly expressed; but is presumed to refer to the kidnapping of free colored men in Delaware, Maryland and Pennsylvania, and carrying them South and selling them as slaves, a subject on which the Quakers often petitioned Congress.

and carried to New Orleans, to Cuba and other West India islands. But the manner in which Congress had treated petitions on this subject created distrust among the people, and it appeared necessary for that body to take some action testifying its fidelity to the cause of liberty. A bill was therefore introduced to the consideration of the House of Representatives prohibiting all citizens of the United States from engaging in the slave trade except in the manner pointed out by the laws of some State of the Union.

Mr. Brown, of Rhode Island, opposed the bill. He could not see why Americans should be prohibited from engaging in this commerce, which he declared was very profitable, making a market for an immense quantity of New England rum, thereby aiding and encouraging the distilleries of that section of the Union.

Mr. Nicholas, of Virginia, said he, with many other southern members, was constrained to hold slaves, *not from choice*, but from necessity, but hoped that at no distant day his State would be free from that curse. He was anxious to see whether there was *another member willing to unite with Mr. Brown in opposition to the bill*.

The bill, however, did not prevent men from following the slave trade "*under the laws of any State*," and therefore the members from southern States voted for the bill with the exceptions of Messrs. Huger and Rutledge, of South Carolina; Mr. Brown, of Rhode Island, and Mr. Dickson, of North Carolina.

1800.] The coastwise slave trade was carried on at the period to which we are referring in a most barbarous manner from Maryland, Delaware and Virginia to South Carolina and Georgia. The victims of this traffic were kept in utter ignorance of their sale until the slave merchant had purchased the desired number and prepared to transport them to market. They were then taken to the place of rendezvous and imprisoned in cellars and jails at or near some port until they were hurried on board the vessel designed to carry them South. At the moment of going on board they were usually joined by free colored persons who had been arrested under professed authority of the fugitive slave law, and others who had been kidnapped without such pretense, and all were crowded together in the hold of some small vessel and carried to the barracoons of South Carolina or Georgia. These offences were perpetrated with perfect impunity, and probably at no period of American history has the slave power ruled our nation with more despotic sway than at the close of the eighteenth century.

The Quakers had been treated with such disrespect and their memorials so long disregarded, that for the time they ceased to petition Congress on



the subject of crimes which had become so familiar as to lose the horrors with which good men had viewed them ; but the free people of color in Philadelphia and vicinity sent to Congress a memorial stating the facts referred to, and prayed protection and relief from that body.

The memorial was respectfully presented and its reference to a committee moved. Southern members hoped it would be laid on the table and never again called up. They spoke of the "*colored gentlemen*" who had signed the petition in the most bitter irony, wishing northern members joy in their new association with *negroes* ; said they too had colored men, but they were slaves, and they thanked God that they were slaves, and not at *liberty to cut their masters' throats*. They referred with great apparent contempt to the "*new fangled French philosophy*" that proposed *universal freedom*, and declared it injurious to discuss the subjects embraced in the petition.\*

This is believed to be the first instance in which even southern members of Congress publicly expressed gratification that slavery existed among them. They had, however, constantly exhibited an increasing self-importance and assurance from the time that Congress consented to act in favor of "the institution." On the present occasion northern members replied that the fugitive slave law was introduced by southern members, *who solicited their northern brethren to vote for it*. That it now contributed to aid those piratical kidnappers who captured freemen and enslaved them. Its repeal was therefore a subject of legitimate debate. The matter was finally referred to a select committee, who made no report, and the proposition was no more agitated at that session.

The historian would be unfaithful to the cause of freedom were he silent as to the great service rendered to advancing civilization by Mr. Jefferson on coming into the office of President. [1801.]

Even while the convention that framed the Constitution was in session it was seen that two opinions were entertained by the founders of our Government. One class of statesmen were in favor of retaining so much of the monarchical principle as in their opinion was necessary to constitute a strong government. The other were in favor of leaving as much power in the hands of the people as could be left with them and yet establish a government with sufficient authority to execute its laws. Mr. Hamilton became the leader of the former party, which guided the legislative action of Congress during the administration of both Presidents, Washington and the elder Adams. The latter party was led by Mr. Jeffer-

\* The French Assembly of Deputies had declared liberty to the slaves in their West India colonies.

son, who insisted upon a strict construction of the Constitution, declaring that Congress possessed no authority to legislate on any subject unless *expressly authorized to do so by THE CONSTITUTION.*

The Federalists, under Mr. Hamilton, insisted that Congress could legislate under implied authority of the Constitution whenever that body should deem such legislation necessary.

In 1798, in a time of peace, Congress passed an act to punish persons who should conspire to oppose any measure of Government or impede the operation of any law, or intimidate any officer in executing any law, "*or should publish any false, malicious or defamatory words against the Government of the United States, or against either House of Congress, or against the President, or should excite against them or either of them the hatred of the people.*"

Mr. Jefferson and the Republican party denied that Congress possessed any Constitutional authority whatever to pass such a law. That as in doing this Congress had overstepped its authority, the act must be *void*; that it possessed no element of law, imposed no obligation, and conferred no authority on any person to execute it.

The issue was of the highest importance. Indeed, it was vital to all free governments. Party spirit ran high, and soon indictments were found in the district courts then sitting in various States against men who treated the enactment as void. The most distinguished attorneys were engaged and the constitutionality of the law was fully discussed. The district courts decided that it was constitutional. The cases were removed to the Supreme Court of the United States and again argued, and that high tribunal decided the law to be constitutional.

The Federalists now supposed their opinions confirmed and settled forever. The Republicans denied that any such power was vested in the courts. They were only authorized to decide the cases before them, nothing more; to that decision the parties were bound to submit; not so with the people. They framed the Constitution, and they alone could give final construction to it. They could elect a President who would disregard the decision, who would nominate judges that would overrule it, and as Mr. Jefferson had denied the constitutionality of the law, and as it was believed that a great majority of the people denied it, it was proper that he should be the next president. There were other issues and other considerations involved in the presidential election of 1800; but this is believed to be the only constitutional question then agitated.

Mr. Jefferson was elected upon this issue, and, conscious of the correctness of his doctrine, he at once pardoned all persons who were indicted or convicted under the sedition law. This was probably one of



proudest triumphs of principle achieved by the people of our Union since the adoption of the Constitution ; but we are led to pause and inquire why Mr. Jefferson and the Republicans of that day did not apply the doctrine thus established to the fugitive slave act, so palpably a violation of the Constitution as well as of the "natural law?" The only answer to the inquiry is, that the *slaveholding influence then ruled the nation*.

At the commencement of the present century Congress accepted [1801. grants from Maryland and Virginia of the territory which subsequently constituted the District of Columbia, and passed an act for its organization. By this act, the laws of Virginia were declared to remain in force in the territory ceded by that State, and the laws of Maryland were declared to be, and remain, in force in the territory ceded by that State, thus making the slave laws of those States *acts of Congress*. These laws had been enacted in a darker and more barbarous age, and were wholly unsuited to the then state of civilization in the free States. Yet the subject of the slave code does not appear to have been discussed or examined at the time it was adopted by Congress. Indeed its bearing upon slavery does not appear to have been referred to at the time.\*

The struggles for liberty by the colored people of the French [1802. West India islands attracted much attention both in Europe and America. The emancipated slaves from Hayti often sought an asylum in the United States. Their presence among the slaves of our southern States were said to exert an "unhappy influence in favor of liberty."

The people of Wilmington, North Carolina, memorialized Congress on the subject, praying that body to pass a law inflicting severe penalties upon persons landing in any State whose laws prohibited their presence. This demand for protecting slavery from the moral influences of freedom was regarded as somewhat extraordinary; but a bill was introduced declaring the ship, tackle and furniture employed in importing such emancipated slaves to be forfeited, and requiring officers of the United States to enforce the law. The bill was strongly opposed, and from the meagre report of the debate there appears to have been much northern as well as southern feeling elicited. The advocates of the measure have left no record of their arguments in favor of the policy, but the bill passed without any record of the ayes and noes.

The people of the slave States now demanded a more efficient fugitive

\* By a statute of Maryland, then in force, if a slave were convicted of setting fire to his master's buildings, the court were authorized to order him hanged, his head severed from his body, his body divided into four quarters and disposed of as the court should direct; and this statute remained in force in the city of Washington until the abolition of slavery in that city in 1862.

law. They complained that slaves left their masters and fled into the free States, where, by their labor, they were able to obtain food and clothing. They therefore would remain in such free States rather than return to their masters.

Mr. Nicholson, of Maryland, introduced a bill in the House of Representatives, prohibiting persons under severe penalties from employing any black or mulatto laborer who could not show his title to liberty by a certificate from some court of record, some judge, or some justice of the peace. The bill also made it the duty of the person so employing any black or mulatto to publish a description of the person so employed in two newspapers of general circulation.

But these despotic provisions provoked debate. Northern members declared themselves unwilling to impose upon every black or mulatto in the free States, the expense of obtaining and carrying about with him the evidence of his right to freedom. And they revolted at the proposition that northern farmers and mechanics should be at the trouble and expense of publishing in two newspapers a description of the laborers who served them.

But the debate was conducted in good temper, and the bill was defeated by a majority of three votes.

1803.] Upon the admission of Ohio into the Union, a territorial government had been formed in Indiana, and William Henry Harrison, a Virginian by birth and education, was appointed Governor. Most of the inhabitants at that time living in the territory had emigrated from Kentucky, Virginia, and other slave States. The country was new and required great labor to reduce the lands to cultivation. The people feeling a strong attachment to slavery, very naturally desired the benefit of slave labor to aid them in clearing their lands.

To obtain that privilege, a large convention was called at Vincennes; Governor Harrison presided. The meeting adopted a series of resolutions, asking Congress to suspend for ten years the operations of the sixth article of the ordinance of 1787, which prohibited slavery in the territory northwest of the Ohio River.

The Governor inclosed the proceedings of the meeting in a letter to Congress, urging compliance with the memorial. The letter and proceedings of the meeting were respectfully referred to a select committee, who reported that such a suspension of the ordinance would be *inexpedient*; and this effort to reëstablish slavery in that territory was defeated.

It was during the year of which we are now writing, that South Carolina first shocked the conscience of the American people by her action in favor of the slave trade. For nearly a century, the Quakers of England



and many of that sect in the United States, had regarded the traffic in human beings as barbarous; and long before the Revolution the people of the Colonies had combined to discourage and abolish it, and nearly every State passed laws to prohibit it. Nor did South Carolina hesitate to purify her people and government from that crime. By statute she prohibited the importation of slaves under severe penalties. Yet, at the adoption of the Constitution, she was tenacious of retaining the trade until the year 1808, if her people choose to pursue it. And now her legislature repealed the law prohibiting the importation of slaves, and her slavedealers resumed the barbarous commerce, which had been so long regarded as disgraceful to Christian nations.

The attention of Congress was called to it. Members spoke of it in great sorrow; said that it would bring disgrace upon the nation; referred to the scenes at that time transpiring in St. Domingo, and in plain and definite language assured the people of South Carolina that they were preparing for a renewal of those scenes among the people of that State. They declared slavery to be a *war upon human nature* and in perpetual hostility to Christian civilization. Maryland, a slave State through her legislature, called on Congress to propose to the States such amendments of the Federal Constitution as would forever abolish the traffic in human flesh. But no efficient action was taken upon the subject.

The purchase of the vast territory called Louisiana, and the es- [1803.  
tablishment of a territorial government therein, now occupied much of the time of Congress. Southern statesmen had looked to this transaction as a means for extending the slave interest and increasing the slave power even before the adoption of the Federal Constitution. Indeed, it was debated in the Virginia convention called to express the consent of that State to the adoption of the Federal compact.

The purchase was made under Mr. Jefferson's administration as a matter of necessity in order to secure the great commercial advantages of the Mississippi, the President admitting at the time that there was no constitutional authority in the Federal Government to acquire territory, but he declared that it were better to make the purchase when the opportunity to do so offered, and trust to Congress and the people the duty of so amending the Constitution as to render the purchase legal. Thus the first extension of slavery by the United States was admitted by the Executive *to be unconstitutional*.

The treaty of purchase stipulated that the inhabitants should be "admitted to the Union with all the rights, advantages, and immuni-

ties of citizens of the United States ;" and this provision was construed to guarantee the right of holding slaves. But the people of the free States do not appear to have been conscious of the evils resulting from this extension of the slave power until a few months subsequently to the ratification of the treaty, when a ship with a full cargo of African slaves landed at New Orleans, and sold her human chattels with perfect impunity, to the amazement and horror of all who held the doctrines of universal liberty.

The people of the free States now awoke to the fact that the money of the nation had been paid for the purchase of a slave market where the hucksters in human flesh could pursue their vocation.

A large meeting assembled in Philadelphia to express the feeling excited by this outrage upon our character as a nation. It was attended by the most respectable men of Pennsylvania, and was styled "The American Convention for the abolition of Slavery and Improvement of the African Race." A memorial was adopted requesting Congress to pass a law prohibiting the importation of slaves into Louisiana. Congress received the petition with respect and passed the desired law.

1804.] While South Carolina was engaged in importing Africans to that State for the purpose of retaining them in perpetual and degrading bondage, the Africans of Tripoli were engaged in seizing and enslaving Americans, and holding them in servitude *less barbarous*. The States of Barbary had long practised the capture and enslavement of Americans, whom they usually released for a definite ransom of about fifteen hundred dollars. But the Africans enslaved by South Carolina were never held subject to ransom. They were slaves for life, and their descendants after them. The American held by the Mohammedans of Tripoli was always made free whenever he embraced the religion of the country; while the African, on embracing the Christian religion, was regarded as a more valuable slave than before. And whenever the female slave of a Mohammedan bore issue to her master, both mother and child were made free; while in our slave States the master often sold his own offspring and the mother of his children to interminable servitude in another State. Yet, although our people were held in a bondage far less degrading than that to which the Africans were doomed in our slave States, the Government did not hesitate to make war on Tripoli. A naval force was sent there, and our American citizens were redeemed from African bondage at the cannon's mouth. The civilized nations of the world fully justified the proceeding, and the semi-barbarians of Tripoli were usually denounced as "pirates" in consequence of their enslaving the Christians of other countries; while South Carolina, professing

to be a Christian State, was engaged in seizing the heathens of Africa and holding them in perpetual servitude.

The condition of the District of Columbia attracted much at- [1805]  
tention in Congress. Propositions to retrocede that portion which lay in the State of Virginia were brought forward and debated at great length. The real difficulty, however, was apparently kept out of sight so far as it could be conveniently, until, on the 18th of January, when Mr. Sloan, of New Jersey, presented a resolution declaring that from and after the 4th July, A.D. 1805, all black and mulatto people born in the District of Columbia of slave mothers should be *free*. This movement became memorable as the first direct attempt to give liberty to the slaves of our National Metropolis. The resolution occasioned no debate, but was sustained by the votes of Messrs. Alexander, Williams and Wynn, of North Carolina; Archer, of Maryland, and Wilson, of Kentucky, all of whom were from slave States; while Messrs. Hunt and Tenny, of New Hampshire; Cutter, of Massachusetts; Davenport, Griswold and Goudard, of Connecticut; Lyon and Olin, of Vermont; Riker, Thomas, Van Courtland, Van Renselaer, and Verplank, of New York; Boyd and Elmer, of New Jersey, and Hoge, of Pennsylvania, voted against the resolution, which was lost by seventy-seven against and thirty-one in favor of its adoption.

The people of the Island of St. Domingo had been set free by [1804]  
a decree of the French Chamber of Deputies, and they rejoiced when the chains of bondage were stricken from their limbs. But when the French government attempted to reënslave them, they gallantly defended their liberties, setting at defiance the armies of France, and giving to the world conclusive proof that they loved liberty and possessed the gallantry to defend it. The slave power now sympathized with France, while the lovers of liberty could not restrain their ardent prayers for the success of the people of Hayti. An attempt to introduce a bill suspending commercial intercourse with that island had brought the attention of the House of Representatives to the subject during the previous year; but that body refused leave for its introduction. The bill was again presented during the year 1806, and called forth more angry debate than any other subject at that session. Some northern Representatives could not consent to prohibit the people of Boston from the rich commerce with that island in order to keep the slaves of the South in ignorance of the gallant efforts of their brethren in St. Domingo on behalf of liberty; but the bill passed by a vote of ninety-two to twenty-six.\*

\* This law remained in force until 1862.



In the Senate there was little opposition to the bill except from Hon. John Quincy Adams. He opposed its passage, and gave evidence of that love of justice and liberty which characterized his subsequent life.

The advocates of slavery in Indiana again petitioned Congress to suspend the operation of the sixth article of the ordinance of 1787, which prohibited slavery in our northwestern territory. The petition was signed by the Governor and Legislative Council. But the Quakers of that territory foresaw that a suspension of the prohibition of slavery, if granted, would naturally become perpetual, and the institution once established, would not be easily eradicated. They sent to Congress their remonstrances, numerous signed, protesting in the name of humanity against any suspension of the rights of human nature in that territory.

The petitions and remonstrances were referred to a select committee of the Senate and promptly reported upon. The committee unanimously rejected the proposition to introduce slavery into the territory. In the House of Representatives the committee reported a bill suspending the prohibition of slavery for ten years; but it was never called up for action.

1807.] It was well understood throughout the nation that the framers of the Constitution expected and intended the prohibition of the African slave trade at the earliest moment allowed by that instrument. The Christian world expected it, and a bill for that purpose was introduced in the Senate by Mr. Bradley, of Vermont. It met with very little opposition, was passed and sent to the House for concurrence. In that body difficulties and delays attended it. Members looked upon it as an expression of the American people that the traffic was barbarous, while South Carolina and Georgia were supporting and maintaining it. But the bill passed, to take effect on the first day of January, A.D. 1808, this being the earliest time at which the inhibition could constitutionally take effect.

By the ninth and tenth sections of this act, ample provisions were made for protecting the coastwise slave trade, which proved not less barbarous in its character than the foreign traffic.

Perhaps the arrogance and barbarism of South Carolina was never more strikingly illustrated than in the efforts of her people and statesmen to obtain a modification of this act, so far as to permit her slave ships which should fail to return before the 1st of January, 1808, to bring their cargoes of humanity to that State with impunity after the act should take effect.

Numerous memorials for that object were presented to the House of

Representatives by Mr. Marion, who moved their reference to a select committee.

Mr. Masters, of New York, declared, "If there be a subject on which petitions ought not to be received, it must be that of the slave trade." And a majority of the House agreed with him, and the petitions were rejected.

## CHAPTER III.

THE DEVOTION OF CONGRESS TO THE INTERESTS OF SLAVERY CONTINUED—  
A SLAVEHOLDING GOVERNMENT ESTABLISHED IN ARKANSAS—AN ATTEMPT  
TO ESTABLISH SLAVERY IN MISSOURI DEFEATED.

1808.] FOURTEEN years had now elapsed since the Federal Government assumed the power of legislating in favor of slavery. During that time Congress provided for the arrest and return of fugitive slaves, established slavery and the slave trade in the District of Columbia, provided for the coastwise slave trade, and had added the vast slave territory of Louisiana to the Union.

In the enactment of these statutes, we do not find that any member quoted the doctrines laid down by all publicists, "*that enactments against the natural rights of mankind are void; that they possess no element of law.*" But so far as we learn from the debates, members felt themselves authorized to legislate for the destruction of human life and human liberty, as well as to secure the enjoyment of those prerogatives. In no instance do we find that members quoted the Declaration of Independence, which so beautifully declares that governments are instituted among men to *secure* life, liberty, and happiness: nor do they appear to have even consulted that clause in the Constitution which declares that "*no person shall be deprived of life, liberty, or property without due process of law.*" These doctrines, though plain and obvious at the present day, and not less so to the signers of the Declaration of Independence and to the framers of the Constitution, were most obviously in advance of the general intelligence of that day. They had been adopted by no other government, and do not appear to have been generally understood by the American people.

1809.] The public attention was now occupied with our increasing difficulties with England, which were gradually approximating a war with that formidable power; and, in the excitement attendant upon this conviction, Congress appeared to have lost sight of the subject of slavery for a time.

1810.] Many slaves were leaving Georgia. Some fled to the "Okefenoke Swamps." Others found their way to the settlement of colored people on the "Appalachicola" River, and others settled in various parts of Florida. The planters were greatly annoyed by this



exodus of their bondmen. The authorities of that State raised an army, and placing its Adjutant-General at the head, sent it to Florida in search of slaves. The negroes and Indians combined in defence of their country ; and gathered whatever forces they could upon so sudden an emer- [1811. gency, hung upon the flanks and rear of the retreating foe, cutting off his men in detail. The army suffered for want of provisions, by sickness and by constant attacks, during the whole of its retreat, and many a Georgian who left that State with high expectations of capturing fugitive slaves, never returned to his native land.

Georgia next became clamorous in favor of obtaining Florida, which had long been an asylum for fugitive slaves. She importuned Congress to take possession of it by military force, although our nation was then at peace with Spain. Congress acted upon the subject in secret session, but directed the Executive to send a force to take possession of the territory. General Mathews, of Georgia, was placed in command. He took possession of Amelia Island, lying upon its eastern coast, which soon became a rendezvous for African slavedealers, for South American privateers, and for pirates.

The Spanish Government complained of this outrage upon her [1812. territory, and the American Executive, on behalf of his Government, *disclaimed* the act, representing it as *unauthorized* ; but Mathews continued to hold possession of the island, which came to be regarded as a general depot for the importation of African slaves, who were from thence taken to various slave States and sold.

The attention of the people of Georgia appears to have been [1818. directed more to the conquest of Florida, during the war with Great Britain, than to the defence of the nation or to the conquest of Canada, which then occupied the thoughts of the people of the free States. While the men of Ohio were serving in the northwestern army, protecting the people from the savages who hung upon our border, those of Georgia were engaged in "establishing a depot for African slaves on Amelia Island."

Our treaty of peace with Great Britain contained a stipulation [1814. similar to that of 1783 ; by which His Britannic Majesty agreed to withdraw his armies and fleets from the territories and waters of the United States, without destroying or carrying away any ordnance stores, or slaves, or other private property. The tenth article was expressed in the following language :—"Whereas the *traffic in slaves* is irreconcilable with the principles of humanity and justice : and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contract-

ing parties shall use their best endeavors to accomplish so desirable an object." The treaty was negotiated and signed on the part of the United States by John Quincy Adams, Henry Clay, Jonathan Russel, James A. Bayard, and Albert Gallatin; and, on the part of Great Britain by Lord Gambier, Henry Goulborn, and William Adams. It unquestionably spoke the language then held by the great mass of people in both England and the United States.

1815.] While the people of Georgia were maintaining a depot for African slaves at Amelia Island, the Algerines were again capturing and enslaving American citizens; and the United States now entered upon a second war, to defend our people from slaveholding violence by the States of Barbary.

There was a strong disposition manifested in Congress against an open war on account of slavery, as it appeared to call in question the rectitude of those States who held slaves. Indeed, for a time, the Government redeemed our citizens from Algerine slavery at the rate of three thousand dollars for each slave. But the representatives of New England resisted this dishonorable submission; and, when our nation concluded a peace with England, it declared war with Algiers, and sent a naval force for the liberation of people who had been enslaved on African soil. The Dey of Algiers, seeing this manifestation of earnestness on our part, concluded a treaty of peace, liberated all American slaves, and bound himself to demand no more tribute from American ships.

1816.] At the close of the war with England, it was found that individuals had lost property during the war; by acts of our own troops. Some had furnished teams for the transportation of troops, provisions, etc. The teams were sometimes taken by the enemy, sometimes destroyed by our own troops to prevent their falling into the enemy's hands. A bill was reported to Congress providing compensation in those cases; and, while it was under debate, a member from South Carolina moved an amendment providing compensation for *slaves* lost or destroyed in the public service. He argued that slaves were *property*, that some were killed and others had died of disease, and he thought the masters entitled to compensation as well as the owners of other property.

Mr. M'Coy, of Virginia, opposed the amendment, saying that "our Government *had never regarded slaves as property*." The amendment was lost, only thirty-two members rising in favor of it.\*

This constituted the first effort after the adoption of the Constitution

\* *Vide* the "National Intelligencer" of that date. Also, the Report of the Committee on Claims in case of Francis Larch. H. R., 1835.

to establish the heathenish dogma that men with intellects, clustering with immortal hopes, can be reduced to the level of brutes, and thereby transformed into property. The barbarous idea had been entertained amid the moral darkness of former ages, and had descended with the institution, but now found utterance in an American Congress for the first time.

An interesting incident occurred in the House of Representatives on the 1st March. John Randolph, of Roanoke, in the State of Virginia, a man of unusual ability but of some eccentricity of character, arose, and, stating that it was his intention to move instructions to the committee on the District of Columbia, said, "I invoke the House to put a stop to proceedings at this moment carried on under our noses; a practice not surpassed for *abomination in any part of the world—not even upon the rivers on the African coast is there so great and so nefarious a slave-market as in this metropolis*, the very seat of government of this nation, which prides itself on freedom. It is not necessary (said he) that this city should be made a *depot for slaves* who are bought from cruel masters or *kidnapped*; and of those kidnapped there are two kinds, those stolen from their masters, and *free persons stolen from themselves*. It is not necessary that we should have a depot for this *nefarious traffic*, in comparison with which the traffic from Africa to Charleston or Jamaica is a *mercy—a virtue*. Indeed, there can be no comparison between taking these savages from their native wilds, and tearing the civilized and informed negro, habituated to civilized life, from his master, *his friends, his wife, his children, his parents*. I have (said he) this day heard a horrible fact from a respectable gentleman: a poor negro, by hard work, and by saving his allowance, laid by money enough to purchase the freedom of his wife and child. The poor fellow died, and the *next day the woman and child were sold*. I was mortified at being told by a foreigner of high rank, 'You call this a *land of liberty*, and every day things are done in it at which the despotisms of Europe would be *horror-struck and disgusted*.' "

No sketch which the writer could give would convey to the reader a more accurate idea of the slave trade at that time carried on, not only in Washington City, but in all the cities of the northern slave States. Indeed, it is from the speeches made in Congress, and the statements made in memorials sent to that body by Quakers and others, that we are enabled to state facts which current historians have failed to notice, and which the editors of newspapers of that day dared not speak.

The slaveholders then sitting in the hall listened to the words of the eccentric Virginian in silence: no member denied that free negroes



were kidnapped as he had declared ; nor did any one attempt to modify his statements except Mr. Wright, of Maryland, who said there was *worse slavery in Europe*.

The motion was carried without opposition, the committee was appointed : Mr. Randolph was chairman, and reported the facts very much as stated ; but he was able to go no farther.

In accordance with the statement of Mr. Randolph, the Quakers of New Jersey, Pennsylvania and Maryland sent memorials to Congress, setting forth that free negroes in those States were seized frequently by men pretending to arrest them under the fugitive slave act, and when once in custody of the slave-catchers, were carried South, and sold to interminable bondage : that others, admitted to be free, were stealthily seized, bound, carried away, and sold to slavery ; and the memorialists earnestly prayed Congress to pass such laws as would efficiently protect those unoffending and friendless people.

But the difficulty lay in the popular mind. Men in public and in private life, in the South and in the North, regarded these people as designed for servitude by the Creator, and that they, *in fact*, "*possessed no rights that white men were bound to respect.*"\*

The clergy frequently taught these doctrines from the pulpit, and few men had the moral courage to avow doctrines directly hostile to the interests of the South and the theology of the North. The Quakers had ever dissented from the general theology, and were rather a despised people in the estimation of slaveholders, and of those northern men who seemed to regard southern statesmen as authorized to give tone to the morals as well as the politics of the northern States.

Under these circumstances, Congress appears to have paid little attention to the petitions of the Quakers and philanthropists in regard to the kidnapping of free negroes.

1817.] At the opening of the second session of the fourteenth Congress, the President in his annual message called attention to certain defects in the law prohibiting the foreign slave trade. The Quakers of the middle States also petitioned Congress for such amendments of existing laws as would prevent the foreign slave trade and protect the free negroes then residing in those States. The memorials and the President's message were respectfully referred to appropriate committees ; but no reports were made thereon.

1818.] The President in his first annual message to the fifteenth Congress, again urged upon the consideration of that body those de-

\* This language was used by the Supreme Court forty years subsequently, in case of Dred Scott.



fects in the law prohibiting the slave trade which rendered it entirely inefficient; and he also referred to the fact that Amelia Island, on the coast of Florida, continued to be a depot where African slaves were landed, and from that island were brought to the United States and sold to planters in violation of existing laws.

Mr. Burrell, a senator from Rhode Island, moved to instruct the committee on commerce to report such amendments to the law prohibiting the foreign slave trade as would render it efficient, and to inquire into the propriety of uniting with other nations in proper efforts to abolish the "*traffic in slaves*."\*

Mr. Troup, of Georgia, not only objected to entering into arrangements with any foreign nation for suppressing the slave trade, but he was entirely opposed to any inquiry in relation to such union of effort, and was sustained by other parties from the South; yet, on this occasion the North was not silent.

Mr. Morrill, of New Hampshire, said that we called ourselves a Christian nation; but our character was deeply affected by the inefficiency of our laws against the slave trade. He regarded the objections against the motion as unimportant.

Hon. Rufus King, of New York, a senator of great experience and influence, declared that in negotiating and approving the treaty of Ghent, the Executive and Senate had committed themselves to the abolition of the "*traffic in slaves*." This pledge had been given in concert with Great Britain, and he could see no objection to the United States acting in concert with England for the destruction of this curse from the earth.

The motion of Mr. Burrell was sustained. The committee reported a bill amending the act prohibiting the slave trade, and it passed the Senate and was sent to the House for concurrence.

In that body a bill had been reported, providing for breaking up the slave trade on Amelia Island. These two bills were united in one by the House; the Senate agreed to this amendment, and the bill became a law.

The historian of the present age finds himself astonished on [1818. looking over the petitions of Quakers and philanthropists sent to Congress at the period of which we are writing. They appear to demonstrate the perfect unconsciousness of public men, that mankind are morally responsible for oppressions and outrages committed upon the colored race. Indeed, southern statesmen showed no evidence that they

\* Fifty-five years subsequently to this motion, the United States entered into treaty arrangements with Great Britain for suppressing the slave trade.

believed in the moral responsibility attached to the treatment of colored people.

From the enactment of the fugitive slave act\* to the period of which we are writing, that act was prostituted to the purposes of arresting and carrying *free colored persons into bondage*. These outrages upon our common humanity were complained of year after year by the Quakers in their annual petitions sent to Congress, while little attention was paid to them by our public servants.

These memorials were presented to the fifteenth Congress at its first session in greater numbers than usual. In the Senate they were respectfully referred, and by the committees to whom they were confided were entombed in perpetual silence: while in the House of Representatives a bill to amend the fugitive act and render it more efficient, was presented and received the most respectful consideration; yet we can find no petitions on file or referred to in the journal of that body asking such amendments. The bill, however, was subjected to debate. While it was under consideration, amendments were offered securing free negroes from arrest under it; but these were rejected. Northern members appeared to be stimulated by the rejection of these amendments to declare that free persons of color were and had long been arrested under color of this fugitive act, and when once in custody of the professional slave-catcher, were carried South and sold to interminable bondage; and some members went so far as to say that Congress ought not to legislate in favor of slavery, as the institution itself was a violation of *natural justice*, essentially *barbarous in its character*.†

To these remarks southern men replied, asserting the very extraordinary doctrine that, "it was immaterial whether slavery were *right or wrong*; that Congress had no authority to inquire into its character, as the *Constitution had recognized it* and *Congress was bound to support it*, **WHATEVER CRIMES MIGHT BE INCIDENT TO ITS CONTINUANCE.**"

It is worthy of note that this constituted the first instance in which it was openly asserted, that Congress was bound to *sustain the institution of slavery*, either in the States or anywhere else.

Nor was it less extraordinary that members of Congress or other intelligent men should assert the duty or the power of Congress or other legislative bodies to enact laws authorizing or professing to authorize

\* The writer has ever adhered to the theory of European and American publicists and philosophers, which denies the character of *law* to those human enactments which invade the natural rights of mankind to *life* and *liberty*; they possess *no element of law*.

† Twenty years subsequently the writer enunciated the same doctrine in the House of Representatives, for which he was declared to be a most radical reformer, putting forth doctrines that *no other man had ever uttered*.



crimes condemned by the laws of the Creator, and hated by mankind. This infidelity, so revolting to Christian civilization, was not met and exposed by northern men. It was listened to with apparent astonishment and was actually sustained by northern votes.\*

The bill, after a warm debate, passed the House by a large majority ; the following members from the free States voting for it, to wit : Messrs. Mason, Ruggles and Wilson, of Massachusetts ; Conger, Drake, Elliot, Hubbard, Palmer, Spencer, Storrs and Taylor, of New York ; Smith, Southard and Bloomfield, of New Jersey ; Edwards, Marchand, Moore, Patterson and Porter, of Pennsylvania, and Harrison, of Ohio. New Hampshire, Rhode Island, Connecticut, Vermont and Indiana furnished no vote in favor of the bill, which was sent to the Senate for concurrence. In that body the debate was more protracted, and conducted with more spirit. Mr. Morrill, of New Hampshire, declared the institution of slavery to be "*barbarous*." This brought out Mr. Smith, of South Carolina, who attempted its elaborate vindication ; declaring it based upon the Divine will. Members of the House from slave States appeared to have admitted the institution to be wrong, and even criminal, but Senator Smith declared it to be just and *humane*. He also denounced Mr. Pitt, who had urged in the British Parliament that governments were bound to act justly toward their individual subjects. He next assailed Messrs. Adams, Clay, Bayard, Gallatin, and Russel, who negotiated the Treaty of Ghent, for declaring the "traffic in slaves to be contrary to the principles of humanity and justice."

He then turned his attention to the people of the free States, charged them with intentions to abolish the institution in the southern States ; said that was the object of those who wished to unite with Great Britain in efforts to abolish the African slave trade. He complained of English and American writers who spoke against the slave trade and slavery, and of those who termed slaveholders "kidnappers," "*men-stealers*," and "*soul-drivers*." He stated the object of certain pamphlets and publications was to deprive the master of his *property*. He then declared that the Constitution had given the master the right to seize his slave and carry him back to the State from whence he had escaped.

After this debate the bill was amended, made more stringent, giving the slave-catcher more power to seize and enslave free persons than when it came to the Senate ; being thus amended, it was returned to the House in order that the amendments might be concurred in.

\* The northern mind was eventually so far corrupted by the doctrines of slavery, that statesmen appeared to forget that human governments were limited to the support of, and possessed no legitimate powers to *destroy* human rights.

On its final passage in the Senate, Messrs. Otis, of Massachusetts, Sandford, of New York, and Taylor, of Indiana, voted for it. But the House was not prepared to sustain the doctrine nor the amendments of the Senate. The members refused to concur, and the bill was lost.

1818.] This year was rendered somewhat historic in "the regime of slavery," by the first Seminole war. The people of the free States generally believed it had arisen from depredations committed by the Seminole Indians. But it is believed that no historian or member of Congress gave the people accurate knowledge respecting the causes of a war which excited much debate and controversy touching some of its incidents.

As the reader has already been informed, early as 1705, slaves left their masters in South Carolina, and fled through the Indian Territory to Florida, and settled on the Appalachicola River long before Georgia was a colony. Their numbers were undoubtedly increased by fugitives from Georgia and Louisiana ; and, as already stated, Georgia made an attempt for their capture in 1811 and 1812.\*

During the then recent war with Great Britain, Lieutenant-Colonel Nichols, of the British army, was sent to that part of Florida to act as British agent for the Seminole Indians. He had a small force with him, and erected a fort upon the banks of the river, on which he mounted eight cannon, and placed large military stores in its magazine. He also collected provisions from the surrounding settlements of colored people.†

At the close of the war, Colonel Nichols, with his small force, abandoned the fort, with its stores and military supplies, and returned to England. The negroes took possession, considering it a safe refuge from the people of Georgia, should they send another expedition for their capture.

General Gaines was in the immediate command of our army on the southern line of Georgia, and General Jackson, residing in Tennessee, was in command of the whole southern military district.

In 1816, General Jackson ordered General Gaines to send a force to destroy the fort, capture the negroes and *return them to slavery*. Colonel Clinch, with his regiment of regulars and five hundred Indians, was detailed for that duty. They were also met by two gunboats from Mobile Bay, sent to coöperate with the land forces. As our army

\* The author published a volume, in 1857, entitled "The Exiles of Florida," which gives the entire history of these people up to that date.

† Monett, in his History of the Valley of the Mississippi, says : "The negro settlements extended twenty-five miles above and an equal distance below the fort."



approached, the people fled from their plantations to the interior. Some three hundred, however, took refuge in the fort, with twelve or fifteen Indians. The gunboats opened upon the fort with heated shot, which reached the magazine, and in the explosion, two hundred and seventy human beings instantaneously fell a sacrifice to that spirit of despotism which controlled the Government of the United States.\* The scenes of mangled bodies, the groans of the dying, the horror-stricken survivors, should have satisfied those who had been employed in perpetrating the murder of these unoffending people ; and no proof short of official documents would have constrained the writer to record the revolting fact, that two of the survivors were delivered over to the Indians to satisfy their thirst for blood, and *were massacred with savage cruelty within the walls of the fort, and in the presence of our troops.*

This was the commencement of the first Seminole war. The negroes determined on that revenge which constitutes the religion of savages. They at once commenced providing arms and ammunition and saving provisions, which were transferred to the interior. This precaution and preparation gave them influence with their Indian neighbors, whom they held in check until all were in a condition to engage in war. More than a year was spent in preparing for hostilities.

In November, 1817, Lieutenant Scott, with forty men, while escorting two boats up Flint River, was attacked by some sixty negroes and Indians, and, with his party, was massacred. This massacre aroused the nation. It was pronounced savage and barbarous, as it really was ; yet it was perpetrated in revenge for the massacre of more than seven times that number of their people by our troops, *without cause.*

General Jackson was at once ordered to the field. Our army was immediately marched into Florida, and directed their course towards the Suwanee towns. Here was a large negro population. The towns were also difficult of access. One of these villages was the residence of the chief of the negroes, and their whole force was collected for defence. The Indians also gathered all their warriors to act in concert with the negroes. A bloody battle was fought. The negroes maintained their ground manfully until General Jackson brought his reserve into action. Indeed, they did not even fall back until the Indians fled, and our troops were rapidly gathering around their flanks. They then fell back, and were pursued by a portion of our troops ; but made another stand, and again fought more desperately than at first. But reinforcements coming

\* Monett says that six thousand barrels of powder and three thousand stands of arms were destroyed by this explosion, and that another magazine, containing one hundred and sixty barrels of powder, was left uninjured.

up, they again gave way, leaving eighty of their number dead on the field.\*

General Jackson, in his official report, gave credit to the enemy, admitting their courage and gallantry. But no benefits resulted from this loss of life. Our troops were in the interior, their provisions were nearly exhausted, and they fully expected to find supplies at these towns; but were disappointed. A small quantity of corn only fell into their hands. The provisions, the negro women and children, had been removed far into the interior, and the commanding general was compelled to return to his depots for the purpose of sustaining his army.

When General Jackson issued his order for the destruction of the "Negro fort," he directed the troops to capture the fugitive slaves and return them to their masters. Some fifteen or twenty, most of whom were wounded, fell into the hands of Colonel Clinch, and were carried back to Georgia and sold; but these were the only colored men captured during the war, which had been undertaken solely for the return of fugitive slaves, and for breaking up their haunts in Florida.

It is not our purpose to write a history of this *first* war, undertaken by our Government for the benefit of slavery. It occasioned much debate in Congress. Southern members became excited; declared the war to have been commenced by the Indians, and asserting that Florida had become an asylum for fugitive slaves; insisted that it must be broken up either by conquest or purchase of the territory. Hon. Charles Fenton Mercer, of Virginia, an experienced member of Congress, of great integrity of purpose, moved a resolution, calling on the President for such information as he possessed, "touching the destruction of the Negro fort on the Appalachicola River."

In response to this resolution, the Secretary of War transmitted a history of that transaction, embracing more than a hundred documentary pages, from which we have selected the facts now placed before the reader. The volume itself reposes in the alcoves of our national library, containing an account of one of the most barbarous incidents in "the regime of slavery;" and constituting an episode in the great drama of moral and political events which usually make up the history of nations.

The Government had now been twice engaged in war with the Barbary States to *put down slavery*, and to *release our citizens from bondage*; and once with the Seminoles for the capture of slaves and encouragement of the institution. Thus were the people of the free States

\* General Jackson, in his official report, says nothing of this *second* battle. Indeed, it is evident that he regarded the whole as constituting one battle: while Williams, in his "History of Florida," and Monett, in his "Valley of the Mississippi," give full details of two apparently distinct battles.



made to shed their blood and spend their wealth, both for and against oppression, as the slave power dictated.

Members of Congress, feeling that the real cause of this war had not been published, introduced resolutions making inquiry on that subject. They were sent to appropriate committees, who reported that the war had arisen from Indian barbarities committed on the frontiers of Georgia, but made no allusion to the massacre at "Blount's Fort." In these reports, the fact that fugitive slaves were engaged in the war appears incidentally ; but when the subject came under debate, no speaker appears to have been willing to declare that the blood and treasure of the nation had been expended for the capture and enslavement of negroes.\*

Certain persons from New Orleans and vicinity now sent their [1818] memorials to Congress, setting forth that, when the British army retired from that city, in 1815, they carried away a large number of slaves, and prayed indemnity from the public treasury for their loss. The petitions being referred to the Committee on Claims, were transmitted to the Secretary of State, who returned them with a full report, setting forth that demands had been made on Great Britain for compensation under the treaty of Ghent ; that the British ministry had given a different construction to the treaty ; that the two Governments could not agree ; and that the United States had proposed a reference of the question to some friendly power. The Committee reported these facts to the House of Representatives, and although members of that body must have been fully apprised of the efforts that were being put forth by the Executive to commit our Government still further to the protection of slavery, yet no one suggested a doubt as to the propriety, or denied the constitutionality of that policy.

It is, at this day, difficult to account for this silence on the part of northern representatives. The city of Buffalo had been burned by the enemy ; amid the inclemency of winter, its people were driven from their dwellings, which, with their furniture and property, were consumed, and they were left homeless and penniless, dependent upon the charity of the surrounding country. The Executive made no effort for their relief ; and, when they called on Congress, that body, in strict accordance with the usages of nations, refused all indemnity, holding that their's were the *misfortunes of war*, which no nation could avert or compensate. Yet the representatives from New York, and even from the city which had thus been laid in ashes, now silently lent their approbation to the policy

\* The author was at that time a young man, and a reader of political news, but he had no conception of the causes of the first Seminole war until he became a member of Congress twenty years subsequently.

of involving the national honor, and influence to obtain indemnity for the loss of slaves from a southern city whose people and habitations had been carefully and gallantly defended by the freemen of other States.

The treaty of Ghent contains nearly the same language as that of 1783, and Great Britain was under no more obligation to compensate for the slaves who fled from New Orleans than she was to pay for those who fled to her army in 1783. But Washington, and Jay, and Hamilton had departed to their rest, and the slave power now ruled the nation. The Executive pressed these claims for slaves upon the consideration of the British Government, obtained a reference of the subject to the Emperor of Russia, who, of course, decided in favor of that despotism for which the Russian Czar must have felt much sympathy. Much Congressional legislation was had on the subject, conventions and compacts were negotiated, and, after many years of effort, some twelve hundred thousand dollars were obtained from England, and most of it distributed among the claimants for the loss of fugitive bondmen.

1819.] At the period to which we are now referring, the Government appears to have been controlled entirely by the supposed interests of slavery. Southern statesmen now boldly demanded the purchase of Florida. They were loud in their complaints against the Spanish Government, charging it with a want of energy and good faith in permitting Florida "to become the rendezvous for fugitive slaves," of "freebooters," of "slavedealers and pirates." The subject was referred to a committee, who reported that it was highly desirable to obtain possession of the territory, as it had become an "asylum for fugitive negroes," "a population whose *existence was incompatible with southern prosperity.*" It is due to the slaveholders of our southern States that the historian should say *they* were bold and frank in the avowal of their objects for obtaining Florida ; and the reason that the people of the free States were ignorant of this object was the silence of northern statesmen and the northern press in regard to it. Nor do we find that any objection was made to the proposed purchase by members of Congress from the free States. The purchase was consummated, and Florida became a part of the territory of the United States.

The entire devotion of our Government to the interests of slavery was further manifested in its treatment of the Spanish South American Provinces. They were at that time earnestly contending for freedom and independence as we had been in our Revolution. Adopting the doctrines which we enunciated, they gave freedom to their slaves, declaring that the natural rights of mankind, bestowed upon each member of the human family by the Creator, lay above and behind the power of human



governments, which, in the nature of things, could hold no legitimate authority to interfere with the life or *liberty of innocent persons*.

The sympathy of the people of the free States was aroused in favor of our South American brethren, who were thus fighting the battles of the human race, while the feeling of southern politicians was equally strong in favor of the Spanish crown, who was endeavoring to hold not only the slaves but the citizens of those provinces in subjection. It became evident that the Executive also sympathized with the Spanish authorities rather than with the people of the provinces ; for some military adventurers from England, having left their native land, and bringing with them military stores, for the purpose of aiding those provinces in obtaining their liberty, landed at Philadelphia with the expectation of meeting a hearty sympathy from the people of the United States. They were doomed to sad disappointment. They were arrested by order of our Government and cast into prison, under pretence that they were violating the neutrality laws of the United States.

Hon. Henry Clay, of Kentucky, was at this time Speaker of [1819. the House of Representatives, and exerted great influence in Congress. He presented to that body a resolution upon the subject of the arrest and imprisonment of these men, and, in support of his proposition, made one of the ablest speeches of his life. His whole soul appeared to be moved by a devotion to liberty—to the inalienable rights of mankind. His resolution was adopted, and the patriotic Englishmen were released.

The President, in his annual message, called attention of Congress to the inefficiency of the then existing law against the African slave trade. This portion of the message was referred to an appropriate committee, who reported a bill for the more perfect inhibition of that traffic. Southern statesmen made no opposition to its passage, except by quietly voting against it, without even demanding the yeas and nays upon its passage, evidently unwilling to make an issue upon a subject so odious.

Perhaps no incidental question has created so much interest or excited so much debate in Congress as that of extending slavery. The Louisiana purchase included the country drained by the waters of the Mississippi and its tributaries, except so much as had been previously embraced within the United States. The State of Louisiana had been taken from the southern part of the region thus acquired, while the remainder was embraced in the territory of Missouri.

It was now proposed to divide this territory upon the line of [1813. 36 deg. 30 min. north latitude, and organize a territorial government in that portion which lay between the State of Louisiana and

the line just mentioned, west of the Mississippi and east of 84 deg. 30 min. west longitude, under the name of the Arkansas territory ; and a bill for this purpose was presented in the House of Representatives.

Mr. Taylor, of New York, proposed an amendment, declaring that all slaves born within said territory, after it should be admitted as a State, should become free at the age of twenty-five years.

There was but little debate on this proposition, and it was sustained by a vote of seventy-five in the affirmative, to seventy in the negative. Messrs. Holmes and Shaw, of Massachusetts ; Conger and Storrs, of New York ; Bloomfield and Kinney, of New Jersey ; Beecher and Harrison, of Ohio ; Edwards and M'Kean, of Illinois, voted with the advocates of slavery extension.

These ten northern members voted with those of the slave States, while Messrs. Williams, of North Carolina, and Hall, of Maryland, voted with the advocates of liberty.

It will also be borne in mind that New Hampshire, Vermont, Rhode Island, Connecticut, Pennsylvania, and Indiana, were true to freedom—no vote from those States was given for the extension of slavery.

But this vote appeared to strike southern members with surprise. They had evidently believed that no such proposition could be sustained. Mr. Williams, of North Carolina, moved a reconsideration of the vote, and now changed his position and voted with the slaveholders, together with Messrs. Newton and Colston, of Virginia ; Ringold, of Maryland, and Walker, of Kentucky, who did not vote on the amendment. Mr. Johnson, of Virginia, having voted against the amendment, voted against the reconsideration.

Messrs. Hale and Upham, of New Hampshire ; Allen and Silsbee, of Massachusetts, and Mason, of Rhode Island, did not vote on the proposed amendment, but now voted against the reconsideration. In this manner all the members who could with propriety attend the session are supposed to have voted according to the dictates of their consciences and judgments, showing seventy-seven members in favor of extending slavery into Arkansas and seventy-nine opposed to it.

This result appears to have astonished southern members more than the previous vote, and Mr. Lownds, of South Carolina, expressing his surprise, moved to lay the bill on the table in order to call it up the next day at twelve o'clock, when he hoped that every member would be in his place. The House complied with his request.

Accordingly, on the following day the bill was taken up, and Mr. Robertson, of Kentucky, moved to recommit the bill to a select committee, with instructions to strike out the amendment which had been in-

serted declaring all persons born after the admission of Arkansas as a State should be free at the age of twenty-five years. On this question the same number of votes were cast as on the motion for reconsideration taken on the previous day, but there were now eighty-eight in the affirmative and eighty-eight in the negative. The vote of the Speaker (Mr. Clay) was now demanded by the rules of the House in order to decide the question. But that officer, who had so recently exhibited such admiration for freedom, now ingloriously yielded to the pressure of southern influence and voted in the affirmative.\*

This vote decided the whole question. Indeed, the subsequent vote, agreeing to the report of the committee striking out the amendment, was agreed to by ninety members to eighty-six who opposed it, Messrs. Baldwin, of Pennsylvania; Campbell, of Ohio, and Whitman, of Massachusetts, voting with the slaveholders, and it became a maxim that southern members would always control enough northern votes to secure any measure *favorable to slavery*.

We have been particular in the details, connected with this first decision of Congress in favor of extending slavery, though it is believed that few of those who then sanctioned this extension of barbarism were conscious of the momentous interests involved in that contest. The debate upon it, however, was able and earnest, embracing nearly all the arguments which were brought forward on the various questions touching the extension of slavery in subsequent years.

When the bill reached the Senate, a motion was made so to amend it as to exclude slavery from the territory, but the motion was rejected, only fourteen members voting for it, while nineteen voted against it. Messrs. Edwards and Thomas, of Illinois, and Monroe, of Ohio, voting with the slaveholders. The bill passed the Senate and became a law.

An incident of unusual interest occurred during this session of Congress. A bill to authorize the people of Missouri Territory to form a constitution and State government was introduced in the House of Representatives. When it came under debate, Mr. Tallmadge, of New York, proposed an amendment declaring all persons born of slave mothers after admission of the State should be free at the age of twenty-five years. [1819.]

The debate on this proposition was rendered remarkable on account of the important principles discussed, the interests involved, the precedent

\* The author has good authority for saying that Mr. Clay regretted this vote in subsequent life. Indeed, no man made stronger protestations against the extension of slavery than he did afterwards in the Senate of the United States.



established and the influence which it exerted upon subsequent legislation and the cause of Christian civilization.

Southern statesmen had long looked upon the purchase of Louisiana, with its vast extent of territory, as certain. Slavery had already found existence in that portion which was then inhabited, and they had no doubt of its being extended over the whole, which at no distant day would furnish a large number of additional slave States, increasing the influence and political power of the institution. They had already secured a controlling influence in the Government, had defeated the attempt to establish freedom in Arkansas, and now entered upon the work of establishing slavery in Missouri with great confidence.

The statesmen of the free North entered upon the contest surrounded by many discouragements. Since 1793 the powers of Government had been exerted in favor of the institution. Northern members were conservative. Mr. Clay, who was then exerting more influence in Congress than any other member, had been looked to with much hope ; but he had lent his vote to establish slavery in Arkansas, and men of experience entertained the opinion that he would do the same in regard to Missouri. But the free States were the most populous, and furnished the greatest number of Representatives. They had been educated in the love of liberty, and if true to the cause of freedom they would have prevailed. They knew that the Government had been founded upon principles of universal liberty, and they felt confident in the justice of their cause, and conscious of the responsibility resting upon them.

On the motion of Mr. Tallmadge, northern members pointed out the evils of slavery, showed how its extension over Missouri would entail ignorance, degradation and suffering upon its people ; that at some future day *it would drench that fair land in blood*. They referred to its inherent crimes, its barbarous character, and entire incompatibility with republican principles.

But the advocates of slavery would not discuss its moral character. Nor would they examine the primal truths enunciated by the founders of our Government. They dwelt altogether upon technicalities. They denied the right of Congress to reject a State whose Constitution admitted slavery. They *assumed* this as their predicate, without assigning reasons or explanation. On this *assumption* they rested all their arguments.

And when this postulate was denied and its fallacy exposed, they appear to have become irritated and had recourse to threats and intimidation. They spoke of "the ides of March," of the "fate of Cæsar and of Rome." They asserted that if northern members persisted in exclud-



ing slavery from the Territories, the *Union would be dissolved*. They insisted that northern members had already "kindled a fire which the waters of ocean could not extinguish."

To this it was replied that if a dissolution of the Union must take place in consequence of maintaining freedom, "let it be so." "If blood were necessary to extinguish the love of liberty, it must flow." The advocates of justice and freedom were ready to die in the cause which they advocated.\*

The debate was commenced on Mr. Tallmadge's proposition, on the 13th February, and continued until the 16th, when the vote was taken, and the amendment was adopted by 82 in the affirmative, to 78 in the negative.

Mr. Smith, of Maryland, and Mr. Hall, of Delaware, being the only members from slave States who voted in favor of the amendment, while Messrs. Parrott, of New Hampshire; Holmes, Mason, and Shaw, of Massachusetts; Mason, of Rhode Island; Conger and Storrs, of New York; Bloomfield and Kinney, of New Jersey; Beecher and Harrison, of Ohio, voted with the advocates of slavery.

The bill, thus amended, passed the House by a large majority, and was sent to the Senate. When it came under consideration in that body, a motion was made to strike out the amendment inserted by the House, and thus was the bald question of slavery or freedom in Missouri presented to the choice of Senators. There was but little debate on the subject, but the proposition was sustained, and the restriction stricken out by a vote of 30 in the affirmative to 6 in the negative; Messrs. Dagget and Dana, of Connecticut; Palmer and Tichenor, of Vermont; King and Sandford, of New York; Leach and Roberts, of Pennsylvania; Storer, of New Hampshire, and Otis, of Massachusetts, representing free States, voted with the slaveholders against the establishment of liberty in Missouri.

The entire history of our nation and of other governments show that the further public officers are removed from the power of the people, the less anxious are they to secure the people's rights; certainly no fact is more apparent in our own history, than that the Senate, up to the time of the great rebellion of 1861, on almost all questions involving popular rights, acted with the slaveholders. On this occasion, only six of the twenty Senators from free States voted for freedom, while twelve voted

\* Forty-two years subsequently, while the writer was penning these pages, the great battle of Pea Ridge was being fought by the Union army of Missouri. It was the most bloody contest which had then occurred upon the American soil. There the friends of freedom poured out their blood freely in defence of their cause. They achieved a glorious victory, and by the sacrifice of more than a thousand valuable lives, established liberty in Missouri, which was basely surrendered by northern statesmen in 1819.

for slavery in Missouri. The bill, being thus amended, was returned to the House for concurrence.

The session was near its close and the bill was immediately taken up for consideration in that body, and after a short debate, the amendment of the Senate was disagreed to by a vote of 76 in the affirmative to 78 in the negative. The Senate insisted on their amendment, and the House adhering to the bill as it passed that body, it was lost, and no law in regard to the admission of Missouri was passed at that session.

This rejection of slavery in Missouri was complained of by southern papers and politicians as dictated by *sectional* interests and *sectional* prejudices. Southern men having refused to examine the moral question, appeared to think that other sections of the country would only look at its political or sectional influence. To this period we may trace that error which became chronic in the minds of servile politicians, of characterizing the advocates of unchanging truth, justice, and freedom, as supporters of a *sectional* issue.

But this successful resistance against the extension of slavery awakened in the northern mind a spirit of determined adherence to the doctrine of human rights, which, from that time never slumbered nor slept ; although many years elapsed before it attained such strength as to be heard by the nation.

1819.] At this closing session of the fifteenth Congress, the people of Illinois, having framed a constitution and State government, asked admission to the Union. The constitution reserved to the people of that State the right to employ slaves at the salt works, near Shawneetown, until the year 1825, and to require all persons serving in that State under indentures to continue in service such time as had been stipulated.

On admitting the State a question was raised as to the consistency of this constitution with the ordinance of 1787, and on this question a debate arose in which Mr. Tallmadge, of New York, declared that he would not argue the barbarous character of slavery, saying, "*that stigma must be cast from us as soon as possible.*" In answer to this, Mr. Poindexter, of Mississippi, asserted that the "*whole South regarded slavery as a curse, and were anxious to get rid of it at the earliest moment possible.*"

But Mr. Harrison, of Ohio, denied that the ordinance of 1787 imposed any obligation upon the people of Illinois to discard slavery. And he assured gentlemen that Ohio would never ask Congress whether she might adopt slavery or not.\*

\* This subserviency to the slave power on the part of Mr. Harrison probably constituted the secret of his election to the Presidency in 1840. While Mr. Clay's love of liberty, doubtless, defeated him in 1844, as the southern States opposed his election.

The bill admitting Illinois under her constitution passed both Houses of Congress, and became a law.

Further claims for slaves deported by the British army at the close of the late war, were presented and referred, and reports were made showing the progress of the Executive in obtaining a reference of all questions touching those claims to the umpirage of the Emperor of Russia ; and the fifteenth Congress was brought to a close.



## CHAPTER IV.

## THE NUMBER OF SLAVE STATES INCREASED.

1819.] The meeting of the sixteenth Congress was looked to with much interest by the people generally, and with apprehensions by the more timid. The continuance of the Union had been threatened at the previous session, and many honest men of the free States entertained fears that these threats would be carried into execution if slavery were excluded from Missouri.

Mr. Clay was elected speaker of the House, and on assuming the duties of his office, he made a short speech alluding to the important questions which would come before them. On the 8th December a committee was appointed to bring in a bill to authorize the people of Missouri to form a constitution and State government.

On the following day the bill was reported in the usual form and was made the order of the day.

On the 14th, it was taken up for consideration, when Mr. Taylor, of New York, moved the appointment of a committee to take into consideration and report a general law for excluding slavery from the territories west of the Mississippi. The proposition prevailed, and the consideration of the bill was postponed to await the report of the committee.

1820.] It was expected that the Speaker, according to parliamentary usage, would appoint a committee favorable to the proposition, but it appears that he was either deceived in regard to the character of some members of the committee, or he intentionally violated the usages of the House ; for on the 29th January, Mr. Taylor reported from the committee that they could not agree upon any action on the subject.

The bill for authorizing the people of Missouri to form a State constitution and government was again taken up, when Mr. Storrs, of New York, proposed to add a new section, prohibiting slavery in the territories of the United States north of the 38th degree of latitude.

Although representing a free constituency, Mr. Storrs, with much ability, opposed the restriction of slavery in Missouri, insisting that the people of that territory ought to be permitted to dispose of the subject according to their own will, tacitly denying that the slave was entitled to any consideration. Indeed, no advocate for extending slavery appeared conscious that any moral principle was involved.

To this it was replied that, if slavery were just and profitable, it ought to be extended; if unjust and criminal, it should not only be restricted but blotted out; that it were absurd to say it was just and right up to a certain degree of latitude, and unjust and criminal north of such line; that the guilt, the turpitude of slavery consisted in its perpetration and not in the *place* of committing the crime.

As the legislatures of different States assembled, the absorbing question of admitting Missouri attracted their attention. Pennsylvania appealed to the other States "*to refuse to covenant with crime,*" and by a unanimous vote declared it the duty as well as the right of Congress to prohibit slavery in Missouri.

New Jersey and Delaware followed by unanimous vote of their legislatures. Nor was New York backward on the subject. The Legislature of that important State adopted resolutions calling on Congress to inhibit slavery in Missouri; and all parties united in reelecting Mr. King to the Senate for the purpose of sustaining the policy of restricting the institution. Ohio also followed the example set by her sister States, and adopted resolutions calling on Congress to restrict slavery *to the States in which it then existed.*

The legislatures of the New England States were silent; but their people sent numerous memorials to Congress, asking that body to save the nation from the further extension of slavery. Kentucky, Virginia, and Maryland, through their legislatures, memorialized Congress in favor of permitting Missouri to establish slavery, if her people desired its existence among them. A large meeting was held in Baltimore, at which the mayor presided, and strong resolutions against the extension of slavery were adopted. But the Legislature of Pennsylvania alone spoke of slavery as a *crime*, and invoked Congress "*to refuse to covenant with it.*" Others referred to the institution as *wrong*, as *unjust*, *impolitic*, &c., but exhibited an apparent delicacy in characterizing the deep moral turpitude of the institution.

On receipt of these memorials and legislative resolves, the bill relating to Missouri was laid aside, and that admitting Maine to form a State government and constitution was taken up for consideration.

Mr. Clay, Speaker of the House, now opposed the admission of Maine, and assigned as the cause of his opposition the efforts to restrict slavery in Missouri. But this unjust and unstatesmanlike effort was promptly met and exposed and almost unanimously voted down. The bill admitting Maine was passed and sent to the Senate for concurrence; and that admitting Missouri was again taken up for consideration.



As the debate continued to occupy the House of Representatives, the attention of the people became more intensely attracted to the subject ; and for the first time the northern States appeared to realize that the moral sentiment of the nation was paralyzed by the slave power. Newspapers called attention of their readers to that provision of the Federal Constitution which gives to each State equal powers and influence in proportion to their free population, and then superadds three votes for every five slaves whom the people of such State may hold in bondage. They said the provision which thus gave a bounty to slaveholders was the work of those who framed the Constitution ; but if that bounty were extended to Missouri, the generation who perpetrated such an outrage must bear the odium.

But this superiority of influence had been acknowledged by the framers of the Constitution ; and slaveholders had been led to believe it a just acknowledgment of their superior excellence. These considerations seemed to embitter the contest. The people of both slave and free States became excited. The arrival of mails was watched with interest in every village, hamlet and city. All eyes were turned towards Congress. The action of every member was watched by his constituents, and a determination was manifested to hold members responsible for their course upon the subject of liberty.

While the debate in the House was progressing, the Senate took up for consideration the bill admitting Maine. An amendment proposing to admit Missouri was offered, and Mr. Roberts, of Pennsylvania, proposed to amend the amendment by inserting a prohibition of slavery in Missouri.

Thus both Houses of Congress were engaged at the same time in discussing the important question of extending slavery, which was fraught with such momentous consequences to the nation and to posterity.

Northern Senators appeared more inspired with the spirit of freedom than at any time since the adoption of the Constitution. They referred to the Declaration of Independence, insisted that the primal truths therein enunciated ought not to be departed from. But eloquence and logic could not reach the hearts of slaveholders. Southern members of the Senate followed the example set them in the House of Representatives. They steadily and persistently refused to debate primal truths, or moral principles. Assuming as their predicate that Congress was bound to admit any new State with such constitution as its people should adopt, they based their arguments upon that postulate, from which they reasoned ably and ingenuously.

In all their arguments they denied that human governments were



limited in their legitimate powers to the administration of justice, insisting that they held the political right to enslave the African race, and render them subservient to the will of their masters ; and uttered threats of a dissolution of the Union if northern members persisted in their efforts to inhibit slavery in the Territories. To the Hon. Ninian Edwards, of Illinois, belongs the honor or the odium of enunciating in the Senate of the United States his own moral cowardice. He spoke of the feeling in the free States against the extension of slavery, declaring he could not contemplate it except with horror. He insisted that the slave States were opposed to slavery, and would rid themselves of it soon as Providence should open a way for its abolition, and closed by saying he should vote against the restriction "*to save the Union ;*" and this language was repeated in the Senate and in the House of Representatives during the succeeding forty years, and constituted the reason for every surrender of human rights and northern honor, until southern men actually seceded from the Union. Yet we are not at liberty to suppose that Mr. Edwards or others, who thus surrendered their independence at the dictation of southern members, believed that in thus encouraging the advocates of slavery, strengthening and confirming them in the opinion that the Union was chiefly beneficial to the free States, they were hastening the very event which they professed to deprecate.

The feeling among the people of the free States appeared to have a different effect upon Mr. Otis, of Massachusetts, who had, up to that time, usually spoken and voted with southern members. He now changed his position and stood forth among the ablest and boldest champions of freedom.

After spending some two weeks in debating this question, the Senate proceeded to vote on the proposition to prohibit slavery in the contemplated State of Missouri, when it was found that only sixteen members were in favor of it, while there were twenty-seven against it ; all members from the slave States voting against it, assisted by Messrs. Parrott, of New Hampshire ; Palmer, of Vermont ; Hunter, of Rhode Island ; Lanman, of Connecticut ; Edwards and Thomas, of Illinois. The inhibition being rejected, Mr. Thomas, of Illinois, offered an amendment, prohibiting slavery in the Louisiana purchase, north of the line of Arkansas.

Mr. Trimble, of Ohio, moved to amend that proposition by excluding it from Arkansas also ; but this latter proposition was rejected, 24 to 20, the Senators from Illinois and Indiana voting against it. The vote was then taken on excluding slavery from the remainder of the Louisiana purchase, and it was carried, 34 to 10. With these amendments, the

bill admitting Maine was attached to that admitting Missouri, and the two bills thus consolidated passed the Senate, 24 to 20, and was transmitted to the House for concurrence.

Nor had the lower branch been idle while the debate was progressing in the Senate. In that body the history of slavery was traced to its origin ; its crimes and guilt were brought out to the public gaze ; its unequivocal character, its violation of natural law, of natural justice, was set forth in forcible language ; its effect upon the prosperity of nations, its perfect inconsistency with Christian civilization were forcibly presented.

To this it was replied that slavery had existed among all ancient nations ; that it was necessary in warm latitudes, where white men could not endure the heat ; that our Federal Constitution had recognized its existence, and southern men would not now examine its justice or injustice ; and northern members were appealed to and exhorted to forget their prejudices in favor of freedom, in order "*to save the Union.*" Members from the slave States boasted of their devotion to the Union, and begged that northern members would not press their views of liberty too far, lest they should drive slaveholding members to dissolve the Union which they so highly prized, asserting that every people held the right to judge for themselves whether they would or would not establish slavery.

Northern members admitted that the doctrine advanced would be consistent in a Pagan government ; but was entirely opposed to Christianity, which denied that those who administer human governments could innocently enslave men who had committed no crime or offence.

1820.] On the 19th February, the House took up the bill from the

Senate, and disagreed to the amendments made in that body after four days' debate, and, having returned the bill with their disagreement, resumed the consideration of the proposition to inhibit slavery in the contemplated State of Missouri.

On the 27th February, the House, in committee, agreed to the clause restricting slavery in Missouri, and the bill was reported to the House. On the 29th, that body, while considering the amendments, reached the restrictive proposition, and it was agreed to, 94 members voting in favor of it, to 86 against it, Messrs. Holmes, Mason, and Shaw, of Massachusetts ; Storrs and Meigs, of New York ; and Baldwin, of Pennsylvania, voting with the advocates of slavery ; and the bill passed the House by vote of 91 to 82, and was transmitted to the Senate for concurrence on the 1st March.

The Senate proceeded at once to consider the bill, and by vote of 27

to 15 struck out the restrictive clause, Messrs. Tichenor and Palmer, of Vermont; Hunter, of Rhode Island; Lamman, of Connecticut; Parrott, of New Hampshire; Thomas and Edwards, of Illinois, again voting with the adherents of slavery. The Senate next amended the bill by adopting a clause excluding slavery from all that portion of the Louisiana purchase lying north of 36 deg. 30 min. north latitude, and returned the bill, with their amendments, for concurrence by the House.

The House disagreed to the Senate's amendment attached to the bill admitting Maine, and the Senate having adhered to their amendment, demanded a committee of conference.

The House of Representatives complied with this demand, and the committee being appointed, did not confine their action to the question submitted to them, but advised the Senate to recede from its amendment uniting the two bills in one, and advised the House to recede from its amendment prohibiting slavery in Missouri, and that both branches should adopt a clause excluding the institution from the remainder of the territory purchased of France.

This was literally the *compromise* which became so celebrated in American history. It consisted of covenants, entered into by the members of Congress, professing to act for and on behalf of the people whom they represented, as follows :

First. The people of Maine were to be authorized to form a State government and constitution.

Second. The people of Missouri were to be authorized to form a State constitution and government without restriction as to slavery.

Third. Slavery was to be excluded from the remaining portion of the Louisiana territory.

In making this recommendation, the committee clearly transcended its powers, as the bill concerning Missouri had not been committed to them for consideration.

The House, however, immediately took up the bill to authorize the formation of a constitution and State government in Missouri, with the amendment made in the Senate, striking out the clause inhibiting slavery, and it was ascertained that 90 members were in favor of agreeing to the action of the Senate, while only 87 were opposed to it !

The following members from the free States voted in favor of agreeing to the Senate's amendment, to wit : Messrs. Holmes, Mason, Hill, and Shaw, of Massachusetts; Eddy, of Rhode Island; Foote and Stevens, of Connecticut; Bloomfield, Kinney, and Smith, of New Jersey; Storrs and Meigs, of New York; Baldwin and Fullerton, of Pennsyl-



vanin. Messrs. Edwards, of Connecticut ; Merrill, of Vermont ; Case, Peck, and Thompson, of New York, did not vote. It was through this defection of northern members that slavery was established in Missouri.

The proviso excluding slavery from the territory north of 36 deg. 30 min. was then agreed to by a vote of 134 to 42.

It was on this occasion that Mr. Randolph, of Virginia, denounced the eighteen northern members by whose vote this compromise was carried, as "dough-faces," and the compromise itself as a "*dirty bargain*."

Mr. Randolph gave notice that he should move a reconsideration of the vote on the next day ; but the Speaker, intending to put an end to the controversy, directed the Clerk to hurry the bill to the Senate the same evening ; and when, on the following day, Mr. Randolph attempted to make the motion to reconsider, he was informed that the bill had been sent to the Senate, and his motion was, therefore, not in order.\*

The Senate now receded from its amendment to the bill admitting Maine, and thus the compromise was consummated so far as Congress was concerned, and the two bills now awaited the Executive approval.

At that period the State of Virginia appeared to exert a controlling influence in our national politics, and the statesmen of that commonwealth seemed desirous of raising an issue in the approaching Presidential election, upon the power of Congress to exclude slavery from the Territories of the United States.

The President (Mr. Monroe), to fortify himself on this point, propounded to his cabinet two questions :

First. Has Congress the constitutional power to prohibit slavery in the Territories of the United States ?

Second. Was the term "*forever*" used in the bill authorizing the people of Missouri to form a State constitution and government, to be understood as referring only to the territorial condition of the district to which it related ? Or was it an attempt to extend the prohibition to the States which might at some future day be erected thereon ?

On the first question the Cabinet were *unanimously of the opinion that Congress possessed the power to exclude slavery from the Territories of the United States.*

\* Mr. Clay, after the death of Mr. Randolph, admitted that he sent the bill thus early to the Senate for the purpose of putting an end to the debate ; Mr. Randolph was greatly offended at this *management* of the Speaker, and the feeling created at that time probably gave rise to the duel between those gentlemen, which occurred some years afterwards.

On the second, Mr. Adams alone declared in favor of such construction as would forever exclude slavery from such States as might be formed from the territory embraced in the proviso. But at the instance of Mr. Calhoun, the second interrogatory was so modified as simply to inquire whether the *proviso as it stood in the bill was constitutional?* And all the cabinet responded in the affirmative.\*

The difficulty on this subject, doubtless, arose from the proneness of statesmen to reason from the incidental questions propounded, rather than to search out the primal cause which gave rise to them. Had members of Congress and of the Executive cabinet borne in mind that our Government was based upon the acknowledged doctrine that life and liberty are gifts of God constituting the rights of mankind, lying *behind and above human laws and human governments*, they would have seen and felt that Congress must have had the same power to exclude slavery from our Territories, that it had to exclude murder or treason from them, or to exclude piracy from the high seas; and that States formed from such territory could have no more authority to establish slavery than they had to establish murder or treason.

Mr. Adams, then Secretary of State, was in the habit of describing, in his Diary, his own views upon important events which were transpiring around him; and we cannot better interest the reader than to give a short extract therefrom, showing the views and impressions of that distinguished statesman at the time of consummating this compromise.

“The impression,” said he, “produced on my mind by the progress of this discussion is, that the bargain between freedom and slavery contained in the Constitution of the United States, is *morally and politically vicious*, inconsistent with the principles upon which alone our Revolution can be justified; cruel and oppressive by riveting the chains of slavery; in pledging the faith of freedom to maintain and perpetuate the tyranny of the masters; and grossly unequal and impolitic, by admitting that slaves are at once enemies to be *kept in subjection; property to be secured and restored to their owners; and persons not to be represented themselves*, but for whom the masters are privileged with nearly a double share of representation. The consequence has been that *this slave representation has governed the Union*. . . . It would be no difficult matter to prove

\* The opinions of the Cabinet were expressed in writing by each member; but those written opinions were subsequently lost from the Executive files, and the above facts were supplied from the Diary of Mr. Adams, to the correctness of which, Mr. Calhoun was constrained to yield admission, although he changed his opinion as to the constitutional power of Congress to prohibit slavery in the Territories.

by reviewing the history of the Union under this Constitution, that almost everything which has contributed to the honor and welfare of the nation has been accomplished in despite of them, and that everything unpropitious and dishonorable, including the blunders and follies of their adversaries, may be traced to them."

1820.] The result of the contest was deeply mortifying to the North.

The people of the free States now realized that they were under the rule of the slave power, and felt a corresponding humiliation. Governor Wooleot, of Connecticut, alluding to it in his annual message, declared, "We may admit that our southern brethren are as firmly attached to liberty as ourselves; but we cannot concede that they are our superiors without submitting to humiliation and reproach. Probably the claim has no other foundation than in the well-known ardor, tenacity of opinion, and strict concert of action with which the members of a privileged order invariably pursue a separate and exclusive interest. Even a tacit admission of inferiority on our part, by habitual concessions, would imply on our part a secret preference for aristocratic over democratic institutions." It is certain that "habitual concessions" did mark the public action of all the free States during half a century, and that the action of the slave States during that period was characterized by "ardor, tenacity of opinion, and strict concert."

Pennsylvania had been truly patient and long-suffering. From the adoption of the Constitution she had seen her sovereignty outraged, her free colored citizens kidnapped, carried to slave States and sold to interminable bondage; and when she complained of these outrages she had been told that such crimes in slave States constituted only *trespasses*, for which relief must be sought by *suit for private damage*. She had seen the fugitive slave act used for the purpose of enslaving free citizens. Riots and bloodshed, growing out of attempts to seize alleged fugitives, created alarm on the part of her quiet and peace-loving citizens; but her indignation was aroused by the extension of slavery into Missouri, and her Legislature passed an act forbidding her justices of the peace to aid in the arrest of fugitive slaves.

But while much feeling was exhibited in the free States against this extension of slavery, the entire South became united and active in favor of the measure. Mr. Clay, the leading statesman of the South, though once an ardent supporter of liberty, now wielded more influence in favor of extending slavery than any other man of the nation. His avowed theory, or attempt to palliate his own course, was, that the best cure for slavery was to spread it over as great an extent of country as possible. Even Mr. Jefferson, who had so long been deemed the



apostle of American liberty, perhaps through senility, became alarmed lest this contest on behalf of freedom might endanger the perpetuity of the Union. A letter from him to that effect was read on the floor of Congress during the debate. It may also be cited as a remarkable fact that among all the southern members of Congress who professed great devotion to freedom, not one dared vote in its favor on this important question.

The contest had been one of principle, but the division on the part of the South had been strictly sectional, as no slaveholding member had voted with the North, while several northern members in each House had voted with the South. Yet, with an inconsistency peculiar to the southern character, they arrogantly charged those of the North with getting up a "*sectional issue*."

Encouraged by success on the Missouri question, southern (1820. members at once demanded further protection for the institution. A vessel had landed in South Carolina with a small number of slaves imported from one of the West India islands. By existing laws the ship and cargo were forfeited. They were seized, and the captain arrested. The people of that State memorialized Congress to pass a law to exempt the ship, cargo, and slaves from confiscation, and the captain and crew from punishment.

Some northern members strongly objected to this mode of legislating in behalf of men who had violated the penal laws of the country ; but the bill passed the House of Representatives by a vote of 85 to 73, and the Senate sustained the action of the House, but left no record of the number or names of the Senators who voted for the measure.

But while both Houses of Congress showed themselves thus subservient to the dictates of the slave power, a bill for protecting the commerce of the United States being before the House of Representatives, Mr. Mercer, of Virginia, proposed an amendment, declaring the seizure, or capture, or bringing any negro or mulatto into the United States, should be regarded as *piracy, punishable with death*.

The slave trade was regarded by the Christian world as barbarous and heathenish, and southern members were unwilling to be placed in the position of sustaining or encouraging it, particularly as no law had proven effective against it, or was likely to abolish it so long as the public officers and people of the slave States lent it a tacit support by purchasing the slaves brought to them, and refused to punish those who supplied them with laborers ; and the amendment of Mr. Mercer passed almost without opposition. Thus, the same Congress which stamped the purchase and enslavement of men in Africa as the most odious of crimes,

sanctioned and approved the same felonious acts when committed in the West India Islands or in Missouri.

The President transmitted a message and documents to the two Houses of Congress, showing that both African and West Indian slaves were constantly carried through Amelia Island, and other parts of Florida and the Indian country, to Georgia, South Carolina, Mississippi and Louisiana ; that the people of those States were in the practice of obtaining slaves in this way notwithstanding the laws which prohibited the traffic.

Upon the receipt of this intelligence, a joint resolution was introduced in the House of Representatives, requesting the President to enter into arrangements with other Christian nations for suppressing this commerce in mankind. The resolution passed that body by a large majority ; but the Senate, unwilling to strike a blow so fatal to the slave trade, rejected the proposition.

1820.] During the vacation of Congress, elections were held in most of the northern States, affording the people a legitimate opportunity to express their views in regard to the extension of slavery into Missouri. Some of the ablest and most popular men of the free States had cast their votes in favor of permitting the people of Missouri to hold slaves, to wield an influence in the future elections of President and Vice-President, and in the Government, according to their free population, the same as that enjoyed by northern men, superadding thereto three votes for every five slaves whom they might hold in bondage. The people now visited their displeasure upon the men who had thus humiliated them. Nearly every northern member of Congress who had favored the measure was rejected by the people, and doomed thenceforth to private life.

At the reassembling of Congress, Mr. Clay, Speaker of the House of Representatives, conscious of the popular feeling in the free States, with a high and honorable delicacy, resigned his office, and called on that body to elect another man to preside over their deliberations.

This brought the action of Congress on the Missouri bill to another test before the members of the House of Representatives. Hon. John W. Taylor, of New York, had shown himself perhaps the most decidedly opposed to slavery in Missouri of any member of the body, at least his opposition had been more active, and northern members now selected him as their candidate.

Hon. W. Lownds, of South Carolina, was the leading candidate of the South. He was a man of high moral character, of great experience, and of distinguished ability. Yet he could not command the united

support of the slave States. The northern slave States were more conservative than South Carolina, and, on that account, Mr. Smith, of Maryland, was sustained, while Pennsylvania, a border free State, offered Mr. Sergeant as their favorite candidate.

The contest was somewhat protracted, and maintained with great determination. On the seventeenth ballot, Mr. Lowndes' vote rose within one of an election ; but northern members, conscious that the eyes of their constituents were upon them, now stood firm, and, on the twenty-second ballot, Mr. Taylor was elected.

This was the first important defeat which the slave power had met since the adoption of the Constitution, and northern members hailed it as an indication that the regime of slavery in Congress was drawing to a close.

The President, in his annual message, called the attention of Congress to the fact that all laws for prohibiting the slave trade had proven fruitless, and that the traffic in the bodies of the unoffending people of Africa was yet carried on to an alarming extent by the people of our southern States. The message was respectfully referred, but the committee made no report upon that portion of it.

In pursuance of the law passed at the previous session of Congress, the people of Missouri had formed a constitution and State government, and now presented their memorial asking admission to the Union. But assuming the doctrine proclaimed by the Legislature of Virginia to be correct, that Congress had no power to refuse admission to a new State, they adopted a clause requiring the Legislature, at their first session, to exclude free blacks and mulattoes from the State, although this class of people had, in a majority of the States, voted for delegates to the convention that framed the federal compact, and were regarded as "citizens," and not only exercised the elective franchise, but, by the Constitution of the United States, were entitled to the privileges and immunities of "citizens of the several States." The memorial and constitution were referred by the Senate to a select committee, who reported a resolution admitting Missouri as a State without reference to this clause in her constitution.

On this resolution an interesting debate arose. Southern men denied that colored men were "citizens," insisting that none were such except those who were entitled to vote and hold office. They also sneered at those northern members who called colored people "citizens." To which northern members replied, that in no State were minors or females allowed to vote, yet in all the States they were held to be "citizens ;" and, as to color, our fathers had looked upon colored men as good and worthy soldiers and sailors during the Revolution, that they died freely



in order to gain our independence, had voted in a large majority of the States at the close of the war, and were entitled to enjoy life, liberty, and property, as guaranteed by the Constitution, whether they were in New England or Missouri.

Southern members then had recourse to threats for dissolving the Union, in order to intimidate northern members. This proved effective; the resolution was adopted by a vote of 26 to 18. Messrs. Chandler and Holmes, of Maine; Parrot, of New Hampshire; Edwards and Thomas, of Illinois, and Taylor, of Indiana, voting with the slaveholders.

In the House of Representatives the subject was referred to a committee, of which Mr. Lownds, of South Carolina, was chairman. He reported apologetically in favor of admitting Missouri with the constitution which her people had adopted, leaving the question of conflict between the Federal Constitution and that of Missouri to be determined by the judiciary.

Mr. Sargeant, of Pennsylvania, a young but talented member, now became the leading speaker against the resolution for admitting Missouri. He insisted that every member of Congress was bound by oath to support the Federal Constitution; that this duty which each had sworn to perform for himself could not be cast upon the Supreme Court; that Missouri could only ask admission to the Union when she presented a constitution which accorded with that of the United States; that the Federal Constitution had guaranteed life, liberty, and property to all under its exclusive jurisdiction. That jurisdiction was yet retained by Congress, and they ought never to yield it to any people who by constitutional or legislative enactment would exclude the citizens of the States now asked to admit them to the common sisterhood.

Southern members became irritated. They saw clearly that the stability of slavery depended on maintaining the doctrine that Africans did not belong to the human family, that they were *property*.

The debate occupied six days and closed by an emphatic rejection of the proposition to admit Missouri, the vote standing 93 to 79. Messrs. Baldwin, of Pennsylvania; Bloomfield and Smith, of New Jersey; and Meigs, of New York, being the only members from the free States who voted with the slaveholders. All other northern members who voted with the South during the previous session, now changed position and voted with the free States.

The result was unexpected by the advocates of slavery. Mr. Lownds, with much apparent feeling, remarked that he respected the opinion of the majority and felt bound by it. Members appeared to feel that the

sceptre of political power for the time being had departed from southern hands, and was in fact wielded by the North.

On the following day, Mr. Archer, of Virginia, with great apparent solemnity, moved a resolution directing the committee on the judiciary to inquire whether there were any laws in force in Missouri? He spoke warmly and somewhat arrogantly in favor of adopting this resolution; and Mr. Sargeant promptly replied to his argument, and the resolution was laid on the table by a vote of 91 to 58.

An incident now occurred in the course of proceeding which well illustrates the strategy of southern statesmen. Some memorials relative to the public lands were presented to the House from the people of Missouri. The clerk, in entering them upon the journal, referred to them as "memorials from *the State of Missouri*." The Speaker, on examining the journal, noticed the error, and as was his official duty, corrected it by striking out the words "State of," leaving the memorials described as coming from "Missouri," without designating it as a State, or as a territory.

To this action of the Speaker southern members took exceptions, as though it were a matter of importance; charged him with improper conduct, and spoke of the South refusing to submit to such despotism. They moved to amend the journal by restoring the words stricken out; and the House being equally divided, the Speaker, as an evidence of his sincerity, and under the conviction that the journal could have no particular effect one way or the other, gave the casting vote in favor of the motion. But this did not affect the prominent and humiliating fact, that the end of slaveholding control appeared to have come. Southern men had contended for the principle, that a new State demanding admission must be received into fellowship by the older States, whatever may be the character of their constitutions. This doctrine had met with an unmitigated negation in the House.

Mr. Clay had arrived at Washington and taken his seat. On his motion, the joint resolution of the Senate was taken up by the House for consideration, and his utmost efforts were put forth in favor of its adoption. In this he was sustained by the ablest speakers of the South. The resolution was finally referred to a committee of thirteen members, of which Mr. Clay was chairman.

Their report was drawn and presented by Mr. Clay. It referred to the unfortunate difference of opinion which existed among the members; spoke gloomily of the dangers which might result from a failure of the two Houses to unite, and then recommended the admission of Missouri upon condition that her Legislature should pass no laws excluding the citizens of the United States from her territory.

It is not for the historian to criticise the political acts of any individual, but it can scarcely be supposed that Mr. Clay or the members of that committee believed such condition would have any effect upon the action of the Legislature of Missouri after her admission.\*

But the proposition was promptly met, exposed and voted down, and the resolution of the Senate rejected by 83 to 80.

On the following day Mr. Livermore, of New Hampshire, moved a reconsideration of this vote, and this motion after a very earnest debate was agreed to, and debate was resumed upon the merits of the Senate's resolution.

Southern members now spoke of the portentous consequences of rejecting Missouri; said it would have the necessary effect of separating the South from the North, and the Union, established at such vast expense of blood and treasure, must be dissolved. But most of the northern members appear to have remained unmoved by these appeals to their moral cowardice; and the Senate's resolution was rejected by a vote of 88 to 83, and the subject, according to all parliamentary law and the usages of Congress, was disposed of for the session. But

1821.  
Feb. 21.] Mr. Brown, of Kentucky, offered a resolution directing the judiciary committee to inquire into the expediency of repealing the act passed at the previous session of Congress authorizing Missouri to form a State government. The resolution was promptly rejected; and Mr. Clark, of New York, offered another declaring that so soon as Missouri should form a constitution in accordance with that of the United States, Congress would admit her to the Union. This was also rejected.

Feb. 26.] Mr. Clay once more came forward, with a determination of purpose which many regarded as praiseworthy, while others condemned it as an unworthy effort to extend slavery. He now proposed to raise a joint committee of the two Houses for the purpose of presenting some plan for settling the controversy in regard to the admission of Missouri. His proposition was sustained; the resolution was adopted, and a committee of thirteen on the part of the House was appointed.

Feb. 28.] From this committee Mr. Clay, the chairman, reported a resolution declaring that Missouri should thereafter be admitted to the sisterhood of States upon the proclamation of the President, whenever her legislator should officially pledge the State never to pass any law excluding citizens of the United States from her territory.

On this report there was little debate, all apparently feeling that the

\* It is within the personal knowledge of the writer that Mr. Clay in subsequent life spoke of this report as having been made merely to afford an excuse for northern members to vote for the admission of Missouri, and with no idea that the condition would be obligatory on the State if admitted.



argument had been previously exhausted, and with much apparent solemnity the vote was taken and showed 86 in the affirmative and 82 in the negative. Messrs. Baldwin, Samuel Moore and Rogers, of Pennsylvania; Bateman, Bloomfield and Smith, of New Jersey; Clark, Ford, Hackley, Meigs and Storrs, of New York; Stevens, of Connecticut; Eddy, of Rhode Island; Hill and Shaw, of Massachusetts, voting with the slaveholders, while Messrs. Clifton, of New Hampshire; Cushman, of Massachusetts; Hazzard, of Rhode Island; Crafts, of Vermont; and Tompkins, of New York, *did not vote*.

Every member from the slave States voted for the resolution, assisted by the fifteen members mentioned from the free States. With their assistance the resolution was carried by four majority, while five other members from the free States sat with folded arms looking upon the mighty contest as though they owed no duty to either freedom or slavery.

Yet this contest in regard to Missouri was maintained with more firmness by northern members than had characterized their action at the former session. It was, however, regarded by intelligent men as an unworthy surrender of the Constitution to the supposed interests of slavery. And while the odium was concentrated upon the individuals who, representing constituencies in the free States, had lent their votes and influence to the triumphs of slavery, the hatred of slaveholding domination now took a stronger hold upon the northern mind, and struck deeper into the hearts of the people, from which it was never subsequently eradicated.\*

Before the adjournment of Congress, Mr. Meigs, of New York, as if in some degree to atone for his persistent vote in favor of slavery, offered a resolution appropriating five hundred millions acres of land as a fund for the purpose of abolishing slavery, as he said, in order to end the controversy between slavery and freedom. He spoke in favor of his proposition, and was listened to respectfully; but, as though members appreciated his unenviable position, nearly one half of their number refused to vote on his proposition, which was laid on the table without further debate.

This was the last action of the sixteenth Congress upon the subject of slavery. This triumph of the supporters of African bondage, inspired them with a confidence which subsequently increased by further surrenders, until it ripened into arrogance, and finally culminated in attempts to exercise an unrelenting despotism.

\* This remark is based upon the distinct recollection of the author, who was at the time reading law, and, with other inmates of the office, kept a close watch of congressional proceedings, and felt deeply mortified at this betrayal of freedom by northern members, and the conviction that slavery and freedom could never be encouraged and upheld by the same government at the same time never subsequently left his mind.

## CHAPTER V.

THE ARROGANCE OF THE SLAVE POWER—ITS FRAUDS AND IMPORTANT DEFEAT.

1821, ]  
Dec. 8. ] At the opening of the seventeenth Congress it was quite apparent that a deep feeling existed in favor of slavery on one hand and against it on the other. The members from the free States who in the previous Congress had voted and acted with the slaveholders had been discredited by their constituents. Two only of their whole number continued to hold seats in the House of Representatives, and these were regarded as "spared monuments" of the people's mercy. Mr. Baldwin, of Pennsylvania, and Mr. Eddy, of Rhode Island, had been returned as members of the present House of Representatives, although they had steadily voted for slavery.

The controversy which had characterized the former Congress was renewed at the commencement of the present on the election of Speaker. Mr. Taylor, of New York, had been an able and uncompromising opponent of slavery extension, and had served as Speaker during the last session of the previous Congress, and was now presented as the candidate of the advocates of liberty.

The South had felt no little mortification at the previous election of Mr. Taylor. They appeared fully conscious that to maintain their political ascendancy they must designate the higher officers of Government, who should be elected under their apparent patronage. A majority of members from the slave States united upon Cæsar A. Rodney, of Delaware, as their candidate.

But Virginia had been accustomed to control the nomination of officers. She had given to the United States four of the five Presidents, and while the members from slave States aspired to control the nation, Virginia felt it one of her prerogatives to control those members. Her delegation were not satisfied with Mr. Rodney, and would not assist in his election. There were seven ballots cast on the first day, and the highest number which Mr. Rodney received was sixty-seven, which was given on the fifth ballot; but his vote fell to fifty-nine on the twelfth ballot, when the House adjourned. During these ballotings Mr. Taylor's vote had risen regularly from sixty, given on the first, to seventy-seven, which constituted his strength on the last ballot of the day.

On that evening a majority of southern members concluded to vote for Mr. Barbour, of Virginia, who now became the southern candidate, and was elected on the twelfth ballot, by eighty-eight votes, being a majority of the whole number cast.

With a slaveholding President and a majority of slaveholders in the Cabinet and in the Supreme Court, and a slaveholding Speaker of the House of Representatives, the devotees of oppression grasped the sceptre of power with a firmer hand than before, and bade defiance to any attempt that might be made in favor of the "self-evident truths" on which our republican edifice had been reared.

Notwithstanding the ill feelings engendered by the admission of Missouri with a constitution opposed to the vital doctrines of the Federal compact, the President, in his annual message, congratulated the people upon the union and harmony ~~that~~ prevailed in Congress and throughout the country. He referred to the precedent which had been set by their predecessors, agreeably to the doctrine then and for many years sedulously inculcated by southern politicians, that whatever Congress might do, its action was to be regarded by subsequent generations as *correct and binding upon all who should thereafter wield the power of Government*. He went further, and imputed the downfall of other governments to established orders of nobility, instead of a departure from the dictates of pure and impartial justice, apparently unconscious that in our own nation we cherished a despotism which must fall before the advance of Christian civilization.

The President, unconscious of inconsistency, called attention to the illicit commerce in slaves, carried on with the people of our southern States. Petitions from various free States, asking Congress to take efficient measures to abolish this traffic, were also presented to both Houses of Congress. The message and memorials were referred to a select committee, who made a frank and candid report, stating that the law declaring the slave trade to be piracy had exerted a salutary influence in diminishing the horrors of that crime which so deeply affected the character of our nation ; but added, that it still continued to a fearful extent, and that no one nation, acting independently, could abolish the slave trade. They, therefore, reported a joint resolution authorizing the President to enter into arrangements with other powers for the final extinction of that scourge of mankind.

Mr. Poinsett, of South Carolina, being a member of the committee, made a minority report, declaring that the report of the majority "*was fraught with danger to the best interests of the country.*" South Carolina, in the convention which framed the Federal Constitution, supported the



slave trade, and at no time since that period had her people given evidence of their opposition to it. Indeed, as has been noticed, her statesmen denied the right of Great Britain and the United States to use their combined efforts to abolish it, declaring that governments were under no obligation to observe the laws of justice towards the people of other nations. In maintaining this moral and political infidelity, South Carolina still supported her consistency.

It may illustrate the barbarism of that age as well as of South Carolina to say further, that the committee stated that the number of slaves imported into our southern States was annually thirteen thousand, even while our laws declared such importation piracy and punishable with death. That from two points on the African coast, two hundred and fifty cargoes of slaves were annually exported to the American continent. Yet such was the moral paralysis resting on the public mind that the very men who purchased these slaves, and encouraged and made themselves accessory to these piracies, were regarded as worthy citizens of a *free* government.

But the resolution authorizing the President to make arrangements with other governments for the final abolition of the slave trade, passed the House of Representatives, only nine votes being cast against its adoption.

1821.] On the day following, Mr. Wright, of Maryland, presented resolutions from the Legislature of that State, complaining that the people of Pennsylvania afforded aid and protection to the fugitive slaves of their State, and asked the protection of Congress against such practices. The resolutions were referred to the committee on the judiciary.

But the next morning Mr. Wright presented a resolution referring the subject to a select committee, and in debating this resolution Mr. Wright assailed the Quakers and other philanthropists of Pennsylvania, for aiding slaves to obtain their freedom, and declared that unless Congress would act on the subject, "*Maryland would take up arms for protecting her institutions.*" These resolutions were also referred to the committee on the judiciary.

Thus while the slave States were piratically importing thirteen thousand slaves annually, for which, by the laws of our Government, and the general sense of the civilized world, they deserved death, they arrogantly called on Congress to protect them in holding in bondage the slaves thus imported, and the committee reported a bill in favor of the capture and return of fugitive slaves much more stringent in its provisions than the law then in force. But when it came up for con-

consideration, northern members objected to its passage, for the reason that it suspended the writ of Habeas Corpus, and in its whole framework was calculated to encourage and favor the kidnapping of free colored persons. The bill was recommitted to a select committee, who again reported it to the House ; and on further debate, the real difficulty in our Government was clearly developed to public view. Slaveholders from the South boldly demanded *protection for their slaves* ; while the advocates of liberty from the North were equally determined in their demands for protection to colored freemen against southern kidnappers. Members now learned that every provision for the capture and enslavement of fugitives endangered the liberty of the free colored population ; and that every act in favor of securing liberty to the free colored people operated to favor the escape of fugitive bondmen. And the bill was laid on the table, and no more brought before the House for consideration.

The Spanish American colonies were still striving for their independence. One general and universal feeling of hostility to slavery seemed to pervade their people, who had themselves labored under a despotism somewhat allied to slavery. The acknowledgment of their independence was now proposed, as it was asserted that the sympathy of the people of the United States must be with them. But southern statesmen proposed delay, suggested doubts. They argued that the revolution might extend to Cuba, which was so near to our slave States as to forbid that our Government should permit the slavery of that island to be abolished ; and necessity would compel us to prevent such a disaster by engaging in war ; or we must permit that beautiful island to pass into the possession of England.

The final ratification of the treaty by which Spain ceded the Floridas to the United States constituted one of the important incidents in the regime of slavery during the year 1821.

Throughout the slaveholding portion of the Union it was well known that the "*Maroons*," or "fugitive slaves" who had so long resided in the wilds of Florida that no witnesses could identify them, were exerting a deleterious influence on the slaves of South Carolina, Georgia, Alabama, Mississippi, and Louisiana. The bondsmen of these States as well as those of Florida were leaving their masters and seeking an asylum with their friends who had long been resident in the territory.

The destruction of Blount's Fort in 1816, and the War of 1818, had really effected nothing but to constrain the exiles to retire further to the interior of the country. And the purchase of the territory was urged by the people of the surrounding States, in order to save them from the

constant annoyance to which they were subjected by the loss of fugitive bondmen.

1822.] Soon as the Floridas came into our possession, the question arose in the minds of the President and his Cabinet, as to the disposal of these people. They were supposed to be fugitives, or the descendants of fugitive slaves. But most of them had resided there from their birth—indeed, three or four generations had passed away since their ancestors had fled from South Carolina, and it were now impossible to identify any one as a slave, or as the descendant of a slave. Moreover, the Spanish crown had recognized them as citizens; had granted them lands and treated them as subjects; and their rights were protected by the treaty in the same manner and to the same extent that the rights of the white people of the territory were protected; and by no rule of international law could our Government treat them otherwise than they treated the white inhabitants. Yet they had harbored the slaves of Georgia, Mississippi, and South Carolina, and in all probability would continue to do so. The President, therefore, called on Mr. Panniers, sub-agent for the Florida Indians, for his opinion as to the disposition to be made of these people. He replied in the following language:

“It will be difficult (says he) to form a prudent determination with respect to the maroon negroes who live among the Indians on the other side of the little mountain of Latchione. They fear being again made slaves by the American Government, and will omit nothing to increase or keep alive mistrust among the Indians, whom they in fact govern. If it should become necessary to use force with them, it is feared the Indians will take their part. It will, however, be necessary to remove from the Floridas this group of freebooters, among whom runaway negroes will always find a refuge. It will, perhaps, be possible to have them received at St. Domingo, or to furnish them the means of withdrawing from the United States.”

It had long been the evident intention of the people of Georgia to reënslave them. Indeed, as the reader has been informed, she once sent an army to effect that object, and had insisted upon the purchase of Florida solely for that purpose; but when the subject came thus before the President, that high official hesitated, and consulted Mr. Panniers, whose humanity evidently revolted at the proposition; but he so far yielded his sense of justice to the interests of slavery, as to advise their removal.

General Jackson was also called on to express his opinion on the subject. He had, in 1816, complied with the wishes of the people of Georgia; had ordered Blount's Fort to be destroyed, and the fugitive slaves



taken back to their masters. But he had found them ready to defend their liberty with their lives. He had fought with them at Sawnee; had witnessed their courage and daring; had seen his own disciplined and gallant army held at defiance, and his men fall before their deadly fire on the battle field; he well understood their hatred of slavery; and he answered the inquiry propounded to him, saying, "*These runaway slaves spoken of by Mr. Panniers must be removed from the Floridas, or scenes of murder and confusion will exist.*"\*

This advice was adopted as the policy of the administration. In order to subserve the interests of slavery, our treaty with Spain was violated, almost as soon as made, the rights of these people were outraged, and the long and tedious war which eventually followed, the vast expenditure of blood and treasure incurred to sustain the interests of slavery in Florida and adjoining States, will long constitute an interesting page in American history.

Early in the first session of the eighteenth Congress, resolutions were adopted, calling on the President for information [1823. touching any arrangements which that high officer had made with other governments for suppressing the slave trade. In response, the Executive transmitted a mass of documents, which were committed to a select committee, who reported a bill to carry out and consummate the work of abolishing that traffic; but it was neither debated nor acted upon.

The protection of the people of Florida, Georgia, Alabama, and Mississippi against constant losses by the exodus of slaves, appears to have presented the most absorbing and difficult questions for the consideration of our Government. Thirty years had now elapsed since this burden of sustaining slavery was assumed by Congress, and it had constantly become more and more onerous, more and more vexatious and disgraceful; but having engaged in the work, the Executive dared not hesitate or falter; and to carry it forward, an arrangement with the Florida Indians became necessary.

The treaty of Camp Moultrie was entered into, by which the Indians agreed to remove south of a line to be drawn due east from "Tampa Bay." This greatly contracted their possessions, and would have brought many of the maroons under the exclusive jurisdiction of the United States, but the "Seminole Indians" and "Seminole negroes" had become so far connected by association and intermarriage, that they

\* It will be noticed that the word "*maroons*," used by Mr. Panniers, was discarded by General Jackson, as when used in Jamaica it referred to "*free negroes of the mountains*," who had so long maintained their liberty that they could not be identified as slaves, and General Jackson preferred to call the Florida maroons "*fugitive slaves*."

could not be separated. They both moved south, according to treaty stipulation. The United States, in consideration of this removal, covenanted "to restrain and prevent all white persons from hunting, settling, or otherwise intruding upon the lands" thus set apart for the use of the Seminoles: and the Seminoles also stipulated *to return such fugitive slaves as should flee to them.*

1825.] At the opening of the nineteenth Congress, the President (John Quincy Adams), in his annual message, called the attention of Congress to the condition of Mexico, Central America, and Columbia. These governments had achieved their independence, and were recognized as sovereign powers. The President stated that they now proposed to hold a Congress of Nations at Panama, and had invited our Government to send commissioners to meet them, and deliberate on such subjects as would be consistent with our mutual position, and calculated to advance the interests of our people. He further stated that he had accepted the invitation, and would, in due season, transmit to the Senate the names of three commissioners to represent us in the proposed conference; and he soon after sent the names of John Sargeant, William B. Rochester, and Richard C. Anderson, whom he nominated to the Senate for confirmation as commissioners.

1826.] The debate in that body was of course in secret session, but the injunction of secrecy having been removed, we find that ceaseless vigilance guarded the portals of slavery. Mr. Adams had never possessed the confidence of slaveholders, and this proposition was regarded with suspicion. The governments referred to had adopted the primal truths enunciated in our Declaration of Independence, as the vitalizing principles on which they founded their hopes and expectations, and southern statesmen feared that the independence of Hayti, of Porto Rico, and of Cuba, might come under consideration, and the means of freeing them from foreign rule might be considered in the proposed Congress; and, if once free from foreign rule, the abolition of slavery would follow, and the moral influence of liberty in those islands would prove injurious to the slave interest in our own States.

The liberation of Cuban slaves was denounced by slaveholders as altogether destructive to the slave States, and the man who could coolly look upon emancipation in that island, they asserted, "must be an incendiary, a fanatic, and TRAITOR to our institutions." Never was slaveholding arrogance more offensively displayed than in this debate. It was contended that the independence of Cuba was not to be thought of, while our southern States should see fit to hold slaves. That during the



existence of the institution in the southern States, the people of the other members of the Confederacy must conform to that condition of things. They now urged that the commercial interests of New England and New York had been surrendered, in order that southern slaves might be protected from the moral influence of emancipation in Hayti, and they extolled the gracefulness with which northern men had surrendered the interests of freedom that slavery might thrive. But they charged the South American States with holding the doctrine that "*all men, black and white, were endowed with an imprescriptible right to enjoy life and liberty,*" and they urged that we could not hold intercourse with them, without in some degree being affected by their doctrines. These advocates of slavery denounced Wilberforce and Clarkson and other English philanthropists as "visionary theorists," and asserted that English statesmen now discarded the doctrines of human rights as set forth by European publicists. They asserted that our own statesmen no longer held the doctrines enunciated in our Declaration of Independence; and assumed that northern statesmen now acknowledged the obligation of our Government to sustain slavery. The President, Mr. Adams, was personally assailed and bitterly denounced. Mr. Clay, then Secretary of State, did not escape reproof, though he was himself a slaveholder.\* Mr. Sargeant, one of the commissioners nominated, was declared to be an abolitionist, who had manifested his hostility to slavery by *opposing its existence in Missouri*. The debate continued until twelve o'clock at night, when the vote was taken on approving the nominations of Messrs. Sargeant, Rochester, and Anderson, as commissioners to attend the Congress of Panama, and stood 28 in the affirmative to 16 in the negative. Messrs. Benton† and Barton, of Missouri; Clayton and Vandyke, of Delaware; Johnson, of Kentucky; Floyd and Smith, of Maryland; and Bouligney, of Louisiana, voting with Senators from the free States; while Messrs. Holmes and Chandler, of Maine, and Van Buren, of New York, voted with the slaveholders.

In the House of Representatives, a resolution was offered calling on

\* It was the severity of Mr. Randolph's strictures upon the personal and political character of Mr. Clay, during this debate, which called forth the challenge to mortal combat which took place between those gentlemen in April, A.D. 1826.

† It is a somewhat singular fact, that while our Congressional annals show Mr. Benton to have voted in favor of the confirmation of the three commissioners, he represents himself as voting against that proposition, and speaks of only *two* commissioners, Messrs. Sargeant and Anderson. *Vide* "Thirty Years in the Senate," page 62, vol. I. It was during this debate that Mr. Benton first avowed his own conviction that our Governmental policy had been established in favor of the slave interest; that it could not and ought not to be changed or altered; a conviction which the author had reason to know continued during his life. Indeed, uncompromising adherence to early convictions characterized the whole life of that statesman, and gave direction to all his political conduct.



the Executive for such correspondence as may have been had between our Government and the Republics of Colombia, Central America, and Mexico. On this resolution a long debate arose. But while southern representatives exhibited the same arrogant spirit which had been manifested in the Senate, it is due to the members from the North to say that the rights of freedom, the doctrines of the Constitution, and the interests of the free States; were far more ably supported than in the Senate.

It was during this debate that Mr. Miner, of Pennsylvania, made his début in the House of Representatives. He offered a resolution declaring "sympathy with those republics, inasmuch as *they had adopted the equal rights of mankind as the basis of their several organizations.*"\* Hon. Silas Wood, of New York, also ably sustained the resolution of Mr. Miner, which was rejected, while that calling for the correspondence was adopted by a large majority.

The subject was again debated in the House of Representatives on the bill making appropriations to defray the expenses of the mission, and occupied the attention of that body some three weeks, during which time no new arguments were elicited; yet the report occupies more than 120 pages in our Congressional documents. In this debate many individuals participated, who subsequently became distinguished statesmen in our nation. In the report of the speeches delivered on that subject we have some of the finest specimens of rhetoric, and the best illustrations of character, to be met with in our Congressional archives. Yet this contest resulted in agreeing to the proposed mission, with no other advantages arising from it than a further development of the arrogance and policy of the slave-power.

1827.] The long-pending controversy between our Government and that of Great Britain respecting deported slaves, or those colored persons who were carried from the United States at the termination of the War of 1812, was brought to a close during the year to which we are referring. By the award of the Emperor of Russia, the Executive obtained more than \$1,200,000 as a compensation for those persons whose slaves were carried away at the close of that war, while no indemnity was either asked or obtained for those persons in

\* The introduction of this resolution is believed to have constituted the first distinct proposition offered in Congress, reiterating the sentiment in favor of liberty which inspired the patriots of 1776. Other members had expressed these sentiments, and had given evidence of having cherished them, but none had presented propositions declaring them *national*. Mr. Miner may truly be said to have commenced the work of reforming our Government when he presented this resolution—a work which he continued to prosecute while he remained in Congress—and may properly be regarded as leading in the great reformation which, after many years of strife, finally resulted in freeing the people from the crimes of slavery.

our northern States who were rendered bankrupt by the burning of their buildings and their goods by the enemy. Nor was such indemnity demanded for those whose sons, brothers, or fathers had been slain in battle. Indeed, the more we examine the records of that day, the more clearly do we see that slavery was held by those in power to be above, and to be sustained, if necessary, at the expense of all other interests.

But, as if to test the forbearance of the northern people, a colored man, named Gilbert Horton, a respectable citizen of West Chester County, New York, while on business in Washington City, demeaning himself peacefully, was seized and imprisoned under pretence that he was suspected of being a fugitive slave. Unable at the moment to show himself a freeman, he was held in prison, and advertised to be sold in payment of his jail fees—not that he was unable to pay them himself, but because the laws in force there were intended to enslave all colored persons who should fail to prove their freedom; and this law was sustained and kept in force by Congress at the dictation of slaveholders, who insisted that the interests of slavery demanded its continuance. This advertising a free and respectable citizen of New York for sale as a slave at our national metropolis, under and in pursuance of an act of Congress, excited great indignation among the people of that State. Early in the following session, Mr. Ward, in the House of Representatives, presented a resolution directing the Committee on the District of Columbia to inquire whether any law was in force therein authorizing the imprisonment and sale of free colored citizens of the United States?

Mr. Ward declared that he could not believe any law had existence, either in the District of Columbia or in any State, thus violative of the Federal Constitution. He had supposed that the fifth amendment of the Constitution meant just what it declared, “That *no person* (black or white) *should be deprived of life, liberty, or property, without due process of law.*” He declared that such a law in the District of Columbia must reflect upon those members of Congress who kept it in force; and he cautioned southern gentlemen that the northern people could hardly be expected to capture and return fugitive slaves while northern freemen were thus captured and *enslaved*.

Mr. Forsyth, of Georgia, attempted to ridicule the feeling expressed by Mr. Ward, declaring that that gentleman might find the same sentiments expressed in some ballad, entitled, “*The Sun-Stricken Outcasts of Africa*,” in the “*della crusca* album of some boarding-school miss.”

Mr. Letcher, of Kentucky, thought that no such law existed in the District; but Mr. Dorsey, of Maryland, assured him *there was such a*



law - that it had been enacted in 1715 - and he proceeded to give a concise history of the legislation on this subject up to the organization of the District, assuring the House that the law had remained, and was re-enacted by Congress, in 1801, substantially as it had existed from 1715.

The debate now assumed a serious character. Southern members declared that colored persons were not "citizens" under the Federal Constitution, and repeated the arguments advanced by them on the admission of Missouri. Northern members did not meet this point with the ability manifested six years previously; but they declared the enslavement of persons, whether colored or white, to be *barbarous and inhuman*.

Mr. Miner, of Pennsylvania, asserted that the facts were too important to be treated lightly; and he proceeded to show that, in 1824, there were committed to the jail in Washington City fifty-two persons suspected of being runaway slaves, and eighty-one colored persons committed by their supposed masters for safe-keeping; that, during the following year, fifty-eight persons were committed on suspicion of being runaway slaves, and one hundred and twenty-four were committed by their supposed owners for safe keeping; that, of the one hundred and ten runaways, fifteen had proven themselves FREE, *paid the expenses of their imprisonment, and were discharged, three of those who were FREE had been unable to pay expenses, and were sold into slavery,\** and the two hundred and five imprisoned by their masters were sold probably to the southern States. He asserted that the jail, built at the expense of the United States, was extensively used for the purposes of the domestic slave trade. He had himself visited the prison, and seen the victims of this infamous traffic. One woman, who was the mother of nine children, had seen the six oldest sold from her as they arrived at an age to command good prices; and, at last, she was herself, with the three youngest, imprisoned for the southern market, under the laws adopted and kept in force by Congress: and those imprisoned in the public jail constituted a very small proportion of the victims who were imprisoned and sold in the city, as, in various parts of it, prisons were used for the traffic by the various dealers in human flesh, who pursued their accursed vocation under protection of Congressional enactment.

Southern members regretted the language used by Mr. Miner, but no one denied his facts or his doctrines, and the resolution of Mr. Ward was adopted by a large majority.

Fifteen days subsequently, Mr. Powel, from the committee, reported a

\* This is perhaps the only *official record* of the enslavement of free persons under the *authority of Congress*, but the records of the Government lead us to believe that thousands of free persons in the United States were seized and enslaved under authority of Congressional enactments.



bill requiring the corporation in which any colored person should be arrested under suspicion of being a fugitive to pay the costs, if the person so arrested proved to be *free*, and repealing the law of Maryland which had been enacted one hundred and ten years previously. The bill was committed to a committee of the whole House, but was no more heard of ; and the slave trade, with its attendant crimes, continued to disgrace the men, the city, and the nation that sustained it

At the time to which we now refer, all the slave States, by their constitutions and laws, declared slaves to be *property*. Their people and statesmen were educated in the conviction that human governments possessed legitimate powers to transform *men* created in the image of God into *chattels*. [1828.]

The free States, in all their constitutions, laws, and in the education of their people, inculcated the doctrine that human beings were clearly distinguished from the brute creation, both in physical form and mental existence ; that the line of demarkation drawn by the Creator between *men* and *things* was so distinct, so wide, so deep, that human governments could not obliterate it. From the commencement of the Government, slaveholders had manifested a dissatisfaction with this doctrine, universally adhered to by the Christian world, and constituting the basis of all free governments. They determined that Congress should recognize the authority of the slave States to change the status of Africans, to transform them into *property*, and for that purpose presented the following case :

In December, 1814, while the British forces were approaching New Orleans, General Jackson, commander of the American army, ordered the impressment of horses, carts and slaves, for the erection of defensive works to protect the city. A horse, cart and slave of the claimant, Marigney D'Autrieve, was impressed, and while employed in erecting batteries the slave was wounded, the horse killed and the cart destroyed by the cannon shot of the enemy, and the owner presented his memorial to Congress for indemnity. The Committee on Claims reported a bill giving compensation for the horse and cart, but in their report which accompanied the bill, they stated that "the Government had not regarded slaves as property, nor paid for them when lost in the public service."

When the bill came up for consideration in committee of the whole House, Mr. Livingston, of Louisiana, moved an amendment granting compensation for the loss of the negro's services while confined by his wound, and for expenses in doctoring and nursing him.

Thus was the claim of indemnity for the loss of the slave's labor fairly presented by one of the learned and influential members from the slave

States. He was one of the most eminent jurists of the nation. Born and educated in New York, he selected New Orleans as his residence, and now, holding a seat in Congress, he wielded an influence over both slave and free States. He spoke boldly and directly to the point, declaring the question vital to the existence of the slave States; said he could not believe the committee intended to establish the doctrine that slaves "*were not property.*" He then maintained by historical facts, that the institution existed prior to the Constitution; that all the States save one or two treated slaves as property, and all of the present slave States declared them such by their laws; that the Constitution gave no authority for the Federal Government to interfere with them in any manner, the States holding them independently of the Federal Government, as legal property. If taken for the public use they must be paid for. The committee (said he) assert "they are not property." What are they then? If they are not our property, we have no right to their services, *and they are legally free.* He then maintained the sovereignty of the States and the sacredness of State rights, and concluded by an expression of his confidence that the amendment would be adopted.

Fortunately for our institutions, and for the cause of humanity, there were members of that body who had associated with the framers of the Constitution, had caught the spirit and retained something of the patriotism of that heroic age—men who were contemporaries of Madison, and recollected the memorable words of that great statesman, when in convention he declared "it would be wrong to admit in the Constitution, that *man can hold property in man.*"

Much interest was felt, and some anxiety was manifested in various parts of the House, as members came to reflect upon the importance of the question presented.

Mr. Whittlesey, of Ohio, a member of the Committee on Claims, had reported the bill, and he was now expected to defend it and to vindicate the action of the committee. He, too, was a lawyer of some reputation, a man of facts and figures rather than a rhetorician. He possessed an indomitable industry, which had, even at that day, given him an influence, particularly in the department of private claims. Possessing great integrity of character, he was at all times unassuming, and had never aspired to the position of a "speaking member." But with him duty was imperative, and he did not falter in meeting the distinguished gentleman who moved the amendment. He spoke like a lawyer who had prepared his case for hearing. Avoiding all reference to fundamental principles, he applied himself to the *law* of the case. He gave a succinct history of every claim for the loss of slaves that had come before the committee



since the adoption of the Constitution. He cited every report that had been made, either in print or in manuscript, and showed that one rule had governed them, and that was a rule of constant and undeviating rejection of every claim for slaves or for the labor of slaves, although lost in the public service. He stated that the question had been presented to the House only once since the adoption of the Constitution ; that was in 1816, when considering a bill to indemnify persons for property lost in the public service ; a gentleman from South Carolina had then moved an amendment authorizing payment for slaves, but the proposition had been rejected by an overwhelming majority.

It now became evident that if the amendment of Mr. Livingston were adopted, the past construction of the Constitution must be overturned, and it was clearly seen that serious work was before the House. But Mr. Whittlesey was sustained by Mr. McCoy, a slaveholder of Virginia, also a member of the committee, the only man who spoke against the amendment attempted in 1816. It was also known that Mr. Williams, of North Carolina, a man of great experience, and chairman of the committee, also concurred in the report. These circumstances added much weight to the argument of Mr. Whittlesey.

But, nothing daunted by these considerations, slaveholding members, with apparent confidence, asserted the former practice of the House to have been wrong and unjust. All nations had held slaves, even the chosen people of God had set the example. All had regarded them as "*property*:" the people of the slave States regarded them as property, and they insisted that it was unjust for the Federal Government to interfere with the institution in any manner. They asserted that the States would not permit their institution to be broken down in that way. They denounced northern members for agitating the question of property in slaves ; said it was a delicate question, that ought not to be debated. The Constitution had given the Federal Government no authority to interfere with it. On the contrary, it had recognized the institution, had given it a representation in Congress, had authorized the slave trade for twenty years, and by the treaty of Ghent we had covenanted with England that in withdrawing her army from the United States, they should "not carry away any negroes or other property of the inhabitants."

To these arguments it was replied that the Scriptures scarcely mentioned the term "slave," even historically. They spoke of "servants," and those were *white* persons ; that no such institution as African slavery was known to the Jews. It was true, however, that Rome and Greece, and other ancient governments, in the darker and more barbarous ages,



held slaves; and as a just retribution for such violation of the natural law, they had disappeared from the face of the earth, and such must and would be the case with every other nation that should follow their examples. Modern civilization discarded the institution as a relic of barbarism. Philosophers and Christians held that the Divine Will constituted the law of nature, by which every human soul was entitled to live, and to so much liberty as was necessary to cherish, support and defend his own personal existence; that the slave States and free States united in declaring that doctrine to be the very basis of the Union, of the Federal Government, in which all were equally interested. That, maintaining this doctrine, the Constitution, referring to slaves, had *recognized them as persons*, and not as property. Then, as southern gentlemen had said, slaves entered into the enumeration constituting the basis of representation, but they were in that very clause referred to as "*other persons*," placed in the same category with their masters, but in no instance did the Constitution refer to them as "property." Indeed, at the framing of that instrument, Mr. Madison said it would be wrong to admit that "*men can hold property in men*," and not a member dissented from the proposition:

That history and the language of the Constitution showed that a general aversion to the slave trade existed at the time of framing that instrument, and that Georgia and South Carolina demanded protection against any prohibition of it for twenty years, on account of the detestation in which it was held by all Christian nations. Therein our fathers erred. They should never have protected that infamous traffic against the dictates of justice for one hour. They should have prohibited, or at least they should have left it unprotected and permitted it to fall in the ordinary manner, before the advancement of Christian civilization. As to the justice of this claim, it were impossible to show any justice in paying the claimant for the suffering, the wounds, the death of another man. The negro, while serving the public, had received an injury, had been subjected to pain and suffering, and if payment be made to any one, it should certainly be to him who suffered, and not to a third person, who kept clear of danger when his country needed his service. Again, in the recent war, sons, brothers, husbands and fathers, residing in the free States, had contributed their money, their time, their lives, in defending the Government in which the people of all the States were interested. They had died. But what father, or brother, or wife, or orphan had ever demanded compensation? Yet southern statesmen would now tax those bereaved fathers, brothers, widows and orphans, to pay this master for the loss of his slave. "*That would not be just.*"

It was insisted that General Jackson did right in impressing the slaves at New Orleans. His proceedings were reported to the War Department, and were approved by the President, who was himself a slaveholder, and who exerted more influence in framing the Constitution than any other member. His sanction was therefore important. Nor can the justice of General Jackson be doubted when we reflect that this master and the people of New Orleans did not themselves take any part in the defence of their city, but left that hazardous service to the freemen of other States. Indeed, one third of the population of the slave States are in bondage, and it were unjust that freemen should go South, meet the invaders and die upon the battle-field in order that the planters may safely and securely keep their slaves at work upon their plantations. Those laborers were "*persons*," oppressed, degraded, outraged and wronged; yet they were *persons*, possessing hopes of heaven and fears of hell, were capable of committing crime and were punished in all the States. To wantonly slay a slave was murder, to enslave an African on his own soil was piracy under our national laws :

That the treaty of Ghent had stipulated that the British army should not carry away negroes or other property of the inhabitants, but that was only the sense of the treaty-making power, and not of the Government; yet had it stipulated that they should not carry away any "white men," it would have had the same effect to transform them into property as it had to change negroes into chattels.

The debate had become earnest. The ablest men of the nation engaged in it. The most breathless attention was bestowed on every speaker. A profound interest, and even deep solemnity rested on every countenance, when suddenly John Randolph, of Virginia, sprang to the floor. His effeminate voice, now raised to its utmost volume, rang shrilly through the hall, and pointing his long finger towards the Speaker, he exclaimed, "*Lex ita scripta est*, the point is settled, and you may cant to the end of the chapter. We do not depend on your views of humanity or religion, and when you deny that our slaves are our *property*, we shall not be found in this hall, we shall be found at home *with arms in our hands*." He proceeded to lecture southern members for consenting to argue the question, and declared it to be their true policy to hold no controversy on the subject. He next proceeded to an elaborate examination of the whole subject.

This example was followed by other members, who proclaimed the solemn determination of the entire South not to permit this question to be discussed. Perhaps no incident better illustrates "the madness of the hour," than the solemn assurance by Mr. Drayton, of South Carolina,



that when this question should be agitated, the slave States would "consider *the value of the Union*." Yet every member who preceded him in debate, whether from the North or from the South, had discussed it, and none more elaborately than himself.

The discussion continued two weeks and was maintained with great ability on both sides. At length the question was taken on the amendment granting compensation for the loss of the slave's service, etc., and it was carried by a majority of three votes. Messrs. Ripley and Wright, of Maine; Barker and Healy, of New Hampshire; Everett, Gorham, Hodges and Varnum, of Massachusetts; Cambrelling, Johnson, Verplank and Silas Wood, of New York; Fry Kremer, Miller, Stephens, Southerland and Vanhorn, of Pennsylvania; Blake and Irving, of Indiana, voting with the slaveholders, while several members from the free States did not vote. Rhode Island, Connecticut, Vermont, New Jersey, Ohio and Illinois, were dishonored by no voice in favor of transforming immortal beings into property.

Nor did the engrossment of the bill with the objectionable amendment discourage northern members. They recollected that southern representatives had established slavery in Missouri by their unyielding firmness under the most discouraging circumstances, and they determined to oppose to the last a proposition intended to transform our free government into a slave-sustaining oligarchy.

The bill came up the next day for its final passage, when the Speaker with great solemnity propounded the parliamentary question, "*shall this bill pass?*" In answer to this interrogatory, the debate was resumed with even greater earnestness than had been previously manifested. Young members from the free States, who had not previously appeared in debate, now spoke against the amendment with consummate ability. This firmness, this moral heroism, caused southern members to hesitate. Northern members who had not possessed sufficient courage to vote either way, now appeared anxious to vote; and a motion was made to recommit the bill to a select committee for the purpose of striking out the amendment previously inserted, granting compensation for the loss of the slave's labor and the expenses of doctoring and nursing him. The proposition was sustained; the bill was recommitted; the amendment stricken out; and the bill as it was originally reported by Mr. Whittlesey, was again reported to the House. It simply gave D'Autrieve compensation for his horse, cart and some firewood, but made no mention of the slave, or of his labor, or of the expense of doctoring him, and in this form it passed both Houses of Congress and became a law. The doctrine that human souls and bodies may be transformed into *property* was rejected, as an infidelity unworthy



of a Christian government. The lovers of liberty breathed more freely. They felt more self-respect when conscious that they had merited the respect of the country and of mankind.

But this result was extremely mortifying to southern members. They had constantly insisted that slaves were *property*; and if they were to be regarded as persons, those who held them in bondage must of course be regarded as oppressors and despots; and the civilized world would so regard them. In order to relieve southern men as far as possible, Mr. Hall, of North Carolina, introduced a resolution instructing the Committee on the Judiciary to inquire as to the propriety of reporting a bill declaring what should be, and what should *not* be, regarded as property. The House quietly sent the resolution to the committee, but they made no report, and the subject was no more agitated during that session.

The doctrine of property in mankind, however, was sustained [1820.] by the judiciary of that day. In 1819, a vessel called a "Venezuelan privateer" was fitted out at Baltimore. She was in fact a pirate disguised under the Venezuelan flag. She captured several vessels engaged in the slave trade, sailing under various flags, one of which proved to be "The Antelope" of Cuba. Taking the captured slaves on board that vessel, she sailed for our southern coast in order to sell her slaves to the planters of our southern States, but was captured by one of our revenue cutters and taken to Savannah for adjudication.

On landing the slaves the captors were compelled to enter into bonds for reëxporting them if they proved to be their *property*. The ship and cargo being libelled in the District Court of Georgia, the Consuls of Spain and Portugal claimed the slaves taken from Spanish and Portuguese ships, not however as citizens or subjects of those governments, but as the property of the persons who had brought them from Africa.

When this case came before a slaveholding judge whose education had qualified him for sustaining the institution, it was seen and felt that the slave power had been vigilant in securing the appointment of slaveholders to fill judicial stations. The judge of the District Court of Georgia decided that *the slaves were property* belonging to those who brought them from Africa. On an appeal to the Supreme Court of the United States, that tribunal affirmed the decision of the district judge. The slaves were ordered to be delivered to the consuls who claimed them as *property*; and the character and influence of our nation was prostituted to the base purpose of restoring to Spanish and Portuguese "pirates" the slaves captured and brought from Africa.

In delivering its opinion, the court referred to no primal truths, nor to the essential doctrines of *right* and *wrong*. They spoke not of the "Cre-

ator's will," "of *natural law*," of *justice*, of *inalienable rights*, of "philosophic principle," nor of our national honor. Well understood doctrines of Grotius, of Puffendorf, of Blackstone, and of Kent, were ignored, passed over in silence; and the nation was made the instrument for upholding the slave trade of other governments, while our laws punished with death all Americans found engaged in it. The decision created astonishment among northern statesmen and jurists, who saw plainly that the slave power had effectually resisted the progress of civilization, and subsidized the judicial branch of government to its support.

But another question now arose. When the slaves were landed in Georgia, Mr. Wilde, a *member of Congress* from that State, *purchased them* and entered into bonds for their reëxportation, should that become necessary by the adjudication of the court.

These facts being matters of record, probably furnish the only direct and conclusive proof of the connection between members of the American Congress and "*pirates*" pronounced such by acts of Congress, and punishable with death. But it is no part of the historian's duty to speculate upon the difference of turpitude between the barbarous sailor and the heathenish planter or member of Congress who purchased the victims and encouraged the vendor to bring more to the market.

Mr. Wilde now petitioned the Congress, of which he was himself a member, to pass a law cancelling his bond for exporting the slaves whom he had purchased. The petition was presented in the Senate and referred to a committee, who reported back a bill directing the bond of Mr. Wilde to be cancelled; but they assigned no reasons for it. The bill, however, passed the Senate without any record of yeas and nays, and apparently without debate.

When the bill came up for consideration in the House of Representatives, Mr. Taylor, of New York, insisted that when the slaves were found to have been imported by pirates, they should have been set free. That to hold them as slaves were no less moral piracy than to import them, as it was carrying out the intention and consummating the crime of those pirates who imported them from Africa.

But the bill passed the House of Representatives and became a law. And both the judicial and legislative branches of the Federal Government were thus prostituted to carrying out the very "*piracy*" which Congress had proclaimed worthy of death.

1822.] From some cause unknown to the writer, the subject of slavery appears to have attracted the attention of the people of the District of Columbia.

More than a thousand citizens of Washington City petitioned Congress for the abolition of slavery and of the slave trade in that District. The Quakers of Pennsylvania and other citizens of the free States sent to our National Legislature memorials praying for the same object. [1829.]

Early in January, Mr. Miner, of Pennsylvania, presented in the House of Representatives a statement, reciting many facts concerning the slave trade then carried on within the District, by way of preamble to a resolution directing the proper committee to inquire into the propriety of abolishing the institution and its attendant commerce within the District.

When the resolutions came up for consideration, Mr. Miner read documents showing the extent to which the slave trade was carried on in the city, and describing some of the crimes attending that traffic so abhorrent to humanity. He went much farther in specifying the detail of crimes, and describing the horrors of this commerce in the bodies of our fellow-men than Mr. Randolph had done in 1816. The resolution was adopted ; but a slaveholding Speaker had so arranged the committee that no report was made on the subject.

Another interesting incident in the "regime of slavery," occurred during the year 1829. The claims of Georgia for slaves lost during the war of the Revolution has been noticed. The reader will also recollect that by the treaty of New York, in 1789, and by that of Colerain, in 1796, the United States assumed the negotiation with the Creek Indians for the return of negroes, who had long previously fled to their country. They could not, however, perform this part of their compact, as the fugitives were in Florida, living with the Seminole Indians, over whom the Creeks had no control.

When our Government obtained possession of Florida, in 1820, the people of Georgia became again clamorous for the recovery of their slaves, who fled from them forty or fifty years previously, and had settled in Florida with the Seminole negroes, who fled from South Carolina in 1705.

Many of them were said to have been massacred at "Blount's Fort," in 1816 ; but they had nearly all died, leaving offspring whom no one could identify as slaves or as the descendants of slaves. Mr. Calhoun, Secretary of War, espoused the claims of Georgia, and by his efforts principally the treaty of "Indian Spring" was negotiated with the Creeks, in 1821, by which they conveyed to the United States (solely for the benefit of Georgia) a large tract of their best lands, supposed to be about five million acres, for which the United States paid them two



hundred thousand dollars, at the signing of the treaty ; and agreed to hold two hundred and fifty thousand as a trust fund, out of which to compensate the claims which the planters of Georgia held for the slaves who had voluntarily left them during a former generation. Their number and value was to be ascertained by the President of the United States, and the amount thus found due was to be paid over to the masters or their descendants.

1880.] Accordingly, the President appointed a commissioner to ascertain the sum which by the treaty was to be thus paid the claimants, and found it amounted to \$109,000, which was duly certified and paid. But the slaveholders now claimed the remaining \$141,000, which was supposed still to remain in the Treasury of the United States ; and they memorialized Congress for that purpose. Pending this memorial, charges of fraud were made against the commissioners who negotiated the treaty, against the governor and commissioners of Georgia, and the commissioner who had been appointed to ascertain the value of the claims. President Adams directed the Attorney-General to examine the subject and report upon the facts.

The Attorney-General, however, did not extend his examination to the original treaties between Georgia and the Creeks, which were said to have been obtained by gross corruption, from vagabond Indians, who possessed no authority to negotiate such treaties, nor in any way to bind the tribe nor to act for them. But he showed conclusively that the commissioner appointed by President Monroe estimated the price of the slaves at from two to three times their real value, and that fifty thousand dollars would cover all actual claims contemplated by the treaty, without referring to the fraudulent basis on which they were founded.

Notwithstanding this exposure, the slaveholders persisted in their claims for the remaining \$141,000, which was apparently retained in the Treasury of the United States, in trust for the Creek Indians.

But when the subject again came under debate, it was shown that the entire sum of two hundred and fifty thousand dollars stipulated by the treaty, to be held as surety for the payment of such sums as should be found due the slaveholders of Georgia, had been paid over to them immediately upon the approval of the treaty ; and that not one dollar of it now remained in the Treasury. But this stupendous fraud involved high officers of Government. The Secretary of the Treasury, Mr. Crawford, was himself a Georgian, and it is difficult to understand at this day how he could have been ignorant of the real character of the transaction. Mr. Calhoun had been active in obtaining the treaty, had exhibited an intense feeling on the subject, and as he understood the real

character of the treaties between Georgia and the Indians, and knew that these slaves had never been with the Creeks, we cannot, in our minds, exonerate him from a participation in this vast slaveholding speculation. Of the other participants we have no time to speak particularly.

The House of Representatives being informed of these facts, appeared unwilling to pass the bill giving the claimants the \$141,000 which, until this exposure, was supposed to be in the Treasury of the United States; but which had been fraudulently paid to the slaveholders of Georgia *eight years previously*.

General Jackson came into power in 1829. From that time the legislation of Congress was for many years controlled by party discipline, and whatever the democratic party approved in caucus was sustained by Congress.

In 1832 the subject of this fraud upon the nation was again brought up and referred to a select committee. Mr. Stevenson, a slaveholder from Virginia, being Speaker, appointed Mr. Gilmer, of Georgia, chairman of the committee. He made an elaborate report, in which he arrived at the conclusion that the claimants were entitled to the \$141,000, as a *compensation for the offspring which the female slaves would have borne to their masters had they remained in bondage*; and the report was accompanied by a bill for that purpose.

This shameful excuse for consummating a disgraceful fraud was published in the documentary proceedings of the day; but it is believed that no newspaper informed its readers of the character of this transaction. The bill now passed, so far as we are informed, without debate, was sent to the Senate, and received the concurrence of that body, was approved by President Jackson, and became a law.

Mr. Adams and his administration had exposed the character of these claims, and thereby defeated the bill which was now approved by his successor.

## CHAPTER VI.

THE NATION INVOLVED IN WAR FOR THE SUPPORT OF SLAVERY—AND THE SENATE ATTEMPTS TO CHANGE THE INTERNATIONAL LAW FOR THE PURPOSE OF CONSTRAINING THE BRITISH GOVERNMENT TO SUPPORT THE SLAVE TRADE.

1851.] THE influence which the slave States were exerting upon Congress and the Government attracted the attention of the people of the northern portion of the Union. In some of the free States "abolition societies" were formed. Indeed, some of these organizations had existed from the adoption of the Constitution, and all were now aroused to action, endeavoring to awake the public mind to the crimes of slavery, and the fact that these crimes were encouraged by the Federal Government.

The ship "Francis Tod," of Newburyport, Massachusetts, had taken on board, at Baltimore, a cargo of slaves for the New Orleans market. William L. Garrison, a devoted friend of liberty, exposed this domestic piracy, by a statement of the facts connected with the transaction, in a newspaper then published in Baltimore. He was indicted and convicted of libel for thus informing the public of the manner in which the slave trade was sustained and encouraged by the shipowners of Massachusetts. He was imprisoned a sufficient time to give notoriety to the fact that in Baltimore it was regarded as an offence to publish transactions concerning slavery and the slave trade, which were authorized by law of Congress.

Petitions for the abolition of the coastwise slave trade now became so common that it would be unjust to the reader were his attention called to each separate memorial. Mr. Garrison, who had invoked public attention to that subject, soon became distinguished as a reformer ; and being sustained by the philanthropists of New England, he continued his efforts with great ability and zeal.

Hon. John Quincy Adams appeared in Congress, representing the Congressional district in which he was born. He had served his country as a Senator, as Foreign Minister, as Secretary of State, and when his mind had become mature and enlarged by great experience, he had filled the Executive chair with honor to himself and the nation, and he now entered upon a Congressional career, more beneficial to his country than any portion of his previous life.



Early in the session he presented fifteen memorials, praying the abolition of slavery and the slave trade in the District of Columbia. He took occasion to say, on presenting these petitions, that whatever might be his opinion of slavery in the abstract, or of slavery in the District of Columbia, it was a subject which he hoped would not be discussed in that House. If it should be, he might, perhaps, assign the reason why he should give it no support.\* The petitions were referred to the committee on the District of Columbia. A few days afterwards, Mr. Dodridge, of Virginia, chairman of that committee, reported that it would be wrong to abolish slavery in the District of Columbia until Maryland and Virginia should move on the subject, and in no event would it be safe to do so under present circumstances. Of the slave trade mentioned in the memorials, the report said nothing; nor did it in any way explain the connection between slavery in the District under Federal laws, and slavery in the States which existed under State laws.

The great intellectual contest between Messrs. Webster and Hayne, in the Senate, developed to the public view the existence of an intention on the part of leading southern members at some day to separate from the northern States, and to form a Southern Confederacy. In that debate, Mr. Hayne alone referred to southern slavery as an object of northern hostility; while Mr. Webster, in general terms, asserted that New England was attached to the Union, to South Carolina, and to every State; and although that discussion stands unrivalled in our political history for its logic, its rhetoric, its exhibition of historical research, its compactness of argument, still the reader rises from its perusal disappointed at finding two such intellects grappling with each other upon the powers of government; yet neither apparently daring to refer to the primal doctrines on which that Government had been founded.

At this time Mr. Calhoun stood the acknowledged leader among southern statesmen, a position to which his talents, his experience, and integrity of character entitled him. He was bold and sincere in the avowal of his opinions. He openly *denied that men were created equal in their rights to life and liberty*, and avoiding the doctrines of European and American publicists, he referred to the *necessities of mankind*, as the basis of human governments. Assuming slavery to be necessary in our southern States, he declared it one of the essential elements of southern

\* It is certain that when Mr. Adams first entered Congress, he was opposed to all agitation on the subject of the existence of slavery in the District of Columbia. Nor did he at any time encourage such agitation. The reason which he assigned for his course on this point was that slavery in the District was of little importance; while he admitted that its existence there was really as much a violation of principle as it was in the States or Territories. (The author speaks from personal conversations.)

society and prosperity ; and no Senator appeared willing to form an issue with him on his avowed infidelity to the doctrines of our fathers : Indeed, at this time, General Jackson had become exceedingly popular with the democratic party : with them his will was law. He had been reared and educated in the midst of slavery, and on that subject he agreed with Mr. Calhoun. He had ever shown himself devoted to the institution ; had given the order under which the barbarous "massacre at Blount's Fort" had been perpetrated, in 1816, and had fought the exiles of Florida in the first Seminole war ; had subsequently advised their removal ; and had, at all times, wielded his influence for the support and encouragement of slavery. Indeed, it may be said with propriety, that in no official act of his life did he intentionally fail to act for the benefit of the institution, so far as he had opportunity ; and with equal propriety it may be said that the democratic party never failed to carry out his views to the extent of their powers.

These circumstances gave to the supporters of slavery full and almost undisputed control of the Government, and its patronage was bestowed on those who sustained the institution, while political ostracism awaited every opponent. Hence politicians and statesmen were unwilling to place themselves in opposition to this policy, and the doctrines of freedom were rendered unpopular with the American people.

No public man now maintained the principles enunciated in the Declaration of Independence. No one raised his voice in support of those "self-evident truths" which constituted the foundation of our republican edifice. Mr. Adams held a seat in the House of Representatives, but he had at this time only avowed his unwillingness to agitate the question of abolishing slavery in the District of Columbia, an avowal which gave great satisfaction to southern men.

1832.] The threatened rebellion of South Carolina, which attracted so much attention, had its origin in slavery. Slave labor is not less opposed to the policy of free labor, than oppression is opposed to justice, and the high tariff operated favorably upon one and unfavorably upon the other ; but instead of avowing their attachment to slavery as the cause of the proposed secession, they based their complaints upon the tariff, which operated in favor of free labor, while it served to depress slave labor. And the discussions were confined to collateral questions, without bringing slavery into the controversy..

The President was a man of determined purpose, and if he had been left to pursue his own policy, would probably have put down the spirit of rebellion so effectually that it would no more have been heard in our halls of legislation.



It was at this time that Mr. Clay, in the opinion of his best friends, committed the great error of his life, by offering his bill compromising the tariff on which the quarrel between the friends of free and of slave labor had risen. The bill was passed. Mr. Calhoun and his friends regarded its introduction a triumph for the South, and a tacit admission that southern men were correct in their opinions as to the right of secession. The passage of the bill confirmed this opinion; and although Mr. Clay at the time received much applause for *saving the Union*, yet the whole tendency of this measure was to promote its final dissolution.

"The exiles of Florida," or negroes who had fled from South Carolina, and Georgia and settled in Florida, had retired far into the Peninsula, and were endeavoring to seclude themselves so far as possible from intercourse with white men; but the spirit of oppression knows no limits. The Indians who were associated with the negroes were called on to deliver up fugitive slaves, over whom they had no control, but to whose influence they were themselves subjected. Unable to obtain slaves in that way, white men of desperate character formed combinations in Georgia and in Florida, and, going upon the Indian reservations, indiscriminately captured those negroes who were free and those who belonged to the Indians, while the real fugitives were far beyond their reach. A full knowledge of these barbarous forays, or of the banditti who perpetrated them, can only be obtained by a patient examination of the Congressional documents of that day.\*

This practice had continued for many years, when the Indians entered into the treaty of "Paynes Landing" with the United States, by which they agreed to send a delegation to the western country to examine it, and if upon their report the tribe should be satisfied, they were to remove to that country. [1832]

The delegation consisted of four Indians and two negroes, who, in fulfillment of the treaty, went to explore the country under the direction and in company with commissioners appointed for that purpose. While there, the United States commissioners and the negro and Indian delegates entered into a supplemental treaty or compact, by which it was agreed that the United States should set off to the Seminole Indians and "their allies" a certain tract of country described by metes and bounds, separate and apart from the territory held by other Indians.†

\* The author spent much labor on this subject, as early as 1841, and the result of those labors may yet be found in a speech delivered in the House of Representatives in February of that year; but the observations of many years were condensed into a work entitled "The Exiles of Florida," published in 1857.

† All the high officers of Government appeared unwilling that the public should understand that the "exiles" or negroes of Florida were recognized in this treaty; and the term "allies" was resorted to in order to avoid using that of "negroes" or "colored men."



1823.] In this transaction, the negroes showed themselves the ablest diplomatists, as it had been the avowed intention of the Administration to constrain the Seminoles to settle with the Creeks. For this policy, so obstinately maintained for many years, involving the nation in a long and bloody war, no reason was ever assigned ; nor can we at this day infer but one object—that must have been the *re-enslavement of the negroes who were residing with the Seminole Indians.*

It will be recollected, that as early as 1785, the Creeks stipulated by treaty to deliver these fugitives to the people of Georgia ; and the claims of Georgia had been pressed upon the Creeks up to the treaty of Indian Spring, in 1821, when they paid \$250,000 for the fugitives, and *thenceforth* claimed them as their slaves. If now the Seminoles could be induced to re-unite with the Creeks, they would bring their negroes under Creek laws and thereby re-enslave them.

Of these objects the negroes had perfect knowledge, and therefore stipulated for their territory to be holden separate and apart from that of the Creeks. This arrangement entirely defeated the objects of the Administration in making the treaty. The chiefs of the Creeks learning these facts, earnestly protested against the Seminoles receiving separate territory ; and General Jackson, regarding the objects of the treaty defeated by the arrangement, permitted it to remain without even sending it to the Senate for ratification.

1834.] The subject remained in this situation for more than two years.

During that time the people of Georgia and of Florida appear to have become impatient at the delay of enslaving these people. The citizens of Alachua County, Florida, sent a petition to the President, saying, that the Seminole Indians were harboring fugitive slaves, and supplicating that high officer to remove them to the western country.

On reading this petition, the President endorsed upon it an order to the Secretary of War, directing that officer to inquire into the facts, and if found true, to inform the Indians that they must prepare to remove to the western country. The iron will of Jackson was never known to bend to circumstances. He now sent the treaty, so long dormant, to the Senate for confirmation. That body, ever obedient to his wishes, learning that slavery was involved, proceeded to confirm the treaty, without regard to the compact entered into by the commissioners of the United States while in the western country ; and the Indians were informed by the President that they must emigrate, *without any regard to their choice, as stipulated in the treaty.*

The negroes were now constrained literally to choose between war and slavery. They at once prepared for war ; they turned their attention to collecting ammunition and arms, and securing provisions.

Both Indians and negroes gave unmistakable evidence of approaching hostilities.

In the meantime, Mr. Thompson, Indian Agent, informed the War Department, that if the Seminole negroes emigrated west without a territory separate from the Creeks, they would be enslaved by that tribe. He also stated explicitly that this constituted their objection against emigration.

The Secretary of War, General Cass, replied without assigning any object for compelling them to re-unite with the Creeks, but saying if they should be enslaved "*their condition would be no worse than that of other slaves.*" To this the agent returned for answer that the same might be said of the Secretary of War; "*if he were enslaved, his condition would be no worse than that of other slaves.*"

It is among the unpleasant duties of the historian to record facts which exhibit such moral turpitude in those who wield the government of his country; but the men who then guided the Federal power, like all public men, must be held responsible for their official conduct.

The Maroons, or fugitive slaves, felt the necessity of giving the [1835] Indians an exhibition of their prowess. Through the agency of one of their friends in bondage, they learned that Major Dade was to leave Fort Brooke on a certain day for Fort King, about one hundred and thirty miles distant, through an unbroken forest. With a few Indians they hastened to intercept their passage, and the gallant major and his battalion fell by the hands of the very people whom General Jackson and the Executive were endeavoring to surrender up to be enslaved by the Creek Indians. As these persecuted people, on that bloody field, ceased from the work of death, they raised a shout of exultation at having avenged the blood of their friends, who, twenty years previously, had been massacred at "Blount's Fort." And as that first Seminole war had been commenced by a massacre of blacks, the second had now been inaugurated by a far less barbarous sacrifice of whites.

The enslavers of mankind exhibit the same general traits of character, whether they pursue their vocation on African or American soil. Those deemed pirates under our laws and hanged at the yard-arm of some ship-of-war, for capturing and enslaving their fellow-men on the African coast, have never excelled in the refinements of cruelty our Federal Executive during the first six years of this Florida war. Under direction and approval of the President and Cabinet, our army captured and consigned to interminable slavery more than five hundred colored persons in Florida, at an expense to the United States of more than eighty thousand dollars for each individual enslaved.

In carrying on this war upon our common humanity, parents were

separated from their children and husbands from their wives ; frauds were perpetrated, solemn treaties were disregarded, flags of truce were violated, the most solemn covenants repudiated, and men were mercilessly butchered because they preferred liberty to slavery. Yet no public officer appeared willing to expose those crimes, perpetrated as they were by the Government of which they were themselves members. But it is due to truth and candor to say, that in the whole period of his service in Congress, the author found no northern member who understood the corruptions, the barbarities of that war ; and as he thought, but few southern members entertained any just conceptions of its turpitude. It was the practice of that day for the Executive to send to the committee on finance in each House estimates of the expense of carrying on the war during the coming year ; and such amounts were always appropriated without further investigation. One of the consequences resulting from this mode of administering the Government, was a general deterioration of public morals ; frauds and peculations upon the public treasury were common ; and members of Congress became unconscious that moral responsibility attached to men in official station. While individuals in the free States were endeavoring to awaken the public conscience to the iniquities practised by the administrators of Government, those in favor of slavery proclaimed their necessity, and insisted that they were harmless.

1836.] At the opening of the twenty-fourth Congress, General Jackson, in his annual message, referred to the anti-slavery publications in the free States, declared they were "*calculated to stir up insurrections and produce all the horrors of civil war.*" He asserted they were opposed to *humanity and religion*, and IN VIOLATION OF THE CONSTITUTION *and of the compromises on which the Union was founded.*" However absurd these ideas may appear, we cannot disguise the fact that the President was sincere in their utterance, however much that admission may detract from his presumed intelligence.

He had, from the time of his first election, endeavored to reward his friends and punish his enemies in the distribution of the Executive patronage. To obtain his favor, public men reiterated his opinions and eulogized his statesmanship. Senators now responded to his attack upon the anti-slavery people of the free States.

Mr. Morris, of Ohio, presented several petitions from that State, praying the abolition of slavery and the slave trade in the District of Columbia.

Mr. Calhoun objected to their reception, declaring that *Congress had no jurisdiction of the subject.*

Mr. Buchanan, of Pennsylvania, spoke of the philanthropists of the



northern States as "fanatics;" declared it would be "*morally wrong to abolish slavery in the District of Columbia*," insisted that the "Constitution had in the clearest possible manner recognized the right of property in slaves," and declared he "would do nothing to disturb that right." He did not explain what he meant by the Constitution having *recognized* slavery; nor did he define whether it had recognized slavery in any other sense than it had recognized "piracy" or "felony." But *terms* were then resorted to for the purpose of deception. And the feeling of hatred which he manifested towards those northern Christians and philanthropists, who were endeavoring to liberate the slaves in the District of Columbia; to "*do unto them as they would have others do to themselves*," was wholly inexplicable, inasmuch as he himself was a member of a professedly *Christian* church, as well as of the democratic party, and exerted much influence with his associates both in church and state.

Mr. Benton, of Missouri, was also a leading member of the same party—an able, earnest man, industrious in his habits and determined in his purposes. He was, however, distinguished for a degree of self-complacency, seldom connected with great moral worth; and in his prejudices he was inexorable. He was said never to yield an opinion or forgive an enemy. He characterized the abolitionists as "incendiaries," "agitators," "men seeking to obtain their ends by *diabolical* means."

This resort to declamation, to the use of epithets, and denunciation against the advocates of liberty, constituted the only supposed justification of slavery. This practice among statesmen exerted great influence upon the popular mind. It created a general hostility towards all who dared reiterate the undying truths that slaves, in common with the human family, have and *hold from the Creator a right to life and liberty*.

But Mr. Leigh, of Virginia, was distinguished for his reasoning powers. Indeed, he was regarded as an exponent of what was then called "*Virginia abstractions*." Unwilling to use epithets and denunciations, he endeavored to place the subject before the country in a logical form, asserting—

"*Firstly*. Congress has *no more* power to abolish slavery in the District of Columbia than the Legislatures of Virginia and Maryland, from which the District was taken, have to abolish it in those States.

"*Second*. As *slaves are property*, the Legislatures of those States have no right to abolish the master's title by which he holds them. *Therefore*, Congress can have no authority to abolish slavery in the District of Columbia."

The debate occupied the Senate during the morning hour for more than two months, and no Senator from the free States, during that protracted discussion, asserted or reiterated the truth that "men hold their right to life and liberty from the Creator." No one denied the legitimate power of human governments to enslave and murder innocent persons. No Senator denied the legitimate powers of Congress to authorize one class of men to hold, flog, abuse, and murder another portion of the human family. No one denied that the will of Congress and the President expressed in the form of a statute would impose upon innocent persons a *moral obligation* to submit to be held, flogged, enslaved, and murdered. The elementary principles of government, as taught by philosophers, by publicists, by jurists, in both Europe and America, seemed to be forgotten. But on taking the vote, a large majority was found to be in favor of *receiving* the petitions.

The political partisans of the House of Representatives were not behind those of the Senate in their efforts to attach opprobrium to all who insisted that *justice* was equally due to *all men*. They spoke with great contempt of those who believed that all men were equally entitled to *live*, to protect and cherish life. These efforts in Congress having been constant and long continued, necessarily affected the popular mind of the North as well as of the South. Men were educated to believe that slavery was just and proper ; that Congress and the Federal Government were bound by the Constitution to support it, and they now looked upon all who denied these propositions as uninformed, ignorant, and bigoted. The popular mind was directed to the theory that slavery had been instituted by Deity, and was to be sustained and cherished as an institution of heaven, and those who opposed it were characterized as "*fanatics*" and "*infidels*." The advocates of oppression admitted that many evils were attendant on slavery, and that God would do it away in His own good time ; but they proclaimed—"He will smite those who put forth their hand to steady this ark of His Providence."

1834.] In the House of Representatives memorials were also presented, praying the abolition of slavery and the slave trade in the District of Columbia. Yet no member of that body advocated the proposed measure. The highest ground assumed by any one was that the petitions should be received and respectfully referred to the appropriate committees.

Southern members insisted that they should be rejected without debate ; that they should not even be read ; but treated with that detestation which was due to men who would endanger the Union by sending such memorials to Congress.

The subject was referred to a select committee, of which Mr. Pinckney, of South Carolina, was chairman. He reported three resolutions, the first of which asserted that Congress possessed no constitutional power to interfere with slavery in the States.

The second declared it would be *wrong* to interfere with slavery in the District of Columbia.

The third declared that all petitions and papers relating to slavery should be laid on the table *without debate*.

The committee had been selected by a democratic Speaker. A majority of members belonged to that party, and looked upon this movement as calculated to give *éclat* to that organization. They were unwilling to be surpassed in their support of slavery. Southern Whigs objected to this report as too tame. Mr. Wise, of Virginia, led off in behalf of Whig slaveholders. He was comparatively a young member. To say he was impulsive, would do injustice to that unpremeditated vehemence which characterized his action in Congress. He possessed a rich imagination, which seemed to lead him captive without the ordinary restraining influences of judgment. He sought to raise himself to distinction, not by his own moral excellence, but by the exposure of the errors which his opponents cherished.

He denounced the resolutions as tame, inefficient, and of no possible utility; said they tacitly admitted that Congress had the power to abolish slavery in the District of Columbia, which he solemnly and peremptorily denied.

The resolutions, however, were adopted; and the right of petition was suppressed in the House of Representatives for that time.

Mr. Calhoun now attempted to carry that despotism which always attends slavery one step farther. He reported from a select committee appointed for that purpose, a bill declaring "it unlawful for any deputy-postmaster to put into the mail any pamphlet, newspaper, handbill, or pictorial representation, directed to any person resident of a slave State where, by the laws of such State, the circulation of such pamphlets or newspapers were prohibited by law," and also prohibiting the deputy-postmaster in such slave States from distributing such pamphlet, newspaper, &c., unless authorized by law of such State.

The report was received with unusual solemnity, as the attention of the President, both Houses of Congress, the democratic party, and the southern portion of the whig party, were committed to the policy of suppressing all discussion of slavery.

But an insuperable difficulty now intervened to thwart this purpose. Mr. Calhoun had insisted upon the right of a State to secede from the



Union whenever her people should feel it for their interest. General Jackson denied this doctrine, and was sustained by the democratic party.

Mr. Calhoun still felt constrained to assert the sovereignty of the States ; and therefore, in framing the bill, made the legislation of Congress dependent on State action, as the provisions of the bill only *applied to those States which should prohibit the circulation of incendiary pamphlets, newspapers, &c.*, while the followers of the President insisted that the United States had full power to prohibit the circulation of such pamphlets, &c., *without any assistance or consent of the State governments*; and neither party yielding its position, the bill was lost.

These developments in favor of the right of a State to nullify an act of Congress, led the older and more experienced statesmen to understand very satisfactorily the ulterior designs of Mr. Calhoun and his friends.

1830.] So far as we are informed, Mr. Calhoun, Mr. Webster, and the leading statesmen of both parties of that day, north and south, believed, that the antagonisms of liberty and slavery, justice and injustice, virtue and crime, right and wrong, might be reconciled, supported and cherished by the *same government*, at the *same time*, and by *the same enactments*. All the leading men of both whig and democratic parties emulated each other in efforts to make the people believe this theory. They all united in asserting that those who founded the government, intended to maintain these moral, political, and religious antagonisms. If any public men were at that time conscious that our Federal Government had been constituted entirely *for the support of freedom*, leaving slavery *entirely with the States*, they lacked the moral courage necessary to avow such doctrine.

Mr. Calhoun, the leading statesman and master-spirit of the slave power, appears to have taken as the basis of his theory, the doctrine that *slavery is right*. Commencing with this predicate, he was constrained to discard the theories of European and American writers, and to find a basis for human governments, not in the *will of the Creator*, nor in the *natural laws*, nor in the *rights of human nature*, nor in the *attributes of Deity*, but in the *conflicting interests of mankind*, which must be restrained and regulated in order to maintain society.

From this theory all who adhered to the doctrines of the Declaration of Independence must, of necessity, have dissented. The two parties, taking their departure from different and conflicting predicates, could not unite either in theory or in practice. They did not unite after 1793, the period at which the Federal Government first became involved in the

support of slavery, which never constituted a legitimate subject for congressional legislation. From that day there was no union in our national councils ; no union between the slave and free States. There never was and never can be either moral or political union between the *supporters of freedom*, and those *who maintain slavery*. Hence the constant and unceasing dissensions in Congress.

It had become evident to southern statesmen that freedom of debate and the right of petition must be put down, or slavery must fall before the tide of civilization. Mr. Calhoun's contemplated law prohibiting the circulation of certain newspapers, pamphlets, and periodicals through the mail had failed, because he admitted that Congress could only prohibit such papers, pamphlets, and periodicals as *the laws of the States authorized*. But the popular feeling in the slave States now executed the contemplated law by mob violence. Postmasters in southern villages were told what papers they might, and such as they might not distribute. The Legislatures of North Carolina, South Carolina, Alabama, and Georgia adopted resolutions calling on the Legislatures of the free States to prohibit the sending of incendiary documents into the slave States.

Maine was the only free State that responded to this appeal. Her Legislature expressed great sympathy with the slave States ; but boastfully asserted that it were unnecessary to pass laws restraining her people, as there were *no abolitionists among them*. Senator Ruggles presented these resolutions to the Senate, declaring they had been adopted by a unanimous vote of the Legislature of that sovereign State.

The people of Arkansas had formed a constitution prohibiting her Legislature from passing any law for the emancipation of slaves ; and having also formed a State government, now asked admission to the Union. Memorials from other States were also presented, asking Congress not to admit Arkansas until this article should be stricken from her constitution. The memorials were all referred ; but the committee reported in favor of admitting her as a State, notwithstanding the objectionable feature in her constitution. The report was agreed to, and the State admitted.

Mr. Adams, notwithstanding the adoption of the resolutions offered by Mr. Pinckney, continued faithfully to present petitions intrusted to his care, with all the formality which had been observed in the earlier and better days of the Republic. This excited great indignation among southern members ; but his great ability, his consummate knowledge of all the machinery of government, and his perfect familiarity with southern character, enabled him to maintain his position. He was the "Marplot" of the slave power. While southern members feared his consum-

mate tact and acknowledged ability, they felt the necessity of paralyzing his influence.

1837.] On the 3d February, Mr. Adams being in possession of the floor, and having presented several petitions, addressing the Speaker said, he held the petition of twenty-two persons, calling themselves "slaves," and he desired to understand whether the Speaker regarded such petitions as coming under the rule by which other petitions touching slavery were laid upon the table?

The Speaker very properly answered, that he could not determine that question until he should peruse the petition.

Mr. Adams replied, that if he sent the petition to the Clerk's table, it would be in possession of the House; if he sent it to the Speaker, that officer will see its contents. "The petition," said he, "*purports to come from slaves*, and is one of those which has occurred to my mind as not being what it purports," and he closed by saying he "*would send it to the Chair.*"

Mr. Lawler, of Alabama, objected to its going to the Chair, and desired that his objections might be entered on the journal.

The Speaker declared the case so extraordinary that he would take the sense of the House upon it. He believed it the first instance in the Government where persons not *free*, had presented petitions to that body.

The members now understood that Mr. Adams had *presented*, or attempted to present, a petition from slaves; and they at once became excited, without waiting to inquire as to facts.

Mr. Haynes, of Georgia, rose to express his profound astonishment that any member should presume to present such a petition.

Mr. Lewis, of Alabama, thought the House should severely punish the infraction of its rules; and called on members from the slave States to come forward and demand punishment of the gentleman from Massachusetts.

Mr. Alford, of Georgia, hoped the petition would be committed to the flames. There must be an end to these attempts to raise excitements, or the Union must come to an end.

Mr. Thompson, of South Carolina, next presented a resolution, declaring that in presenting a petition purporting to come from slaves, Mr. Adams had grossly violated the dignity of the House, and should be brought to the bar to receive the severe censure of the Speaker.

Mr. Thompson was a Whig, and evidently desirous of maintaining the character of that party for its devotion to slavery. He proceeded to say there was such an institution in the District of Columbia as a grand



jury, and intimated very distinctly that if the gentleman from Massachusetts should persist in his present course, he would be *indicted for stirring up insurrection*.

Mr. Granger, of New York, was the first member to speak from the free States. He was a man of education and wealth, exerting an influence in the House of Representatives as well as in his State ; but more distinguished for his readiness of debate than for his industry or statesmanship. He declared that he had been a friend to Mr. Adams ; but was now greatly surprised at that gentleman's course. He further stated his opposition *to the abolition of slavery in the District of Columbia while Maryland maintained the institution*. By this time southern members became excited, and with knitted brows, seemed impatient to wreak their vengeance on Mr. Adams.

Mr. Lewis now presented a resolution as a substitute for that offered by Mr. Thompson, declaring " that in attempting to introduce a petition coming from slaves, *praying the abolition of slavery in the District of Columbia*, Mr. Adams had committed an outrage upon the rights and feelings of the people of the Union, had invited the slave population of the South to insurrection."

While these proceedings were in progress, the distinguished object of this unusual outpouring of indignation, remained quietly in his seat, smiling at the ludicrous exhibition before him. But that indignation was greatly intensified when he rose and coolly suggested to the gentleman from Alabama (Mr. Lewis) the propriety of amending his resolution in that part which alleged that the petition prayed for the abolition of slavery in the District of Columbia. " It prays," said he, " for no such thing. The gentleman will find that it prays that slavery may *not* be abolished in this District. These slaves are the gentleman's auxiliaries, instead of his opponents."

Mr. Mann, of New York, addressed the House. He was somewhat distinguished as a lawyer, possessing a high order of talent, as well as great integrity of purpose. His exordium was literally prophetic. " The future historian," said he, " when arriving at the twenty-fourth Congress, will find it requisite to pause and contemplate the spectacle now before the American people." He next deprecated the course of Mr. Adams, and, repeating the arguments used by southern slaveholders, he declared the only question before the House was this : " *Will northern men live up to their contract ?* As for me and my household, my constituents and friends, I say, without reservation, *we will.*" \*

\* Twenty years subsequently, Mr. Mann was a member of the Republican Convention which met at Pittsburg, Pennsylvania, where the author, also a member, found him an ardent and devoted sup

Some friends of Mr. Adams had gone to his seat and read the petition, and learning its real character, with less solemnity than southern members thought becoming the occasion, intimated that the petition was of a totally different character from that which seemed to be attributed to it.

At this suggestion, Mr. Thompson appears to have been deeply moved. He said he was "sorry to witness the levity which was attempted to be thrown over the subject. Is it a mere trifle to hoax members from the South? (said he) *to irritate almost to madness the entire delegation from the slave States?*" To this Mr. Adams, remaining in his seat, replied: "I hope I may not be held responsible for all the *follies of southern members.*"

Mr. Thompson then amended his resolution, dividing it into three separate propositions, declaring—

1st. That the Hon. John Quincy Adams, by an effort to present a petition from slaves, has committed a contempt of this House.

2d. That by creating the impression that said petition was for the abolition of slavery in the District of Columbia, he has trifled with the House.

3d. That he be censured by the House for his conduct.

Mr. Pickens, of South Carolina, addressed the House in favor of the resolutions of Mr. Thompson. He was a man of intellect, a follower of Mr. Calhoun. Although vehement and unpleasant in his manner of speaking, he was listened to with great respect, and was among the leading men of his State. He declared that the great error lay in the resolution prohibiting the reading or reference of anti-slavery petitions, which should have excluded them from presentation, yet the House was bound to protect its own dignity.

Mr. Cambrelling, of New York, was more cautious. He was a quiet, shrewd man, always retaining his dignity of deportment, never speaking on any subject which he did not understand. He told the House distinctly that the petition was itself a hoax, which was probably better understood by the gentleman from Massachusetts than by his assailants.

Mr. Cushing, of Massachusetts, near the close of the second day spent on this subject, declared that his venerable colleague had neither in word nor deed offended against parliamentary law or the rules of the House. He said he would not say one word in relation to the resolution, but he would appeal to southern men "to define their position?" To say in

porter of the doctrines which he so strongly deprecated in 1837. His mental energies could not be restrained by political considerations from maintaining the right, nor his conscience paralyzed by slaveholding influence. His last days were literally his *best days*.

definite language whether they intended to punish members for entertaining opinions different from their own? He wished "to understand whether members were to be expelled for presenting petitions *even from slaves.*"

But slaveholding members had become excited, and were not in a condition to listen to either facts or arguments. They continued to assail Mr. Adams with great bitterness.

For three days the storm raged. During that time, the distinguished object of this persecution remained in his seat, calmly listening to the assaults made upon him as though he were one of the most disinterested members of the body. He took no notes of what was said or done, apparently feeling no anxiety on the subject. But when the furor began to subside, he rose to address the House. His age, his experience and high position commanded attention. He was cool and collected. He made no excuses, nor did he apologize for his course of action. He declared that from the first it was his intention to raise the question whether slaves may petition the House. The Constitution had declared that "*the right of petition should never be abridged.*"

The right is from nature, and is common to the race of mankind. Every individual may supplicate those around him, his superiors, or may ask the proudest monarch that treads the earth for justice. Indeed, he may send up his petitions to the Creator of worlds, to the common Father of us all for mercy. This (said he) is the right which the Constitution says "shall not be abridged." We cannot exclude the petition of the meanest slave, without violating the Constitution. He spoke with apparent feeling, and a solemnity pervaded the minds of all.

Having obtained control of the feelings of his audience, he turned upon his persecutors, spoke of the spirit manifested by them, of the epithets which they had used; then he became facetious, ridiculed the impetuous desire to punish him before they knew whereof they accused him, convulsed the House with laughter at the literature of leading men who sought his overthrow; and then exposed the stupidity of Mr. Thompson, who had threatened him with an indictment by the grand jury of the District of Columbia; and held up to contempt the statesman who performed his official duties under fear of a grand jury; and closed by saying he had nothing to retract; he took back no word he had uttered; but assured the House he would do the same thing again, should occasion offer.

This defiance of the slave power was unexpected. The oldest members of the body had never witnessed such boldness, such heroism, on the part of any northern member. Slaveholders and those acting with them



were evidently disappointed and humbled. They now began to realize that there was a power behind and above that of Congress and of party; they feared the indignation of the people, and rejected the resolutions by an overwhelming majority.

Mr. Adams was now vindicated. He had maintained his doctrines, and the people of the free States were loud in his praise.

But our Government was not satisfied with sustaining slavery within our own borders. The government of Mexico had decreed the abolition of slavery in all its intendencies. Texas would not submit to this decree. She rose in rebellion rather than submit to this advance of civilization. The Executive sympathized with the Texans: our army, at that time stationed upon our southwestern frontier, entered Texas with the apparent design of assisting her troops against the Mexican army; while a host of adventurers from our slave States hastened to Texas with arms in their hands, professing to emigrate for the purpose of settling upon the rich lands of that State.

The Mexican minister remonstrated. The Secretary of War replied that "*our army was sent to Texas in order to defend our own frontier against the Indians.*" The minister demanded his passport, and left the United States. This was the commencement of that intrigue by which Texas was eventually brought into the Union as a slave State, in order to extend the influence of slavery and perpetuate its existence.

But while the spirit of oppression had succeeded in diverting our Government from the support of freedom, and had prostituted its powers to the encouragement and support of slavery, the cause of truth and justice was slowly operating upon the statesmen of other nations. Britain had emancipated her bondmen of the West Indies; and those beautiful islands became the homes of *freemen*; and the influence of advancing freedom was felt by the people of our slave States, and soon presented questions for international correspondence between the British and American Governments.

Several slave ships from our northern slaveholding States were wrecked upon British islands, while making their way around the peninsula of Florida, and the slaves landed on British soil became free, and when under the protection of British laws, they refused to return to bondage.

Mr. Calhoun brought the subject before the Senate, by presenting certain propositions which he deemed declarative of "international law." The first of which was, that an American ship, sailing from one American port to another, was not liable to search. The second

declared that a ship driven by stress of weather into a friendly port, carries with her the rights and privileges which she enjoyed while on the high seas.

The object of these resolutions was to change that principle in the law of nations which recognizes the sovereignty and laws of every government over its territory, harbors and waters, within a marine league of the shore.

Nor should we at this day smile derisively at this attempt on the part of the Senate of the United States by resolution to change the law of nations, which is nothing more and nothing less than the dictates of that immutable justice which is supposed to be the outbreathing of the Divine will. The slaveholding influence had led our own Government to depart from and disregard that will of the Creator; and ambitious slaveholders believed that other governments might be subjected to the same influences. The resolutions were adopted, and the President called on for the correspondence between our Government and that of England on the subject of slaves wrecked on British islands. The President transmitted to the Senate copies of the correspondence, from which it appeared that British Ministers refused to accede to the dogma that *slaves were property*. British officers and Government regarded human beings as *persons*, incapable of being transformed into property, and they refused to compensate those dealers in human flesh.

This position of the British Ministers was the more alarming and dangerous to the slave interest, because it was in exact accordance with the decision of our House of Representatives, made in the case of "D'Autrieve," nine years previously, and on the motion to refer the subject, Mr. Calhoun took occasion to state that two ships, the "Comet" and the "Encomium," had been wrecked on British islands, and their slaves set free under British laws. He then declared that British ministers had adopted one principle which it was scarcely credible that so intelligent a government could assume. He referred to the principle that "*there could not be property in persons*;" such doctrine, he declared, insulting to our Government, and would strike at the independence of our country. He then attempted to maintain the right of one man to the body and services of another, by charging Great Britain with hypocrisy. The principle (said he) which would abrogate the property of one man in the body of another, would abrogate the right of one nation to govern another. If man by nature has the right to self-government, have not nations an equal right?

But Mr. Calhoun's object appears to have been merely to call public attention to the subject, and to place his own views and those of the Senate before our people and the British Ministry. There were no further proceedings had on the subject at that time ; but as it afterwards came up on different occasions, we shall notice the proceedings in their regular order.



## CHAPTER VII.

THE GAG-RULES INTRODUCED AND ADOPTED—EFFORT TO CHANGE THE CHARACTER OF THE GOVERNMENT—ATTEMPTS TO CHARGE THE ANTI-SLAVERY MEN WITH EFFORTS TO VIOLATE THE CONSTITUTION.

MR. VAN BUREN was inaugurated President of the United States on the 4th March. He had received a liberal education, had distinguished himself as a lawyer, had served his country as Senator, foreign minister, and Vice-President. He was an admirer of General Jackson, and a devoted member of the democratic party. In his inaugural he made allusions to slavery and the obligations of the Government to maintain and uphold it; but his language was so vague that no distinct issue could be taken upon it by his opponents while it was unobjectionable to his friends. [1837.]

Such were the financial difficulties under which the Government then labored, that he found it necessary to convene Congress in extra session on the 4th September. In his message he made no distinct reference to slavery, and the attention of that body was exclusively directed to the subject which called its members together.

The regular session of the twenty-fifth Congress commenced on the 4th December; but the President in his annual message made no direct allusion to slavery or the slave trade. The subject, however, was soon introduced by petitions for the abolition of slavery in the District of Columbia. A long debate arose in the Senate in regard to the best mode of quieting the popular mind, and soothing the disquietude in the free States. But no proposition to modify or eradicate the evil was brought before Congress. It was admitted by all, that hostility to slavery and the slave trade was increasing and strengthening; yet no member either from the North or South intimated that the Senate must eventually yield to the popular feeling; must do justice, and sustain liberty; on the contrary, every member appeared anxious to devise some means to satisfy the people without removing the cause of complaint.

In the House of Representatives Mr. Adams had been regarded as the ablest and most devoted advocate of the *right of petition*; but he went no farther. On two occasions he had expressed a desire that

all debate on the subject of slavery in the District of Columbia might be avoided.

But another member now stood forth as an undisguised advocate for the *abolition of slavery and the slave trade* in the District of Columbia. Hon. Wm. Slade, of Vermont, born and educated in that State, had served in the twenty-fourth Congress, he had quietly noticed the assumptions and arrogance with which that body was led to the support of an institution which he detested. He presented resolutions from the Legislature of Vermont and memorials from many citizens of that State for the abolition of the slave trade at our national metropolis, and appears to have determined on ascertaining the feelings of the House in regard to that commerce which had long disgraced our nation. He therefore proposed to refer the memorials to a select committee, with instructions to report a bill *for its total abolition in the District of Columbia*. On presenting his motion he made a few remarks, saying that petitions on all other subjects were respectfully received and reported upon. If he were to present a petition in regard to property to the amount of twenty dollars it would be referred and a report in answer to it would be made, while petitions involving the liberties of thousands of native-born inhabitants were sent to the silent tomb with the certainty of clock-work. Mr. Legare, of South Carolina, solemnly entreated Mr. Slade to reflect on the consequences of his course. That gentleman continued his remarks at some length. Mr. Wise, of Virginia, called on members from that State to retire from the hall.

Mr. Halsey, of Georgia, invoked members from his State to follow the example of Mr. Wise. Mr. Garland joined in this request, and Mr. Rhett, of South Carolina, said the members from his State had already left the hall.

Mr. Slade retained the floor, but Mr. Rhett rose to a point of order.

The Speaker declared that he had *done all he could to prevent the gentleman from Vermont from debating the subject, and said if it were possible he would allay the excitement*.

Mr. Turney, of Tennessee, said, "I rise to a question of order."

Mr. Slade. "I ask leave to read a paper."

Mr. Garland. "I object to the reading."

The Speaker. "The gentleman will take his seat."\*

Mr. McKay, of North Carolina. "Has not the gentleman been declared *out of order*?"

\* Mr. Benton, in his "Thirty Years," while describing this scene, says: "John White, of Kentucky, was Speaker." But that gentleman was not elected Speaker until December, 1841, while this scene occurred in 1838. Mr. Polk, of Tennessee, was Speaker from 1836 to 1841.

The Speaker. "He has."

Mr. McKay. "Then has he the right to proceed?"

The Speaker. "I was about to propound that question to the House."

Mr. Slade. "I propose to read a paper."

Mr. Turney. "I object."

The Speaker declared Mr. Slade out of order, and while that gentleman was endeavoring to vindicate his strict observance of order, Mr. Rencher, of North Carolina, moved an adjournment. Mr. Allen, of Vermont, called for the ayes and noes on this motion; but it prevailed, 166 to 68.\*

During these proceedings most members from Virginia, South Carolina, and Georgia had left the hall. *This was the first secession on the part of southern members of Congress.* But when the motion to adjourn was made it was found impossible to carry it unless the recusant members returned to their seats, inasmuch as Mr. Adams and his friends opposed the motion. Soon as the Speaker announced the House *adjourned*, Mr. Campbell, of South Carolina, in a loud voice, stated that the "southern delegates were requested to meet immediately in the room of the Committee on the District of Columbia." They did so, and having assembled by themselves, began to reflect upon their future course. To leave the city because a northern member dared utter his honest convictions in parliamentary language, appeared unwise. Their object had been undoubtedly to frighten northern members. That expectation had failed, and it appeared necessary to devise some means to avoid the ridicule which seemed likely to be thrown upon their action. They finally adopted a resolution, which they agreed should be passed by the House as the only condition on which they would return to their duties. It was expressed in the following language:

"*Resolved*, That all petitions, memorials, and papers touching the abolition of slavery, or the buying, selling, or transferring slaves in any State, or district, or territory of the United States, be laid on the table without being debated, printed, read, or referred, and that no action be taken thereon."

Mr. Patten, of Virginia, one of the recusants, was directed to present it to the House, and every seceding member was enjoined to be in his seat to vote for it.

\* Mr. Benton, in his "Thirty Years," declares "this opposition to the adjournment one of the *worst features* of that unhappy day's work." The writer deems it one of the most *fortunate features* of the day's work. Most southern members had left the hall, and Mr. Adams and his friends determined to proceed in the business before the House as though nothing unusual had happened, and they would have done so had not the seceding members returned to their seats and voted for the adjournment.



Accordingly, on the following day the members appeared in their seats as usual. Mr. Patten introduced his resolution, and with great solemnity spoke of the *return of southern members as a concession*, declaring they would do what they could *to save the Union*, provided *this resolution were adopted*. He then moved the previous question.

This slaveholding cabal thus publicly, with an effrontery unrivalled, declared their return to the Union should depend upon the unmistakable violation of the Constitution, by *abridging* the right of petition, and *suppressing* the freedom of debate. But the proposition was made to the democratic party who then held control of both Houses of Congress; indeed every recusant was a Democrat, and nearly the entire party now voted for the resolution dictated to them by slaveholding insolence as the price of the Union.

Southern members of both political parties voted for the resolution, assisted by the following members, to wit :

From Maine, Messrs. Anderson, Fairfield, and Robertson, . . . 3

From Connecticut, Messrs. Phelps and Holt, . . . . . 2

From New Hampshire, Messrs. Atherton, Farrington, Weeks  
and Williams, . . . . . 4

From New York, Messrs. Moore, Kemple, Titus, Brodhead,  
McClellan, Vail, Palmer, Spencer, Edwards, Loomis, Prentiss,  
Parker, Noble, Birdsall, Andrews, . . . . . 15

From Pennsylvania, Messrs. Fry, Wagner, Hubly, Risly, Logan,  
McClure, Hammond, Morris, Klingingsmith, Buchanan, Beaty, 11

From Indiana, Mr. Boon, . . . . . 1

From Illinois, Messrs. Casey and Snider. . . . . 2

Massachusetts, Rhode Island, Vermont, New Jersey, and Michigan gave no vote for the repudiation of the Constitution.

When the name of John Quincy Adams was called, the heroic old statesman rose in his place, and with great solemnity of manner and language pronounced the resolution "*a violation of the Constitution*;" but his voice was then drowned amid the calls to order by slaveholders and their servile "*allies*," and he proceeded no further with his remarks. But the resolution was adopted by a vote of 122 ayes to 74 noes; the Whigs of the free States voting against its adoption.\*

Another clause in the Federal Constitution was thus practically erased

\* Hon. R. Barnwell Rhett, of South Carolina, in a published letter to his constituents termed this leaving the hall "*a memorable secession of southern members*," and stated that he had prepared two amendments to Mr. Slade's proposition; 1st, declaring it *expedient that the Union should be dissolved*. 2d, appointing a committee to report upon *the best means for peaceably dissolving it*."

Mr. Benton, in his "Abridgment of Congressional Debates," by way of note, on page 565, of the

from the great charter of American freedom ; like the other repudiated portions, it was surrendered at the dictation of the slave power by northern representatives under pretence of "*saving the Union.*"

But the term "UNION," no longer had reference to that "moral entity," that "union of purpose," "union of rights," and "union of hearts" which constituted the Government instituted by the patriots of 1776. The term was now understood to have reference to the association of States, whose people never united with the advocates of liberty, nor adopted the principles of the Declaration of Independence.

The right of petition and the freedom of debate appeared to be now fully suppressed, and despotism inexorable and unmitigated ruled the House of Representatives.

Manifestations of dissatisfaction among the people were now too numerous to be disregarded. To debate the subject of slavery in the then enlightened state of the public mind, would endanger the existence of the institution. To refuse attention to the popular voice, would be insulting to the people. It was under these circumstances that Mr. Calhoun attempted to set bounds to the waves which agitated the sea of public thought, by a series of resolutions which he presented to the Senate for adoption, in the following language :

1. *Resolved*, That each State entered into the Union for the purpose of securing to itself all natural, social and political *advantages*.

2. That each State retains its entire power over its domestic institutions.

3. The Federal Government is the common agent of all the States so far as practicable, to protect and support their institutions.

4. Domestic slavery is an institution of the southern States.

5. That the intermeddling of any State or States, or their citizens, with slavery in the District of Columbia, or in the Territories of the United States on the ground that it is immoral or sinful, would be a direct and dangerous attack upon the institutions of all the slave States.\*

The use of the word *advantages* at the close of the first resolution instead of *rights*, constituted but a characteristic of the whole series.

18th volume, says, this was "the most disturbing movement on the subject of slavery ever made in Congress." In his "Thirty Years" he says, "It was the most angry debate which had then occurred."

\* Senator Benton, in his "Thirty Years," declares that during the debate on these resolutions, it did not occur to him that Mr. Calhoun, as a member of Mr. Monroe's Cabinet, had approved the exclusion of slavery from the territory north of 36 deg. 30 min. north latitude, and signed a paper stating this approval.



For the intelligent reader cannot fail to perceive the gross error and illogical character of the assertion, "that the intermeddling of any State or States, or their citizens, with slavery in the District of Columbia, or in the Territories of the United States, on the ground that it is immoral or sinful, would constitute a direct and dangerous attack upon the institutions of the slave States."

1837.] The resolutions were doubtless an expression of the honest views of Mr. Calhoun. They evidently originated in that sphere of thought in which his mind revolved. His entire theory of government differed from that on which the founders of our institutions rested. Hence the 1st, 3d, and 5th resolutions were in unmistakable conflict with the Federal Constitution and the Declaration of Independence. The statesmen who formed the Union declared its purpose was to secure all persons in the enjoyment of "life, liberty and happiness." The first of these resolutions declares it was to secure the several States in the enjoyment of their *social and political advantages*. The third resolution declares the Federal Government to be the agent of all the States so far as practicable, to protect and support their institutions. This contained the gist of the slaveholding theory. The purpose was to make the Federal Government the supporter of slavery—the instrument for overthrowing the essential principles of liberty—its adoption constituted an important step in the transformation of the Government to a slaveholding oligarchy. But the fifth resolution was evidently aimed at *Christianity* itself.

The numerous petitions and memorials against slavery and the slave trade in the District of Columbia, in the Territories, and on the high seas, were based upon the principle that oppression of our fellow-men, and the sale and transfer of human beings were revolting to the civilization of the age, were barbarous, were violations of justice, transgressions of the laws of nature, and of nature's God, offensive both to God and all good men. But the resolution tacitly admitting the constitutional right of the memorialists to ask for their abolition, denied the right to ask it *on account of its being immoral or sinful*. Thus denying the right of governments to act upon the clearly revealed will of the Creator.

The discussion of these resolutions was somewhat protracted, and Senators deemed their adoption so important that each wrote out his own remarks upon them in order that his views might not be subsequently misunderstood.

But we rise from the examination of that debate with feelings of mortification and disappointment, at finding no Senator from the North or



the South willing to vindicate the founders of our institutions in establishing a free government. No one appeared willing to deny the propositions of Mr. Calhoun.\*

In all ages of the world men high in office have imagined themselves clothed with powers and influence which they did not possess. Mr. Calhoun and the Senators who were acting with him unquestionably supposed they were laying down doctrines and enunciating principles to govern Congress in all coming time.†

In the course of the debate objections were made to the resolutions on account of their direct reference to religious opinions ; but Mr. Calhoun replied : "The abolitionists assail slavery *because it is wicked and sinful*, and I wish to meet them distinctly *on that point*."

Mr. Preston, of South Carolina, proposed to discard the words "immoral and sinful," but Mr. Calhoun was inexorable. He declared that religious fanaticism had sent thousands of victims to the stake, and abolition (said he) "is nothing else than *religious fanaticism*."

The resolutions were adopted by a vote of 35 to 9.

The members of the twenty-fifth Congress convened for their second session on the 3d December : and on the following day Mr. Adams presented a resolution and preamble reciting that our minister at the court of St. James had brought disgrace upon our nation by challenging Daniel O'Connell, a member of the British House of Commons, to mortal combat, for having said in a public speech, that "*the American Government was represented at the English court by a man who reared men and women for market*." [1838.]

O'Connell was a distinguished orator and philanthropist, and did not hesitate to speak truth boldly and frankly : Holding slavery in great abhorrence, he referred to Mr. Stevenson, our minister at London, in a public speech in terms more truthful than respectful. Mr. Stevenson, feeling the pungency of the remarks, sent him the challenge referred to ; and Mr. Adams determined to expose the transaction. But the introduction of this resolution aroused the ire of slaveholders, and it was laid

\* Mr. Benton was one of the strongest opponents of Mr. Calhoun's doctrines in regard to secession ; but he agreed with that Senator in regard to memorials concerning slavery and the slave trade, and in his "Thirty Years," says the petitioners "did not live in any State, Territory, or district subject to slavery. They felt none of the evils of which they complained, were answerable for none of the supposed sins which they denounced, were living under a government which acknowledged *property in slaves*, and had no right to disturb the rights of others."—*Vide* "Thirty Years," &c., vol. II., page 184

† Mr. Benton in referring to this debate, says, "The resolutions and the debate upon them constitute the most important proceeding on the subject of slavery which has ever taken place in Congress. They were framed to declare the whole power of Congress on the subject and were presented for a test vote, and as a future *platform and permanent settlement* of the law on the slavery question."—*Vide* Benton's "Abridgment of Debates," vol. XIII., page 568.

on the table ; but, ever steady to his purpose, Mr. Adams embraced the first opportunity to lay the facts before the country in a public speech.

The first and most important business apparently claiming attention of the democratic party, which then controlled the Government, was the suppression of the constitutional right of petition and of debate. To devise measures to effect that object, they held a caucus on the night of the first day of the session, at which resolutions were considered, and ordered to be presented to the House of Representatives. They were said to have been penned by Mr. Calhoun—they certainly expressed doctrines and asserted a policy which that Senator had previously avowed ; but Mr. Atherton, of New Hampshire, was selected as the agent to present them. They were evidently intended as a part of the system adopted in the Senate ; and demonstrate the character of that government into which it was intended to transform the Republic. They were couched in the following language :

“ *Resolved*, That this is a Government of limited powers, and that by the Constitution of the United States Congress has no jurisdiction over slavery in the several States of the confederacy.

“ *Resolved*, 2d, That petitions for the abolition of slavery in the District of Columbia and the Territories of the United States, and against the removal of slaves from one State to another, *are a part of a plan of operations set on foot to affect the institution of slavery in the several States, and thus indirectly to abolish it within their limits.*

“ *Resolved*, 3d, That Congress has no right to do that indirectly which it cannot do directly ; and that the agitation of slavery in the District of Columbia or the Territories, *as a means and with the view* of disturbing or overthrowing the institution in the several States, is against the true spirit and meaning of the Constitution, an infringement of the rights of the States affected, and a breach of the public faith upon which they entered into the confederacy.

“ *Resolved*, 4th, That the Constitution rests upon the broad principle of equality among the members of the confederacy, and that Congress, in the exercise of its acknowledged powers, has no right to discriminate between the institutions of one portion of the States and another with a view of abolishing one and promoting the other.

“ *Resolved*, therefore, That all attempts on the part of Congress to abolish slavery in the District of Columbia or the Territories, or to prohibit the removal of slaves from State to State, or to discriminate between the institutions of one portion of the confederacy and another *with the views aforesaid*, are a violation of the Constitution, destructive

of the fundamental principles on which the union of these States rests, and beyond the jurisdiction of Congress : and that every petition, memorial, resolution, proposition or paper touching or relating in any way, or to any extent whatever, to slavery as aforesaid, or the abolition thereof, shall on presentation thereof, without any further action thereon, be laid on the table without being debated, printed, or referred."

The unmitigated mendacity which imputed to the Christian philanthropists of that day a design unconstitutionally to interfere with slavery in the States, excited astonishment in the minds of honest men. Among the petitioners thus assailed were men of high moral and Christian character. None were more patriotic, none more enlightened. But the slave power and the democratic party felt it necessary to place this official slander upon the journals of the House ; and for a quarter of a century it was repeated by servile politicians and puerile demagogues.

The mover of the resolutions, on presenting them, made a speech urging their adoption, and then demanded the previous question. The first resolution was adopted by 194 to 6. Messrs. Adams, of Massachusetts ; Evans, of Maine ; Everet and Slade, of Vermont ; Russel, of New York, and Potts, of Pennsylvania, voting in the negative.

The second, or libellous resolve, was adopted by a party vote of 136 to 65 ; the third was adopted by 164 to 40 ; the fourth by 174 to 24 ; and the fifth by 173 to 26. They subsequently became famous as the "Atherton gag."\*

These resolutions constituting the record evidence so often quoted to show that the advocates of liberty were seeking to invade the constitutional rights of the slave States by abolishing slavery therein, renders it the duty of the historian to say, that no petition praying Congress to interfere with slavery in the States had been presented in either House ; no resolution or bill had been presented for that purpose ; no member of Congress had advocated such measure by public speech nor in private conversation, so far as the author has knowledge, although for thirty years he held more public and private conversation with the lovers of liberty than perhaps any other member of Congress : nor did the author during that time ever hear or learn that any private citizen entertained an idea that Congress possessed the power, or expressed a desire that that body should interfere with the institution otherwise than by separating the Government and the people of the free States from its crimes and disgrace.

\* The writer first took his seat in Congress during this session. On inquiring of Mr. Adams why he voted against the first resolution, that experienced statesman informed him that, *in case of war*, Congress and the Executive would become possessed of full power over the institution, and might abolish it if deemed necessary to save the Government.



Southern Whigs appeared anxious to have it understood that they were more devoted to slavery than their democratic rivals. For this purpose Mr. Wise introduced propositions declaring "that petitions for the abolition of slavery in the District of Columbia, or in the Territories, were in violation of the Federal Constitution: that Congress had no power to abolish slavery in the District of Columbia, on the high seas, or in the Territories, as a means or with a view of overturning slavery in the States: that the laws of Congress alone governed the arrest and return of fugitive slaves: that Congress cannot impose upon a State the abolition of slavery as a condition of its admission to the Union: and, finally, that the slaveholding citizens of this Union have the right voluntarily to take their slaves to and through non-slaveholding States, and to sojourn and remain with them temporarily in any of the States; and that the Federal Government is bound to protect the rights of the slaveholding States;" but Mr. Wise was unable to get his propositions before the House for consideration.

Mr. Slade, of Vermont, was equally unfortunate. He presented a series of resolutions setting forth the existence of the slave trade in the District, describing its barbarous character, and declaring that the resolutions presented by Mr. Atherton and adopted by the House of Representatives were not intended to protect the traffic in human flesh.

When the ayes and noes were called on suspending the rules to receive these resolutions, the name of John Quincy Adams was announced, being the first on the list. That venerable member rose, and in a clear and distinct voice said, "*I refuse to answer, considering all the resolutions*"—The Speaker sprang to his feet, and striking his gavel rapidly upon the sounding-board in front of him, called Mr. Adams to order, amid the most clamorous cries for "order" from all parts of the hall. Mr. Adams remained standing, and appeared to listen with great solemnity to the admonitions of the Speaker; and when that officer resumed his seat, he added: "*considering all the resolutions UNCONSTITUTIONAL.*" This was uttered in a clear voice which was heard above the clamors of other members, and the excited voice of the Speaker, calling on all members to assist him in restoring order! As Mr. Adams resumed his seat, Mr. Thompson, of South Carolina, was recognized, and he proceeded to say, "the Speaker calls on members to assist him in restoring order, and I am anxious to do so;" and then, with subdued voice, inquired, "*what shall I do?*" The subdued voice of Thompson, the silence that for a moment pervaded the hall, the awkward interrogatory propounded, the whimsical position in which it placed both the Speaker and interrogator, appeared to impress members with a sense of the ridiculous, which was

still further increased by the Speaker's declaring "the gentleman from South Carolina *out of order*." \*

The motion to suspend the rules failed, and the resolutions were not considered nor debated.

Petitions for the abolition of the coastwise slave trade, the interstate slave trade, the slave trade and slavery in the District of Columbia and in the Territories, and memorials against the annexation of Texas, were now constantly sent to members, presented to the House, received in silence, and entombed in the deep alcoves of the Clerk's rooms; but none were permitted to be read, debated, or committed.

Mr. Calhoun, of Kentucky, presented a resolution directing the Committee on the Judiciary to report a bill declaring it a crime against the United States for any person to aid or assist slaves to escape from their masters; but he failed to obtain a suspension of the rules, in order to consider it.

Petitions for restoring commercial relations with Hayti, and others asking Congress to acknowledge the independence of the Haytian government, were presented. But these were all laid on the table, as they were supposed to have relation to the "peculiar institution."

Other petitions, praying Congress to take measures for removing the seat of Government to some free State, shared the common fate of petitions against slavery.

Men in the interest of the institution now introduced the practice of sending threatening letters to Mr. Adams, informing him that his death was determined upon; that he was to be seized, carried out of the city, and *Lynched*; dark intimations were often given in the House, that if he were to go South he would not return. It appeared that southern members, and southern men, believed that he could be operated upon through fears of personal violence.

An incident occurred on the 30th January, illustrating the condition of the public mind on the subject of the slave trade. [1839.]

A slavedealer came from the interior of Maryland with some thirty men, marching past the Capitol in double files, each fastened by the wrist to a long chain passing between them from front to rear. Next came nearly as many women in the same order, but not chained. Many of them carried bundles of clothing. These were followed by a wagon drawn by two mules, and containing the small children of the party.

The slave merchant was on horseback, armed with pistols, bowie-knife, &c., and bearing in his hand the "plantation whip." The whole

\* This scene was reproduced in a lithographic caricature, which was widely circulated.

procession gave a vivid impression of the barbarism at that time practised at the seat of Government, and upheld and encouraged by the democratic party and by the southern members of the Whig organization. The men and women appeared dejected and heartbroken as they passed the Capitol, and the mournful procession exhibited a heathenism apparently unsuited to a Christian nation.\*

The passing of this slave coffin by the Capitol of the nation excited attention. Mr. Slade, of Vermont, offered resolutions, reciting the facts by way of preamble, and proposing to raise a committee to ascertain and report what legislation was necessary to prevent a recurrence of such scenes. The presentation of this resolution created excitement, but the Speaker prevented all discussion by declaring that the resolution came within the provisions of the general rule adopted on motion of Mr. Atherton, and it was laid on the table, and all further exposure at that time was prevented.

Hon. Edward Stanley was a Whig member from the State of North Carolina. He was present when Mr. Slade, who was also a Whig, presented his proposition to inquire into the slave trade; but sat silently attentive to passing events, and permitted the slave trade to be assailed.

Alexander Duncan, representing the Cincinnati district of Ohio, now charged the Whig party with encouraging *abolition*. Stanley, in reply, read a letter signed by Duncan, addressed to the abolitionists of his district when a candidate for election, in which he declared his "*high respect for abolitionists*."

Duncan was annoyed and vexed at this exposure, and on the following morning published a card in the papers of the city, stigmatising Stanley and other Whig members as *cowards* for endeavoring to fix on him the charge of abolition, and saying they would not demand the satisfaction of gentlemen for the insult.

On the appearance of this article, S. S. Prentiss, of Mississippi, presented a resolution proposing to appoint a select committee to inquire if Duncan was the author of the offensive paragraph, and if so, to report a resolution expelling him from the House.

Prentiss was distinguished for his rhetorical powers, and on presenting his resolution made a characteristic speech. Other members joined in the debate, and the day was spent in efforts on the part of Whigs and

\* The author was then a young member, and this was the first scene of the kind which he had beheld. It gave him new views of the Government under which he lived. Indeed, he looked upon Congress which had authorized this traffic, the people who suffered its existence, the statesmen who upheld and encouraged it, in a different light from that in which he had previously seen them. They appeared thrown back into the darker ages, rather than existing in the nineteenth century.



Democrats to fix upon each other the odium of *abolition*. The debate was cut short by Mr. Adams, who stated that he entertained doubts as to the right of the House to deal with a member for disorderly conduct *outside the halls of legislation*.

The popular feeling in Congress and throughout the country ran so strongly against the advocates of justice to the black as well as the white race, that Mr. Adams now felt it his duty to explain his views upon the abolition of slavery in the District of Columbia. He stated that much had been said in regard to his course ; said he was almost daily in receipt of threatening letters ; and he felt it due to the public to say that while he had strenuously maintained the right of petition, yet he was not prepared to vote for emancipation at the seat of Government : on the contrary, if the question were then presented he would vote against it. He also defined his object in the course he had pursued in regard to Mr. Stevenson, our minister at London.\*

The leaders of the whig party were anxious to bring forward Mr. Clay as a candidate for the Presidency in the approaching canvass ; but felt that it were in vain for him to aspire to that office unless his position on the subject of slavery were well defined, although he had for many years given unmistakable evidence of his devotion to the slave interest. In his earlier life, while a member of the Legislature of Kentucky, he had avowed his love of liberty ; and that circumstance it was thought would operate against him unless he gave proof of his present adherence to southern interests.

To enable him to do this, a petition was circulated in the City of Washington, praying Congress to suppress all agitation in that body in regard to slavery and the slave trade.

The proposition, coming as it did from a people dependent on the legislation of representatives from the free as well as slave States, was regarded as an insult to the thousands of northern memorialists who asked action on the subject. But this memorial, with a large number of names, was placed in the hands of Mr. Clay, who presented it to the Senate.

On introducing the subject, he took occasion to speak of slavery in the kindest terms, saying that two hundred years of legislation had

\* It should be borne in mind that Mr. Adams at this time was not supported in his efforts by any member except Mr. Slade, who, though a most conscientious philanthropist, and an avowed advocate of liberty, was not well calculated to defend his aged associate amid the raging elements which often surrounded him. Mr. Adams was at that time more than seventy years of age, and although remarkable for his vigor of body and intellect, he must have felt something of that lassitude which is ever attendant upon the decline of life. The author had served but a few weeks in Congress, and felt entirely incompetent to lend any assistance to older members.

"sanctioned and sanctified it," and declaring "*that is property which the law makes property,*" and assailed the abolitionists with more severity than he was accustomed to use.\*

The speech drew from Mr. Calhoun complimentary remarks at the close, and it appeared in the "National Intelligencer" the next morning. It gave offence to the Quaker population, and to the abolitionists of the free States generally, and proved to be literally the *unfortunate speech of his life*.

The second day after Mr. Clay had spoken, Mr. Morris, of Ohio, replied to him. This gentleman was a Democrat, had been reared upon the frontier, was indebted to his own industry and self-culture for his position. A man of strong native intellect, he always spoke his own honest convictions without offence.

On presenting a large number of memorials for the abolition of the coastwise slave trade, for the abolition of slavery and the slave trade in the District of Columbia and in the Territories, he replied at length to Mr. Clay. He declared his high respect for the friends of liberty who were seeking to abolish slavery and the slave trade where Congress held the constitutional power, and frankly avowed himself in full sympathy with them. He exhibited the unjust and unconstitutional mode of entombing in silence and forgetfulness petitions, which the Senate ought to consider and promptly to act upon.

This was the first speech in favor of constitutional liberty made in the Senate for many years. Mr. Morris had long been a leading member of the democratic party of Ohio; but this speech forfeited the confidence of his political supporters, who regarded devotion to slavery as the highest policy which the party could adopt; while many leading men believed the speech of Mr. Clay excluded him from the Presidential chair. It is certain that nearly every slave State was democratic in character, as the term "Democracy" was then understood. While

\* The author, learning the character of the speech, at once addressed a note to Mr. Clay, asking in kind and respectful language, whether that gentleman intended to discard the abolitionists from his support in the coming Presidential election? The note was written under some degree of feeling. Mr. Clay did not send an answer in writing, but came in person to see the writer. He had been told that I was an active politician, wielding some influence in my State, and he assured me that he desired to obtain the most general support of the people, and stated that northern Whigs had desired him to denounce the abolitionists. I assured him that the abolitionists were honest and correct in regard to slavery; that the public conscience of the North was with them: that the only circumstance that would induce them to sustain him was his early devotion to liberty: that those doctrines lay near my own heart, and I could not conscientiously support any man who denied them. Mr. Clay replied kindly and seriously, declaring that my reasoning was sound, said that he should revise his speech before it went to press, and would modify the language, so far as he could with propriety, before it appeared in print.

The writer believes that no act of his life gave Mr. Clay so much confidence in him as this note and the conversation which followed.

almost the entire strength of the whig party lay in the free States. It is also certain that every effort to strengthen the Whigs in the South lost some portion of their moral and political power in the North; while all attempts to gain influence with the friends of liberty, excluded such statesmen from southern confidence. In this position of parties, it was supposed to be the interest of all more partisans to say as little as possible on the subject of oppression. And it was understood that those members who insisted upon the right of petition or the freedom of debate, or asserted the doctrine of man's inalienable rights, could not expect the support of either the whig or democratic organizations.

The Legislature of Vermont, feeling the wrongs to which the northern States were subjected, passed resolutions instructing her Senators, and requesting her Representatives to oppose the passage of any law for the annexation of Texas to the United States, and to use their influence to abolish slavery and the slave trade in the District of Columbia, upon our southern coast, and in our Territories. Mr. Prentiss presented these resolutions to the Senate, and made the usual motion to print them. This respect had always been awarded to the resolves of sovereign States; but the Senate hesitated on this occasion.

Mr. Calhoun seemed unusually excited by this manifestation of northern independence. He declared his perfect astonishment that the people of Vermont did not see that this question struck at the very foundation of the Union. Other Senators also assailed the Legislature and people of Vermont in offensive language, and Mr. Lumpkin, of Georgia, moved to lay the motion to print on the table.

This motion was sustained by 29 to 8. Messrs. Swift and Prentiss, of Vermont; Knight and Robbins, of Rhode Island; Davis, of Massachusetts; McKean, of Pennsylvania; Morris, of Ohio, and Smith, of Indiana, constituting the negative: while Messrs. Pearce and Hubbard, of New Hampshire; Smith, of Connecticut; Wright, of New York; Southard, of New Jersey; Buchanan, of Pennsylvania; Allen, of Ohio; Tipton, of Indiana; Robinson and Young, of Illinois, voted with the slaveholders; and Messrs. Ruggles and Williams, of Maine; Webster, of Massachusetts; Niles, of Connecticut; Tallmadge, of New York, and Wall, of New Jersey, neglected to vote.

This was the first instance in our history that such an insult had been offered to the people of a sovereign State, and in its perpetration ten Senators from free States participated, and six others were too indifferent to northern rights and northern honor, or too fearful of southern frowns, to interpose their voices in favor of freedom.

As southern statesmen endeavored to suppress the right of petition,



the people increased the number of memorials, until they became a burden to the members who were willing to present them, and Mr. Adams publicly declared that he had *six hundred in his drawer awaiting presentation*.

1839.] On the 4th of February, Hon. Eli Moore, of New York, presented to the House of Representatives a memorial numerously signed by the people of the District of Columbia, asking Congress to exclude from consideration all petitions and memorials from the people of any State praying the abolition of slavery or the slave trade in said District. Mr. Moore made a characteristic speech, arguing that the people there had the right to continue the slave trade and slavery in the District without interruption by the people of the free States. Some members now began to feel the despotism to which they were subjected. They were constrained to sit in silence and hear their constituents assailed and slandered, but were not permitted to reply.

On the 13th of February, the House, while in Committee of the Whole on the state of the Union, took up for consideration a bill appropriating \$30,000 for building a bridge across the eastern branch of the Potomac, within the District of Columbia. The object was to benefit the people of Washington City particularly, and those of the District generally.

Mr. Giddings now moved to strike out the enacting clause of the bill, and the motion being stated, he proceeded to declare his opposition to any appropriation of public treasure for the benefit of the people of that District, so long as they maintained a commerce in the bodies of their fellow-men. They had but a few days previously asked Congress to exclude from consideration all petitions from the people of the free States on the subject of this commerce, and he declared himself unwilling to repay such insults to his constituents by taxing them to build up a slave market. The members had recently enjoyed an opportunity to judge of the barbarism of this slave trade. While coming to the capital, they had been compelled to turn aside, to make room for the passage of a herd of human chattels, chained, and on their way to the slave market.

A sensation now ran through the hall. The writer was then a young member, having served scarcely sixty days, and was not expected to assail the action of a majority. Mr. Rives, of Virginia, called him to order. Mr. Giddings stated that he was merely assigning his reasons for the motion which he had made.

The chairman, Mr. Rencher, of North Carolina, a slaveholder, decided that he was in order; and he proceeded to say that while the people of

the free States were thus insulted, they would not forget their own self-respect so far as to approve the appropriation now proposed. At this point, he was again called to order, and again the chairman decided that he was in order ; and he continued saying that all northern members were willing and anxious to beautify and adorn the city, to establish schools, and such a system of education as would render it worthy of a free nation, when

Mr Williams, of Tennessee, called him to order ; but the chairman again decided that he was in order.

The excitement had now increased, and great disorder was manifested in various parts of the hall, and before order was so far restored as to enable him to proceed, Mr. Howard, of Maryland, interposed a question. The chairman required him to reduce his question to writing. Mr. Howard insisted that the rules of the House did not require him to do so. The chairman decided that they did require it. Mr. Howard appealed.

In arguing the appeal, Mr. Glasscock, of Georgia, insisted that if such arguments as the writer had used were permitted, the Union would be dissolved. To which Mr. Giddings replied that the inference to be drawn from such threats, was that the *Union was based upon the slave trade*. To which Mr. Glasscock rejoined in an undertone, and in language more vulgar than statesmanlike, saying, "*you are a d—d liar.*"

The excitement increased. Mr. Adams and Mr. Slade came to the assistance of Mr. Giddings ; but the chairman appeared to be alarmed, and at length decided that Mr. Giddings was *out of order*, and he was compelled to resume his seat.

But the motion to strike out the enacting clause of the bill was carried, and the bill was defeated. The success of the motion constituted a rebuke to the slavedealers, and created much feeling throughout the city.

In the papers of the next day the author was assailed, and one writer declared that the vote defeating the bill had depreciated the price of real estate in the city. Mr. Putnam, of New York, replied to these attacks through the papers, and there the subject rested.

As the session drew to a close, Mr. Cambrelling, of New York, moved a resolution, authorizing each member to lay such petitions as he had in his possession on the table, and making it the duty of the Clerk to file and deposit them in their appropriate place in his office. This proposition was adopted.

On the 25th February, Mr. Adams asked a suspension of the rules, for the purpose of laying before the members a proposition so to amend

the Constitution of the United States, as to abolish slavery in all the States after the 4th July, A.D. 1842, and providing there shall be neither slavery nor involuntary servitude in the District of Columbia after the 4th July, 1845. He stated that this proposition was based upon the petition of John Jay and forty-three other citizens of New York. But the House refused to suspend the rules, and the motion was not received.



## CHAPTER VIII.

FURTHER EFFORTS TO INVOLVE THE BRITISH GOVERNMENT IN THE SUPPORT OF THE SLAVE TRADE—THE NATURAL RIGHT OF AFRICANS TO LIFE AND LIBERTY SUSTAINED BY THE JUDICIAL BRANCH OF GOVERNMENT—THE SECOND SEMINOLE WAR.

THE leading characteristic of the twenty-sixth Congress was an entire devotion to political parties. Every member was supposed to belong to one or the other of the two political organizations, for which he was expected to labor, and argue, and vote. No individual was authorized by them to avow any doctrine or political principle until it had been examined and approved in caucus. The democratic party were in power in all branches of the Government, and had long been in power. All bills were at that time suggested by the Executive or submitted to the heads of departments for approval prior to being placed before either branch of Congress, and nearly every measure was supposed to contain some provision favorable to the party in power. [1839.

The ruling spirits of both parties were slaveholders. Mr. Clay was the favorite of the Whigs. Mr. Webster was also held in high respect, though it was impossible for any man who submitted so quietly to the dictation of slavery as Mr. Webster, to command that influence which was necessary to constitute a successful politician.

Mr. Calhoun was the object of political idolatry in South Carolina, and wielded more influence than any other statesman of the nation; but his doctrines in regard to "secession," or as they were usually called, "nullification," had brought him in conflict with General Jackson, and thereby ruined his prospects for the presidency. Yet he appeared to cherish the hope of reaching that high office at some time in the future.

On the subject of slavery and every collateral question connected with that institution, the entire South acted as a unit, while on other subjects they were divided. The northern members of both parties felt entirely dependent upon their southern friends, who dictated all movements of their respective organizations.

Mr. Adams had attained a position which forbade him to look to any party as a guide to his conduct. Mr. Slade, of Vermont, was a Whig, had held office in the State Department under Mr. Clay during the administration of Mr. Adams, was an ardent supporter of his party, but

entertained a sense of justice, a love of liberty altogether too strong to obey the dictation of slaveholders. He acted with Mr. Adams generally on the subject of slavery.

The author of this work had served only one session, and at the time of which we are speaking, was regarded as a Whig of somewhat doubtful character, in consequence of the motion relative to the slave trade which he made at the last session and his remarks thereon.

Another member now entered Congress as an acknowledged and avowed supporter of human rights. Hon. Seth M. Gates, of Genesee County, New York, was a lawyer of fair reputation, of high moral character, an active, industrious supporter of what he believed right. He was a most devoted Christian and philanthropist, never faltering in what he regarded the performance of duty.

These four members stood aloof from political parties whenever subjects involving moral principle were agitated or the rights of humanity were in issue. Many northern Whigs sympathized with them, but the writer is not aware that any other member was willing to vote against his party on any question touching slavery. The author was perhaps as strongly opposed to slavery as either of the gentlemen referred to, and felt as deeply humiliated by the despotism to which members of Congress were subjected, but as yet he had formed in his own mind no definite course of action for himself further than a general opposition to slavery. There were also in the country many abolition societies. They urged the abolition of slavery in general terms, but proposed no definite plan of operations.

1839.] This was the state of the slave question at the opening of the twenty-sixth Congress, which was distinguished first by the great contest in regard to the delegation from New Jersey ; and secondly, it inaugurated a systematic and determined energy in the presidential canvass which had never been known before. These measures so absorbed the public mind that little attention was paid to the subject of slavery.

Soon as the committees of the House were announced, however, Mr. Wise moved a resolution declaring that whenever any petition, resolution, or paper should be presented touching the abolition of slavery, or the slave trade in the District of Columbia, or in the Territories of the United States, the question of reception shall be made, and that question laid on the table.

Mr. Wise was a Whig, and was evidently anxious to relieve northern Whigs from the charge of complicity with abolitionists.

Mr. Adams opposed the measure, and most of the northern Whigs voted against it. It was subjected to some little modification, but after

much resistance and many propositions to amend, was adopted by the House.

The general historian will find much to interest the reader in the proceedings of the twenty-sixth Congress. At no period of our Government, has the morality of our public men sunk so low, or frauds and peculations appeared so common : indeed, the doctrine introduced in the Senate in 1817, by Mr. Smith, of South Carolina, "that governments are not bound by moral law," had been publicly maintained by Mr. Calhoun, and supported by every adherent of slavery, and its results were now manifested in its practical operations in all departments of the Government.

Leading Democrats, in order to gain political power, charged the Whigs with favoring abolitionists ; insisting that the only abolitionists who were members of Congress were also Whigs ; and resolutions, votes, and proceedings of democratic meetings held in various parts of the country were read as evidence that the whig party favored the doctrines of freedom.

To counteract these efforts, Mr. Clay, in a public speech delivered in the Senate, avowed his satisfaction that certain pro-slavery publications had been put forth exposing the *fallacy of abolition*, and he named "A Review of Dr. Channing's Opinion of Slavery," "*Abolition a Sedition*," "*Thoughts on Domestic Slavery*;" all of them he regarded as able works, and commended them to public favor.

Mr. Calhoun again complimented Mr. Clay and congratulated the country upon the prospect that quiet in regard to slavery would soon be restored to the country. But thereupon, another debate arose as to the best mode of receiving petitioners in regard to memorals. Mr. Buchanan still insisting that the better plan would be to present the petitions, and then move that the prayer *be not granted* ; but no member proposed to refer the petitions and *grant* the prayer, or state the reasons why it ought not to be granted, in the language of kindness and respect.

The Florida war was yet in progress. It was found very difficult to capture the negroes, and as that object constituted the main stimulus for its prosecution, those most deeply interested suggested the propriety of sending to Cuba for bloodhounds trained to the business of hunting slaves.

The Executive appeared to hesitate as to adopting so barbarous a mode of warfare, even towards Africans. But while the Executive hesitated, the Legislature of Florida made an appropriation, sent an agent to Cuba, obtained some thirty bloodhounds, with Spaniards to attend and train them. When the animals were obtained, the United States



authorities took charge of them, and the funds of the nation were appropriated to defray the expense, and the troops of the United States were now called to act upon the field in company with piratical Spaniards, professed negro-catchers, and bloodhounds.

The Whigs, learning these facts, now charged the Administration and democratic party with the odium of this barbarous outrage upon the civilization of the age.

Petitions were also sent to the Senate protesting against the use of bloodhounds for the murder of innocent people. These assaults were keenly felt by slaveholding Senators, who declared the Administration was entirely unconnected with the transaction and in no degree responsible for it. The petitions were referred to the Committee on Military Affairs, of which Col. Benton was chairman. He called on Mr. Poinsett, Secretary of War, for information. That officer was from South Carolina, a slaveholder, and accustomed to speaking boldly on all subjects touching slavery. He admitted the employment of the bloodhounds by the United States, and attempted to justify the policy. The subject attracted attention in the House of Representatives, and was noticed very generally by the public press. On all hands the Whigs assailed the democratic party with having employed bloodhounds to prosecute the Florida war.

1840.] But while Mr. Calhoun and the democratic party and southern Whigs had long deprecated all agitation of the subject of slavery in either House of Congress, it was now found important to obtain further positive action in favor of the coastwise slave trade. Having directed the energies of our own Government to the support of slavery, Mr. Calhoun now put forth an attempt to constrain the British Ministry to acknowledge that worse than infidel dogma, that human beings may by legislative enactment be transformed into *property*. The occasion of this effort arose as follows :

In the year 1835, the domestic slave trade having become profitable, a few individuals in the City of Washington, desirous of sharing in the profits arising from that commerce, built a ship for the purpose of employing it in the transportation of slaves "*from the District of Columbia to New Orleans and other ports far south.*"

The ship was called the "Enterprise," and cleared from the port of Alexandria on the 22d January, 1835, for the port of Charleston, with a cargo of slaves collected principally in the District of Columbia, and it being her first trip her owners went with her in order to inform themselves more particularly in regard to the vocation on which they had entered.

Encountering severe storms, the ship was driven out of her course, and

having suffered severely in her rigging, put into Port Hamilton, Bermuda, for repairs.

For a century it had been regarded as the settled law of nations that the jurisdiction of every independent government was co-extensive with its own territory, reaching a marine league into the sea. If a ship came into the port of another nation, she was boarded by the health officer of the port long before reaching shore ; licensed pilots and revenue officers entered on board ; they called for bills of health, manifests and information as to her cargo and the health of her people, and the persons on board were amenable to the local laws. Such was the case with the slaves on board the "Enterprise" when they entered Port Hamilton. They were no longer subjected to the American law of slavery, but were under the protection of British laws, they therefore went on shore in pursuit of their own happiness.

The captain demanded of the local authorities assistance to hold them in bondage ; but British laws recognizing no distinction between masters and slaves, disregarded the captain's demand, and the slave merchants, disappointed at the loss of their human chattels, returned to Washington City, indignant that the laws of England should have thus interfered with their anticipated speculations in human flesh.

They laid their complaints before General Jackson, at that time President of the United States. He at once espoused their cause, and through the Secretary of State demanded of the British Government a compensation for the loss.

To this demand the British minister replied : That by the law of nations, the ship on entering Port Hamilton became subject to British laws. That there were *three parties to the transaction*. 1, The slave-dealers ; 2, The British authorities ; and 3, The slaves, who demanded their liberty. There was in that port no law of slavery, and no British officer could recognize the right of one man to hold another as *property*.

This argument of the British Ministry was based upon the principle that the slave trade was barbarous, and not to be encouraged by Christian nations. This reflection was felt more keenly for its truth ; and the assertion that men could not hold men as *property* seemed to characterize slavery as an acknowledged despotism. It was, however, a reassertion of the doctrine on which our Government had been founded ; for the overthrow of which the advocates of human bondage had labored long and ardently.

Stung by the reflection thus cast upon the institution, Mr. Calhoun presented to the Senate three propositions, as he said, declaratory of the law of nations.



The first asserted that, "a ship or vessel on the high seas in time of peace, engaged in a lawful voyage, is by the law of nations under the exclusive jurisdiction of the state to which her flag belongs."

The second declared that, "should such a ship be forced by stress of weather, or other unavoidable accident, into a friendly port, she would lose none of the rights pertaining to her on the high seas. On the contrary, she and her cargo and the persons on board, with their *property*, and all the rights belonging to their personal relations as established by the laws of the state to which they belong, would be under the protection which the law of nation extends to the unfortunate under such circumstances."

The third asserted, "that the brig 'Enterprise,' which was unavoidably forced by stress of weather into Port Hamilton, Bermuda, *while on a lawful voyage* on the high seas, from one port of the United States to another, comes within the principles of the foregoing resolution, and that the seizure and detention of the negroes by the local authorities of that island was an act in *violation* of the laws of nations, and highly unjust to our citizens to whom they belonged."

1840.] The advocates of human bondage seldom mentioned the word "slave," or "slave trade." Neither was used in these resolutions; but Mr. Calhoun and other Senators assumed that a ship engaged in the coastwise slave trade was pursuing a *lawful voyage*: that she carried with her the laws of the state from whence she sailed while upon the high seas, and when constrained through stress of weather to enter a friendly port, she carried those laws with her, and while in such port the master enjoyed all the rights of buying and selling, of chastising, and in case of resistance, of slaying his slaves, however repugnant those acts may be to the laws or the government into whose jurisdiction the ship may have entered.

These propositions were sustained by Messrs. Calhoun, Grundy, of Tennessee, and King, of Alabama. They were then referred to the Committee on Foreign Affairs; and after a few days, reported back to the Senate by Mr. Buchanan.

They were again advocated by Mr. Calhoun, Mr. Clay and Mr. Benton, and opposed by Mr. Porter, of Michigan. This gentleman had but just taken his seat in the Senate, was a lawyer by profession, a man of high moral character, but possessing no distinction as a statesman. He had not even looked into this particular subject until it was presented, and the resolutions were supported by the most distinguished Senators of the nation. He now looked around him, and saw that Webster, and Davis, and Wright were silent. Obeying the dictates of his own judgment and



conscience, he heroically met the overwhelming influence arrayed against him, and showed the most cogent reasons for rejecting the resolutions, by exhibiting the absurdity of an attempt to change the law of nations by senatorial resolutions ; and the yet greater absurdity of the attempt to induce the British Government to acknowledge the laws of slavery and of the slave trade to exist and be in force within her ports.

Mr. Porter concluded his remarks by moving to lay the resolutions of Mr. Calhoun on the table, and boldly demanded the yeas and nays on the question. And on the roll being called he alone voted in favor of his motion : while every Senator from the slave States and Messrs. Allen and Tappan, of Ohio ; Buchanan and Sturgeon, of Pennsylvania ; Dixon, of Rhode Island ; Hubbard and Pierce, of New Hampshire ; Robinson and Young, of Illinois ; Williams, of Maine, and his colleague, Norvell, voted with the slaveholders : and Messrs. Webster and Davis, of Massachusetts ; Southard and Wall, of New Jersey ; Wright and Tallmadge, of New York ; Ruggles, of Maine ; Smith and White, of Indiana, and Knight, of Rhode Island, declined voting, apparently unwilling to take position either in favor or against the resolutions. The Senate was divided as follows : for the resolutions, 33 ; against them, 1. Neither for nor against them, 10 ; one vacancy and five absent. The resolutions were then adopted by 33 yeas. None voting in the negative.

The adoption of these resolutions constituted the first attempt to constrain foreign governments to acknowledge the supremacy of slavery.

Another effort was made during the twenty-sixth Congress to render our free States more entirely subsidiary to the institution.

In May, 1837, the captain of the ship "Boston" of Maine, from Georgia, homeward bound, after being some thirty hours at sea, found a colored man on board, who being landed in Maine, continued his journey to Canada, where under British laws he became free.

These facts being known, the Governor of Georgia demanded the captain as a fugitive from justice, charged with "*stealing a slave.*" No such crime being known to the laws of Maine, the Governor of that State refused to surrender him.

The Governor of Georgia, apparently indignant at the people of Maine for treating slaves as *persons*, and not subjects of larceny, transmitted a message to the Legislature of his State setting forth the facts stated.

The Legislature adopted strong resolutions calling on Congress to amend the law in regard to fugitives from justice so as to require the surrender of persons charged with stealing slaves.

Mr. Lumpkin, of Georgia, presented these resolutions and sustained

them by an elaborate argument, as did his colleague, Mr. Outhbert, and the resolutions were sent to the Committee on the Judiciary, where they were buried in silence, the committee deeming it improper to agitate that question in the then excited state of the public mind.

While these efforts of the slaveholders were being put forth in the Senate, Mr. Rhett, of South Carolina, presented to the House of Representatives resolutions instructing the Committee on Foreign Affairs to inquire into the circumstances under which the slaves on board the brig "Enterprise" were taken from their masters in Port Hamilton, Bermuda?

The resolution was laid on the table and never called up for consideration.

1840.] The freedom of debate in the House of Representatives at the period of which we are writing, was entirely suppressed on the subject of slavery, and members often resorted to the practice of embodying the substance of what they wished to say in resolutions which they presented to the House.

On the 9th March, Mr. Adams introduced a resolve of that character, as follows :

" *Resolved*, That the Secretary of War be directed to report to this House the natural, political, and martial history of the bloodhounds; showing the peculiar fitness of that class of warriors to be the associates of the gallant army of the United States; showing the nice discrimination of his scent between the blood of the freeman and the slave, between the blood of the armed warrior and that of women or children; between the blood of the black and the white; between the blood of the savage Seminole and the Anglo pious Christian. Also the number of bloodhounds, and their conductors, imported by this Government, or by the authorities of Florida from the island of Cuba, and the costs of importation? Also whether a further importation of the same heroic race into the State of Maine to await the contingency of a threatened northeastern boundary question, is contemplated? Or, only to set an example to be followed by our possible adversary in the event of a conflict, whether measures have been taken to secure exclusively to ourselves the employment of this auxiliary force? and whether he deems it expedient to extend to the bloodhounds and their posterity the benefits of the pension laws."

But as the resolution gave *rise* to debate, it was laid on the table. I will be remembered that in a former chapter we spoke of the employment of these bloodhounds, and refer to the subject only to give place to the resolution just cited, as one of the passing incidents which marked the proceedings of Congress.

The oligarchs of our southern States were much annoyed by the flight of their bondmen to the Canadas, where they were welcomed and soon became useful subjects of the British crown. When they once reached the jurisdiction of British laws they regarded themselves safe from the master's scourge. To remedy this practice, Hon. Garret Davis, of Kentucky, proposed, by resolutions, to call on the Executive to open negotiations with the British Government, and if possible obtain a treaty by which fugitive slaves should be surrendered, or the value of the slave paid to the master by the government of England ; but the proposition was not sustained by the House.\*

The student of our political history will in future regard the despotism of slavery as having reached its culminating point during this first session of the twenty-sixth Congress. Northern submission then descended to its lowest depths ; from that time resistance to the slave power became stronger and more frequent. And although for a while the struggle appeared unequal, the grasp of southern politicians upon political power began gradually to relax in proportion as the advocates of liberty increased in numbers and influence.

The presidential campaign of 1840 contributed greatly to awaken the public mind to the corruptions of the democratic party, and of the slave power which controlled its operations. Oppression can only thrive in quietude, and quietude under oppression can only be cultivated in the sterile soil of ignorance. With the exception of four years, the democratic party had been in power for a quarter of a century ; during that time it had become despotic, corruption keeping pace with despotism ; and now, for the first time in the history of the nation, the people were directly and personally addressed and invoked to arouse and hurl from office a party denounced as unworthy of public confidence. The Whigs laid down no essential principle, no fundamental doctrine on which they rallied ; they took no distinct issue with the democratic party except on some minor points of policy ; but the canvass was conducted throughout by continued exhibitions of the frauds, peculations, corruptions, despotisms, and unworthiness of the democratic candidates. Southern Whigs denounced them as favoring abolition, northern Whigs arraigned them as the mere instruments for carrying out the despotism of slavery ; showed that they had stricken down the right of petition, had silenced the freedom of debate, maintained the slave trade in the District of Columbia and on our southern coast, and done many other things destructive of liberty and free government. They flooded the country with Congres-

\* Twenty-two years afterwards Mr. Davis was a member of the Senate, from Kentucky, and continued to utter his preference for slavery without any apparent change of opinion.



sional speeches, reports of committees, and official documents. Political orators travelled every State and nearly every county and town, addressing public meetings, and calling on the people to come forth in the true spirit of our institutions, and by their votes save the Government and country from that sure destruction which must in time await it, if existing evils were not corrected.

1840.] Mr. Van Buren was the democratic candidate ; he was an able man, and had labored to correct and reform his party ; but unfortunately for himself, was controlled by southern politicians, who were far less discreet.

General Harrison, the whig candidate, was a citizen of Ohio. He had distinguished himself in the war of 1812, and had, like the sons of the "first families of Virginia," held office from his youth. He was not only a son of the Old Dominion, but had been reared a slaveholder, and his whole life had been acceptable to the slave power.

Some of the more active anti-slavery men of the country would not support either Mr. Van Buren or General Harrison ; but nominated Hon. James G. Birney, a citizen of Kentucky, a lawyer of high moral character, who, having been called to investigate the question of "*property in slaves*," became impressed with the absurdity of the dogma, as well as of the institution itself. He emancipated his own bondmen, and avowed his hostility to the institution. He was sustained by "The Philanthropist," a newspaper published at Cincinnati, Ohio, ably conducted by "Gamaliel Bailey, Esq.," who for twenty years had been a devoted advocate of liberty.

The vote for Mr. Birney was small, but the mere fact that a man bred a slaveholder had become an anti-slavery candidate for President, was looked upon by southern statesmen as a portentous omen.

General Harrison was elected by a triumphant vote, and the prestige of the democratic party was somewhat impaired, and the manifestation of discontent under slaveholding despotism created uneasiness among southern politicians, while it strengthened and confirmed northern men in their hatred of oppression.

The whig members of Congress had professed disgust at the gag-rules under which they were constrained to sit, and the whig press of the country had condemned the suppression of debate as well as prohibiting the right of petition ; and no one appeared to doubt that on coming into power that party would restore those natural and constitutional prerogatives of the people.

1840.] A new state of things existed at the meeting of the twenty-sixth Congress for the purpose of holding its last session. The

Democrats were going out of power, and the responsibilities of the Government were soon to be assumed by the whig party. The question of slavery had not been an issue between the Whigs and Democrats, and no one expected the President elect would cast his influence against slavery, further than to favor the right of petition and the freedom of debate : on other points the Whigs hoped much and the Democrats feared much from the influence of the incoming Executive ; yet the Whigs merely demanded that he should favor a high tariff, a national bank, and the distribution of the proceeds of the public lands. But during the early part of the session, little was said on party questions, which by common consent were pretermitted to a more convenient season.

On the first day of the session Mr. Adams gave notice of his intention to move a repeal of the "gag resolution," as it was called, which now constituted the 21st *rule of the House*.

The Legislature of South Carolina having adopted a long report and resolutions expressing their approval of Mr. Van Buren's administration, and lauding him for his devotion to southern interests, and denouncing the election of General Harrison as having been obtained by *disreputable and unworthy appeals to the people*, transmitted them to Senator Preston, of that State, who presented them to the Senate. But no Senator took exception to this supercilious reproof of those northern States whose people had voted without respect to the wishes of South Carolina.

An incident now occurred well calculated to confirm mankind in the philosophy, that the will of the Creator is manifested in the laws which govern the moral and physical universe, giving to all men imprescriptible rights to live and to that liberty which shall enable them to support life, obtain knowledge and enjoy happiness. Indeed, history, observation and experience show that a love of life and liberty inspires every human soul to effort : hence, every man or government, that seeks to enslave or murder innocent men or women, violates this "law of nature and of nature's God," and makes war upon the will of Omnipotence.

In June, 1839, a Cuban slave ship landed her cargo of human beings at Havana ; the negroes were imprisoned in the barracoons of that city a short time, when forty-nine of them were purchased by I. Ruiz, a slavedealer, and three others by P. Montez. A pass for these fifty-two persons was obtained from the Governor by paying him the usual fee, which constitutes a portion of his official perquisites for permitting the foreign slave trade to be carried on in that island. This pass was merely a license to Montez and Ruiz to transport certain Ladinos (or

acclimated slaves), naming them, from Havana to Principe, on the south of the island.

The slaves were shipped on board the schooner "Amistad" about the 1st of July, and on the same day she sailed for her port of destination. The crew consisted of the captain, mate, and three sailors; three passengers were also on board besides Montez and Ruiz and their slaves.

When four days out, and while sailing along the coast, the Africans by preconcert suddenly rose upon their oppressors, slew the captain and cook, and wounded two of the crew. The others surrendered, and the slaves took possession of the ship, and in one half hour the "*status*" of these parties was reversed. The Africans held their masters in subjection, and the haughty slavedealer now meekly bowed to that class of beings whom but a few moments previously he had called his "*property*." But these Pagans were too sensitive to the dictates of natural justice to hold their Christian victims in bondage. They immediately sent the crew and passengers on shore in the boat, but retained Ruiz and Montez, directing them by signs to guide the ship to Africa, their native land, from which slaveholding cupidity had torn them.

But the Spaniards, taking advantage of the foggy weather, and of the darkness of night, headed the ship northwardly, and at length came to anchor near the east end of Long Island, on the coast of Connecticut.

Lieutenant Gedney, of the schooner "Washington," engaged on the coast survey, took possession of the "Amistad" and cargo, claiming salvage on both property and negroes, whom he believed to constitute "*property*:" while he permitted Montez and Ruiz, the only criminals engaged in the transaction, to go at liberty. But the moral sense of the community would have consigned them to the gallows, and set the slaves at liberty.

The whole transaction was published in the papers, and created much interest. People of the free States now saw the slave trade brought home to the shores of New England. Its crimes and its horrors were unveiled to the public view, while the native love of liberty had been manifested in the heroism with which these barbarians obtained possession of the ship.

The Spanish minister, in the name of his government, demanded that these heroic Africans should be sent back to Cuba and delivered up to the authorities of that island to be punished for regaining their freedom, which by the people of our free States was regarded as a "*heroic virtue*."

But, to the extreme mortification of northern people, the President favored the claims of the slavedealers; and instead of setting the



negroes free, they were seized and imprisoned under authority of the United States at the instance of the Spanish minister ; while Montez and Ruiz claimed them as *their property*. The United States district attorney appeared on behalf of Montez and Ruiz as well as of the Spanish minister. The proceedings were had before the United States district court for the State of Connecticut. In the meantime the philanthropists of New England were not idle spectators of these incidents. They engaged eminent counsel to appear on behalf of the negroes, and maintain their natural and legal rights to freedom.

Southern statesmen were nervously excited. All trials for violations of the law prohibiting the slave trade had been previously intrusted to southern courts, and no person had been convicted. Indeed, such was the sympathy of the people of the slave States for slavedealers that no conviction for the crime of slavedealing could be obtained before a slaveholding court and a slaveholding jury. But a trial for that crime among the freemen of Connecticut was looked to with fear and trembling by southern men. There every man felt that no slave could tread the soil of a State whose people had exhibited such an undying love of liberty : yet it was known that the President and all southern statesmen were anxious that the court should in some manner obtain a conviction of those friendless Africans ; and most northern politicians were timid and faltering.

While the trial was progressing, the President sent an armed vessel to New Haven with orders to carry those Africans to Cuba soon as they might be delivered to the captain on board ; and at the same time he sent secret directions to the attorney and marshal of the district to hurry the prisoners on board the ship as rapidly as possible after the judge should decide against them, without permitting their counsel or friends to take an appeal.

In the meantime, Mr. Adams, watchful and vigilant, introduced resolutions in the House of Representatives, calling on the President to communicate to Congress the process or authority on which these persons, charged with no crime, were held in prison.

This calling in question the authority by which the Africans were imprisoned, appeared to alarm the advocates of slavery ; and the democratic party rejected the proposition ; but while the court and council were publicly arguing and examining the question whether these heathens had received from the Creator the right to life and liberty, the House of Representatives was engaged in the same investigation, and the newspapers were spreading the facts before the people.

Some public men went farther, and asserting the well known and

acknowledged principle that slavery and slavedealing constitutes a perpetual war between the enslaver and the enslaved, they vindicated the right of these Africans not only to rise and slay their captors whenever they had the power to do so ; but to hold those who surrendered, as *prisoners*, and the ship and cargo as *their lawful prize* : and that our Government had no right to interfere between the Africans and Montez and Ruiz, who were legal prisoners, nor to take from the Africans the ship or cargo, which were their "*legal prize*."

These questions greatly annoyed the advocates of slavery, and the democratic party, on whom the slave interest relied for support.

After a long and patient investigation, the court pronounced judgment in favor of the prisoners, notwithstanding the influence arrayed against them : Holding that by the laws of God and man these people had the right to live, and to that liberty which would enable them to cherish and protect life.

The libellants were therefore constrained to permit the prisoners to be set at liberty, or appeal to the Supreme Court. They chose to appeal, and the case stood for hearing before that august tribunal.

Mr. Adams had been educated for the bar, and for some years had practised both in State and United States courts ; but more than thirty years previously, he had retired from professional duties, devoting his whole time to the public service. He had taken a deep interest in this case, which had been well and ably argued before the district court by Governor Baldwin, of Connecticut : but when the appeal was entered, and the case was likely to come before the Supreme Court, it assumed a political as well as legal character. Marshall, who had so long presided in that tribunal, had departed ; and a majority of the judges were at that time comparatively inexperienced members of the democratic party ; they were also slaveholders, and sympathized with those who were endeavoring to sustain the institution.

The public men of the free States had confidence in Story and Thompson and M'Lean ; but Baldwin, though from a free State, had long been among the ablest and firmest supporters of slavery ; and the other five were from the slave States, reared and educated in the love of oppression. Under these circumstances, there was a strong desire among the philanthropists to have Mr. Adams appear as counsel for the Africans, not so much to argue the legal questions which arose in the case, as to avail themselves of his moral influence before the court and nation.

And now, after the distinguished statesman had been more than a generation absent from the court, he reappeared as counsel for these ignorant barbarians, who could not speak our language, and with whom he could not converse, except through an interpreter.

The trial constituted a scene deeply interesting. The Legislative branch of Government had become entirely subservient to the slave power : the Executive had not only exhibited a desire to send these Africans back to a worse than heathen bondage ; but he had manifested an anxiety to do so without even permitting them to be heard before the court of dernier resort. ••

The question was one which struck at the very existence of slavery : Were these degraded, ignorant, superstitious heathen entitled to life and liberty ? Had the Creator endowed them with these prerogatives ? These questions constituted the momentous issue to be tried : the Court, clad in judicial robes, the distinguished Attorney-General, and numerous members of the bar, Governor Baldwin acting as prisoners' counsel for the Africans, associated with Mr. Adams, who had long since left the Presidential chair, with the honors and blessings of a nation ; the vast audience, the solemn bearing and dignity of the court and officers, all conspired to render the proceeding one of high moral sublimity.

During the whole argument there was perfect silence ; but when Mr. Adams, in his peroration, spoke of mankind as a race endowed with intelligence and hopes of immortality, and then referred to the slave trade and the slavedealer, painted his revolting crimes, and spoke of Ruiz, when entering the "dark valley," and earth receding from his view, "when this sin should sit heavy on his soul," the feelings of the audience nor of the court could be disguised.

The judges, after due consideration, delivered their opinion, declaring in substance that these people were born free, and had never been *legally held as slaves*. That in rising upon the captain and crew, and taking possession of the ship, they committed no crime, violated no law, and were amenable to no punishment.

The triumph was complete, so far as the Africans were concerned. They were liberated and sent back to their native land at the public expense : yet the court failed to meet the great point which constituted the real issue. They contented themselves with saying that these men were not *legally* enslaved ; but did not say that the natural right to liberty was *inalienable* : that no human being could be *legally enslaved* : that any human enactment authorizing one man to enslave another *must be void* : that all enactments, agreements, covenants, oaths or obligations professing to authorize or encourage the commission of crime, are not only void, but the parties become accessory to the crimes committed under such agreements, covenants or enactments. The court were not probably unmindful that these principles were recognized in private life, were confirmed by daily discussions in almost every municipal court ;



but the doctrine that governments were bound by them, had long been denied by both Houses of Congress and by the Executive ; and the court appeared unwilling to come in conflict with those departments upon a question so vital to the institution of slavery.

The author of this work was now anxious to put forth some well defined Constitutional principle, on which all supporters of liberty could unite in a distinct *political* organization.

Mr. Adams was cautious : indeed he was unwilling to enter into any combination that should have the appearance of a political party. Mr. Slade fully agreed with Mr. Adams, while Mr. Gates favored the proposition of the writer.

These four members held frequent consultations, in order to devise some plan by which to regain the freedom of debate and the right of petition.

At one of these consultations the author proposed to bring the subject of slavery collaterally into debate, while other matters constituted the main subject of discussion. Mr. Adams, not apparently understanding the precise mode indicated, took occasion to urge the writer to try the experiment, saying, that as he had bestowed thought upon his plan, had been in the practice of law for many years, and would be better able to make the experiment than any other member who had not reflected maturely on the subject. To this proposition the author assented, and immediately commenced preparing for the experiment.

1841.] On the 8th February, Mr. Thompson, of South Carolina, under leave presented a bill appropriating for the prosecution of the Florida war, one hundred thousand dollars, to be expended under direction of the Secretary of War, for the benefit of the Seminole chiefs and warriors who should surrender, for the purpose of emigrating west. It was in fact intended to bribe certain chiefs to go west in order to induce others to follow.

The bill came up "in committee of the whole House *on the state of the Union.*" This committee is known to no other legislative body. It was adopted during the Revolution, and all facts and arguments *relating to the Union* are strictly within the order of debate, thus giving the Speaker great latitude of remark.

When the bill had been taken up, Mr. Thompson spoke in favor of its passage.

The writer next obtained the floor and at once declared his intention to develop the *cause* of the war, and the objects of its continuance. He quoted the authority of Mr. Thompson, the Indian Agent, to show

that the Seminoles refused to emigrate west lest the negroes, who had so long resided with them, should be seized and enslaved by the Creeks. That the object of constraining the Seminoles to emigrate was to enslave these people; that to effect this piratical object the nation had been plunged into war, and the blood and treasure of the people were being sacrificed for the enslavement of free negroes.

Mr. Warren, of Georgia, called him to order, and the question was debated, and the chairman, Mr. Clifford, of Maine, a Democrat, declared the remarks to be strictly in order,\* and requested the speaker to proceed. This gave him confidence, particularly as Mr. Adams rose from his seat, and walking into the area in front of the Clerk's desk, with apparent solicitude watched every movement of the advocates of slavery, who had by this time gathered around the speaker.

The author proceeded to read documents sustaining his position; but was soon called to order by Mr. Habersham, of Georgia, for irrelevancy; but the chairman decided the remarks to be in order.

Mr. Giddings explained that he had no intention of discussing the institution of slavery; he did not expect to examine its merits or demerits, not even to pronounce it wrong or right; he only intended to show that it constituted the cause of the Florida war, while neither Congress nor the Federal Government held any authority under the Constitution to involve the people of the nation in a bloody war to support the institution.

He then read reports of the Indian Agent to show that persons residing with the Seminoles, though born *free*, had been seized and *enslaved* by desperate men from Columbus, Georgia; that a man named Douglass, who kept a gang of bloodhounds, attended by others, had invaded the Indian plantations, seized whole families of free colored persons and carried them to Georgia and sold them as slaves.

This course of debate appeared to arouse much southern feeling. Messrs. Cooper and Black, of Georgia, and Campbell, of South Carolina, at different times called "to order;" but the chairman overruled their objections, and after some three hours mostly consumed by interruptions and incidental debate thereon, Mr. Giddings concluded his remarks.

The only merit of the speech consisted in bringing out facts with which the public were not acquainted; but which showed conclusively

\* During the entire debate Mr. Clifford maintained his coolness and impartiality, apparently anxious to administer the Parliamentary law without fear or favor of either party. His impartiality called forth some criticism from slaveholding members, of which Mr. Clifford complained. He insisted that the speech had been *prepared* for the purpose of bringing the subject of slavery to the view of the House and country *without* violating the "gag-rule." This was of course literally correct.

that the war then going on in Florida, had been waged for the purpose of re-enslaving the colored exiles residing in that territory.

Mr. Cooper, of Georgia, replied. He declared that he regarded the speech as altogether aimed at the institution of slavery. He spoke of abolition as a "moral pestilence" to be condemned and scorned by all good men; referred to Messrs. Adams and Giddings as leaders in the abolition ranks, while they were encouraged and cheered on by the *whig party*; and he particularly charged General Harrison, the President elect, with encouraging abolitionists, and thus involving the whig party of Georgia in the odium of supporting the right of all men to liberty. He alluded to the case of a vessel from Maine that had carried a slave from Georgia, when the Chair called him to order.

Mr. Black, of Georgia, insisted that Mr. Giddings had made an *anti-slavery speech*, and Mr. Cooper ought to be allowed to reply. Mr. Adams also interposed, saying the gentleman had made a pointed allusion to him, and he hoped to enjoy the privilege of replying. Mr. Wise, of Virginia, sustained Mr. Black, and on an appeal the House sustained him, and Mr. Cooper proceeded to arraign the Governor and authorities of Maine, as abolitionists.

1841.] Mr. Black, of Georgia, next obtained the floor. He at once arraigned Ohio for her cruelty to the colored people, declaring that State stood preëminent for her wickedness in that respect. He was called to order, decided to be *out of order*, but permitted by vote of the House to proceed *out of order*. He was nervously excited; declared that he intended to be personally offensive to Mr. Giddings, and holding a copy of the Bible in his hand, read, "Thou hypocrite, first cast the beam out of thine own eye," as he pointed his finger directly at the object of his wrath. He assured the House that if the member from Ohio (Mr. Giddings) would come to Georgia he should be *hanged*.

Mr. Downing, who held a seat merely as a delegate from the Territory of Florida, next addressed the House, and even outrivalled Mr. Black in vulgar assaults upon Mr. Giddings. Mr. Thompson, of South Carolina, was more refined in language and manner of attack, declaring that the whig party were not responsible for the course pursued by "the very *obscurest of the obscure individuals belonging to that party*."

Feeling the insult of Mr. Thompson perhaps too keenly, Mr. Giddings replied that every statesman or member of Congress would select the position which he chose to occupy before the people. History and those who should come after us would judge that point; but he would inform the gentleman from South Carolina, that he did not possess the power to designate the position which other members should fill in the public



mind, although he must choose his own. Nor would the speaker (Mr. Giddings) say what niche in the Temple of Fame Mr. Thompson would occupy. He said that he well understood the insult offered him by the gentleman from South Carolina ; but he could not resent it in the manner common among southern gentlemen, as the people of the free States would not permit their public servants to practice that barbarous mode of settling difficulties ; that if permitted by the voice of his constituents, his own conscience would not permit him to engage in that mode of settling difficulties. But he would rather say to the gentleman, in the language of a military veteran, who, after meeting the enemy in a hundred battles, happened to offend a young officer, who spat in his face, expecting to call out a challenge, but the aged warrior, taking his handkerchief from his pocket, coolly wiped the spittle from his face, saying, " Could I as easily wipe the stain of your blood from my soul *you should not live an hour.*" Instantly Mr. Alford, of Georgia, sprang from his seat, and uttering profane threats, rushed towards Mr. Giddings with apparently hostile intention. A sensation was manifested throughout the hall ; members rose and rushed towards the parties ; but when Mr. Alford arrived within a few feet of the object of his wrath, Governor Briggs, of Massachusetts, stopped him and persuaded him to return to his seat.

Mr. Thompson, in reply, assured the House and the country [1841. that he spoke the feelings of both northern and southern Whigs when he declared that the member from Ohio was " the very *obscurest of the obscure members of the whig party.*"

To Mr. Downing no reply could be made consistent with self-respect ; but he had much business before the Committee on Claims, of which Mr. Giddings was then chairman, and when that gentleman next approached him with the ordinary salutation of friends, Mr. Giddings refused to give him his hand, assuring him that he was at liberty to address him on official business, *but on no other pretence*, an injunction which Mr. Downing carefully observed.

But notwithstanding these unpleasant incidents, Mr. Giddings succeeded in giving to the country an explanation of the *causes* of the Florida war. The speech was a little more than a compilation of public documents on that subject, but it was printed in pamphlet form and was widely circulated among the people.

General Harrison, the President elect, arrived in Washington on the day of this debate, and on hearing that it had occurred, he expressed great dissatisfaction, and declared that he would relieve the whig party of all odium brought upon it by Mr. Giddings' efforts in favor of free

discussion, and when the author on the following day called to pay him the customary respect, the President elect gave such evidence of being offended that Mr. Giddings never called on him afterwards, although they were both from the same State, had served together in the war of 1812, and Mr. Giddings had exerted such influence as he possessed, and expended much money, to secure the election of the President. But Mr. Thompson, who had publicly insulted Mr. Giddings for maintaining the freedom of speech, was rewarded with a mission to Mexico, although no vote in South Carolina had been given in favor of General Harrison's election.

True to the principles in which he had been educated, President Harrison prepared a paragraph for his inaugural address which was highly offensive to all who advocated the right of petition or the freedom of debate.

Mr. Clay, who was the leader of the whig party, was consulted upon the inaugural, and took exceptions to the paragraph alluded to. The President requested Mr. Clay to alter it as he thought best. Mr. Clay complied, and as that Senator often observed, made it so doubtful whether it meant anything or *nothing*, that no one could take offence on reading it.

1841.] These details present some of the difficulties and embarrassments which were met by the advocates of liberty. Messrs. Adams, Slade, Gates and Giddings now found that the President whom they assisted to elect, intended to wield the executive power and influence in favor of suppressing the right of petition and the freedom of debate, and that the same influence was to be exerted against the *men* who advocated those rights. They saw and felt that persecution awaited them.

The Supreme Court, however, made a decision which in some respects encouraged the advocates of liberty.

By the constitution of Mississippi, slaves from other States were excluded from her markets. But a slavedealer transported a number of slaves to Jackson and sold them on a credit, taking in payment bills falling due at a subsequent day. Suit was brought on these bills, and two questions were presented for the consideration of the court :

First, Does the constitution of Mississippi, without any law to give it effect, render the contract *void*? And secondly, Can a State exclude *property* of any kind from sale within its territory? Thus raising upon the records the distinct question whether slaves were property and therefore the subject of commerce.

These questions being important were fully argued by learned counsel,

and submitted to the court for decision. And Judge McLean met them promptly, fully, and ably ; showing by the most compact argument that whatever individual States may enact, either by constitution or by law, they could not encroach upon the powers of Congress, *to regulate commerce between the States* : nor could they transform persons into *property*. Taking the Federal Constitution for his guide, he showed that slaves were referred to as "*persons*" and not as property in each of the four instances in which they are spoken of in that instrument. He then declared that Congress could not exclude persons from going from one State to another. That as persons they were subject to State laws : and the Legislatures of New York or Massachusetts may exclude the sale of slaves or persons in those States ; but could not prohibit the importation of *property*, which alone can be the subject of commerce, and under the jurisdiction of Congress. But the other judges endeavored to avoid the issue made upon the record by basing their decision on other points, evidently unwilling to meet the reasoning of the learned judge who manifested the boldness to examine a question so important to the existence of slavery.



## CHAPTER IX.

## DISBANDMENT OF THE WHIG PARTY.

1941. A SPECIAL session of the twenty-seventh Congress was convened by proclamation of the acting President John Tyler, on the 31st May. General Harrison had departed this life after enjoying the honors of President but one short month, and the Executive duties devolved upon a man who had never manifested any particular sympathy with the whig party. Indeed he had always opposed some of their leading political tenets. He was a Virginian, entertaining all the characteristic errors and egotism which at that time gave to the Old Dominion its principal importance. He was of course a slaveholder, and from him the advocates of freedom expected no particular favor. There was a Whig majority of more than forty members in the House of Representatives, and seven in the Senate, and no party had ever come into power with such opportunities to reform the Government and perpetuate its own ascendancy: but the leading members of that organization had departed from the faith of their fathers, who held that human governments were based on human rights.\*

The author was a Whig, an earnest supporter of the whig party and whig policy; but is constrained to say that he was not aware that a member of that or of the democratic party at that time entertained any idea of a "higher law," applicable to human governments, than the Constitution of the United States, which, as then construed by both parties, recognized no rights in mankind lying behind and above human authority.

The party had recognized no primal truth, no fundamental doctrine on which its members united before election, by which the Executive and Congress were to be guided when in power; and now being in power, and the offices distributed, they could agree upon no doctrine; could unite upon no policy, and before the close of the first session of Congress, they separated into factions, the party was substantially broken up, and the sceptre of power had departed from them.

\* The majority in the Senate is stated upon the authority of Col. Benton, *vide* his "Thirty Years" (vol. II., page 215). In the House, John White had a majority of 81 votes for Speaker, while eight southern Whigs voted for Mr. Wise, who was an ardent Whig, and Messrs. Adams, Slade, Gates and Gliddings voted for Mr. Lawrence, of Pennsylvania.

In the Senate Mr. Buchanan presented the memorial of the Society of Friends in Pennsylvania, praying the abolition of slavery and the slave trade in the District of Columbia, and in the Territories of the United States. Mr. King, of Alabama, stated the practice of the Senate; saying it was the duty of the presiding officer, when petitions of this character were presented, to *consider* the question of reception as raised, and then await the motion of some Senator to lay the resolution on the table, which left the petition in the hands of the Senator presenting it.

This was the formula assumed by the Senate, in order to satisfy the people by leaving their petitions in the hands of the Senator who presented them: yet this fraud was openly advocated as satisfactory to an intelligent nation; for Mr. Buchanan stated that he was *aware* that such was the practice, and he thought much *good had resulted from it*, and if followed up, there could be no doubt that the most salutary results would follow. Only one other petition of that kind was presented in the Senate during the extra session.\*

1841.] Soon as the House was properly organized, Mr. Wise moved to adopt the rules of the last Congress. To which Mr. Adams proposed an amendment, excepting the 21st or gag-rule: and this amendment was adopted. Mr. Ingersol, of Pennsylvania, moved a reconsideration of this vote, and on that motion a long and interesting debate arose.

Mr. Adams, in maintaining the right of petition, declared it an error to say the people of the free States had nothing to do with slavery. That in case of a servile insurrection, they would be called on to interfere with it.

He also referred to the fact that the 21st rule was a democratic measure, to which the Whigs, as a party, had been opposed, and he was now surprised to find so many Whig members sustaining the measure which they had formerly repudiated.

Mr. Ingersol, of Pennsylvania, replied to the argument of Mr. Adams. He warned the South of the approaching danger to their institutions; and advised them to *combine and move in solid phalanx in support of southern interests*; and declared that he was surprised and horrified at the doctrine advanced by Mr. Adams, saying that he had understood

\* Eighteen years subsequently, Mr. Buchanan, while President, prompted by the same kind feelings towards the slaveholding interest, permitted the Governor of South Carolina to take possession of the Arsenal situated at Charleston, containing immense quantities of arms and ammunition; permitted most of the arms and ammunition in northern arsenals to be carried South; and southern arsenals to be seized, preparatory to the great rebellion. In all of which he was equally sincere and honest, believing it the only mode of *saving the Union*.

that gentleman to say that in case of a servile insurrection breaking out in the South, there would be an end of the Constitution ; and turning to Mr. Adams, said he would be glad to know whether he correctly understood him.

Mr. Adams said, that he had stated that in case of servile war, and the people of the free States were called on by the President to suppress it, they would have the perfect right to dictate the terms on which peace should be restored : if the free portion of the Union were called upon to expend their blood and treasure to support that institution which had the curse and displeasure of the Almighty upon it, the subject itself would come within the constitutional power of Congress, and there would be no such objection as that *Congress had not the right to interfere* : but the right would be acknowledged, and the duty admitted. And when members of Congress should take the power into their hands, they would and ought to dispose of the institution according to the dictates of justice.

Mr. Ingersol repeated his own feelings of horror at the contemplation of a servile insurrection ; declared that he was ready to march at any moment to assist his southern brethren in such case, but did not attempt to answer the constitutional argument of Mr. Adams.

Mr. Ingersol declared there were more than 2,000 abolition societies in the free States. Said that foreign books were circulated in this country to get up an abolition feeling. All these things were a conspiracy to destroy the institutions of the South, and he clearly indicated that no abolitionist ought to be permitted to hold office.

Mr. Wise appeared dissatisfied with the Speaker ; spoke of his arrangement of the several committees, and referring to that on claims, said the chairman (Mr. Giddings, of Ohio) would never report a bill to pay a master for the loss of his slave *if killed in the public service*. Members seeing Mr. Giddings present, called on Mr. Wise to put his question to the chairman of that committee. "Ask him"—"Ask him," resounded from various parts of the hall. "I will" (said Mr. Wise); and turning to Mr. Giddings, said, "I will ask the chairman if he would report a bill to pay a master for the loss of a slave killed in the public service?"

That gentleman replied : "I cannot say what the committee might do ; but I should myself follow the precedents which are uniform from the commencement of the Government."

Mr. Wise was dissatisfied : members smiled at his embarrassment. He declared it the first time that he had known the chairman of the Committee on Claims to *dodge a question* : but finally said that he was



aware that the precedents were against such payment, *but the precedents were wrong*; and he was anxious to correct the error. He next assailed the Speaker for appointing Mr. Adams Chairman of the Committee on "Foreign Affairs." \*

In the course of this speech, Mr. Wise gave the first public notice that Mr. Tyler meant to be a candidate for reelection; and that intention was yet more distinctly avowed by Mr. Cushing, of Massachusetts.

At this point, the difficulties which finally separated Mr. Tyler [1841. from the great body of those who elected him began to be developed.

Hon. William Cost Johnson, of Maryland, a slaveholding Whig, in order to give weight and influence to his own argument, in favor of the 21st rule, said he had seen a letter from the President, Mr. Tyler, recommending its support by members of the House.

Mr. Adams, noticing this arrogant interference with legislative duties by the President, at once called for the *reading of the letter*. Mr. Johnson replied that such was the opinion of Mr. Tyler as an *individual*, and not expressed in any official correspondence; but the incident brought out the fact that the President and Cabinet were in favor of the policy of suppressing debate and the right of petition on the subject of slavery.

A few Whigs adhered to the President, while far the greater portion were opposed to him; but at the close of the extra session, the disbandment of the party had become apparent to the public.

\* At that time the writer supposed and still believes it to have been the intention of Mr. Clay, if placed in power, to use his influence to restore the freedom of debate and the right of petition, and leave the institution of slavery with the States. Such was undoubtedly the intention of Speaker White in the appointment of Mr. Adams and Mr. Giddings to be chairmen of committees, second in importance only to that of "Ways and Means."

## CHAPTER X.

## THE TRIAL OF HON. JOHN QUINCY ADAMS.

1841]. The contest upon the right of petition and the freedom of debate evidently increased ; slaveholding members became irritable, and northern members who sympathized with them appeared vexed and discontented. Personal feeling began to take the place of political sympathy ; the social relations of members were broken up, and the common civilities of life were no longer observed by a portion of southern members. Personal bitterness was manifested towards the writer more than towards any other member. There was not, probably, a dozen slaveholding members who at that period recognized him while passing on the street, or when meeting him in the Hall of Representatives. These attempts at social ostracism extended in a degree to Messrs. Slade and Gates, who were also regarded as obnoxious to southern members ; but the high, moral, and social position of Mr. Adams placed him above those puerile attempts to affect the official position of members.

Mr. Adams stood alone in his practice of presenting each petition separately, and asking specific action thereon. One of these from Massachusetts, prayed that colored men may be recognized as citizens of the United States, and permitted to hold lands in our Territories.

Another invoked Congress to guarantee to each State of the Union a republican form of government. Another prayed to be relieved from taking up arms in defence of a government which sustained slavery. Another prayed relief from all support of slavery and of the slave trade. Another prayed Congress to take measures to secure colored citizens from being enslaved while travelling in our southern States. Another setting forth that efforts were making to involve the people of the United States in a war with England, in order to compel her officers to aid our slave merchants in carrying native Americans to market, declared that such a war would exceed in guilt that which England waged against us in 1776, in the same degree that slavery exceeds the political dependence in which our fathers were holden by the British Government, and the memorialists prayed to be exempt from serving in such a war.

These petitions did not come within the 21st rule ; they called forth debate which at times became excited. On every hand Mr. Adams was assailed, and each petition appeared to call forth the expression of more bitter hostility.

That gentleman had served as a member of the Committee on Foreign Affairs during the twenty-sixth Congress, while his colleague, Mr. Cushing, served as chairman. Now he was placed at the head of the committee, and Mr. Cushing was a junior member.

On the 21st January, he presented the petition, as he stated, [1842. of a respectable portion of the citizens of Georgia, setting forth that while Mr. Adams possessed all the qualities of a statesman in an eminent degree, they regarded him a monomaniac, and prayed that he be removed from the position of chairman of the Committee on Foreign Affairs. Having presented the petition, he declared his desire to defend himself against the charge of being a monomaniac.

Mr. Marshall, of Kentucky, moved that Mr. Adams have leave to defend himself, and show that he was not a monomaniac. This motion was debated, and it was soon manifest that the slaveholders were unwilling to have him address the House. They exhibited greater personal hostility towards him than at any former time, and the motion was finally laid on the table.

The next morning, Mr. Adams asserted his right as a question of privilege, to defend himself against the charge brought against him. This proposition called out an expression of still greater personal hostility ; but the Speaker decided that it was a question of privilege.

At this point Mr. Warren, of Georgia, moved a reconsideration of the motion laying the subject on the table, which was sustained after many objections, and Mr. Adams now obtained legitimate possession of the floor for the purpose of defending himself. But he had no sooner commenced his remarks, than calls to order were heard from all parts of the hall. The Speaker was cool and firm ; he explained the question, showed with great perspicuity the parliamentary rule. Mr. Adams also bore himself with becoming dignity. He proceeded to expose the policy of southern members.

The slaveholders and northern Democrats became greatly excited. Mr. Adams at no time uttered half a dozen sentences without being vociferously called to order. The disorder increased ; the voice of Mr. Adams was often drowned amid exclamations, epithets, and denunciations. More vindictive feeling was exhibited than on any former occasion, and while this storm of passion was raging a motion was made and carried to lay the subject on the table.

Mr. Adams being in possession of the floor, continued to present petitions. One after another were laid upon the table on motion of some slaveholder. Throughout the hall a deep feeling of hostility towards the distinguished statesman was manifested. The day was far spent ; from



the reading of the journal in the morning the excitement had increased ; yet the aged patriot remained upon his feet, deliberately continuing in the discharge of his duty, with no apparent intention of retiring from the conflict. Near him were Messrs. Slade, Gates, and Giddings, deeply interested in what was passing ; while Wise, and Gilmer, and Holmes, and Cooper, and Saunders, and other slaveholding members, were on either hand, watching his words and actions with apparently intense interest.

At length he took from the file of papers before him one which he opened and appeared to examine with more than usual interest ; then turning to the Speaker, he said, " I hold in my hand the memorial of Benjamin Emerson and forty-five other citizens of Haverhill, in the State of Massachusetts, praying Congress to adopt immediate measures for the peaceful dissolution of the Union of these States." As these words were uttered an obvious sensation ran through the hall ; but he continued : " First, Because no union can be agreeable or permanent which does not present prospects of reciprocal benefits. Second, Because a vast proportion of the resources of one section of the Union is annually drained to sustain the views and course of another. Third, Because, judging from the history of past nations, if the present course be persisted in it will overwhelm the nation in utter destruction."

A number of slaveholding members now sprang to their feet, each demanding leave to speak. The presiding officer called to order, declaring the gentleman from Massachusetts was in possession of the floor ; and when order was again restored Mr. Adams continued, saying, " I move the reference of this petition to a select committee of nine members, with instructions to report an answer to the petitioners, showing the reasons why the prayer of their petition cannot be granted ?"

Vociferous calls for the floor were now heard from all parts of the hall. Mr. Hopkins, of Virginia, was first recognized ; but when order was restored, and the attention of all was directed towards him, expecting some important proposition commensurate with the occasion, he merely inquired of the Speaker if it would be in order to *burn the petition in the presence of the House* ? Other inquiries were propounded by different members, but such was the disorder that the Speaker paid no attention to any of them.

Mr. Wise inquired if a resolution to censure the member presenting the petition would be in order ? In response to this, Mr. Adams, in his seat, expressed his own gratification.

A motion to adjourn was made. Mr. Adams hoped the House would not adjourn. " If," said he, " a vote of censure is to be passed, it may as well be done to-day."

At length Mr. Gilmer, of Virginia, offered a resolution declaring, "That in presenting to the consideration of the House a petition for the dissolution of the Union, the member from Massachusetts (Mr. Adams) had justly incurred the censure of this House."

A question was raised as to the reception of the resolution, when Mr. Adams expressed his desire that it might be received and debated, and that he would have an opportunity of defending himself ; but the House adjourned without further action.\*

Public notice was given that a meeting of members from the slave States would be held that evening in the room of the "Committee on Foreign Affairs," to make proper arrangements for the trial, which was to proceed on the following day.

Most of the members showed no anxiety to leave the hall. Many remained, and gathered into small coteries, earnestly engaged in conversation upon the extraordinary events of the day. Many appeared deeply indignant, and with knitted brows, compressed lips, and clinched fists, uttered imprecations against all "agitators" and abolitionists ; others exultingly declared Mr. Adams to be in the power of the democratic party, as all southern Whigs would act with them, and they declared it necessary to make an example of him.

An effort was made to get a meeting of northern members who were willing to stand by and assist Mr. Adams in meeting the persecutions and dangers which surrounded him ; but to these efforts most northern Whigs replied, "that it would look like a sectional quarrel." But a few members friendly to Mr. Adams convened that evening at the room of the author. Messrs. Slade and Young, of Vermont ; Calhoun, of Massachusetts ; Henry, Lawrence and Simonton, of Pennsylvania ; Gates and Chittenden, of New York, and Giddings, of Ohio, were present. Besides these, Rev. Joshua Leavitt, of Boston, and Theodore Weld, of New Jersey, were also present ; although they were not members, they were well known as able and zealous advocates of freedom and friends of Mr. Adams. These two gentlemen were appointed a committee to wait on Mr. Adams and inform him that they and the members convened tendered him any assistance in their power.

They immediately repaired to the residence of Mr. Adams, though the hour was late. They found him in his parlor, and without delay stated the object of their visit. The aged statesman listened attentively, but

\* The House had for years adopted rules to suppress debate, and had used parliamentary and unparliamentary means to prevent Mr. Adams from debating the subject of slavery, and he now thought if permitted to debate this resolution he would have ample scope for arraigning the institution ; that, however, was a result which southern men had not looked to.

for a time was unable to reply, laboring under great apparent feeling. At length he stated that the voice of friendship was so unusual to his ears, that he could not express his gratitude ; that he would feel thankful if they would examine certain points to be found in the authors of which he gave them a list, and have the books placed on his desk at the hour of meeting the next day, and then dismissed them, and turned his own thoughts to a preparation for the contest.

Prompt at the call, nearly all the slaveholding members met at the place appointed that evening to consult on the best mode of conducting the debate upon the resolution of Mr. Gilmer. That gentleman was a member of the democratic party, and it was feared that this circumstance would injure the moral effect of the proceeding, as it might be said that it constituted a partisan persecution rather than a patriotic effort to "save the Union." It was therefore proposed that some slaveholding Whig should appear as prosecutor ; and Hon. Thomas F. Marshall was nominated and appointed to that duty. He was comparatively a young man, a nephew of the late John Marshall, Chief Justice of the United States Supreme Court. He seemed to have inherited the genius and ability of his ancestors, had already distinguished himself in the Legislature of his own State, and had now come to Congress under more favorable auspices than any other member west of the Alleghany Mountains. He was anxious to distinguish himself upon the new theatre on which he had but just entered.

On the following morning, long before the hour for the House to convene, the spacious galleries were filled to their utmost capacity, and all approaches to the hall were crowded with anxious men and women, endeavoring to get where they could hear the proceedings. Foreign ministers, "*attachés*" and privileged persons filled the lobbies and the outer space within the hall and outside the bar.

The Speaker promptly called the House to order as the clock told the hour of twelve, and soon as the journal had been read, Mr. Marshall proposed a substitute for the resolution offered by Mr. Gilmer on the previous day. The substitute was in the following language :

"Whereas the Federal Constitution is a permanent form of government and a perpetual obligation until altered or amended in the mode pointed out in that instrument, and the members of this House deriving their political character and powers from the same, are sworn to support it ; and a dissolution of the Union necessarily implies the destruction of that instrument, the overthrow of the American Republic, and of our national existence : A proposition to the Representatives of the people to dissolve the organic law framed by their constituents, and to support



which they are commanded to be sworn before they can enter upon the execution of the political powers created by it, and intrusted to them, is a high breach of privilege, a contempt offered to this House, a direct proposition to the Legislature and each member of it to commit perjury, and involves necessarily in its execution and its consequence, the destruction of our country and the crime of *high treason*.

*“ Resolved, therefore, That the Hon. John Quincy Adams, a member from Massachusetts, in presenting for the consideration of the House of Representatives of the United States a petition praying the dissolution of the Union, has offered the deepest indignity to the House of which he is a member, an insult to the people of the United States of which that House is the organ, and will, if this outrage be permitted to pass unrebuked and unpunished have disgraced the country through their Representatives in the eyes of the whole world.*

*“ Resolved, further, That the aforesaid John Quincy Adams, for this insult, the first of the kind ever offered to the Government, and for the wound which he has permitted to be aimed through his instrumentality at the Constitution and existence of the country, the peace, security and liberty of the people of these States, might well be held to merit expulsion from the national councils, and the House deem it an act of grace and mercy when they only inflict upon him their severest censure for conduct so unworthy of his past relations to the state and his present position. This they hereby do for the maintenance of their own purity and dignity: for the act they turn him over to his own conscience and the indignation of all true American citizens.”*

The resolutions having been read, Mr. Marshall proceeded to sustain them by a speech characterized by that eloquence and force of argument for which he was distinguished. The audience was attentive, and he proceeded to apply the law to the facts with such force that he appeared to leave but little chance of escape to him who by a persistent discharge of duty had rendered himself obnoxious to the slave power. Southern members appeared encouraged and confirmed in their determination to disgrace this aged advocate of freedom, while his northern friends were depressed in a corresponding degree; indeed, when they reflected upon the spirit manifested by the entire democratic party North and South, together with the slaveholding portion of the whig party, there appeared but slight expectations of defeating these efforts to prostrate his influence.

Mr. Adams was expected to state the grounds of his own vindication before any friend could venture to speak in his defence; accordingly, when Marshall closed, he rose to address the House, and as that gen-

gentleman had charged him with high treason, and represented him as seeking to overthrow the Government, it was supposed he would now reply with that overwhelming severity for which he was distinguished ; but he exhibited no such desire. When the Speaker announced that he was in possession of the floor, all eyes were instantly upon him. His appearance was venerable ; he was dignified in his bearing. He looked around upon his peers, who sat before him as judges, with a countenance beaming with kindness : he had long served his country, had filled the highest office on earth with honor to himself and friends ; and now, at the age of seventy-five years, he stood arraigned on a charge of treason to that country to which he had so long devoted his labors, to that people whose rights he was seeking to maintain.

At length, turning to the Speaker, he said : " It is no part of my intention to reply to the gentleman from Kentucky at this time. I prefer to wait until I learn whether the House will retain these resolutions for discussion. I call for the reading of the first paragraph in the Declaration of Independence." The Clerk at once sought the book containing it, and while seeking, Mr. Adams repeated, "*the first paragraph in the Declaration of Independence.*"

The Clerk then read the introductory portion of the Declaration, and hesitatingly turned his eyes towards Mr. Adams, as if to inquire whether he should read further. " Read on, *read on !* down to the right and the duty," said the aged patriot ; and the Clerk, in a clear and distinct voice, read that portion which declares the natural rights of mankind and asserts that governments are instituted to support those rights ; and with peculiar emphasis he read the sentence which declares, " that when ever any form of government becomes *destructive* of these ends, it is the *right and the duty of the people to alter or abolish it and reorganize its powers in such form as to them shall appear most likely to secure their interest and happiness.*"

Mr. Adams then proceeded to state that our Government had become destructive to the *lives and liberties of a portion of the people*. That those powers granted to *secure*, had been prostituted to *destroy* life and liberty : the powers ordained to the support of freedom had been prostituted to the maintenance of slavery. That the people had the right to reform these abuses, and bring the Government back to the performance of those duties for which it was instituted. " They have (said he) the right to ask Congress in respectful language to do anything which they in good faith believe that body ought to perform : and it is the duty of Congress to return respectful answers to such petitions, showing the reason why their prayers cannot be granted."

He declared that the people were oppressed by the denial of the right of petition and the suppression of debate, and "if this discussion is to proceed (said he) I shall ask for time to prepare my defence, for I shall show that that portion of the country from which these gentlemen (Messrs. Gilmer and Marshall) come are endeavoring to destroy the right of 'Habeas Corpus' and of trial by jury. I wish (said he) to look into the controversy between New York and Virginia, between Georgia and Maine, and show there is a persistent intention *to destroy the rights of the free States and to force slavery upon them.*"

He further declared his intention to show that a systematic effort was making to force the country into a war with England in order to maintain the African slave trade. He asserted that for the restoration of the slave trade, our minister at London had put forth the most false doctrines as constituting the law of nations.\*

And, said he, if our rights are thus to be taken away by this coalition between southern *slaveholders* and northern *democracy*, it is time the people should send their petitions here, and arouse the nation to protect our constitutional rights.

As Mr. Adams resumed his seat, Mr. Everett, of Vermont, moved a postponement of the further consideration for two weeks, to enable Mr. Adams to prepare his defence, and that the resolutions of Mr. Marshall be printed.

Mr. Wise inquired if this motion was not debatable. The Speaker responded in the affirmative, and Mr. Wise commenced a speech in favor of adopting the resolutions occupying the remainder of that day, and part of the day following.

This gentleman had long exhibited a personal hostility towards Mr. Adams, and he now appeared to think the present a most favorable opportunity to gratify his animosity. He charged Mr. Adams with conspiring with British abolitionists to destroy the Union; he read extracts from newspapers to show that British philanthropists were conspiring with those of the United States to bring about a war between the two

\* These prophecies were all literally fulfilled in a much shorter period of time than Mr. Adams or his friend then expected. The right of petition and freedom of debate had been already stricken down. The fugitive slave law of 1850 denied the right of "Habeas Corpus" and that of trial by jury, and strong efforts were made to carry slavery into the free States, by authorizing the master to carry his slaves through such States and to reside temporarily with them in such States. And in May, 1857, the Senate of the United States by resolution denied the right of British cruisers to visit an American vessel sailing under American colors to ascertain whether she was engaged in the African slave trade or not; and by this means that commerce was for some years practically restored, and slaves were openly imported into our southern States. And although the law declaring the slave trade to be piracy had been thirty years in force, no man had been executed under it until the Republicans came into power in 1861, when Captain Gordon was hanged in New York.



governments in order to destroy slavery : and as if he thought it a crime, declared that Mr. Adams had said that in case of a slave insurrection, if the Federal Government was called on to suppress it, the *Executive might, if necessary to restore peace, emancipate the slaves?* To this remark Mr. Adams, retaining his seat, replied with unusual emphasis, " Yes, sir." \* He spoke of the world's anti-slavery convention held in Europe, and said that Governor Gilmer had received the proceedings of that convention under the frank of a member of the House of Representatives (Hon. Seth M. Gates). He asserted that these things manifested a design to break down slavery, and *he exhorted the democratic party* to come up to the contest and put down abolition, or slavery would be destroyed, and the *great democratic principle of equality among men would become obsolete.*

Mr. Adams said he would speak at that time only upon the propriety of retaining the resolution for debate ; and he replied to Mr. Wise with marked severity, saying he understood that gentleman ; that he had come to that hall two or three years previously with his hands dripping with human gore ; a blotch of human blood was upon his face. Mr. Wise appeared incapable of forbearance under this allusion to the duel in which Mr. Cilley of Maine fell, in which Wise had acted as second, and he interrupted Mr. Adams several times. But the aged statesman occupied little time in answering Mr. Wise, as he evidently felt that Mr. Marshall's address was more important. He spoke of that gentleman with great kindness, referred to the friendship which had existed between himself and the ancestor of Mr. Marshall, the late Chief Justice, declaring that when he heard of the election of the gentleman from Kentucky he anticipated a renewal of that ancient friendship. He spoke of Marshall as having already won an enviable fame in his own State Legislature by his earnest support of human freedom, and then began to array that gentleman's errors before the audience ; said he had charged him with " high treason," in the preamble of the resolution, and in his speech. " Now," said he, " thank God the Constitution of the United States has defined high treason, and it was not left for the gentleman of Kentucky, nor for *his puny mind*, to define that crime, which consists solely in levying war against the United States, or lending aid and comfort to their enemies.

\* Eighteen years after this speech, Mr. Wise was acting Governor of Virginia, when the memorable insurrection under John Brown broke out, carrying consternation and dismay throughout the Old Dominion. Governor Wise carefully avoided calling on the President for assistance, yet assailed the President for not sending the troops of the United States to assist Virginia in suppressing the rebellion. The President, Mr. Buchanan, very correctly denied that he could do so until called upon *officially*. Still Mr. Wise would not trust a northern democratic President, lest he might emancipate the slaves instead of slaying them.

I, (said he), have presented a respectful petition from my constituents, I have done so in an orderly manner, in the regular course of business, in obedience to my sworn duty, and the gentleman calls this levying war ! ! ! Were I the father of that young man I could feel no more anxiety for his welfare than I do now ; but if I were his father I would advise him to return to Kentucky and take his place in some law school, and *commence* the study of that profession which he has so long disgraced."

Mr. Marshall now saw that he was to receive the full force of the veteran's severity ; and as if to bid defiance to his powers, he rose, and folding his arms across his breast, looked his opponent full in the face. This appeared to call forth all the reserved powers of that intellect which had attracted the attention of civilized nations. He appeared to his auditors to rise in stature ; his eloquence became more bold and lofty ; his invective more terrific. He referred to the fact that Marshall had attended a midnight cabal of slaveholders, and by the influence of "that ambition which o'erleaps itself," had consented to act as the prosecutor in endeavoring to prostrate and destroy one of the best friends he had on earth. He showed him an ingrate, and as he became warmed up, and rose in the dignity of his subject, his language, and thoughts, a breathless silence reigned through the hall and in the vast galleries. There was no loud breathing, no rustling of garments ; reporters laid down their pens, slaveholders were melted to tears. Marshall still retained his position, "a standing corpse ;" he exhibited no other sign of life than a nervous tremor which pervaded his system.

At length Mr. Adams concluded and resumed his seat, while Marshall remained apparently transfixed and unconscious until a friend intimated to him the propriety of resuming his seat.

From this moment the friends of Mr. Adams entertained no further apprehensions. With his intelligence, experience, and mental power, basing himself on truth, justice, and human rights, they were willing to trust him single-handed, against the entire democratic party, aided by the slave power. For such was now the contest, and all appeared to feel that Marshall was the champion of the slave power, and that Mr. Adams had not only demolished his argument, but had prostrated his influence in Congress.\*

\* Marshall was exceedingly sensitive to this rebuke, as the writer had full evidence. Soon after the scene above described, he came across the hall and addressing Hon. John Campbell, of South Carolina, who was sitting near the author, said: "Campbell, I wish I were dead." "Oh, no," says Campbell, "you are too sensitive." "I do," said Marshall, with an oath; "I would rather die a thousand deaths than again to encounter that old man."

But this feeling was subsequently expressed in different language. Mr. Klein, of Pennsylvania,

For twenty years southern members had threatened the dissolution of the Union ; had frightened northern members and northern people by declaring that they would leave the Union unless the northern people would cease to express their detestation of slavery, and the slave trade ; while now they were thrown into convulsions when a few northern citizens kindly and respectfully asked them to carry their threats into practice. Mr. Adams now began to arraign the slave power ; no longer attempting to defend himself, he boldly stood forth as the accuser and prosecutor of the slave interests.

He charged South Carolina and other slave States with seizing and enslaving free colored citizens of the northern States, in violation of the Constitution, and presented resolutions calling on the President for certain documents wherewith to establish this charge. He also wished for a copy of the letter of President Tyler to William Cost Johnson, advising him to support the twenty-first rule of the House. These papers he deemed necessary for his defence, and the House adopted his resolutions ; but the President did not answer them.

Other members now came to the aid of Mr. Adams ; Hon. John M. Botts, of Virginia, alluded to the fact that on a former occasion a gentleman from South Carolina (Mr. Rhett) had drawn up resolutions declaring the Union dissolved ; and was only prevented from presenting them because he could not obtain the floor. Mr. Arnold, of Tennessee, also sustained Mr. Adams, upon the ground that the twenty-first rule was itself a perfect violation of the Constitution.

Mr. Marshall again addressed the House, evidently preparing the way for a retreat from the position he had assumed. On the 3d of February, Mr. Gilmer, foreseeing the result, publicly proposed to Mr. Adams to withdraw the petition which he had presented, and pledging himself in such case to withdraw his resolution of censure.

Mr. Adams replied that he had presented the petition from a sense of public duty, from which he could not excuse himself ; and never

as chairman of the Committee on Military Affairs, in the previous Congress, made a report to which Mr. Adams could not yield assent, and in speaking upon it, alluded pleasantly to some literary defects. Keim was irritated, and in reply assailed the literary character of Mr. Adams. The aged member permitted no man worthy of his steel to assail him with impunity, and he replied to Keim in a very different style from that in which he had spoken of Marshall. He put on the facetious, and reading from one of Sheridan's Irish plays, represented Keim as a retired military officer, and soon found the House convulsed with laughter.

At this time Marshall entered the front door of the hall, and observing the disorder, turning to Mr. Merriwether, of Georgia, who was sitting beside the entrance, inquired the cause. Mr. Merriwether answered that Keim, of Pennsylvania, had assailed Mr. Adams, and the old gentleman was now making a reply. " Well, well," said Marshall, " if Keim has fallen into old Adams' hands, all I can say is *may God have mercy on his soul.*"



would he consent to violate his duty in order to obtain the favor or forbearance of any man or number of men.

Mr. Adams then commenced stating his defence; he cited various acts and circumstances showing a combination to remove him from the post of chairman of the Committee on Foreign Affairs; and the combination of southern members entered into on the evening of the 24th January, to prostrate and destroy his influence, in consequence of his advocacy of the right of petition, which he held to be sacred.

He then referred to the fact that the resolution had been presented by a gentleman from *Virginia* (Mr. Gilmer); said that he had long entertained a high respect for that State, from the confidence which General Washington had reposed in him forty-eight years previously, when that great man first appointed him minister to the Hague, at an age so young that he was called "the *boy-minister*." He spoke of the early statesmen of *Virginia* with admiration, and closed his remarks for the day by a quotation from Moore, saying he had hoped that the *present* delegation from that State would have felt something of that

"Holy shame which ne'er forgets  
What clear renown it used to wear,  
Whose blush remains when virtue sets  
To show her sunshine has been there."

On the following day Mr. Adams complained that his remarks were not reported, but *caricatured*. He stated that from the commencement of the trial he had been misrepresented; said it was important that the people should know what was passing in that hall, and he proposed a postponement for two weeks in order that competent reporters may be obtained. He declared the attempts to suppress what was said in favor of liberty, constituted good reason for removing the seat of government to some free State where slaveholding influence would not control the popular mind.

Mr. Marshall opposed the proposition, and charged Mr. Adams with

**NOTE.**—It was during this day that William Smith, of Virginia, formerly Governor of that State, interrupting Mr. Adams, said he wished "to make a suggestion for the benefit of the gentleman from Massachusetts." Smith was a man of not very elevated character; and Mr. Adams looking round upon him with a scowl of contempt, replied, "*Non tali auxilio*." Smith had forgotten his Latin, and not understanding the answer, stood in mute astonishment, not knowing whether to speak or say nothing; but finally turning to Hon. C. M., who sat by his side, inquired what the expression meant. The gentleman thus addressed was an incorrigible punster, and promptly replied, "He is very much enraged, and is telling you to '*go to h—ll*.'" Smith, astonished at what he supposed the profanity of Mr. Adams, dropped back into his seat, and was never known to interrupt Mr. Adams afterwards.

having said in the face of a British nobleman\* that the claim of England to the *right of search* was just. This was denied by Mr. Adams, who said he had never uttered a word in favor of the right of search.†

Marshall then insisted that Mr. Adams had advocated the Declaration of Independence, in order to dissolve the Union, and Marshall moved the previous question, in order to bring the House to a direct vote on the resolution of censure.

Seeing this open and undisguised attempt to suppress whatever he had to say in his own defence, Mr. Adams demanded the floor on the resolution, and proceeded with his remarks.

In the meantime, the author had obtained a seat inside the bar for the Rev. Dr. Leavitt, a very competent reporter, who thought he could report Mr. Adams with tolerable accuracy. But Mr. Andrews, of Kentucky, seeing this, called on the Speaker to enforce the rule prohibiting all persons, except members and their officers, from sitting within the bar. This was also done with the undisguised intention to suppress whatever Mr. Adams might say on that occasion. But Mr. Leavitt obtained a seat outside the bar, where he could hear Mr. Adams, took notes, and wrote out the remarks at night, and they appeared in one of the Boston papers.‡

Mr. Adams next proceeded to expose the effect of slavery upon the pecuniary interests of the country—compared New York with Virginia. Spoke of the schools, academies and colleges of the "Empire State," and compared them with the paucity of those institutions in "the Old Dominion." He then referred to the canals and railroads, the internal improvements, the industry, thrift and general prosperity, together with the unlimited commerce of New York : then to the miserable highways, the deserted plantations, the degraded slave population, dilapidated dwellings, and general poverty of Virginia : of the intelligence of one State, and the number of men and women in the other who could neither read nor write.

\* Lord Morpeth, an Irish peer, had occupied a seat politely tendered him within the bar. It was in his presence that Mr. Adams had charged the slaveholding influence of the House and Senate with an intention to involve us in a war with England to sustain the African slave trade.

† British ministers at that day very justly claimed that as slavedealers were pirates, at war with mankind, British and American ships of war, while cruising for them, on meeting with a suspected vessel, had the right to stop her, and ascertain whether she was really a *pirate* or engaged in *lawful commerce*. This was denied by the democratic Administration, who declared that such right of visitation constituted a "*right of search*;" and Marshall adopted this language, in order to assail Mr. Adams more effectually.

‡ Mr. Leavitt wrote until about daylight, when he brought his manuscript to the author, who franked it to the "Boston Courier," at that time published by Mr. Buckingham, a man of great integrity of purpose, an independent and able editor. He inserted the remarks, which occupied nearly one page of the paper, and will be found in that publication of about the 5th February, 1842.

It became evident that slaveholders and Democrats were greatly dissatisfied with the whole proceeding. After laboring six or seven years to suppress debate, and just at the time when they supposed they had consummated that object, they had inadvertently thrown the door wide open, had placed themselves, as it were, at the mercy of him who was most able and most willing to expose the entire despotism of slavery.

It was under these circumstances that Hon. Romulus M. Saunders, of North Carolina, called Mr. Adams to order for thus comparing slave and free States, which he declared to be in no way germane to the question of censure.

The Speaker, with great force, alluded to the fact that the petition presented by Mr. Adams asked a dissolution of the Union on account of slavery. That the whole proceeding and all the arguments had been intended to uphold or to put down that institution, and while a member was on trial under such charges, the Chair would not attempt to limit his defence. Mr. Saunders appealed, but the House sustained the decision of the Speaker.

After the adjournment, Mr. Adams desired to obtain a copy of the correspondence between Governor Seward, of New York, and the Governor of Virginia, upon the subject of surrendering persons for trial in Virginia, who were charged with stealing slaves. Mr. Gates volunteered to furnish all the documents in regard to that matter, and Mr. Adams intended placing that subject before the country on the following day.

But on the next morning, as he rose to commence his remarks, Mr. Merriwether, of Georgia, desired permission to make an inquiry. He stated that some ten or twelve days had been spent in this trial: that he was ready to vote on the resolution at any moment, and so were all the southern members. That Mr. Adams himself was now occupying much time, and putting the nation to much expense, and he desired to understand how much longer time he expected to occupy in *stating his defence*?

Mr. Adams denied being responsible for one moment of the time spent in the debate. He declared that the resolution of censure was introduced without his consent and against his desire. That he objected to taking jurisdiction of it, declared the House ought not to entertain it for a moment, and had during the whole trial been willing at any moment to give way for a motion to lay the subject on the table: and as to the time he would occupy in stating his defence, he could not attempt to fix any precise period. When Sir Warren Hastings was arraigned before the British Parliament, the trial occupied several years,



and Mr. Burke occupied some three months in one speech. He thought those precedents perfectly applicable to the present case, but he would pledge himself to close the statement of his defence at the earliest moment he could do so, consistently with duty to himself and the public, and he thought it probable he might close in *ninety days*.

This enunciation opened up to his persecutors a new field of thought. He had already spent three days in arraigning the institution of slavery and its supporters : and now proposed to continue that exposure for three months longer. While the people were dissatisfied with their representatives for spending so much time and money in a useless attempt to censure an aged and venerable member : while to recede would be an acknowledgment of the victory which he was evidently about to obtain.

But Mr. Botts, of Virginia, moved to lay the whole subject on the table, and his motion was sustained by a vote of 106 to 93.

During the trial, Mr. Adams had become greatly exhausted. He informed his friends that during some of the nights he slept none, and it was greatly feared that he would not survive the struggle. But the writer and other friends believed that if he died under this persecution, he would do more for the cause of liberty than he could in any other way, and to this he did not object. But he had now met the advocates of slavery upon their chosen field of combat, had driven them from the conflict, and his victory was not only complete but *important*. The right of petition was substantially regained, although the twenty-first rule was not repealed until some two years subsequently.

## CHAPTER XI.

## ARRAIGNMENT, TRIAL AND CENSURE OF THE AUTHOR.

..... 1808 Congress had authorized the coastwise slave trade, [1842] which had now become an important commerce between the northern slave-growing States and the southern or slave-consuming members of the confederacy. In the prosecution of this "American piracy," it was estimated that not less than twenty-five thousand human beings were annually transported from the States of Delaware, Maryland, Virginia, North Carolina, Tennessee, Kentucky and Missouri, either by land or water, to South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas and Arkansas, where they were sold to supply the places of those who had fallen into premature graves, by reason of the hardships, privations and excessive toil to which they were subjected.

By the treaty of Ghent, as has already been shown, the British and American Governments had pledged themselves to the Christian world to use their best endeavors totally to abolish the "*traffic in slaves*." The Commissioners who negotiated that treaty appear to have been impressed with the idea that the crime consisted in buying and selling God's image, and not in the place of perpetrating it.

Yet after the approval of that treaty, our Government continued to encourage the transportation and sale of slaves upon our own coast, although the African slave trade was made piracy by statute; notwithstanding, it was far less painful to the pagans of Africa than our domestic commerce was to the christianized victims of America.

Although our Government, in violation of treaty stipulations, and in violation of our Federal Constitution as well as of justice and Christianity, lent encouragement to this domestic piracy, yet it was subjected to many casualties. In passing around the peninsula of Florida, our slave ships were sometimes wrecked on British islands: and the slaves once treading British soil, by virtue of English laws became *free*: and the dealers in human flesh were ruined from the failure of their speculations in the bodies of men and of women.

Under these circumstances, it became the interest of slaveholders to obtain the coöperation of the government of Great Britain, in direct conflict with the treaty of Ghent. The subject was brought before Congress in the following manner:

In the year A.D. 1830, the ship "Comet" sailed from Alexandria, in the District of Columbia, with a cargo of slaves and property bound for New Orleans. She was wrecked on the false keys of the Bahama Islands, and the passengers and slaves were carried by the wreckers to Nassau, in the island of New Providence, where the slaves sought their own happiness under British laws.

"The Encomium" also sailed in 1834 from Charleston, South Carolina, with a number of slaves for New Orleans, was stranded near the same place, and the slaves were released in the same manner.\*

The slaveholders called on General Jackson, then President of the United States, to obtain for them a compensation for this loss of their human cargo. The President appears to have entertained no doubt that these slavedealers, whom the common sentiment of civilized nations regarded as unworthy of human association, and deserving only of the halter and gallows, ought to be encouraged and sustained in the pursuit of their vocation.† Mr. Van Buren, at that time Secretary of State, in pursuance of executive instructions, transmitted orders to our minister at the court of St. James, to press these claims upon the attention of the British minister, saying, "they were among the matters *most immediately pressing upon the attention of our Legation at London.*"‡

Mr. Stevenson, of Virginia, was at that time representative of our Government at the British court. He had been bred and educated in that political school which regarded slavery as the principal object of government, which should at all times receive its fostering care. He appears to have entered upon the advocacy of these slavedealing claims, without very scrupulous attention to the facts which he asserted, or the law which he professed to maintain.

In his correspondence with the British Government, he asserted that "under the Constitution of the United States, slaves are regarded as '*property*;' that there is in fact no distinction between property in '*persons*' and '*property in things.*'" He went on to assert that our

\* Mr. Benton, in his "Thirty Years," represents these slaves as *forcibly detained* by the British officers: while the British authorities asserted that the slaves preferred to remain on the island, and there was no authority known in British legislation to send them away. But Mr. Benton, holding that slaves were "*property*," in the same sense that inanimate goods were regarded, the refusal of the British officers to seize and deliver them to their masters was, in his mind, *in law* a forcible retention.

† Mr. Benton, in his "Thirty Years," says that the slaves on board the "Encomium" belonged to Messrs. Waddels, of North Carolina, *who were among the most respectable inhabitants of that State.*

‡ There is no doubt that General Jackson did regard the support of slavery and the slave trade among the *most important interests of our country*; nor is it doubted that he was sincere. But it is difficult to conceive how Mr. Van Buren, who was educated in the free States and in the doctrines of liberty, should have entertained this view of the slave trade.



Government had "*in the most solemn manner determined that slaves killed in the public service of the United States, even in time of war, were to be regarded as property, and paid for as such.*" \*

When Mr. Stevenson made this declaration, the records and history of the nation showed that instead of paying for slaves, Congress had in every instance refused such payment. Yet by these misrepresentations, the British minister was led to pay for the slaves lost from on board the "Comet" and "Encomium," as they were stranded prior to the emancipation of the West Indian slavery, and both governments violated their solemn pledge "to use their best endeavors for the entire abolition of the *traffic in slaves.*"

But the British minister refused to pay for the slaves lost from on board the ship "Enterprise," which the reader will recollect ran into Port Hamilton, Bermuda, through stress of weather in 1835, after the emancipation of British slavery. This refusal was entirely unsatisfactory to the slaveocracy of the United States, which saw in it a progress of human thought that would eventually destroy the institution, if permitted to increase and strengthen. This jealousy was yet farther stimulated by the loss of slaves from on board the "Hermosa," which sailed from Richmond, Virginia, in 1840, and was wrecked on the British island Abacco, when the slaves, passengers and crew were taken to Nassau, and the slaves obeyed the dictates of nature's law by asserting their own liberty.

Mr. Barrow, of Louisiana, had presented the petition of certain insurance companies in that State, praying Congress to take measures for obtaining compensation from the British Government for the loss of the slaves from the last-mentioned ship. That Senator stated in explicit language that the case might present the question of *peace or war with Great Britain*: he declared the people of the southern States were the last to submit to the principles of international law as construed by the authorities of the British Islands; and said, if they continued to interfere with our commerce our navy would sink them!

Mr. Calhoun and other Senators concurred in the views of Mr. Barrow, and referred the memorial to the "Committee on Foreign Affairs,"

\* Mr. Stevenson was Speaker of the House in 1828, when the case of D'Autrieve was so long and ably debated. It was the only case which at the date of this correspondence had been decided by Congress on full debate. And in that case the doctrine that slaves were "*property*," was very emphatically *denied*, as the reader will recollect. Of these facts, Mr. Stevenson could not have been ignorant. But when he asserted that slaves killed in the public service had been recognized *as property, and paid for as such*, he asserted that which was not only unsustained by the record and history of our Government, but that which was distinctly *opposed by both history and the records of the nation*, for our Government had refused such payment just so often as Congress had been applied to for it.

but advised the parties concerned to await the action of the British Government in the case of the "Creole."

This ship had sailed from "Hampton Roads" on the 27th October, 1841, with one hundred and thirty slaves on board bound for New Orleans. On the 7th November the slaves rose against the officers and crew, declared their right to freedom, taking possession of the deck of the ship at the same time. The alarm being heard below, one of the slavedealers named Hewell, who attempting as he came on deck to shoot one of the men, was stricken with a handspike and killed. The other slavedealers, captain and crew surrendered, and these people called "chattels" were by the force of their own right arms, suddenly transformed into *free* men and free women; and by the same turn of the wheel of fortune, the captain, crew and slavedealers were changed from lordling masters and dealers in human flesh into submissive vassals, in every proper sense slaves, of their former bondmen.\*

They now ordered the mate at first to steer the ship to Liberia; but, being assured that their provisions and water would not last them half way, they consented to enter the port of Nassau. Being under British laws, they were of course liberated from slavery, went on shore, and sought their own happiness. The men, however, who actually rose in arms and took possession of the ship, were arrested and imprisoned. The captain of the "Creole" demanded them as criminals to be brought back to the United States for punishment; but the authorities of the island refused until they should consult the imperial government at London.†

\* Mr. Benton, in his "Thirty Years" (vol. II. p. 409), appropriates an entire chapter to this case; in which he appears to think it necessary for the vindication of himself and those who acted with him, to speak of the slaves as "*mutineers*," bound by the same laws to which voluntary passengers were subjected; entirely ignoring the fact that slavery is based upon no law but that of *brute force*; that all publicists and all impartial men understood it to be a perpetual war between master and slave, in which the master is seeking by all the means which God and nature have placed at his control, to hold the slave in subjection to his own will, and if necessary he uses the scourge and fetters and chains, and even slays his victim if he resist. While the only possible bearing of municipal law in his favor is to exempt the master from temporal punishment for the crimes which he commits against the slave; but leaves the master with all his moral guilt upon him. That it cannot and does not impose upon the slave any moral obligation to submit to the outrages, or to abstain from avenging the wrongs perpetrated against him. But this view of slavery does not appear to have been at any time entertained by the author of the "Thirty Years;" nor does he appear to have deemed it necessary to combat this doctrine when advanced by others. Indeed, Mr. Calhoun is believed to be the only slaveholder of character bold enough to attempt what he supposed a logical refutation of the doctrines of the Declaration of Independence. But when that distinguished statesman undertook to refute the assertion "that all men are created equal," by saying that "*men* were not created—that *children* only are *created*," he was supposed to have belittled his own intellect rather than the truths which he combated.

† Mr. Benton, in the chapter alluded to in the previous note, appears indignant at the idea that these local authorities were to consult the British Government? He says, "this was tantamount to an acquittal or even a justification of all they had done," whimsically adding, "as according to

The slaves, once free, demanded their baggage? The master of the ship declared they had no baggage, that *they were themselves the property* of the masters, and of course could hold no property; but the British authorities compelled him to deliver to each negro his blanket and such clothing as he had possession of while on board.\*

The slavedealers returned to the United States, and at once called on President Tyler, demanding the interposition of the Government to obtain compensation for this failure of their speculation in human flesh.

It is believed that neither the President nor the Secretary of State, Mr. Webster, entertained any doubts as to the legal or moral character of the transaction: nor do they appear to have suspected that for them to espouse the cause of these piratical slavedealers, to encourage them in their vocation by calling on the British Government to pay them for the bodies of those men and women who were lost to slavery and gained to freedom, would affect our character among civilized nations.

The case was one in all respects calculated to test the principles and the policy of both governments. These people had been held in servitude, were sold and bought by these slavedealers, and were being transported to market. There was no law of the United States professing to give authority to those hucksters in human flesh to hold their victims in subjection; and had there been such enactment, it would not have imposed on them any natural or moral obligation to submit to being thus carried to the barracoons of New Orleans. They held the natural and inalienable right, derived from the Creator, to live and to enjoy their liberty. The American and British Governments were bound by their solemn pledge given to the Christian world in the treaty of Ghent to use their best efforts "totally to abolish the traffic in slaves," rather than encourage it.

The subject excited much interest and solicitude on the part of both slaveholders and the advocates of liberty; indeed, the Christian world felt a deep solicitude on the subject, particularly members of the various Protestant churches, for there were said to be members of the Methodist, Baptist and Presbyterian churches among the people thus set free.

But the Senate, by resolution, called on the President for the corres-

all British decisions, *a slave has a right to kill his master to obtain his freedom* &c. Yet, indignant as Mr. Benton appears to have been at these decisions, it is believed that neither he nor any other casuist of the present age has dared to deny that the slave clearly possesses this moral right to slay his master if *necessary* to obtain his liberty.

\* The negroes, by all international and natural law, were entitled to the ship and cargo, as lawful prize; and all that the captain and crew could legally claim in a neutral port was their *own personal liberty*. But it would seem that the British authorities were unwilling to strike that blow at the barbarism of slavery, as were our American philanthropists in the case of the "Amistad," to which the attention of the reader was called in a former chapter.



pondence between our Government and that of England in regard to this matter, and in answer to this call the Executive transmitted to that body a copy of the instructions sent by our Secretary of State to Mr. Everett, our minister at London, which, in justice to the President as well as to the Secretary of State, we give the substance in the language of that distinguished officer :

"The British Government," says Mr. Webster, "cannot but see that this case, as presented in these papers, is one calling loudly for redress. The 'Creole' was passing from one port in the United States to another on a voyage *perfectly lawful*,\* with merchandise on board, and also with slaves or persons bound to service, natives of America, and belonging to American citizens, and which are recognized as *property by the Constitution of the United States in those States in which slavery exists*.†

"In the course of the voyage some of the slaves rose upon the master and crew, subdued them, *murdered* one man, and caused the vessel to be carried to Nassau. The vessel was thus taken to a British port, not voluntarily by those who had the lawful authority over her, but forcibly and violently against the master's will, and with the consent of nobody but the *mutineers and murderers*.‡

\* Mr. Webster nor his friends never condescended to show how a vessel engaged in the "traffic in slaves" could be engaged in a "*perfectly lawful voyage*" while "the supreme law of the land had prohibited it; nor did they ever attempt to show by what course of reasoning human enactment could change the imperishable right of men to life and liberty, which nature and nature's God has conferred on every human soul.

† This assertion is wholly inexplicable. Mr. Webster certainly knew that so far from recognizing slaves as property, the Constitution of the United States had, in every instance, referred to them as "*persons*" and not as "*property*." Nor could he have been ignorant that in framing that instrument Mr. Madison had declared "*it wrong to admit in the Constitution that man can hold property in man*," and that every member of the Convention acquiesced in this view.

‡ It is most extraordinary that a high officer of state, a man of the dignity of deportment and of language which usually characterized Mr. Webster, should, in an official communication have used epithets calculated to influence only the vulgar and stupid portion of the community. He well understood that a "mutineer" was one who, being under *lawful subjection* to a superior officer, rises in resistance to such authority; that a "murderer" is one who, with malice aforethought, willfully slays another who is observing the public peace. But all must have been aware that there was no law of any legislature or government commanding these people to obey the slavedealers, or the captain of the ship. The slave laws of Virginia exerted jurisdiction over them while in that State, or within a marine league of its shores; but when they passed beyond that line, and the ship entered upon the "high seas," no laws but those of the United States had authority on board; and surely no statute of this Government gave the slavedealers authority to flog, or fetter, or slay these victims of a barbarous usage, sustained only by crime and brute force. Even the statute authorizing the transportation of slaves from one port to another, merely exempts the slavedealers from temporal punishment, but it did not profess to establish any authority of the master over the slave; nor did it impose upon the slave obedience to the piratical dealer who transports him from one market to another; and so far as the relations of the slaves and masters were concerned, both were left to the dictates of "natural justice;" neither having any authority over the other, but both were morally bound to "do unto the others as they would have the others do unto them." And when the masters persisted in holding their slaves in bondage and in carrying them to market, the slaves had the right to resist with just so much force as was necessary to maintain their lives and liberties.

“ Under these circumstances, it would seem to have been the plain and obvious duty of the authorities at Nassau, the port of a friendly power, to assist the American consul in putting an end to the captivity of the master and crew,\* restoring to them the control of the vessel, and enabling them to resume their voyage and to take the ‘mutineers and murderers’ to their own country to answer for their crimes before the proper tribunal.”†

When the message of the President and this letter of instructions to our Minister at London were read in the Senate, Mr. Calhoun rose and, expressing his gratification, said, “The letter covered the whole ground assumed by all parties in the Senate, on the subject, and he hoped it would have a beneficial effect, not only in the United States, but in Great Britain. Coming from the quarter it did, this document would do more than in coming from any other quarter.” The message was then referred to the appropriate committee.

These proceedings of the Senate and of the Executive endeavoring to place our Government before the nations of the world in the attitude of patronizing and sustaining “a commerce in our own species,” struck the author with the most profound astonishment. Senators had openly declared that “the question might become one of *peace or war*.” Avowing distinctly their intention to involve our nation in a war to support this “commerce in mankind,” if Great Britain did not quietly consent to sustain it in her ports, and in that body not a solitary voice, except that of Mr. Porter, of Michigan, had been raised against this support of a barbarous traffic; and all expected the Committee on Foreign Affairs in the Senate would reiterate these doctrines which had been expressed in the case of the “Enterprise,” referred to in a previous chapter.

In the House of Representatives all debate on this subject was prohibited. The Representatives of the people were not permitted to expose these attempts to subject the nation to the odium of sustaining the slave trade, in the open sunshine of intelligence and civilization which characterized the forenoon of the nineteenth century.

\* All the statements show and admit that the negroes did not pretend to hold the master or crew in captivity one moment longer than was necessary to secure their own freedom; but soon as they reached the port, and came under British authority, the negroes released them, not waiting for the authorities of Nassau to ask or demand their release.

† This assertion of Mr. Webster, substantially declaring it the duty of the British authorities to aid these slave-dealers in their piratical vocation; and that for the reason that that nation was at peace with ours, it became their duty to aid in carrying on this “*traffic in slaves*” in *open and undisguised violation of the solemn treaty stipulations between the two governments*, was so extraordinary that the British Ministry refused to enter into further correspondence than merely to refuse compensation. This is the *apparent* state of the negotiation, for the public have not yet been favored with the reply to the demand of Mr. Everett, or that any reply was made.

1821 Under these circumstances the author determined to make his own opinions understood in such manner as best he might.

For this purpose he drew up certain propositions, which appear to have become so essential to the history of important incidents then transpiring in our Government, and between the American and British Governments, as to warrant their insertion. They were expressed in the following language :

" *Resolved*, 'That prior to the adoption of the Federal Constitution, each of the several States composing this Union exercised full and exclusive jurisdiction over the subject of slavery within its own territory, and possessed full power to continue or abolish it at pleasure.

" *2d*, 'That by adopting the Constitution, no part of the aforesaid powers were delegated to the Federal Government, but were reserved by, and still pertain to each of the several States.

" *3d*, 'That by the eighth section of the first article of the Federal Constitution, each of the several States surrendered to the Federal Government all jurisdiction over the subjects of commerce and navigation upon the high seas.

" *4th*, 'That slavery being an abridgment of the natural rights of man, can exist only by force of positive *municipal law*, and is necessarily confined to the jurisdiction of the power creating it.

" *5th*, 'That when a ship belonging to the citizens of any State of this Union, leaves the waters and territory of such State, and enters upon the 'high seas,' the persons on board cease to be subject to the laws of such State, and thenceforth are governed in their relations to each other by, and are amenable to, the laws of the United States.

" *6th*, 'That when the brig 'Creole,' on her late passage for New Orleans, left the jurisdiction of Virginia, the slave laws of that State ceased to have jurisdiction over the persons on board, and they became amenable only to the laws of the United States.

" *7th*, 'That the persons on board said ship, in resuming their natural rights to liberty, violated no law of the United States, incurred no legal penalties and are justly liable to no punishment.

" *8th*, 'That all attempts to regain possession of, or to reënslave said persons are unauthorized by the Constitution or laws of the United States, and are incompatible with our national honor.

" *9th*, 'That all attempts to exert our national influence in favor of the coastwise slave trade, or to place this nation in the attitude of maintaining a commerce in human beings, are subversive of the rights and injurious to the feelings and interests of the people of the free States ; are unauthorized by the Constitution, and prejudicial to our national character."



The resolutions had been previously submitted to Mr. Adams for his approval. He was perfectly frank in saying that he could not support the one which denied the right of the Federal Government to abolish slavery in the States, while he believed and held the principle that in case of insurrection or war, the Federal Government might under the *war power* abolish it. To that doctrine, the author replied, that the resolutions being drawn and presented *in time of peace, and having evident relation to a state of peace*, would not be regarded as applicable to a state of war, which operated to suspend the laws of the country and subject the rights of the people to despotic rule, in order to save the nation, and that making exceptions as to a state of war might obscure the doctrines and weaken the force of the several distinct propositions.

To this Mr. Adams rejoined, that the friends of slavery in future years and *during times of war*, would quote these resolutions as denying the right of the Federal power to interfere with slavery even amidst domestic insurrection or foreign invasion; but he added, "*I will cheerfully sustain all but that which denies this right to the Federal Government.*"

Mr. Adams was a very cautious man, and the author could not at that time see the necessity of making the exception to which his attention was called, yet he was not unmindful of the almost universal error which appeared to control our statesmen of that day, to wit, that human enactments professing to *establish* or to *sustain* slavery had some sort of *undefined and indefinable moral force*, beyond the mere exemption of the slaveholder or slavedealer from temporal punishment.

Fully aware that the resolutions were in direct conflict with those presented by Mr. Calhoun in the case of the "Enterprise," and of the doctrine avowed by the Executive in the cases of the "Comet" and "Encomium," as well as that now asserted by Mr. Webster, the writer endeavored to couch them in language as explicit as he could command.

On the 21st March the State of Ohio was called on, under the [1842. rules of the House, for resolutions. Having obtained the floor, the writer stated that he had prepared a series of resolutions in relation to a subject which had called forth some interest in the other end of the Capitol, and in the country; that he desired at that time to lay them before the House for consideration, and would call them up for action upon the next day which should be devoted to the consideration of resolutions. Having made these remarks, he sent them to the Clerk's desk, in order that they should be read for information, and with the full expectation that they would be published in the newspapers and considered carefully by members in order to act upon them understandingly on the following week.

The reading of the resolutions attracted general attention, and after the Clerk had read them through, some members called for another reading ; and now the most profound attention was directed to the reading, and at the close there was some excitement apparent among slaveholders and northern members of the democratic party. General Ward, of New York, inquired of the Speaker whether it was in order to demand the previous question so as to bring the House to an *immediate* vote ?

The Speaker replied in the affirmative.

Mr. Everett, of Vermont, moved to lay them on the table, saying they were too important to be adopted or rejected without consideration. Mr. Everett's motion was rejected by 125 to 52.

Mr. Holmes, of South Carolina, under great excitement, remarked, "there are certain topics like certain places, of which it might be said—

" 'Fools rush in, where angels fear to tread.' "

The vote on seconding the demand for the previous question was taken, and stood 122 to 61.

Mr. Everett, a man of experience and of influence in the whig party, now rose and asked to be excused from voting, saying the subject was  
 1842] very important, and would probably come before the Committee on Foreign Affairs, of which he was a member, and he desired to express no opinion until he should have time to examine the question ; and he wished on that occasion to express his "*utter abhorrence of the fire-brand course of the gentleman from Ohio.*"

Mr. Fessenden, a Whig of Maine, thought the resolutions were too important to be voted upon without greater deliberation.

Mr. Floyd, of New York, a Democrat, said, "here were eight or ten resolutions settling important questions between Federal and State governments, which the members had only heard read, but had not seen." He thought it important that every member should deliberately examine them before voting upon them.

Mr. Cushing, of Massachusetts, went to the Clerk's table and read the resolutions ; then said, "they appeared to be a *British argument on a great question between the British and American Governments, and constituted an APPROXIMATION TO TREASON, on which he intended to vote NO.*" \*

Mr. Adams called for a division of the question, saying he wished to

\* Mr. Cushing had been elected as a Whig, but when the separation between that party and the President took place, he adhered to the President, and was appointed Commissioner to China. He was *then* regarded as the exponent of the President's views.

support some and to vote against others, alluding to those which denied the right of the Federal Government to abolish slavery in the States.

After these expressions, Mr. Fillmore, of New York, inquired of the Speaker, if it were in order to ask the author of the resolutions to withdraw them? The author was unwilling to see members, acting under the excitement of the moment, commit themselves against doctrines which he was conscious would meet the approval of their judgments in moments of cool reflection; and he withdrew the resolutions, saying he had intended only, on that occasion, to call attention to the subject, and ask a vote at some future day, and as they would now be published, he would withdraw them, and present them for action at the next day when the resolutions should be in order.

Mr. Botts, of Virginia, now rose, saying, "the withdrawal of the resolutions did not excuse their presentation;" he then offered the following preamble and resolution for adoption:

"*Whereas*, The Hon. Joshua R. Giddings, the member from the sixteenth congressional district of Ohio, has this day presented to this House a series of resolutions touching the most important interest connected with a large portion of the Union, now a subject of negotiation between the United States and Great Britain, of the most delicate nature, the result of which *may involve those nations, and PERHAPS THE CIVILIZED WORLD IN WAR* : \*

"*And whereas*, It is the duty of every good citizen, and particularly of every selected agent and Representative of the people, to discountenance all efforts to create excitement and dissatisfaction and division among the people of the United States, at such time and under such circumstances, which is the only effect to be accomplished by the introduction of sentiments before the legislative body of the country hostile to the grounds assumed by the high functionary having in charge this important and delicate trust :

"*And whereas*, Mutiny and murder are therein justified and approved in terms shocking to all sense of law, order and humanity, therefore

"*Resolved*, That this House holds, the conduct of the said member is altogether unwarranted and unwarrantable, and deserving the severest condemnation of the people of this country, and of this body in particular."

Objection was made to the presentation of the resolutions by a mem-

\* Mr. Botts was a man of wealth, an extensive slaveholder, and was undoubtedly well informed as to the intention of the slave power "*to involve the two nations in war*," if England refused to pay for the slaves lost from on board our slave ships.



ber from the State of Virginia, as the call had proceeded as far as the State of Ohio : Mr. Botts moved a suspension of the rules ; but less than two-thirds voting for his motion, it failed.

Mr. Weller, a Democrat, from Ohio, then offered them as his own, and called for the previous question.

There was much excitement in the hall, and a conversational debate arose as to the propriety of ordering the previous question, but Mr. Weller persisted in demanding it, and the Speaker decided that on a question of privilege, the previous question could not cut off a member from his defence.

1842.] Mr. Fillmore, of New York, took an appeal from this decision, and the House overruled the decision of the Chair by a vote of 118 to 64,\* and the House adjourned.

Confident that he would not only be permitted to defend himself, but probably constrained to do so on the following day, the author spent the entire night in preparation, and until near the hour of meeting, when he drove to the residence of Mr. Adams, for the purpose of consulting him.

The aged patriot was laboring under great depression. He said the House would not permit any defence to be made : that the vote would be taken without debate, and that appearances indicated the passage of the resolution of censure. To the latter proposition, the author readily assented, but stated that the result was less important than the mode of reaching it ; and that he had supposed the reflections of the night would convince members of the impropriety of *condemning a man unheard*. Mr. Adams answered, " You are not as familiar with the slaveholding character as I am. *Slaveholders act from impulse, NOT FROM REFLECTION ;* they act together from interest, and have no dread of the displeasure of their constituents when they act *for slavery*."

Conscious of the superior experience of Mr. Adams, the writer then began to apprehend the passage of the resolution of censure *without permitting* any defence.

When the House had been called to order, the Speaker declared the first business before it was on seconding the demand for the previous question.

Mr. Weller now proposed to withdraw his demand for the previous question, provided the author would at once proceed in his defence, with

\* Mr. Fillmore had been regarded at the time of his election an anti-slavery man. He was ambitious, and therefore not unwilling to enjoy the favor of both slaveholders and anti-slavery men. He served some years in Congress, and being elected Vice-President, under General Taylor, he became President on the death of that gentleman, but in all his public stations, he manifested a desire to conciliate southern interests and southern favor.

the general understanding that the previous question should be called when such defence was concluded.

The writer refused to make any terms for the purchase of his constitutional rights, and the vote was taken on seconding the demand, which stood 77 in the affirmative and 70 in the negative.

After the previous question was ordered, Mr Weller moved a suspension of the rules to enable the writer to make his defence. The Speaker declared that as the House had ordered the previous question, it must be put before any other could be entertained. Mr. Adams suggested that while the previous question might cut off all other members from debate, it ought not to be applied to prevent the accused from defending himself.

The Speaker reminded Mr. Adams that the House had decided that the previous question applied to *cases of privilege*, and it certainly could not apply to one member and not to another, as the privilege of one was the privilege of all.

Members now appeared unwilling to pass the resolutions of [1842. censure without permitting a defence to be made. A proposition was made to hear the author of the resolutions, *by common consent*, and it was announced that there was a unanimous desire to hear him. He then rose, and uttered the following words : " Mr. Speaker, I stand before the House in a peculiar position." At this point, Mr. Cooper, of Georgia, objected to this proceeding, and he resumed his seat.

Several gentlemen now gathered around Mr. Cooper, who was persuaded to withdraw his objection. Hon. Wm. B. Calhoun, of Massachusetts, renewed the objection, declaring he would not see a member of the House speak under such circumstances.

In the meantime, the author, while sitting at his desk, addressed the following note :

*" To the Reporter of the 'Intelligencer.'*

" When I rose so often during the confusion of business in the House this day, and was so often called to order, the last time by Hon. Mark A. Cooper, of Georgia, I *had written out*, and desired to have stated to the House, what follows :

" ' Mr. Speaker, I stand before the House in a peculiar position. It is proposed to pass a vote of censure upon me, substantially for the reason that I differ in opinion from a majority of the members. The vote is about to be taken without giving me an opportunity to be heard. It were idle for me to say that I am ignorant of the disposition of a majority of the members to pass the resolution of censure. I have been

violently assailed in a personal manner, but have had no opportunity of being heard in reply ; nor do I now ask for any favor at the hands of gentlemen ; but in the name of an insulted constituency, in behalf of one of the States of this Union, in behalf of the people of these States, and of our Federal Constitution, I *demand* a hearing in the ordinary mode of proceeding ; I accept no other privilege. *I will receive no other courtesy.' "*

This note appeared the next morning in the current proceedings of the House.

The yeas and nays were taken on the resolution of censure, and it was adopted by 125 yeas to 69 nays. The vote by States was as follows :

MAINE. Yea—Messrs. Clifford, Littlefield, and Marshall, . . . 3

Nay—Messrs. Fessenden and Randall, . . . . . 2

Absent—none.

NEW HAMPSHIRE. Yea—Messrs. Atherton, Burke, and Redding, 3

Nay—none. Absent—none.

MASSACHUSETTS. Yea—none.

Nay—Messrs. Adams, Borden, Calhoun, Cushing, Hudson, Parmenter, and Winthrop, . . . . . 7

Absent or not voting—Messrs. Briggs and Burnell, . . . 2

RHODE ISLAND. Yea—none.

Nay—Mr. Cranston, . . . . . 1

Absent or not voting—Mr. Tillinghast, . . . . . 1

CONNECTICUT. Yea—none. Absent—none.

Nay—Messrs. Boardman, Brockway, Osborn, Smith, Trumbull, and Williams. . . . . 6

VERMONT. Yea—none. Absent—Mr. Slade.

Nay—Messrs. Everett, Hall, Mattocks, and Young, . . . 4

NEW YORK. Yea—Messrs. Brewster, Clinton, John G. Floyd, Charles A. Floyd, Herrick, McClellan, Oliver, Riggs, and Ward, . . . . . 9

Nay. Messrs. Blair, Childs, Chittenden, I. C. Clark, Davis, Doig, Ferris, Fillmore, Gates, Gordon, Granger, Linn, and Roosevelt, . . . . . 13

Not voting—Messrs. Barnard, Babcock, Bowne, McKeon, Clark, Foster, Hunt, Patridge, Sandford, Wood, and Young, . . . . . 11

NEW JERSEY. Yea—Mr. Stratton, . . . . . 1

Nay—Messrs. Ayerig and Maxwell, . . . . . 2

Not voting—Halstead, Randolph, and York, . . . . . 8



<b>PENNSYLVANIA.</b>	
Yea—Messrs. Beeson, Bidlack, Black, Brown, Fornance, Gerry, O. I. Ingersoll, J. R. Ingersoll, Jack, Plummer, Snyder, Westbrook, Keim, Marchand, and Nowliard, . . . . .	15
Nay—Messrs. Henry, James Irwin, James, and Simonton, . . . . .	4
Not voting—Messrs. Cooper, Lawrence, W. W. Irwin, Ramsey, and Toland, . . . . .	5
<b>DELAWARE.</b> Mr. Rodney did not vote, . . . . .	1
<b>MARYLAND.</b>	
Yea—Messrs. Mason, Randall, Sollers, and Kennedy, . . . . .	4
Nay—none.	
Absent—Messrs. Johnson and Williams, . . . . .	2
<b>VIRGINIA.</b>	
Yea—Messrs. Barton, Botts, Cary, Coles, Gilmer, Goggin, Goode, Hains, Hays, Hopkins, Hunter, Hubbard, Mallory, Powell, Smith, Stienrod, Tallifero, Summers, and Stuart, . . . . .	19
Nay—none.	
Not voting—Mr. Wise . . . . .	1
<b>NORTH CAROLINA.</b>	
Yea—Messrs. Arrington, Caldwell, Daniel, Deberry, Graham, McKay, Rayner, Rencher, Shepherd, Stanly, and Washington, . . . . .	11
Nay—none.	
Absent—Mr. Williams, . . . . .	1
<b>SOUTH CAROLINA.</b>	
Yea—Messrs. William Butler, Sampson II. Butler, Campbell, Holmes, Pickens,* Rhett, and Rogers, . . . . .	6
Nay—none.	
Absent—Messrs. Caldwell and Sumpter . . . . .	2
<b>GEORGIA.</b>	
Yea—Messrs. Dawson, Colquit, Cooper, Foster, Habbersham, and Warren, . . . . .	6
Nay—none.	
Absent—Messrs. Gamble, Nesbit, and King, . . . . .	3
<b>ALABAMA.</b>	
Yea—Messrs. Houston, Hubbard, Shields, Lewis, and Chapman, . . . . .	5
Nay—none.	
Absent—Mr. Payne, . . . . .	1
<b>MISSISSIPPI.</b>	
Yea—Messrs. Gwinn and Thompson, . . . . .	2
Absent—none. Nay—none.	
<b>LOUISIANA.</b>	
Yea—Messrs. Dawson, Moore, and White, . . . . .	3
Nay—none. Absent—none.	

\* Mr. Pickens was Governor of South Carolina at the breaking out of the great rebellion of 1861

ARKANSAS.	Yea—Mr. Cross. . . . .	1
	Nay—none. Absent—none.	
TENNESSEE.	Yea—Messrs. Arnold, McClellan, I. L. Williams, O. H. Williams, W. B. Campbell, Thomas J. Campbell, Turnoy, Carothers, Guntry, Waterson, A. V. Brown, Milton Brown, and Johnson, . . . . .	18
	Nay—none. Absent—none.	
KENTUCKY.	Yea—Messrs. Boyd, Triplett, Owsley, Thompson, Green, Sprigg, Andrews, Davis, and Butler, . . . . .	9
	Nay—Messrs. Pope and Underwood, . . . . .	2
	Absent—Mr. Marshall, . . . . .	1
	Mr. Speaker White not voting. . . . .	1
OHIO.	Yea—Messrs. Doane, Medill, Mathews, Sweeney, Hastings, Dean, and Weller, . . . . .	7
	Nay—Messrs. Good, Morrow, Morris, Pendleton, Ridgeway, Mason, Cowen, Mathiot, Stokeley, and Andrews, . . . . .	10
	Absent—Mr. Russel, . . . . .	1
	Mr. Giddings not voting, . . . . .	1
INDIANA.	Yea—Messrs. Thompson, Kennedy, and Lane,* . . . . .	3
	Nay—Messrs. White, Cravens, and Wallace, . . . . .	3
	Not voting—Mr. Proffit, . . . . .	1
MICHIGAN.	Yea—none. Absent—none.	
	Nay—Mr. Howard,† . . . . .	1
ILLINOIS.	Yea—Messrs. Casey, Reynolds, and Stuart, . . . . .	3
	Nay—none. Absent—none.	

Mr. Wise, of Virginia, declared that he would not vote on such a question ; Mr. Barnard, of New York, published a card declaring the whole proceeding *unconstitutional*, and that he would not lend his sanction, even by voting against the resolution of censure.

Mr. Slade, of Vermont, published a card saying he was confined by ill health ; but had he been present, he certainly would have voted against the resolution of censure.

1842.] When the Speaker announced the resolution “carried,” the author rose, and taking formal leave of the Speaker and officers of the House, of his colleagues, of Mr. Adams, and a few other personal friends, passed out of the hall. As he reached the front door, he found Senators Clay and Crittenden, of Kentucky, who had been spectators of the scene just described. As Mr. Clay extended to him his hand he

\* Mr. Lane is a republican Senator at the writing of these sketches in 1862.

† Mr. Howard is also a republican Senator in 1862.

thanked him for the firmness with which he had met the outrage perpetrated upon him, declaring that no man would ever doubt his perfect right to state his own views against the slave trade, particularly while the Executive and the Senate were expressing theirs in favor of it.\*

The author at once sent his resignation to the Speaker of the House, and a copy to the Governor of Ohio, and left the city for his residence.

\* This kindness and encouragement tendered by Mr. Olney at that time, will account, in part, for the author's friendship towards him in later years.



## CHAPTER XII.

## THE SLAVE POWER BAFFLED.

[1842.] At the meeting of the House, on the morning after the vote of censure was given, members appeared dissatisfied. Mr. Adams moved an amendment of the journal in order to make it show more explicitly his own opposition to the resolution of censure.

Mr. Everett, of Vermont, moved to print five thousand extra copies relating to the censure, for distribution among the people.

Mr. Stanly, of North Carolina, said : " If the gentleman from Vermont will include the resolutions presented by Mr. Giddings, I will vote for twenty thousand copies."

Mr. Everett. " I accept the amendment."

Mr. Adams. " *Fifty thousand copies.*"

But Mr. Stanly no longer urged his proposition.

Mr. Weller appeared anxious to have the journal so amended as to show that Mr. Giddings had an opportunity of defending himself ; but the House refused the proposition.

Neither the slave power nor the democratic party had been willing to take issue upon the propositions presented for the consideration of the House. Even Mr. Calhoun, the leading advocate of slavery, while frankly declaring the author to have been *wrong in presenting his resolutions*, was never known to deny their doctrines. No statesman, no respectable editor of the democratic party, denied that the propositions were a correct exposé of constitutional doctrines ; but slaveholding statesmen and democratic editors were loud in their denunciation of the author for thus expressing his honest convictions. He was proclaimed an " agitator," a " demagogue seeking notoriety," an " abolitionist ;" and the reflecting men of that day saw most clearly that the masses of the democratic party and a large portion of the whig party, really entertained the opinion that northern members of Congress had no right to speak truth in regard to slavery and the slave trade upon the high seas, in the District of Columbia, or in the Territories of the United States. Indeed, it were difficult for men at this time to conceive the political degradation to which the popular mind of the North had been subjected by the long and constant surrender of northern rights and northern honor, that slavery and the slave trade might be upheld and encouraged.

But this public censure of a member of Congress for uttering his sincere convictions did much to awaken the people to a consciousness that their liberties were in danger. The anti-slavery press and a portion of the whig press, published the whole proceedings with discreet and important comments and suggestions.\*

Public meetings were held in the principal cities of the free States, declaring the right of members of Congress to express their views in regard to slavery and the slave trade, so long as that body was called on to sustain the institution.

In the author's district there was much indignation manifested; large public meetings were convened. The doctrines enunciated in his resolutions, as well as his right to present them, were carefully and fully sustained, and he was called on to stand as a candidate for reelection without the formality of a nomination by convention. At some of these meetings the primal doctrines of government were referred to, and the rights of the people and of the States defined with a precision that would have done no discredit to the statesmen of that day.†

These proceedings and resolutions were presented to the consideration of the House of Representatives, and were entered upon the record of

\* The author would do injustice were he to omit the fact, that "The New York Evening Post," edited by William C. Bryant, an able *democratic paper*, avowed the right of Mr. Giddings to present his resolutions, and the editor declared that were he a resident of Mr. Giddings' district, he would use every honorable effort for that gentleman's reelection.

† The following resolutions were adopted at a large convention held in Ashtabula County :

*Resolved*, That our fathers, at the expense of much blood and treasure, established a representative form of government in which the voice of the people was recognized as the controlling power.

*2d*, That the right of representation having been purchased by the best blood of our ancestors, can only be surrendered with the blood of their offspring.

*3d*, That to the maintenance of our Government in its representative form we solemnly pledge our lives, our fortunes, and our sacred honor.

*4th*, That every attempt to abridge the right of the people to be heard through their representatives in Congress is incompatible with our institutions, subversive of American liberty, and *revolutionary in its tendency*.

*5th*, That the vote of censure passed upon the Hon. Joshua R. Giddings on the 22d March last was a flagrant violation of our rights and the rights of our State, subversive of one of the most important features of our Government, and should be regarded as *the commencement of an important revolution*.

*6th*, That while those concerned in the coastwise slave trade demand of the Federal Government protection in their vocation, the traffic in human flesh must constitute a subject of legitimate debate both in Congress and among the people.

*7th*, That as brethren of the same republican family, we call upon members of Congress who voted to censure our Representative to declare explicitly whether they desire us to maintain the coastwise slave trade while they deny to us the expression of our own views on the subject?

*8th*, That the question now proposed to the American people is one that rises above all party considerations, involving the most vital principles of the Government, imperiously demanding the united efforts of all parties in support of the Constitution and the rights of the people.

*9th*, That these proceedings be signed by the president and vice-president, and certified by the secretaries, and transmitted to the Hon. Patrick G. Good, of the House of Representatives in Congress, with a request that he lay them before that body.

debates in that body. Some of these attracted attention, and were said to rank among the ablest state papers of the twenty-seventh Congress.

The author was reelected by an overwhelming vote, and instructed by the people to resume his seat, to reassert his doctrines, and to maintain them.

At the expiration of five weeks from the time of censure, the author resumed his seat in Congress, clothed with instructions from the people of his district to re-present his resolutions and maintain to the extent of his powers the doctrines which they asserted. His return was hailed with emotions of gratification by his venerable friend Mr. Adams, who declared his entire confidence in the intelligence and disposition of the people to reform the Government, if properly appealed to by public men. Messrs. Slade and Gates were greatly strengthened in their hopes of success, and those members who had voted against the censure were cheered and confirmed in their convictions respecting the freedom of debate.

The Committee on Foreign Affairs of the Senate, to whom the message of the President on the subject of the "Creole," and the letter of the Secretary of State to our minister at London, were committed, appeared unwilling to agitate the subject farther and made no report, retaining those important state papers in unbroken silence. Mr. Calhoun ceased to call the attention of the country to these claims for slaves : indeed, so far as the author could learn, Mr. Calhoun never subsequently mentioned the subject even in private conversation. The Senate forbore all further discussion in regard to slaves freed under British laws, and neither Mr. Webster, the Secretary of State, nor President Tyler, nor his successor, Mr. Polk, were known to have taken further action on the subject : indeed, it was often asserted in the House that the Executive had been silenced by the voice of the people, and southern members were taunted with receding from their arrogant assumptions ; to which they only replied, that the claims were not *abandoned*, though not *then* pressed upon the British Government.

But the most remarkable effect of this popular feeling was manifested in the House of Representatives by the members who voted for the resolution of censure. They well understood the instructions of the author, to again present the resolutions, which had now been published throughout the free States, and to maintain the doctrines which they asserted. If thus presented, the House must have adopted or rejected them. But they could only be presented when the States were called on for resolutions, which by the rules of the House was on each alternate Monday. Yet a large majority had voted for the censure, and were at all times able to control the business of the House ; and as often as



resolution day came round, a motion was made and carried to proceed *to other business*, thereby defeating the author's intention to present his resolutions for consideration. During the remainder of that session and the whole of the last session of the twenty-seventh Congress, the slave power and the democratic party exhibited a moral cowardice entirely unworthy of statesmen.

Finding the majority thus to have receded from the position they had assumed when censuring the author, he seized upon the first opportunity, to vindicate in a public speech, the doctrines avowed in the resolutions which the party would not permit him to present to the House. The speech was listened to with respectful attention, and although he spoke with severity of language respecting the slave trade and of those who in official stations encouraged that commerce in men and women, yet he was not called to order. Indeed, *without interruption* he reasserted and vindicated the doctrines for which he had been censured sixty days previously. From that day the freedom of debate was substantially regained, although the twenty-first or gag-rule continued to hold a place in the manual for two years after this incident occurred.\*

These extraordinary proceedings attracted attention in England. The English press republished the proceedings in the House of Representatives. The British Ministry had, however, refused indemnity to the slave-dealers before the news of the author's expulsion reached that country. In the meantime so many questions of difficulty had arisen between the British Government and ours, that Lord Ashburton was appointed envoy and minister plenipotentiary to our Government for the purpose of settling all matters existing between the two nations, except those arising from the release of slaves landed on British islands, including the "Creole," on that he was authorized *to hold no correspondence*.

This was the first instance in the history of our Government, on which the popular voice was definitely and distinctly uttered in such direct condemnation of the acts of either branch of our national Legislature; and few instances have occurred in which the voice of the people has been proclaimed with greater potency.

\* Mr. Benton, in his "Thirty Years," appropriates an entire chapter to the case of the "Creole," in which he evidently intended to justify himself and the Senators who voted and acted with him on that subject; but he makes no allusion to proceedings in the House, or to any of the incidents attending its agitation in that body. It is, however, still more remarkable, that in his "Abridgment of Congressional Debates," which purports to give an abstract of all that was said and done in that body, he does not allude to the resolutions presented by the author, nor to the vote of censure, nor to any circumstance attending the author's resignation, and return to Congress. But these facts show the efforts made to pervert the truth of history, in order that our records might not bear testimony to the despotism and depravity of those who, for half a century, upheld and encouraged crimes of the most revolting character.

The very general effort of the pro-slavery press and politicians to misrepresent the history of the "Creole," and to suppress so far as possible all knowledge of the real questions involved, constitute the author's vindication for speaking with perfect freedom of scenes in which he was so prominent an actor.

The democratic party had looked to the visit of Lord Ashburton with the hope and expectation that the Executive would induce the British Government to surrender the right of visitation, which for many years had been a subject of diplomatic correspondence. By "the right of visitation," British statesmen understood the right of every British ship of war, when cruising for slave-dealers, to visit suspected ships so far as was necessary to determine whether they were "pirates" or ships "engaged in lawful commerce." This right had been denied by our slave-holding administrations, and as such visitation rendered the African slave trade more dangerous, and thereby enhanced the price of slaves, our pro-slavery statesmen were anxious to exempt all ships sailing under American colors from such interruption.

But this expectation failed. The British minister made no concession ; on the contrary, by the treaty formed between the two governments in 1842, the United States agreed to constantly maintain a naval force upon the African coast, of at least eighty guns, for the more effectual suppression of the slave trade.

But the arrogant conduct of southern statesmen was well illustrated by certain members who had been appointed to serve on the Committee of "Foreign Affairs." Having failed to induce the House to remove Mr. Adams from the position of chairman, Messrs. Gilmer and Hunter, of Virginia ; Rhett, of South Carolina ; Johnson, of Maryland, and Proffit, of Indiana, united in a written application, addressed to the House of Representatives, asking to be excused from serving on said committee, as they were unwilling to act with Mr. Adams as chairman, who, they said, had "*avowed opinions, and persevered in a system of conduct, which in their opinion, showed him an unsafe depository of public trust.*"\* The House by a vote readily excused them from further service on said committee, and the Speaker appointed Messrs. White, of Louisiana ; A. H. Shepherd, of North Carolina ; Isaac E. Holmes, of South Carolina ; R. Chapman, of Alabama, and Mark A. Cooper, of Georgia, to act as members of said committee in the place of the five members who had

\* Of these gentlemen, Mr. Hunter is, at the time of writing this note, an agent of the rebels, sent to England to obtain aid for the Southern Confederacy, and Mr. Rhett is a member of the rebel congress ; while the others have died without giving to the world any extraordinary evidence of their own patriotism.



been excused. Of these, Messrs. Cooper, Holmes, and Chapman, also asked to be excused for the reasons set forth by their predecessors.\* These gentlemen were also excused by vote of the House. They all appeared to entertain no doubts that their efforts to affect the reputation of Mr. Adams, would exert an extensive influence upon the country. But the aged hero appeared entirely unconscious of danger on that point, nor did his friends exhibit any particular alarm in regard to it.

A bill to amend the charter of the City of Alexandria came up for consideration, when Mr. Johnson, of Tennessee, moved an amendment, granting the right of suffrage to all "*free white male citizens*."

Mr. Adams moved to strike out the word "white," so as to extend the right to all "*free citizens*" without respect to color. In support of this motion, he urged that the protection of life, of liberty, and property was as dear and as necessary to the colored man as to the white man. That the colored man contributed of his substance to the support of the Government in all cases the same as white men, and frequently is taxed to educate the children of white men, in schools where they are not permitted to send their own; that the rights of life and liberty are not involved in the right of suffrage, which is strictly a conventional, and not a natural right; yet no just reason can be assigned why the right to vote should depend upon the complexion.

Slaveholders were enraged at this proposition, and still more at the reason and logic with which it was enforced, yet no man presumed to attempt any answer, but put an end to the discussion by laying the subject on the table.

The second session of the twenty-seventh Congress was characterized by still greater efforts in favor of despotism on the part of the southern statesmen, and by corresponding exertions on the part of the advocates of liberty to defeat those designs of the slave power; but reflecting men saw clearly that the slaveholding influence had passed its culminating point. The institution no longer exerted undisputed sway. The regaining the right of petition and freedom of debate constituted the first step in the important reformation which may be said to have been fairly inaugurated during the year 1842. The author was stigmatized as an "agitator," a "fanatic," an "abolitionist," and "exerting no influence in Congress." No man, no editor assailed the doctrines laid down in the resolutions which brought upon him such a deluge of slaveholding wrath.

\* Those gentlemen who felt it wrong to detract from their own dignity by serving on committee with Mr. Adams, were permitted to retire from the public gaze, and the author cannot now say whether they are living or dead.



It was, therefore, necessary to make his real views known, in order to maintain the position which he had assumed. Mr. Adams better understood the difficulty, and had been unwilling to join in any platform of principles, saying he would not live to vindicate them ; but at the same time appeared quite willing that the author should avow his doctrines and policy, believing, as he said, that the author would live to maintain them.

During the recess of Congress the author wrote for publication a series of articles signed "Pacifens." They were first published in the "Western Reserve Chronicle," a paper printed at Warren, Ohio. The object of these essays was to draw the constitutional line of demarkation between the Federal Government and the institution of slavery. They fully admitted the privilege of the southern States to maintain the institution ; that although it was wrong, yet neither the free States nor the Federal Government possessed constitutional authority to interfere with it. But they asserted that the free States held the same right to be entirely free and exempt from its disgrace and expense. That as the slave States held the privilege to enjoy slavery, the free States held the same privilege to enjoy freedom. Therefore the Federal Government could no more abolish slavery in our southern States than it could abolish freedom in the free States ; and as it was the equal agent of both free and slave States, it could not interfere to uphold or put down slavery in the South or liberty in the North.

That in regard to the Territories, the District of Columbia, and the high seas, no State authority or State laws could be recognized. There Congress held supreme jurisdiction and was bound to carry out the doctrines avowed by the fathers in 1776, that human governments are instituted to *secure* human rights.

In these articles the writer carefully touched upon the natural rights which the Creator had bestowed upon mankind. He referred to the case of a fugitive slave, asserting his right at all times to maintain his liberty, even though in doing so it becomes necessary to slay his master and all others who attempt to hold him in bondage.

1842.] These articles attracted attention, and were extensively republished in newspapers and in pamphlet form. They were commended by editors, politicians, and statesmen. But anti-slavery men found great difficulty from their inability to form an issue with the supporters of slavery. In Congress and out of it members of the democratic party carefully avoided every issue which the lovers of liberty tendered them. Pro-slavery statesmen and politicians were loud in their denunciations ; but careful to lay down no rule, doctrine, or principle,

on which the advocates of human rights could take issue. Nor would the advocates of slavery deny any specific doctrine, principle, or primal truth which the lovers of liberty maintained.

But the policy of the slaveholding portion of the Union was indiscreetly expressed by the Secretary of the Navy, Mr. Upshur, in his annual report transmitted to Congress by the President at the opening of the last session of the twenty-seventh Congress. Mr. Upshur was a native of Virginia, educated in that State, and reared in the belief that the Old Dominion was entitled to furnish the principal officers of Government, and to shape the politics of the nation. The failure of Mr. Calhoun in his efforts to commit the nation to support the coastwise slave trade, seemed never to have been heard of by Mr. Upshur, or if understood, he must have disregarded the example which that case afforded. He now recommended an increase of the navy sufficient to prevent an enemy from landing upon our shores ; and as an argument, he insisted that the "peculiar population" of the South would render it dangerous to permit our enemies to make a lodgment within our slave States.

This proposition to tax the nation for the protection of slavery, however indiscreet, constituted evidence of an intention to make the people of the free States bear the burdens of the institution, and northern advocates of freedom held up that policy to the condemnation of the people, insisting that no appropriation should be made from the national funds for that purpose, though the institution were to be swept from the earth. That we would protect the South against invasion by calling their slaves into service, as General Jackson had done in 1814, or we would set the slaves free as he had done : But there was no southern or northern Senator or Representative that would stand forth in defence of the Secretary's policy.

On the second day of the session, Mr. Adams introduced a resolution repealing the twenty-first rule of the House, and called for the previous question ; there was a second to the demand, but the House refused to order the main question, and it was thus postponed from day to day for some time, when it was laid on the table by a bare majority ; members appeared unwilling to repeal it by direct vote, although it had morally ceased to operate.

Another item of some political significance occurred at the opening of this last session of the twenty-seventh Congress. The author had been appointed chairman of the Committee on Claims at the first session, which commenced in December, 1841, and having served the whole of the first session and part of the second, resigned his seat under the vote of censure, in March, 1842, and another chairman had been



appointed to fill the vacancy, who, of course, held the place up to the close of that session. Southern members now insisted that the Speaker, being a warm friend of Mr. Clay, would not dare to disregard southern feelings so much as to reappoint the author. The writer had forbidden his friends to make any effort for his reappointment ; but the Speaker seemed to have no hesitancy. Indeed, he said publicly that the vote of censure was an outrage to which he had always been opposed, and for which he desired to express his entire disregard by reappointing Mr. Giddings.

The committee was composed of three northern Whigs, besides the writer, to wit : Messrs. Tomlinson, of New York ; Osborn, of Connecticut, and Cowen, of Ohio ; while Messrs. Arnold, of Tennessee, and Warren, of Georgia, were slaveholding Whigs ; and Messrs. Burke, of New Hampshire ; Medill, of Ohio, and Hubbard, of Virginia, were Democrats. Thus there was a Whig majority of three, and a pro-slavery majority of the same number.

By the ancient rules of the House, the committees held the right to elect their chairman ; but the practice had long been for the member first named on the list to perform the duties of the office, and it had come to be universally regarded as law. So universal was this understanding that the majority of the Committee on Foreign Affairs would not assume the responsibility of electing a chairman in opposition to Mr. Adams, who had been appointed by the Speaker ; but asked the House to remove him, and resigned their places when the House refused. Not so with the Committee on Claims ; the three Democrats and two southern Whigs had voted for the public censure of their chairman, and for them now to sit in committee with that gentleman as presiding officer, would constitute a *humiliation* to which they were unwilling to submit.\*

Mr. Warren, of Georgia, took care to inform the chairman that the majority of the committee had determined to remove him, and stated the day on which it was to be done, and advised a resignation. To this the chairman replied that he had been appointed by the Speaker because of his industry and general character. That in presenting his resolutions he had acted according to the dictates of his conscience, and his constituents had effectually reversed the judgment of the House ; that such, too, seemed to be the opinion of the Speaker. Under the circumstances he felt no disposition to resign, but would meet any action of the com-

\* Mr. Burke, in a personal conversation, on the morning after the resolution of censure was introduced, and while it was pending, assured the author in the most solemn manner that if he had the power, he would hang him for introducing resolutions against the slave trade.



mittee in such manner as best he might. Mr. Warren assured him that he wished to avoid a vote ; but if compelled to express his views, he would be constrained to act in accordance with the sentiment of the South. Not so with Mr. Arnold of Tennessee ; he was a slaveholding Whig, and while he asserted his attachment to slavery, he declared that he would never unite with Democrats to perpetrate an outrage upon a member merely because he was *opposed* to that institution.

On the morning appointed for taking the vote, Mr. Arnold was not present. Mr. Medill left the committee, as he said, to persuade Mr. Arnold to attend. Neither of them however appeared subsequently during the day. The committee proceeded in the discharge of their duties, and the next morning democratic members announced that Mr. Arnold would not sustain the proposition to remove the chairman, who continued in the duties of his office without further interruption.

## CHAPTER XIII.

ATTEMPTS TO OBTAIN PAYMENT FOR SLAVES, AND EFFORTS AT PERSONAL  
INTIMIDATION.

1843.] AFTER the "Treaty of Washington" had been concluded and ratified, there was much discontent manifested among southern men at its silence in regard to the right of visitation. Sir Robert Peel, in the British parliament, declared that his government had in no respect modified its claim to exercise the right of visiting suspected ships, so far as to ascertain whether they were employed in lawful commerce or engaged in the slave trade ; while it had long been claimed on the part of our Government that no cruiser had the right to stop any ship sailing under American colors, to ascertain whether she were engaged in the slave trade or not ; and so far was this opposition carried, that war had been threatened by leading members of the democratic party, if England continued the practice. It was on this evidence that Mr. Adams based his assertion that it "was intended to involve our nation in a *war with England* for the purpose of reopening the African slave trade." There could be no other excuse for the hostility manifested by southern statesmen against the efforts of England to abolish that traffic. But in making the Ashburton treaty, this feeling in favor of the slave trade did not control the Executive. The President was a Virginian, and decidedly in favor of fostering the interests of that State. She had long been in the practice of sending her surplus slave population to southern markets, which had become profitable ; indeed, Virginia had literally become a *slave breeding State* ; and all her interests were opposed to the African slave trade, which brought the imported Africans in competition with Virginia reared slaves. President Tyler therefore found it no disagreeable duty to give up the southern doctrine in regard to the right of visitation, and enter into further covenants for the suppression of the African slave trade. These things created great dissatisfaction in the democratic party, inasmuch as General Cass and other leading members had warmly opposed the right of visitation, declaring it to be a revival of the former "right of search," to which in fact it bore very little resemblance.

Senator Crafts, of Vermont, presented to the Senate the legislative

Resolve of that State declaring it the duty of Congress to abolish slavery and the slave trade in the District of Columbia ; but the Senate raised the question of reception, and laid that question on the table, leaving the resolution in the hands of the Senator who brought it forward.

By way of preamble, it recited "That the foreign slave trade was regarded as piracy, punishable with death under our laws : That a 'traffic in men' had long been carried on within sight of the halls of Congress and of the President's dwelling, characterized by all the crimes of the foreign slave trade, aggravated by its outrages upon the sensibilities of a Christian community, under and by virtue of the laws of Congress. Therefore,

"*Resolved*, That all laws in any way sanctioning or authorizing the slave trade in the District of Columbia, ought to be repealed, and the trade prohibited."

Mr. Slade, wishing to present this resolution to the House, and knowing that the twenty-first rule prohibited its reception, moved a suspension of the rules in order to present it for action in that body. All members from the slave States voted against the motion ; those from the free States voted as follows :

MAINE. Yea—Messrs. Bronson, Fessenden and Randall, . . . 3

Nay—Messrs. Littlefield, Lowell, and Marshall, . . . 3

Not voting—Messrs. Allen and Clifford, . . . 2

NEW HAMPSHIRE. Yea—none.

Nay—Messrs. Burke, Eastman, Redding, and Shaw, . . . 4

Not voting—Mr. Atherton, . . . 1

MASSACHUSETTS. Yea—Messrs. Winthrop, Parmenter, Hudson,

Baker, Briggs, Calhoun, Borden, Burnell, and Adams, . . . 9

Nay—None.

Not voting—Messrs. Saltonstall and Cushing, . . . 2

One vacancy.

RHODE ISLAND. Yea—Messrs. Cranston and Tillinghast, . . . 2

CONNECTICUT. Messrs. Trumbull, Boardman, Osborn, and Smith, . . . 4

Not voting—Messrs. Brockway and Williams, . . . 2

VERMONT. Yea—Messrs. Slade, Everett, and Mattocks, . . . 3

Not voting—Messrs. Hall and Young, . . . 2

NEW YORK. Yea—Messrs. J. G. Floyd, McKeon, Roosevelt,

Ferris, Davis, Hunt, Barnard, Linn, Blair, Tomlinson,

Chittenden, J. C. Clark, S. N. Clark, Patridge, Birdsey,

Morgan, Maynard, Grainger, Oliver, Childs, Gates, Fill-

more, and Balcock, . . . 23



Nay—Messrs. C. A. Floyd, Wood, Ward, Clinton, Van Buren, McClellan, Herrick, Brewster, Gordon, and Riggs, . . . . .		10
Not voting—Messrs. Egbert, Van Rensselaer, Sandford, Doig, Bowne, Granger, and Young, . . . . .		7
PENNSYLVANIA. Yea—Messrs. James, Ramsey, Cooper, Russell, McKennon, Henry, and J. R. Ingersoll, . . . . .		7
Nay—O. J. Ingersoll, Brown, Fornance, Westbrook, Newhard, Keim, Gerry, Marchand, Beeson, Bidlack, Irwin, Jack, and Plummer, . . . . .		13
Not voting—Jeremiah Brown, Edwards, Simonton, Gustine, Irwin, Snyder, Reed, and Russel, . . . . .		8
OHIO. Yea—Messrs. Pendleton, Goode, Morrow, Morris, Russel, Ridgeway, Cowen, Mathiot, Andrews, Giddings, and Stokeley, . . . . .		11
Nay—Messrs. Dean, Mathews, Weller, Medill, Sweeney, . . . . .		5
Not voting—Messrs. Hastings, Doane, and Mason, . . . . .		3
INDIANA. Yea—Messrs. White and Cravens, . . . . .		2
Nay—Mr. Thompson, . . . . .		1
Not voting—Messrs. Proffit, Kennedy, Wallace, and Lane, . . . . .		4
ILLINOIS. Yea—Messrs. Casey, Reynolds, and Stuart, . . . . .		3
MICHIGAN. Absent—Mr. Howard, . . . . .		1

Such was the respect of the several northern members for the rights and dignity of a free State. The whole vote, including members from the slave States, showed 73 yeas, 109 nays, and 34 members from the free States not voting.

The question of property in human beings was again brought before the House of Representatives, but in a more objectionable form than it had been presented in 1828.

When General Jackson invaded West Florida in 1814, the followers of his camp took with them, on leaving the territory, more than a hundred slaves; and when he again invaded it in 1818, he took from the inhabitants provisions to a considerable amount.

By the ninth article of our treaty with Spain in 1820, it was stipulated "that the Spanish inhabitants shall receive compensation for any losses they may have sustained by reason of the operations of the *late American army* within that territory."

1843.] Under this treaty all claims arising from the operations of the American army in Florida, during the year 1818, were regarded as valid, and were adjusted.

But those who had lost slaves during the invasion of 1814 now claimed

Indemnity. Mr. Crawford, at that time Secretary of the Treasury, rejected them.

They were then sent to Congress, and committed in the House of Representatives to the Committee on Foreign Affairs, of which Mr. Archer, of Virginia, was chairman, and were rejected. But the claimants, nothing daunted, again had them referred, at the next Congress, to the Committee on Foreign Affairs, at that time under the chairmanship of Mr. Everett, of Massachusetts. This gentleman had voted to recognize property in human beings, and was an advocate of that dogma ; and although a representative from Massachusetts, he reported in favor of paying for these slaves, although they had been so often rejected. But the House did not sanction his report.

Mr. Woodbury coming into the office of Secretary of the Treasury, and having always subserved the interests of the institution, the claimants now applied to his department for indemnity ; and he, not doubting the validity of the claims, paid some thousands of dollars for their liquidation, when he learned the action which Mr. Crawford had taken in regard to them, and refused further payments.

The claimants applied to Congress again, and had their cases referred to the Committee on Claims, while the author was a member of that committee. The practice then was to make no report on claims for slaves, in order to prevent agitation.

At the next session, they were referred to the Committee on Territories, of which the Hon. James Cooper, of Pennsylvania, was chairman, who reported a bill for their payment.\*

Mortified that the Committee on Territories should have thus reported in favor of such claims, the author went among his friends in the House, informed them of the character of the bill, and requested them to examine the case and aid in defeating it if they should find it of the character represented. He was particularly urgent with some men of talents, who were in the habit of speaking in the House of Representatives ; but could find no one willing to argue against the bill save Mr. Adams. Messrs. Slade and Gates would willingly have complied with the request, but Mr. Slade was in poor health, and Mr. Gates was unwilling to assume the character of a speaking member, as he had never practised addressing the House. In short, it was found that Mr. Adams and the author were to meet the slaveholding influence upon a question which,

\* The author was at that time chairman of the Committee on Claims, and informed Mr. Cooper that these cases were suspicious, and had been taken from the Committee on Claims for the reason that that Committee had refused to recognize them as valid.

in 1828, had been debated with more determination than had been manifested on any other question.

When the bill came up for debate, the writer assailed it with such arguments as he could command. The chairman of the Committee on Territories, Mr. Cooper, on listening to his arguments, refused to sustain the bill which he had himself reported ; but a number of slaveholders spoke in its favor, occupying the remainder of the day, and the debate was postponed for two weeks.

Mr. Adams became deeply interested, and sending to the Register of the Treasury, obtained a list of some ninety negroes, male and *female*, for whose bodies the people of the free States were now called on to pay

When the bill came again before the House, the veteran statesman spoke with great earnestness and in his own peculiar manner. True, neither Mr. Adams nor Mr. Giddings could advance any *new* arguments after the very full discussion of 1828. The principal distinction between the arguments on that case and those now advanced consisted in the fact, that Messrs. Adams and Giddings pressed upon the consideration of members the moral character of slavery, and the circumstance that this claim was, to a certain extent, for *females* stolen by the army and the followers of the camp. But Mr. Adams seemed to carry the members with him, as he progressed with the argument, and never did the result of any question more distinctly appear upon the countenances of members than on that occasion.

When Mr. Adams closed there was a general call for the previous question, but the delegate from Florida desired to reply. He was listened to attentively, but made no impression upon the House ; indeed, the overwhelming argument of Mr. Adams appeared to be rendered more irresistible by contrasting it with the feebleness of this reply. The vote was then taken on the bill, when only thirty-six members voted in support of it.

This was the second instance in which the *right of property in human beings* was distinctly debated in the House of Representatives ; and although the argument was mainly confined to that subject, yet the construction of the treaty constituted a legitimate question, and undoubtedly was regarded by some members as a good reason for voting against the bill. Nor is it to be denied that the moral circumstances alluded to had weight with some members.\*

\* Mr. Pickens, of South Carolina, came across the hall after this vote was taken, and, addressing his colleague, Mr. Campbell, who sat beside the author, said—"Why did you not vote for that



Another incident occurred near the close of the session which further exhibited the willingness of northern statesmen to involve themselves and their constituents in the crime and disgrace of sustaining the slave trade.

In a previous chapter the attention of the reader was called in general terms to the slave ships "Comet" and "Encomium," which were wrecked near the British West India islands, and the slaves became free by being carried under the jurisdiction of British laws. These were the first slaves lost in that manner for which indemnity was demanded. The claim was put forth under the administration of General Jackson, attended by indications that payment for the slaves must be made or a war would result from the refusal. But this result was probably more strongly implied from the character of President Jackson than from any particular language or other circumstance. But these losses occurred while slavery existed on all the British West India islands, and while that government *practically* admitted the right of property in men. Under these circumstances the British Ministry consented to pay some \$75,000 for the benefit of slavedealers, whose crimes had been in some degree defeated by "the act of God" and the operation of British laws.

In obtaining this money the President did not consult Congress. Nor did he ask of Congress to point out the mode for its distribution. He paid out all but four thousand dollars, for which no claimants appeared. This sum remained in President Van Buren's hands, and when he was about to retire from office, he paid it over to the Treasurer of the United States, who, without any authority, gave an official receipt for it.

After the retirement of Mr. Van Buren the claimants called for the funds.

The Treasurer, although he had received the money without any authority, now refused to pay it out, unless Congress would pass a law authorizing him to do so.

Up to this point, the whole proceeding had been carried on by the Executive. He had placed our Government in the attitude of patronizing this "*traffic in slaves*;" and lent our national influence to the commission of crimes revolting to Christianity: But now the slavedealers applied to Congress to sustain them in obtaining the profits of their piratical vocation.

Their petition was referred to the Committee on Ways and Means, composed of Messrs. Fillmore, of New York; Botts, of Virginia; Mason,

bill. Mr. Campbell replied, "Why did you not vote for it?" Pickens said, "Because I was ashamed to do so." "Such was my case," said Mr. Campbell. Yet, while these advocates of slavery voted against the bill, members from New Hampshire sustained it.

of Ohio; Wallace, of Indiana; Marshall, of Kentucky; I. R. Ingersoll, of Pennsylvania; Jones, of Virginia; Atherton, of New Hampshire; and Pickens, of South Carolina; and, so far as we are informed, they were unanimously in favor of taking this slavetrading transaction into the hands of Congress, and carrying out the system commenced by General Jackson.

The majority of the committee were Whigs, and would have probably looked upon any other transaction of that functionary with suspicion. But this had relation to the slave trade, and few members were willing to oppose the proposition.

The bill was reported by Mr. Fillmore, and merely authorized the Treasurer to pay over the money to the owners of the slaves in proportion to the number which each had lost.

Having informed himself of the character of this bill, the writer went to Mr. Stanley, of North Carolina, who had the matter in charge, and in a friendly manner stated that the money was in the hands of the Treasurer without any legal authority; and could be paid out without incurring any responsibility; but as he, Stanley, was anxious that his constituents should get the money, the writer would consent that the bill should authorize the Treasurer to replace it in the hands of the Executive, who would doubtless pay it over as the claimants desired. That this would not involve Congress in the odium of the transaction, in which the writer desired not to be involved, even by silently permitting the present bill to pass without opposition.

Mr. Stanley declared the proposition honorable, and requested the author to draw up such a bill as he would consent to have passed. He did so; Stanley carefully examined it, declared himself satisfied, and said when the bill came up he would accept it as a substitute for the original bill.

This was done to the apparent satisfaction of all concerned, and the bill, thus amended, passed the House of Representatives.

When it was taken up in the Senate, the original bill, as reported by the committee, was substituted for the bill which passed the House, and it came back in the precise form reported by the committee. Astonished at this apparent violation of honor and good faith, Mr. Giddings at once went to Mr. Stanley for explanation, but obtained none whatever. Under the circumstances, the author desired to express his opposition to the bill when it should come up for consideration, so that no man would thereafter charge him with having silently consented to its passage. To this Mr. Stanley appeared to yield consent.

When the bill came before the House, Mr. Stanley, having charge of

it, was awarded the floor, and demanded the previous question. Mr. Giddings publicly requested him to withdraw the demand. He refused. Mr. Giddings demanded the yeas and nays on the passage of the bill, but Stanley exerted a commanding influence with the whig party, and the bill, from its character, drew to its support the slaveholders and democratic members, and the yeas and nays were refused. The question of concurring in the Senate's amendment was put and carried.

Discovering the artifice used to prevent him from exposing the character of the bill, Mr. Giddings felt perhaps too indignant, and being unwilling to be overreached in that way, at once moved a reconsideration of the vote, and thus coming into legitimate possession of the floor, stated the deception to which he had been subjected. The bill, he said, was intended to compensate certain slavedealing constituents of Mr. Stanley for losses sustained in their vocation. He thanked God that he held his seat in that hall by no such votes, and was under no obligations to piratical slavedealers; protested against the whig party taking upon itself the odium of voting to sustain a commerce in human flesh.\* He next exposed the character of the bill; showed that it was intended to sanction the act of General Jackson and lending the influence of the nation to support a commerce in the bodies of men and women born and reared on American soil. That in doing this, General Jackson and his successor had acted without consulting Congress. That the President of this Republic had condescended to become the agent and solicitor of piratical slavedealers; had disgraced the nation and Government by representing that it "fostered a traffic in the bodies and souls of Methodists, Presbyterians, Baptists, and other professing Christians: That he obtained a large sum of money from England by *falsely* representing to the British Ministry that this Government, of which Congress constituted the legislative branch, *regarded slaves as property, and paid for them as such when lost in the public service in time of war.*" He declared that the assertion was not only *untrue*, but asserted that the *reverse* was literally true. Our records (said he) show that in the only instances where this question has been raised or debated in the House of Representatives, the doctrine asserted by our minister at London (Mr. Stevenson), has been *repudiated*. He made this charge of *unmitigated falsehood upon that*

\* Mr. Stanley exerted great influence with the whig party, of which Mr. Giddings was then a member. But in all his bearing and conduct Mr. Stanley exhibited an imperious contempt for the supporters of liberty. He was undoubtedly sincere in his opinions, but on this occasion manifested them in an offensive manner. Mr. Giddings felt at perfect liberty to utter his detestation of slavedealing and of slavedealers. The result was that these gentlemen never exchanged the ordinary civilities of social life afterwards.



*minister* because he saw around him able statesmen representing the Old Dominion, of which our minister was a citizen, and knew that if this House had in any instances decided that slaves were property, or had paid for them as such, these representatives would find the record and convict him of misrepresentation. He challenged them to the contest, pronounced the doctrine "*heathenish*," and its assertion a *libel upon Congress and upon the people of the nation*. He would not be made a party to the falsehood nor to the doctrine; nor would he permit his constituents to be involved in such infidelity to the precepts and doctrines of the founders of our Government; such infidelity to the principles of justice.

He asserted that he felt humbled, deeply humiliated, at looking around him and seeing two hundred and thirty American statesmen sitting in that hall gravely legislating in behalf of piratical slave-dealers, whose crimes had rendered them moral outlaws, unfit for human association, fit only for the gallows and the halter. Yet because the Executive and Senate had engaged in the support of this inhuman traffic, and had done all they could to commit the Government and nation to its support, and had failed to effect that object, members of the House were asked to approve these efforts by the passage of the bill. He would not be made the supple instrument of the President nor of designing slaveholders, though clothed with senatorial dignity.

He stated that he was fully aware that a large majority of the House of Representatives were in favor of sustaining the doctrine of the Executive and of the Senate: that they had by an unauthorized and despotic assumption of power passed a vote of censure upon him for the expression of his opinions on the subject of the slave trade, and proceeded at length to vindicate the doctrine that Congress had no constitutional power nor *just right* to involve the people of the free States in a war for the support of the slave trade.\*

No member attempted to meet the doctrines put forth. Stanley was silent. Mr. Fillmore, who reported the bill, made no attempt to vindicate the principles involved. Mr. Cushing, of Massachusetts, replied, endeavoring to show that the money being in the treasury made Con-

\* These remarks were not reported in the "Congressional Globe," nor in any other paper. In the report of the proceedings, as they appeared the next morning, it was stated that Mr. Giddings occupied an hour on the subject, but no allusion was made even to the substance of his remarks. He, however, wrote them out, and obtained their publication in the Appendix to the "Congressional Globe."

It is a matter of curiosity that Colonel Benton, while professing to give an accurate abridgment of *all* debates and proceedings in Congress, does not refer to this speech which appears in the Appendix of the "Globe;" nor to Mr. Cushing's reply, nor to any transaction connected with the bill referred to.

gress trustees for its distribution, and that body was bound to distribute it, without looking back to the circumstances which brought it to the treasury.\*

After Mr. Cushing concluded, the yeas and nays were ordered on the motion to lay the proposition to reconsider on the table, and it prevailed by a vote of 140 to 38.

The vote of the slave States was unanimously in the affirmative.

That of the free States was divided as follows :

<b>MAINE.</b>	
Yea—Messrs. Allen, Clifford, Littlefield, Lowell, and Marshall, . . . . .	5
Nay—Messrs. Bronson, Fessenden, and Randall, . . . .	3
<b>NEW HAMPSHIRE.</b>	
Yea—Messrs. Atherton, Burke, and Eastman, . . . .	3
Not voting—Messrs. Redding and Shaw, . . . . .	2
<b>MASSACHUSETTS.</b>	
Yea—Messrs. Cushing, and Parmenter, . . . . .	2
Nay—Messrs. Winthrop, Hudson, Baker, Briggs, Calhoun, Burnell, and Adams, . . . . .	7
Absent—Messrs. Saltonstall, Hastings, and Borden, . . .	3
<b>RHODE ISLAND.</b>	
Yea—Mr. Cranston, . . . . .	1
Absent—Mr. Tillinghast, . . . . .	1
<b>CONNECTICUT.</b>	
Yea—Messrs. Osborn, and Boardman, . . . . .	2
Nay—Messrs. Smith, Williams, and Brockway, . . . .	3
Absent—Mr. Trumbull, . . . . .	1
<b>VERMONT.</b>	
Yea— <i>none.</i>	
Nay—Messrs. Hall, Slade, Young, and Mattocks, . . . .	4
Absent—Mr. Everett, . . . . .	1
<b>NEW YORK.</b>	
Yea—Messrs. Charles A. Floyd, John G. Floyd, McKeon, Wood, Ferris, Davis, Clinton, McClellan, Herrick, Hunt, Barnard, Blair, Tomlinson, Sandford, Doig, Brewster, Bowne, Gordon, J. C. Clark, Riggs, Patridge, Foster, Fillmore, Oliver, Childs, and Young, . . . . .	26
Nay—Messrs. Linn, Staley N. Clark, Morgan, Granger, Birdsey, Chittenden, Van Rensselaer, . . . . .	7
Absent—Messrs. Babcock, Egbert, Roosevelt, Ward, Gates, and Van Buren, . . . . .	6
<b>NEW JERSEY.</b>	
Yea—Mr. Aycrig, . . . . .	1
Nay—Mr. Halstead, . . . . .	1
Absent—Messrs. Randolph, Stratton, Maxwell, and York, . . . .	4

\* After Mr. Cushing's return home he published a letter, charging the author with misrepresentation in saying that members who supported this bill sustained the slave trade. The author replied, showing very definitely the instances in which Mr. Cushing had sustained that traffic. Mr. Cushing was defeated at the next election, and no more appeared in Congress.

PENNSYLVANIA. Yea—Messrs. Charles Brown, Jeremiah Brown,	
O. I. Ingersoll, Toland, Fornance, Westbrook, Newhard,	
Keim, Gerry, Gustine, Bidlack, Snyder, Marchand, Bee-	
son, Plummer, W. W. Irwin, . . . . .	16
Nay—Messrs. Henry, McKennon, Ramsey, . . . . .	3
Not voting—Messrs. Sergeant, James, Simonton, Cooper,	
Dimnock, Lawrence, Jack, and James Irwin, . . . . .	8
One vacancy.	
OHIO. Yea—Messrs. Pendleton, Weller, Mason, Donne, Morris,	
Medill, Mathews, Mathiot, Sweeney, Hastings, Dean, . . . . .	11
Nay—Messrs. Andrews, Cowen, Giddings, Ridgeway,	
Russel, and Stokeley, . . . . .	6
Not voting—Messrs. Goode, and Morrow, . . . . .	2
INDIANA. Yea—Messrs. Proffit, and Thompson, . . . . .	2
Nay—Mr. Cravens, . . . . .	1
Not voting—Messrs. Lane, Kennedy, Wallace, and White, . . . . .	4
MICHIGAN. Absent—Mr. Howard, . . . . .	1
ILLINOIS. Yea—Messrs. Casey, Stuart, and Reynolds, . . . . .	3

When the vote had been announced by the Speaker, Mr. Giddings rose to a question of privilege, and stated an occurrence which had taken place during the proceedings.

He said : While speaking he had noticed several persons standing in front of the Clerk's desk, one of whom was Mr. Dawson, of Louisiana. That the moment he closed his remarks he was violently pushed by what appeared to be the elbow of a man pressing against his side ; and at the same instant Mr. Dawson passed him on his way from the outside towards the Clerk's desk. He approached from behind, and was neither heard nor seen until this manifestation of his displeasure. Recognizing him as he passed, he spoke in an undertone, but so loud as to be heard, saying "*Dawson !*" when that member turned around and seized the handle of a bowie-knife which partially protruded from his bosom, and immediately advanced towards the writer until within striking distance of his person. Looking him in the eye he said, "*Did you push me in that rude manner ?*" He answered, "*Yes.*" "*For the purpose of insulting me ?*" "*Yes,*" said Dawson, as he partially removed the knife from the scabbard. Mr. Giddings rejoined, "*No gentleman will wantonly insult another. I have no more to say to you, but turn you over to public contempt as incapable of insulting an honorable man.*"

By this time Mr. More, of Louisiana, and other members seized Dawson and took him from the hall. The writer stated to the House



that he felt it due to the members of the body to lay these facts before them. That he should leave the matter at that point ; wishing it distinctly understood, that he asked no protection from the House, but left that body to protect its own dignity.

Mr. A. H. H. Stuart, from Virginia, stated that he had noticed the appearance of Dawson while standing in front of the Clerk's desk apparently engaged in conversation with other members. That he kept his eye upon him as he left that place walking down the front aisle, when he lost sight of him until he came round and entered the small aisle in which Mr. Giddings was standing. That from the appearance of Dawson's countenance he apprehended an intention of violence.

Mr. Wise and some other gentlemen expressed the opinion that Mr. Dawson intended no insult.

Mr. Calhoun, of Massachusetts, insisted on reading the manual relating to the privileges of members : and Mr. Adams inquired whether Dawson threatened to cut Mr. Giddings' throat from ear to ear as he had that of the gentleman from Tennessee ? alluding to an incident that occurred a few days previously when Mr. Arnold, of Tennessee, said something unpleasant to Mr. Dawson, who went to him, and in a low tone of voice assured Mr. Arnold that if he did not keep quiet he would " cut his throat from ear to ear." The matter of privilege was dropped at this point. Dawson had doubtless acted with the approbation of several members, who probably intended to try the experiment of threatening personal violence to deter members from the expression of their views : \* but the public did not so regard it. Most men believed that Dawson intended to have drawn from the writer a blow which would have served as an excuse for assassination. The whole scene served to arouse in the public mind a feeling of disgust at the barbarous habits of our slaveholding population.

Resistance to the despotism of slavery was of frequent occurrence during the twenty-seventh Congress.

\* Hon. David Lee Child, of Massachusetts, in a published letter written on the same day on which this scene occurred, says :

" I was sitting in the gallery. I saw Dawson in the centre of the hall amidst a group of southern members, all of whom were looking extremely wrathful, and one of them, as I am informed by a member, said, with an oath, ' I would like to cut off Giddings' ears.' In this excited group Dawson was conspicuous. Being intent on hearing, I did not follow him with the eye ; but it is stated by reporters and members that, when he entered the small aisle leading from the circular passage to the centre of the hall, he appeared intent upon some desperate action. Coming from the rear, Mr. Giddings could not of course see him ; and as he passed that gentleman he gave him a violent push, with his left elbow, while his right hand was fastened upon the hilt of his bowie-knife ; but he soon turned round and slowly advanced towards Mr. Giddings, still holding his bowie-knife."

Encouraged by the exposures made in Congress, the people of Massachusetts now sent a petition asking that body to pass such laws as would forever separate the people of the free States from the expense, and crime, and disgrace of supporting slavery, or the slave trade?

The petition was said to be signed by *twenty thousand citizens of that State*, and was forwarded to Mr. Adams for presentation. And on those days allotted to the presentation of petitions by the rules of the House, it was brought and placed upon the desk of the veteran statesman, who patiently awaited an opportunity for presenting it. The petition did not come under the twenty-first rule, and slaveholders and Democrats appeared greatly annoyed at seeing it; and during the entire session they postponed by vote on each alternate Monday the presentation of petitions, in order as they said to prevent Mr. Adams from presenting the "*monster petition*."

As the session drew to a close, Mr. Winthrop, from the Committee on Commerce, reported a series of resolutions declaring that the seizure of free colored citizens in any part of the United States by the local authorities, is a violation of the rights of citizenship guaranteed by the Constitution.

"That the seizure of colored persons on board the ships of other nations, is a violation of our treaty obligations."

Mr. Winthrop asked the adoption of these resolutions. But Mr. Johnson, of Tennessee, moved to lay them on the table, and the motion prevailed by a vote of 86 to 59.

In view of the approaching presidential election the friends of Mr. Calhoun established a paper at Washington City, with the admitted intention of bringing him before the nation as a candidate for the Presidency. It was called "*The Spectator*," and one of its avowed doctrines was, that the Federal Government was bound to support the institution of slavery *in the States*, and to extend it.

This bold avowal was novel to the people of the North. Up to a recent period the publicly avowed doctrine had been that *Congress had no right to interfere with slavery in the States*. To this doctrine the writer had at all times yielded approval: while Mr. Adams only objected to it, that *in time of war, or insurrection*, the Federal Government might interpose to abolish slavery if deemed necessary to peace.

The intention of the leaders of the democratic party to render the free States subsidiary to the institution, was now becoming rapidly developed to the public view. They had been defeated at the last presidential election, principally because of the extravagant and wasteful expenditure of the public moneys. But the southern doctrine that governments were

not bound by the laws of justice and morality, had so far corrupted the statesmen and politicians of the country, that the Whigs as well as Democrats carefully avoided the enunciation of any primal doctrine or elementary truth as the basis of their organization, and were now greatly divided, while the union of southern slavery with northern democracy appeared to have been fully consummated.

The first great movement of this now consolidated and powerful organization, was directed to the annexation of Texas : but no public avowal had as yet been made, and the great body of the northern people were ignorant of that conspiracy to break up the Union to which the American people were so much attached ; and bring into the political partnership a new slaveholding State of vastly extended territory, to wield an influence and power over the interests and honor of our northern people, not merely equal in proportion to their numbers, but far superior, as they would under the Constitution be clothed with political influence in proportion to the number of slaves they might hold in bondage, counting five slaves equal to three of our northern freemen.

Mr. Adams possessed the means of obtaining perfect knowledge of whatever transpired in their most secret councils. He assured his friends that the effort to annex Texas was now to be made in good earnest ; and as it was intended to strengthen, to extend and perpetuate the institution of slavery, precisely to that extent would it diminish and strike down the liberties of the North.

Having obtained satisfactory evidence of their intention, twenty members of Congress united in an address to the people of the free States, assuring them that the annexation of Texas was agreed upon by the statesmen and politicians of the slave States ; that the object and intention was to extend, increase and perpetuate the institution of slavery ; that it must involve us in a war with Mexico, for the support of an institution which all lovers of liberty detested ; that no act could be more dangerous than for a government to enter upon the conquest of territory to enlarge its power ; that a dissolution of the Union would not only *result* from this policy, but the act itself would be an abandonment of the Union which we then enjoyed, and the formation of a new one with foreign slaveholders. The address declared that no act of the Executive or of Congress, or of all the departments of Government, could impose upon the people of the free States any constitutional obligation to submit to such a transfer, or to become subservient in any degree to the foreign slaveholders of Texas. This address was penned by Hon. Seth M. Gates, and was signed by John Quincy Adams, Seth M. Gates, William



Slade, William B. Calhoun, Joshua R. Giddings, Sherlock J. Andrews, Nathaniel B. Borden, Thomas C. Chittenden, John Mattocks, Christopher Morgan, Jacob M. Howard, Victory Birdsey, Thomas Tomlinson, Staley N. Clark, Charles Hudson, Archibald L. Linn, Thomas W. Williams, Truman Smith, David Bronson, George N. Briggs.

It was published at the close of Congress in the "National Intelligencer," and was generally copied into the whig papers of the North.

During the session the writer had received resolutions of thanks, votes of approval, and congratulatory addresses from public meetings and various societies in nearly every free State of the Union, for the doctrines which he had avowed in Congress, for the steadfastness and firmness with which he had maintained them. Mr. Adams had probably received a much greater number. These taken in the aggregate showed that at least individuals and societies and public meetings in the free States were engaged in arousing the people to thought and action :

Lecturers were also travelling and speaking in all the free States ; "The Emancipator," "The Liberator," and "The Philanthropist," were at that time anti-slavery papers, ably conducted, and earnest in the advocacy of the doctrines of freedom.

1843.] The President had been elected by the whig party, without any avowal of doctrines in regard to slavery. He was a slaveholder, and by force of education, interest and inclination now united his fortunes with the democratic party, for the purpose of annexing Texas to the Union. And as had been foretold, the work of consummating that outrage was commenced on the 8th May, by the dispatch of Mr. Upshur, our Secretary of State, to our "Charge de Affairs" in Texas. The fact that Brougham had declared in the House of Lords that "*the abolition of slavery in Texas would cut off the market for slaves now sent from the slave-breeding States of the Union to Texas, and thereby tend to the abolition of slavery in the States,*" was cited by the Secretary as an incident of an "*alarming* character ;" and he declared that a letter had been received from a distinguished citizen of Maryland (Gen. Duff Green), saying that "slavery would be abolished in Texas within the next ten years, and probably within half that time, unless it were annexed to the United States." Under these circumstances, our Charge de Affairs, Mr. Murphy, was directed to consult the authorities of Texas as to their disposition in regard to annexation.

Mr. Upshur nor the President appeared to entertain any doubt as to the duty of our Federal Government to support the coastwise slave trade and slavery in the States.

It should also be borne in mind that neither the statesmen, nor the politicians, nor the people, at that time appeared to be conscious that we had pledged ourselves in the treaty of Ghent to exert our influence for the entire abolition of "*the traffic in slaves.*" But when this solemn covenant was referred to in the House of Representatives, slaveholders said it only had reference to the *African* slave trade. But that construction was denied by Mr. Adams, who was one of the signers of the treaty. He assured the House and the country that the treaty meant just what the language imported—" *the traffic in slaves ;*" that it was intended to abolish the *crime*, making no distinction as to the *place of committing it*.

## CHAPTER XIV.

MR ADAMS' VIEWS OF THE GOVERNMENT—DEFEAT OF THE TREATY ANNEX-  
ING TEXAS—CHARACTER OF CONGRESSIONAL DEBATE.

1848.] At the assembling of the twenty-eighth Congress the supporters of slavery continued to exhibit great hostility towards those who were endeavoring to establish a line of demarkation between the Federal Government and that institution.

Messrs. Slade and Gates had been unfaltering in their devotion to justice and liberty. By their high moral bearing and assiduity they had commanded the respect of all who admired freedom; but they had retired from Congress, their seats were filled by new and untried members, and Mr. Adams and the humble individual now engaged in writing these memoirs were left to contend against a degree of arrogance, despotism and persecution not easily appreciated by men of the present day.

The past services, the high moral and social position of Mr. Adams, enabled him to bid defiance to those who sought by every means which they deemed available to affect his influence; but the author was placed under very different circumstances. Slaveholders and those northern members at that time characterized as "*the Swiss guards of slavery*," determined on his political and social ostracism. At Washington he continued to be stigmatized as an "abolitionist," "an agitator," "one who was seeking notoriety." Public meetings of the democratic party adopted resolutions denouncing him; and democratic papers assailed him. Nor did the whig press sustain him. He did not receive those civilities usually extended to members of Congress: He exchanged cards with but few; and wholly abstained from making calls of ceremony.

Having long served as chairman of the Committee on Claims, he was removed from that post, and assigned to the seventh position in the Committee on Revolutionary Pensions, which having no business *did not meet*. It was under these depressing circumstances that the author resumed the duties which lay before him. His venerable coadjutor, Mr. Adams, was seventy-six years of age. His hand was palsied and trembling: his voice was somewhat feeble and broken, his movements



denoted age ; but his intellect appeared unimpaired, while his anxiety for his country and his race increased. Although more depressed in spirit than he had previously been, he declared there was but one course for public men, that was to "*do their duty.*" Early in the session he moved the appointment of a committee to report a code of rules for the government of the House : his motion was sustained ; he was of course appointed chairman, and made a report omitting the obnoxious twenty-first rule. The debate on this report occupied the morning hour for some weeks. During the discussion he was often assailed ; but, in violation of the practice usually observed, he was not recognized by the Speaker as entitled to the floor for reply. Yet his juniors in service and in years constantly assailed him with unexampled bitterness. The author had abstained from attempting to speak as courtesy, and parliamentary usage seemed to assign the floor to Mr. Adams.

This state of things had continued for two weeks, when one morning the writer entered the hall a little before the hour of meeting. He found Mr. Adams already in his seat, but laboring under greater depression than at any previous day. His appearance indicated the want of sleep. He said his health was good ; but declared that he had become nervous and unable to sleep. He spoke most feelingly, declaring that our Government had become the *most perfect despotism of the Christian world* : avowed himself physically disqualified to contend longer for the floor : said he must leave the vindication of the report which he had made to the author, as duty to himself forbade further attempts on his part. He said he had indulged the hope of living to see the "gag-rule repealed," but he now regarded it as doubtful.

The author was thus left alone to contend in favor of the report which Mr. Adams had made. In the course of a few days he obtained an opportunity of speaking, and so far as able discharged the duty so strongly impressed upon his mind by Mr. Adams.

It was during this debate that an incidental remark was made by Mr. Adams, that was often quoted in subsequent years. Mr. Dillett, of Alabama, a man of age and of talents above the mediocrity of members, was speaking upon this report. Like other Representatives from the South, he appeared anxious to assail Mr. Adams. He held in his hand the report of a speech delivered by the object of his assault to the colored people of Pittsburg, Pennsylvania. From this he read the following passage : "We know that the day of your redemption must come. The time and the manner of its coming we know not : It may come in peace, or it may come in blood ; but, *whether in peace or in blood, LET IT COME.*" Having read this sentence, he invoked attention to

it, and in order that all might appreciate it, he read it a second time ; and as his voice died away, Mr. Adams, in his seat, with peculiar emphasis, added, "*I say now, let it come.*" Dillett, apparently indignant at what he regarded the audacity of Mr. Adams, added, "Yes, the gentleman now says let it come, though it *cost the blood of thousands of white men.*" To which Mr. Adams rejoined : "*Though it cost the blood of MILLIONS OF WHITE MEN, LET IT COME : Let justice be done though the heavens fall.*"

These words rose from the lips of the aged patriot like the prayer of faith from one of heaven's anointed prophets : A sensation of horror ran through the ranks of the slaveholders : Dillett stood apparently lost in astonishment, and all were silent and solemn until the Speaker awoke members to the subject before them by declaring the *gentleman from Massachusetts was out of order.*

The report of Mr. Adams, after occupying the morning hour for four weeks, was laid on the table by a small majority.

1844.] A colored man named William Jones was imprisoned in the jail at Washington under suspicion that he was a fugitive slave. He found means to send a petition to the author, stating that he was a free citizen of the United States, born in Virginia, and while residing in Washington City, and demeaning himself peacefully and kindly towards his fellow-men, and without any charge of crime or offence he had been seized and imprisoned, and after considerable expense had been incurred, which he was unable to pay, he was advertised for sale to meet the costs thus unjustly incurred. He asserted that he had no owner but God, and owed no allegiance but to his country. He prayed Congress to protect him in the enjoyment of his liberty. The petition being presented, the author moved its reference to the Committee on the Judiciary. The presentation of this petition from one *presumed* by southern laws and southern men to be a slave created some sensation ; but there was no display of ruffianism on the occasion, no attempt to censure the member presenting the memorial, no display of bowie-knives, no indications of personal violence. Indeed, the petition was respectfully received, but the debate upon it was postponed until the following day, when Mr. Saunders, of North Carolina, declared that the law in all slave States presumed every colored person a slave that could not prove his freedom : that such was the law of the District of Columbia, and respect for those laws demanded the instant rejection of the petition.

To this it was replied, that no such presumption could be just or reasonable, or in accordance with the Constitution : that it was nothing more nor less than a mode of enslaving free persons, and was piratical.

in its character. Messrs. Adams, of Massachusetts; Stetson, Davis, and Beardsley, of New York; and Giddings, of Ohio, spoke in favor of the motion, which was strenuously opposed by Messrs. Saunders, of North Carolina; Campbell, of South Carolina; Cobb and Stephens, of Georgia; McConnel and Payne, of Alabama; and A. V. Brown, of Tennessee. But the motion was sustained by a vote of 75 to 40.

The committee were proslavery in character, and made no report on the memorial, which, like all others touching slavery, was entombed in the document rooms of the House of Representatives.\*

A debate arose during the early part of this session upon the "home squadron," which developed to the public view the employment of United States vessels in the nefarious work of pursuing and capturing fugitive slaves who attempted to flee from Florida and from Georgia to the British West India Islands. It appeared that the administration was keeping this "home squadron" principally upon the lookout for the relief of slave ships employed in transporting human cargoes around the peninsula of Florida to the New Orleans market, so that in case of shipwreck the slaves need not be taken to British islands. Thus, while one portion of our navy was engaged in putting *down* the slave trade on the *African* coast, another portion was employed in *maintaining* it on the *American* coast.

This employment of our navy in the disgraceful work of chasing down fugitive slaves created disgust among the people, who entertained a laudable pride in the glory of our naval victories in former times.

On the same day Mr. Adams presented a petition from some two hundred and twenty citizens of Washington County, Illinois, praying Congress to acknowledge the Christian religion, by securing to the *people of the United States* the right to enjoy life, liberty, and happiness. The petition excited much debate. Mr. Adams, with great force, urged that statesmen and governments were bound by the precepts of the Gospel "to do unto others as they would have *others do unto them*," precisely as individuals in private life were bound to treat their fellow-men. Southern members were quite indignant at the doctrine; insisting that slavery nor the slave trade constituted a violation of the Christian religion. The petition was, after full debate, laid on the table.

Mr. Adams also presented a petition numerously signed by citizens of New York, praying such amendments of the Constitution and laws of

\* Colonel Benton, in his *Abridgment of Congressional Debates*, passed over this entire discussion without even referring to it.



the United States, as were necessary to separate the Government and people of the free States from all support of slavery, which, on motion of Mr. Adams, was referred to the Committee on the Judiciary, after full debate, by a vote of 97 to 80.

From incidents which now occurred almost daily, it became evident that the twenty-first rule of the House was rapidly becoming inoperative and obsolete.

By repeated declarations in the House of Representatives, the public mind had been directed to that feature of the Federal Constitution which gives to the people of the slave States influence in the Federal Government in proportion to the number of slaves which they hold in bondage, counting five slaves equal to three freemen. All saw that it did not operate in favor of the slaves, but only enabled the masters to rivet their chains more firmly. The people of the North had submitted to it quite cheerfully so long as those of the South permitted the subject of slavery to remain without agitation; but now they felt that justice to the North required an amendment of the Constitution in this respect; and the Legislature of Massachusetts adopted an able memorial calling on Congress so to amend the Constitution as to give equal rights and equal privileges to the free people of all the States.

Mr. Adams presented the petition and moved its reference to a select committee, which was ordered, after debate, and Messrs. Adams, of Massachusetts; Rhett, of South Carolina; I. R. Ingersoll, of Pennsylvania; Gilmer, of Virginia; Davis, of Kentucky; Burke, of New Hampshire; Morse, of Maine; Sample, of Indiana, and Giddings, of Ohio, were appointed, Mr. Adams being chairman.

The question was important, and the proceedings of the committee were conducted with great solemnity. The arguments for and against the proposition were advanced with much apparent sincerity, and the most perfect decorum was observed by every member.

The first question propounded to the committee was on the adoption of a resolution declaring it *inexpedient* at that time for the House of Representatives to recommend such an amendment of the Constitution. This was unanimously agreed to: and the chairman was directed to draw up a report to that effect. This was done, and every member met promptly at the appointed time to hear it read.

It was drawn with consummate ability: declaring that the provision of the Constitution which gives the enslavers of mankind superior influence and superior privileges in the Government to those enjoyed by the

supporters of liberty "is opposed to the vital principles of republican representation ; to 'the self-evident truths' of the Declaration of Independence ; to the letter and spirit of the Constitution itself ; to the letter and spirit of the constitutions of almost all the States of the Union ; to the liberties of the whole people of the free States ; and to all that portion of the people of the slave States other than the owners of slaves ; that this is its essential and unextinguishable character in principle : and that *its fruits in its entire practical operation upon the Government correspond with that character.*"

These propositions were enforced with all that logic and terseness of expression for which its author was distinguished. He then proceeded to show that "the self-evident truths" of the Declaration of Independence were nothing more nor less than the essential doctrines of the Gospel, which teach that *equal justice to all men* should govern the conduct of every individual, whether acting in a private or public capacity : that this principle constitutes the chief corner stone of all republican governments, as well as of all Christian organizations.

The report asserts that "the Declaration of Independence *constituted a sacred pledge IN THE NAME OF GOD, solemnly given by each State, TO ABOLISH SLAVERY SOON AS PRACTICABLE, AND TO SUBSTITUTE FREEDOM IN ITS PLACE.*"

It asserts that slavery is opposed to all the teachings of the Gospel ; is at war with God's attribute of justice, and should be eradicated from the earth.\*

It was at once seen that while Mr. Adams agreed that the time for recommending a change of the Constitution had not arrived, yet the doctrines enunciated and the process by which he arrived at his conclusion were in all respects calculated to arouse a spirit in the American people that would be likely to effect that change at some future day. Mr. Adams and the author signed this report : while Messrs. Morse, Sample, and Burke each drew his own report. Messrs. Davis and Ingersoll signed another, and Messrs. Gilmer and Rhett another. They are not diffusive, but in the aggregate they constitute a volume which may well interest the student of our political history.

The memorial and resolves of the Legislature of Massachusetts were also presented in the Senate, where they were denounced "as resolutions to dissolve the Union : " and the usual courtesy paid to resolutions of State Legislatures was refused : they were laid on the table, but the motion to print them was rejected.

\* This is believed to be the first official document placed in the national archives after the petition of Dr. Franklin in 1790 which in words asserts that *religious truth constitutes the basis of human governments.*

A few days subsequently Mr. Berrien, of Georgia, presented resolutions from that State in opposition to any change of the Constitution which might take from the slave States the right of slave representation. These resolutions were respectfully laid on the table and *ordered to be printed*. Mr. Bates, Senator from Massachusetts, called attention to this difference in the respect shown to different States ; but neither he nor any other Senator proposed to correct the gross insult thus offered to the State of Massachusetts.

1844.] The circumstances relating to the slave ship "Amistad" and the captives on board, were laid before the reader in a previous chapter. But at this session, Hon. Charles I. Ingersoll, of Pennsylvania, chairman of the Committee on Foreign Affairs, made a long report, assailing the decision of the Supreme Court declaring those Africans *free*, and recommending an appropriation from the public treasury of fifty thousand dollars to compensate the Cuban slavedealers for the loss of their victims. Having made the report, he moved to print ten thousand extra copies to be circulated among the people, with the obvious intention to prepare the public mind to support the slave trade. The author opposed the motion ; and endeavored in a short speech to demonstrate Mr. Ingersoll's errors of fact and of law ; and to hold up his policy to the odium of the country. Mr. Giddings stated that as a nation we had pronounced those engaged in the slave trade "*pirates*" unworthy to live ; but he denied that they were more guilty than those members of Congress who encouraged their accursed vocation ; or those who attempted to reconcile the public conscience to that aggregation of all the baser crimes which disgrace human nature.

The author's friends were alarmed at the severity of his remarks ; but he was perfectly aware that Mr. Adams would reply to Mr. Ingersoll ; and would not fail to vindicate his position. Mr. Ingersoll himself appeared to understand, that the man whom he most dreaded would follow him : for, instead of attempting to answer the remarks of Mr. Giddings, he yielded the floor to Mr. Weller, of Ohio, who moved to lay the motion *on the table* ; and Mr. Ingersoll himself voted to consign his own motion to that common receptacle of discarded propositions.

The address of the twenty members of Congress, to the people of the free States, mentioned in the preceding chapter, called up the attention of the Mexican government to the conspiracy then being formed in the United States for dismembering that Republic. The Mexican Executive, on receipt of this intelligence, notified the President that Texas was *a revolted province*, which the government of Mexico was endeavoring



to bring back to its allegiance by force of arms ; and that its annexation to the United States must of necessity carry with it the state of hostilities in which Texas was engaged.

The President, in the meantime, proceeded with all possible activity to arrange and perfect a treaty of annexation with the authorities of Texas. This was of course unknown to the people of the free States until it had been signed. Nor did the President in his Annual Message intimate such intention ; but referred to the notice which the Executive had received from the government of Mexico, in regard to existing hostilities between her and Texas, and spoke of the action of the Mexican government as founded upon "*newspaper reports* ;" while at the same time he entered upon an elaborate argument in favor of the proposed annexation, asserting, that *it would not disturb the peaceful relations then existing between Mexico and the United States.*

But the address of Mr. Adams and other members of Congress had gone forth to the people, was yet before the public, and it was deemed necessary to counteract the impression which it was apparently making upon the public mind. Immediately on the appearance of that address, Hon. Aaron V. Brown, of Tennessee, wrote General Jackson upon the subject, asking his opinion of the policy.

The venerable ex-President had in former times been the acknowledged oracle of the democratic party ; but was now spending the fading twilight of his earthly existence at the Hermitage in Tennessee. Understanding what was wanted, he wrote Mr. Brown, urging the immediate annexation of Texas, *lest England should obtain it*, and saying, "*it will be a strong iron hoop around the Union, AND A BULWARK TO HOLD IT TOGETHER ;*" and this utterance of senility, without fact, argument or reason to sustain it, was published to the world, under the democratic announcement "*that it was a legacy of the greatest living statesman, permitted by Heaven to advise his countrymen in the hour of their necessity.*"

But this dictum of mental decrepitude had far greater effect among the southern Lazaroni who could neither read nor write, than it had among the educated laborers of the free States, where many of the democratic party hesitated, and some refused to follow the suggestions of their southern leaders.

To reconcile conflicting opinions, it was proposed to adopt the general policy, of obtaining territory *wherever it was to be had* ; and as we were holding a joint occupation with the British government of Oregon, a fair opportunity was presented for extending our exclusive jurisdiction

over it. This proposition appeared to reconcile most northern Democrats to the policy of annexing Texas.\*

The Executive therefore renewed diplomatic correspondence with the British government for the settlement of our territorial boundaries in Oregon. Feeling somewhat bound by the action of Mr. Van Buren, his predecessor, he proposed to establish the line upon the 49th parallel of latitude ; but the proposition was rejected and the negotiation failed.

With Texas the President was more successful. The Mexican government had entered a decree abolishing slavery in all its intendancies : to resist this progress of civilization, adventurers from our slave States, had gone to that territory and raised the standard of resistance. For years they shed their blood, and spent their substance in efforts to continue the barbarous institution of African bondage ; and now were not unwilling to have the United States fight their battles and defray the expenses of the further prosecution of this war for slavery.

Preparatory to entering upon the subject, the President had dismissed Mr. Webster from the office of Secretary of State, and appointed Mr. Upshur, of Virginia, and upon his death, had placed Mr. Calhoun in that important position, with the apparent purpose not only of securing the annexation of Texas, but at the same time to obtain the confidence of the democratic party, to whom he now looked for a reelection to the Chief Magistracy.

1844.] Under these circumstances, he easily effected such a treaty as he desired, and in due season transmitted it to the Senate for ratification, felicitating himself with the expectation that a lasting fame would attach to this addition of a vast territory to our Union.

But this contest for anticipated glory was subjected to unexpected difficulty. Mr. Benton of the Senate resisted the approval of the treaty. He had been the early and distinguished friend of Texas, but he denounced the injustice of making the Rio Grande the southern and western boundary of that State, as it would embrace a large part of New Mexico, including "Santa Fe" its capital, as well as large portions of Chihuahua and Coahuila, with some of their most populous towns and villages, and more than two hundred thousand square miles of territory to which Texas had no claim whatever. And secondly, he insisted that as Texas was engaged in civil war with Mexico, the Senate did not possess the constitutional authority to involve the nation in that war by annexing Texas to the Union. These objections prevailed, and the treaty was rejected.

\* This statement is founded upon the assertion of leading Democrats made in public debate on the Oregon question during the first session, twenty-ninth Congress.

But the President, apparently undismayed, intently pursued his purpose. Soon as the Senate rejected the treaty, he transmitted a message to the House of Representatives stating such rejection and urging upon that body the great importance of uniting Texas to the Union ; suggested that it might be affected by joint resolution, which could pass the Senate by a bare majority, while it required two-thirds to confirm the treaty.

From this time until the close of the session the annexation of Texas was debated, both in the Senate and House of Representatives. The documents, including all the correspondence on the subject, had been transmitted to the Senate with the treaty, and were published by order of that body.

Leading members of the democratic party sustained the positions assumed by the Executive, that it was necessary to unite Texas to the Union in order to preserve slavery therein ; that unless annexed the institution would be blotted from existence ; and the emancipated population of Texas would endanger the institution in the United States. They boldly insisted that the Constitution had "*guaranteed slavery to the South*," and quoted the letter of Mr. Webster, to our Minister at London, heretofore noticed as high authority on the subject : and the doctrine enunciated in the resolutions of Mr. Calhoun in the Senate of 1840, for which Mr. Webster and other Whig Senators dared not vote, and had not the manliness to oppose, were now quoted as precedents of high authority ; inasmuch as they had been subsequently referred to by distinguished statesmen, in order to sustain the coastwise slave trade. To discard these doctrines would constitute a repudiation of Mr. Webster, and must offend his personal friends and admirers : to sustain them would of course drive from the party all who believed the Government and Constitution were ordained to sustain freedom. The highest policy of the whig party, consisted in suppressing, so far as possible, all examination of Mr. Webster's opinions on this and kindred subjects.

The presidential election was approaching. Mr. Webster was an aspirant for that office. Mr. Clay was also looking for the nomination of the whig party. He was a slaveholder, and it was perfectly apparent that the assertion of any primal truth, or elementary principle of government, would divide the whig party. 1844.

That organization now found itself paralyzed by the doctrines of Mr. Webster, and the condition of Mr. Clay ; and their failure in the approaching canvass was foreseen by all reflecting statesmen and politicians.

The real position of Mr. Adams and the author became obvious. Mr. Giddings continued to adhere to the whig party, and unhesitatingly



announced his own doctrines as those of that organization. He avowed his determination to oppose any candidate who would involve the people of the free States in the support of slavery, or of the coastwise slave trade. Mr. Adams, however, continued to maintain an entire independence of all political parties, laying down no specific platform of political faith, but sustaining or objecting to measures as they came before him for official action.

1844.] Mr. Benton had introduced a bill into the Senate providing for the annexation of Texas ; and in urging its passage he entered upon a history of the efforts put forth to obtain the treaty of annexation, and assuming to himself the principal merit of the preparatory movements, denounced Mr. Brown, of Tennessee, with "*having been charged with some vicarious enterprise against him*" when addressing General Jackson on the subject : And for a time the course of Mr. Benton appeared likely to defeat the entire object.\*

But the leaders of that party were usually fortunate in avoiding all difficulty arising among its members. Mr. Van Buren had been the candidate of the party, and was defeated in 1840. He was an able man and had ever yielded to the interests of the South ; but unfortunately for himself, had expressed an opinion that the Constitution had made no provision for annexing a foreign government to ours. It therefore became necessary to overcome the influences which were operating in favor of his nomination : to reconcile these conflicting interests required the exercise of all the tact and skill of the slave power.

The Legislatures of Mississippi and of other democratic States adopted resolutions in favor of uniting Texas to the Union. Memorials from the people, and proceedings of primary meetings in favor of that measure, were forwarded to Congress, and "*annexation*" became the watchword of the party : And no man was regarded as in full fellowship, and entitled to its confidence unless he were able to pronounce that "*Shiboleth*" of the slaveholders.

The parties held their nominating conventions in the month of May, and the Democrats announced their intention to obtain *Oregon* and *Texas* as a part of their distinctive policy ; and nominated Hon. James K. Polk, of Tennessee, as their candidate. The Whigs, as was expected, nominated Mr. Clay as their leader ; but neither party proclaimed any moral truth or essential principle as the basis of their claims for support.

\* Many believed that Mr. Benton, as well as Mr. Tyler, aspired to the office of President, upon the same which was then expected by him who should exert the most efficient means for bringing in Texas as one of the States of the American Union.

And now "the Lone Star of Texas" was seen on every flag of the democratic organization. In the North, "Oregon" was proclaimed as an object of political desire; while it was but seldom if ever named in the South. But the doctrines of Mr. Calhoun, endorsed by Mr. Webster, were urged by public speakers at every convention of that party. Northern Democrats now listened to public speakers in the northern States, who reiterated the doctrines avowed by Mr. Calhoun and repeated by Mr. Webster, "*that the Constitution had guaranteed slavery to the South.*"

In this way the democracy of the North were educated and [1844. instructed in the belief, that the *people of the free States were under constitutional obligations to sustain slavery and the coastwise slave trade.* Nor was this education confined to the democratic party. Whig presses proclaimed Mr. Webster to be "the expounder of the Constitution:" They insisted that the people were bound to adopt the views of distinguished men as the doctrines of the Constitution. Public speakers ridiculed the idea that men in the ordinary walks of life were capable of understanding that instrument, and they insisted that the Supreme Court of the United States constituted the tribunal of dernier ressort for construing the Constitution; and that their decisions were binding upon all departments of the Government and upon the people.

The anti-slavery men insisted that the signers of the Declaration of Independence and the framers of the Constitution intended the Government should uphold *liberty* and not *slavery*: That those instruments were framed for that purpose, and that the people had a perfect right, and it was their duty to elect to office men who would wield the influence and power of the Government for freedom and justice, and against slavery and oppression: That the people, having framed the Constitution and having adopted it, possess the sole power to change or alter it; may elect to office men who hold to the popular construction of that instrument; and that such officer when elected, would, in good faith and honor, be bound to carry out that construction on which he had been elected: That the President may be elected for the reason that he differs from the Supreme Court; and when elected he would be bound to appoint judges who agreed with him in doctrine, whenever vacancies occur; while the judges of the Court are bound to give that construction which their judgments dictate, and their final decrees are binding only upon parties, and upon privies in interest and privies in blood. The Whigs lost much influence by efforts to sustain their position, the popular mind being against their doctrine.

But the author having been publicly censured in Congress for deny-  
 1844.] ing that any right existed in the Federal Government to involve  
 the people of the free States in support of the slave trade, or  
 slavery, and having been specifically instructed by his constituents to  
 maintain this position, he felt neither hesitation nor delicacy in  
 carrying out his instructions; and perhaps he can give no better  
 description of the *spirit* in which his doctrines were asserted, and  
 that in which they were *received*, than by the following extracts from  
 a speech delivered on the 21st of May, 1844: "Mr. Giddings said,  
 I feel constrained, Mr. Speaker, to bestow a passing notice upon the  
 position assumed by the advocates of annexation, that the *Federal Gov-*  
*ernment has guaranteed slavery to the southern States of this Union.*  
 With all due respect for their talents and learning I may be permitted  
 to deny that any guaranty whatever in regard to slavery is found in  
 the Constitution: When the gentleman from Alabama (Mr. Belser)  
 asserted this doctrine the other day, I inquired *where* it was to be  
 found? He first said he found it in *common sense*; but not satisfied  
 with that reference, he said it was found in *common justice*; but finally  
 said it was in the Constitution! I inquired in what part of the Con-  
 stitution? He replied that he had not *then time to find it*! I will  
 now pause that he may inform the committee of the section and article  
 in which it may be seen? (Mr. Belser sat in silence in his seat, and  
 after a pause Mr. Giddings continued.)

"I was fully aware when I propounded the question, that he had not  
*time then* to find this important guaranty: I was conscious that he  
 would not have time during the hour allotted me to find it. And now  
 I say to the gentleman and to this committee that *his lifetime will be too*  
*short to find it*; nay, Mr. Chairman, *eternity will not disclose it, for it*  
*DOES NOT EXIST.* Yet, sir, this senseless jargon; this constant repetition  
 concerning the '*constitutional guarantees of slavery*' is daily sounding  
 in our ears. It is put forth by men of character, and those high in  
 office. Sir, I take this occasion to repeat my assertion that no such  
 stipulation exists or ever did exist in that instrument. And standing  
 here in the presence of so many learned and able statesmen of the  
 South, many of whom have repeated the unfounded assumption, I now  
 call upon any one or all of them to refer me to any such covenant or  
 stipulation in the Constitution!"

Mr. Brengle, of Maryland, stated, that at the formation of the Con-  
 stitution slavery existed in most of the States, and slaves *were regarded*  
*as property*, and in that light were the subject of protection as much as  
 other property.



Mr. Giddings. "Will the gentleman point me to the section in which I may find this *guaranty*?"

Mr. Brengle. "I don't refer to any section in particular, but to the whole instrument." (Laughter.)

Mr. Giddings. "Well, Mr. Chairman, I have finally chased this notable guaranty into the region of southern abstractions; but, I declare, I never came so near finding it before. (A laugh.) But the gentleman is entirely mistaken when he supposes that the convention which framed the Constitution regarded slaves as *property*. That instrument, in every instance in which it refers to slaves, characterizes them as '*persons*,' and not as *property*."

Mr. Belser was a young member, and appeared somewhat mortified at having advanced doctrines for which he could give no authority. But other southern members appeared to expect that the author would not act with the whig party, and they appeared desirous of hastening a separation between him and that organization. In a subsequent part of the same speech the following extract may be found:

"Mr. Belser, of Alabama, said he desired to put a question to the gentleman from Ohio.

"Mr. Giddings. 'My time is fast spending, but if the gentleman will be brief I will hear him.'

"Mr. Belser. 'I wish to inquire if the gentleman from Ohio will vote for a slaveholder at the coming presidential election.'

"Mr. Giddings. 'I should be led to think from the question that the gentleman propounding it would not vote for a man who is opposed to slavery. I have stated, Mr. Chairman, that your rights and mine were perfectly mutual. The great and leading feature of our national compact is a perfect reciprocity of political rights among the several States. . . . I verily believe that Mr. Clay will administer the government (if elected) with a strict regard to the *constitutional rights of all the States*. This he stands pledged to do; and a long life of public service has given me and the public satisfactory evidence that he will wipe out the foul disgrace already brought upon our national character by attempting to make slavery and the slave trade subjects of *national support*.'"

In a subsequent portion of the speech reference was made to Mr. Calhoun's letter to Mr. Packenham as follows:

"I am anxious to say a word in relation to the correspondence between the Secretary of State and the British Minister resident in this city. I refer particularly to the letter of Mr. Calhoun to Mr. Packenham, dated on the 18th of last month; and, Mr. Chairman, I feel humbled,

as an American citizen, when compelled to speak of that letter, in which the Government and people of this nation are represented as solicitous to continue slavery in Texas, and to oppose the progress of freedom in that government. Sir, for himself, and for the Executive, he was authorized to speak; but for the *Government*, at least for the legislative branch of it, *he was not authorized to speak*. Sir, the representation that this legislative body was desirous of opposing the progress of civil liberty I believe to be unfounded and *untrue*. For myself, as one of the members of this branch, I declare it a *misrepresentation*. So far as that letter imputes to the people of the free States a desire to oppose the progress of human rights, and *to extend and perpetuate slavery and the slave trade*, I regard it as a base slander upon northern character.

"Mr. Burt, of South Carolina, wished to interrupt the gentleman from Ohio.

"Mr. Giddings. 'I have but a minute or two left, and I want to say many things.'

"Mr. Burt. 'I want to know if the member from Ohio meant to say that the Secretary of State has done, or is capable of doing, anything *base*?'"

"Mr. Giddings. 'I am a little surprised at that question.'

"Mr. Burt (much excited). 'That was your language.'

"Mr. Giddings. 'Mr. Chairman, I hardly know how to understand this *southern dialect*.'

"Mr. Burt (amid cries of Order, and the rapping of the chairman's gavel). 'Do you understand your own language?'

"Mr. Giddings. 'If gentlemen will keep cool until I get through, I will then answer all the questions they may propound to me. I had remarked, sir, that so far as the letter in question imputes to the people of the free States a desire to maintain a traffic in human flesh, and the curse of slavery, so far I regarded it a *base slander upon the northern character*; and I would repeat the idea in more forcible language if I could command it. I deny that any such feeling exists north of Mason and Dixon's line, and I characterized the assertion as *basely slanderous*.'"

These are given as specimens of the spirit in which the debates of that day were carried on.

A distinctive feature in the policy of the slave power consisted in maintaining that whatever Congress had done might be done again with propriety. In short, the devotees of slavery insisted that the past action of Congress constituted precedents binding upon statesmen and  
 1844.] people of that day. To this it was replied that northern statesmen had surrendered northern rights and northern honor at the dictation

of southern men. For this, the statesmen who had done it, were responsible. They admitted that Mr. Calhoun had, in 1840, introduced resolutions into the Senate revolting to humanity ; that northern Whigs dared not vote for them ; that they were destitute of that manly independence which should have stimulated them to resistance. But who would now admit that northern statesmen or people were bound to involve themselves in the damning iniquity of maintaining a commerce in human flesh ? The men who committed that outrage were responsible for their action, while those of the present day must act for themselves, and are alone accountable for their own conduct. The idea that the framers of the Constitution had authority to compel men of that or a subsequent generation to support a traffic in " God's image "—to murder or enslave colored men, was abhorrent to every principle of Christianity. That the framers of our Government had declared its object was to *secure* all our people, black and white, in the enjoyment of life and liberty : That neither God nor mankind had given to any government legitimate authority to invade these rights of men to life, or to that liberty which was necessary to sustain life.

Mr. Clay was desirous of obtaining the nomination of the whig party for President. With that view he spent the winter of 1843-'4 in New Orleans. On his way to Washington, in April, he made a speech at Raleigh, North Carolina, at the close of which he stated a synopsis of what he regarded Whig faith ; by the 9th article of which he declared it to be "*the duty of each State to sustain its own domestic institutions.*"

Thus Mr. Clay in few words expressed the precise doctrine for which the anti-slavery men were contending. It was plain that if South Carolina were bound to sustain her own slavery she could have no claim upon the Federal Government to do it. He soon came on to Washington, and to northern and southern men he asserted that the doctrines avowed in the essays signed " *Pacificus*," written by the author and published in 1842, contained the correct doctrines on which the Government had been founded. This avowal, in bold and direct language, was indeed more than anti-slavery men had expected. On this account, leading friends of liberty avowed their confidence in Mr. Clay, and desired his election.

The people of Kentucky caused another edition of his speech at Raleigh to be printed, leaving out the synopsis of Whig faith. With this his anti-slavery friends at the North were dissatisfied. The author wrote Mr. Clay on the subject, and in due course of mail received a letter from that distinguished gentleman, declaring that the edition of his speech published at Lexington had been brought out without his knowledge or consent ; but the doctrine which he had asserted was *correct*, and he



would soon find an opportunity of reiterating it. Accordingly, on the 2d September, the "Lexington Observer" contained a letter from Mr. Clay, in which that gentleman asserted, in nervous language, that "*the maintenance, the continuance, the existence of slavery depends exclusively upon the power and authority of the States in which it exists.*"

No issue could have been more direct and obvious than that formed by this letter, and the resolutions adopted in the Senate, on motion of Mr. Calhoun, in 1840. This exclusion of the free States and the Federal Government from the support of slavery was the very object for which Mr. Adams and the author had so long labored and striven.

But when southern men called on Mr. Clay to avow his sentiments in regard to the annexation of Texas, he answered so evasively, and manifested so little opposition to that outrage, that anti-slavery men abandoned him in such numbers as to occasion his defeat rather than incur the responsibility of supporting him.

## CHAPTER XV.

ANNEXATION OF TEXAS—SLAVEHOLDING VULGARITY IN CONGRESS—POWERS OF A REPUBLICAN GOVERNMENT TO ENSLAVE INNOCENT PERSONS ASSERTED.

At the reassembling of the twenty-eighth Congress for its [1844. second and closing session, slaveholding members and those who sympathized with them appeared perfectly confident that the democratic party would resume permanent possession of the government on the 4th of March following; when Mr. Polk should enter upon his executive duties.

Joint resolutions were introduced in both Houses at an early day, proposing the admission of Texas as a State to the American Union. Conscious that it had become a party measure, a committee was appointed by a whig caucus, to ascertain the views of each member and make report at a subsequent meeting. The committee reported that a *majority of more than thirty members* of the House of Representatives avowed their determination to oppose the annexation by all the legitimate means in their power. But members of experience declared, they had no confidence in those Democrats who professed opposition to any measure favored by a democratic President.

As the debate on the resolutions continued, members who had [1845. declared their opposition to the measure began to falter, and soon as the President elect reached the city preparatory to assuming official duties, the change of opinion became obvious, and before the vote was taken it was well understood that a large majority were in favor of the measure.

Of the several propositions offered for annexation, that presented by Hon. Milton Brown, of Tennessee, was adopted, sent to the Senate, where it was amended and returned to the House, asking concurrence in the amendment.

On the 28th February the vote was taken, and showed that 132 members were in favor, and 76 against the bill as it came from the Senate, and it became a law. The members from the several States voted as follows :

MAINE.	Yea—Messrs. Dunlap, White, Hamlin and Cary	. . . 4
	Nay—Messrs. Morse and Severance . . . . .	2

NEW HAMPSHIRE.	Yea—Messrs. Burke, Norris, and Redding . . . . .	3
	Nay—Mr. Hale . . . . .	1
MASSACHUSETTS.	Yea—Messrs. Parmenter and Williams . . . . .	2
	Nay—Messrs. Adams, Winthrop, King, Abbot, Hudson, Baker, Rockwell, and Grinnell . . . . .	8
RHODE ISLAND.	Nay—Messrs. Cranston and Potter . . . . .	2
CONNECTICUT.	Yea—Messrs. Seymour, Catlin, Stewart, and Simons . . . . .	4
VERMONT.	Nay—Messrs. Collamer, Foot, and Marsh . . . . .	3
	Not voting—Mr. Dillingham.	
NEW YORK.	Yea—Messrs. Strong, Murphy, Maclay, Leonard, Anderson, Russell, Seymour, Pratt, Ellis, Stetson, Ben- ton, Hungerford, Carpenter, Carey, Purdy, Robinson, Wheaton, Rathbun, Dana, and Hubbell . . . . .	20
	Nay—Messrs. Phoenix, Davis, Barnard, Rogers, King, Green, Patterson, Carrol, Tyler, Morely, Smith, and Hunt . . . . .	12
NEW JERSEY.	Yea—Messrs. Sykes, Farlee, and Kirkpatrick . . . . .	8
	Nay—Mr. Wright . . . . .	1
	Not voting—Mr. Elmer.	
PENNSYLVANIA.	Yea—Messrs. Smith, C. I. Ingersoll, Yost, Ritter, Brodhead, Bidlach, Fuller, Black, Foster, and Hayes . . . . .	10
	Nay—Messrs. Morris, Jenks, McIlvain, Brown, Pollock, Ramsey, Irwin, Stewart, Dickey, Darragh, Reed and Buffington . . . . .	12
	Not voting—Messrs. J. R. Ingersoll, and Ness . . . . .	2
DELAWARE.	Not voting—Mr. Rodney.	
MARYLAND.	Nay—Messrs. Causine, Brengle, Wethered, Ken- nedy, Preston, Lucas, and Spence . . . . .	7
VIRGINIA.	Yea—Messrs. Atkinson, Dromgole, Coles, Hubbard, Bayley, Taylor, Chapman, Hopkins, Steinrod, and Lucas . . . . .	10
	Nay—Messrs. Goggin, Newton, Chilton, and Summers . . . . .	4
NORTH CAROLINA.	Yea—Messrs. Reid, Saunders, McKay, Daniel, and Arrington . . . . .	5
	Nay—Messrs. Barringer, Clingman, Deberry, and Raynor . . . . .	4
TENNESSEE.	Yea—Messrs. Andrew Johnson, Cave Johnson, Senter, Blackwell, Cullom, Jones, A. V. Brown, and Dickinson . . . . .	8
	Nay—Messrs. Milton Brown, Ash, and Peyton . . . . .	3
KENTUCKY.	Yea—Messrs. Boyd, Caldwell, French, Tibbatts, and Stone . . . . .	5



	Nay—Messrs. Green, Gridor, Davis, and White . . . . .	4
	Not voting—Mr. Thomason . . . . .	1
OHIO.	Yea—Messrs. Duncan, Weller, Potter, St. John, McDowal, Brinkerhoof, Morris, McCauslin, Mathews, and Dean . . . . .	10
	Nay—Messrs. Schenck, Vance, Vanmeter, Vinton, Johnson, Tilden, Giddings, Hamlin, Florence, and Harper . . . . .	10
INDIANA.	Yea—Messrs. Owen, Henley, Thomas Smith, Brown, Davis, Wright, Petit, and Kennedy . . . . .	8
	Nay—Messrs. Caleb B. Smith and Sample . . . . .	2
ILLINOIS.	Yea—Messrs. McClelland, Smith, Ficklin, Wentworth, Douglas, and Hogue . . . . .	6
	Nay—Mr. Harden . . . . .	1

The following States voted unanimously for annexation, to wit : South Carolina, Georgia, Alabama, Mississippi, Arkansas, Louisiana and Michigan.

It was eight o'clock in the evening when the final vote was taken. No sooner had the Speaker announced the result than cannon upon the terrace west of the Capitol sounded forth the triumph : Immediately bonfires lighted up the city, and the sound of revelry and drunkenness was heard and seen in its various localities. Northern Democrats and southern slaveholders rejoiced at a result which they believed would place them in undisputed control of the government. Members from the slaveholding States were rejoicing in the anticipated profits which they expected to reap from the increased price of human flesh.

Pensively and alone the writer walked to his lodgings. Never before had he viewed his country as he then saw it. The exultation of slavebreeders and slavedealers, at thus controlling the Congress of the United States, constituted a spectacle that he had not expected to witness. The barbarous war, the bloodshed, the devastation, the corruptions, the civil war, which resulted from this triumph of the slave power, were at no subsequent period of his life more vividly before his mind than they were that evening, while alone in his room, contemplating the results that would naturally follow the action of Congress on that sad day.

The subject had occupied much time in the Senate, but the joint resolution, as it finally passed the House of Representatives, was adopted by vote of 27 to 25. The following Senators from the free States voting in the affirmative, to wit : Messrs. Fairfield, of Maine ; Atherton and Woodbury, of New Hampshire ; Niles, of Connecticut ; Dickinson, of New York ; Buchanan and Sturgeon, of Pennsylvania ; Allen and

Tappan, of Ohio ; Hannigan, of Indiana ; Sample and Breese, of Illinois. While Messrs. Archer and Rives, of Virginia ; Bayard and Clayton, of Delaware ; Berrien, of Georgia ; Crittenden and Morehead, of Kentucky ; Pearce, of Maryland, and Mangum, of North Carolina, voted in the negative.

It had been expected that no Whig would vote for the measure, and that many Democrats would vote against it. But this expectation failed ; some Whigs voted for, and some Democrats against it ; but the result approximated very closely to a strict *party* division.

The demand, however, thus made by the slave power upon its "northern allies" was too great. Many leading members of the democratic party could not reconcile their judgments, or consciences, to the measure. Having voted for the annexation of Texas, they refused to go farther, and after some little hesitation abandoned the party forever\* : and this measure, which the leaders of the democratic party had supposed ordained unto life, they found directly tending to political death ; and many servile politicians who sought to save their lives by thus subserving the interest of slavery, lost their political existence.

Early in the session, Mr. Adams gave notice of his intention to move a recision of the twenty-first rule of the House. For ten years he had striven against this plain violation of the people's rights. Ably and persistently he maintained an open and undisguised warfare upon this

\* Of those referred to in the text Hon. Jacob Brinkerhoof, of Ohio, was an example. He was opposed to the measure from the first ; but from the solicitude of friends, was prevailed upon to vote for concurring in the Senate's amendment. With this he appeared dissatisfied, returned home, and declined further action with the party, and at the formation of the republican organization constituted one of its active members, was elected a judge of the Supreme Court of his State, where he acquired reputation as an able jurist, and at the time of writing this note, in 1862, he was employed in the discharge of the duties of that honorable position.

Hon. John P. Hale was a democratic representative from the State of New Hampshire, a State more devoted to the interests of slavery than any other of the North. He had been nominated at a State Convention for a reelection to Congress : but the same Convention adopted resolutions in favor of annexing Texas to the Union. Mr. Hale declined the nomination, voted against the annexation of Texas, returned to New Hampshire, appealed to the people of that State to maintain their right to be exempt from the expense, the disgrace and crime of supporting slavery and the slave trade, was elected to the House of Representatives of that State, was made Speaker of that body, then elected to the Senate of the United States ; and in the short space of two years New Hampshire inscribed her name on the roll of free States, and up to the time of writing this note she has maintained the position thus assumed : and Hale is still one of her representatives in the most august legislative body of the world.

Hon. Preston King, of New York, had been a Democrat up to the consummation of the Texas outrage. From that time he acted for freedom, calmly, firmly, and steadily. He was several times reelected to the House of Representatives, and thence to the Senate of the United States, where he now, at the time of writing this note, is doing honor to the cause for which he has so long labored, and to the State which has honored him with her confidence.

But many other citizens of distinction in the free States, who had long been members of the democratic party, abandoned it at the passage of the joint resolutions for admitting Texas.

infraction of the Constitution. In doing this he had bared his breast to the shafts of calumny. For ten years the storm of slaveholding persecution had raged around him. Slaveholders and Democrats had railed against him in vain : the day of his triumph had now fully come. His motion to strike that disgraceful rule from the manual was sustained by a vote of 108 to 80.

Of the host of members whom he often characterized as "*the Swiss-guards of slavery, fighting for pay*," only the following now voted against rescinding the rule, to wit :

NEW HAMPSHIRE.	Messrs. Redding, Norris, and Burko, . . . . .	3
NEW YORK. . . . .	" Murphy and King, . . . . .	2
PENNSYLVANIA. . . . .	" C. I. Ingersoll and Smith, . . . . .	2
OHIO. . . . .	" Matthews and Stone, . . . . .	2
INDIANA. . . . .	" Brown and Davis, . . . . .	2
ILLINOIS. . . . .	" Smith, Ficklin, and Hogue, . . . . .	3

being fourteen in all the free States. Messrs. Clingman and Deberry, of North Carolina ; Wethersed, of Maryland ; and White, of Kentucky, voted for the repeal of the obnoxious rule.

Mr. Adams had devoted his energies to the maintenance of [1845. the right of petition, the author had labored to restore the freedom of debate : and the restoration of these rights constituted the first surrender of the democratic party, to the popular feeling of the northern States ; and, in that point of view, marked an era in "the regime of slavery." Yet it should be borne in mind, that while the House of Representatives thus ostensibly gave back to the people their constitutional right of petition, they had recourse to an expediency even more dishonorable. Annually, when the Speaker arranged the committees, he was careful to place a majority of pro-slavery members on each, so that petitions, in regard to "the peculiar institution," sent to them, were retained in silence until the close of the session, when they were entombed in the archives of the House, from which there was no resurrection.

But although there was no longer any rule of the House restricting debate or the right of petition, in regard to slavery, there was a very general effort among slaveholders and northern pro-slavery members of both the whig and democratic parties to render the exercise of these rights *odious*, by stigmatizing those who practised them as "agitators," "abolitionists," and the use of other unmeaning epithets.

To expose these efforts, the writer often referred to some disgraceful circumstance connected with slavery, whenever he spoke of the institu-



tion ; and thus, while its supporters were assailing him personally, he endeavored to exhibit to the public view the barbarism and corruption which they were seeking to hide from the people.

An incident occurred, on the 6th February, which may give the reader some idea of the spirit manifested on this subject.

The author was addressing the Committee of the Whole House, on the bill making appropriations to carry out our treaty stipulations with the Indian tribes ; and for the purpose of exhibiting the corruption, the base purposes of the treaty of " Indian Spring," he referred to historical facts with which the reader was made acquainted in a former chapter, in regard to the claim of certain slaveholders of Georgia, who, after receiving one hundred and nine thousand dollars as a compensation for their fugitive slaves, demanded one hundred and forty-one thousand more as a *compensation for the offspring, which the females would have borne to their masters, had they remained in bondage.* And, he added, Congress actually paid, mostly from the pockets of northern laborers, that large sum, as a compensation for *children who were never born, but who might have been,* if their parents had REMAINED FAITHFUL SLAVES.

1845.] The remark called forth some laughter, which appeared to irritate members from the South, who began to manifest great indignation. Mr. Giddings at once began to make a mock apology, expressing regret that these things existed ; but as they did exist, it became his duty to make them known, while he had no word of censure for those who sought to erase these transactions from the historic record.

Mr. Black, of Georgia, obtained the floor to reply, and was immediately surrounded by southern members. His vulgar abuse was so gross, so obscene, that no reporter attempted to repeat his language. Nor did they even refer to some of his prominent ideas. Much less can the historian place them on record, at this day. Mr. Black has been called to his final account ; most of those who stood around, encouraged and prompted him on that occasion, are no longer inhabitants of earth. During the seventeen years that have passed since that day, the storms of life have beaten severely upon him who pens these pages ; yet, duty to all, require that some of the leading points of Mr. Black's speech should be stated.

He referred to the insinuations, that Mr. Giddings was interested in the horses and team which one Torry lost when attempting to aid negroes to escape ; said that Torry had died in the penitentiary ; that the author ought to be there ; that if the House could decide the question, he would be sent there at once ; declared that Mr. Giddings had violated the law by franking through the post-office a calico dress, to his wife, for which

he ought to be punished ; and closed, by advising him to return to his constituents, and ascertain if he had a character?—for he asserted, before heaven, he had none in that hall.

The writer felt less indignation towards Black, than towards many members of higher character who stood around him, encouraging him in his disgraceful vulgarity, and laughing at his obscenity. It is due to the Democracy of the free States to say, that no member of that party, north of Mason and Dixon's line, appeared to participate in this display of slaveholding ribaldry.

The writer replied, that when the member from Alabama (Mr. Payne) had, for the obvious purpose of slander, insinuated that he was interested in the horses and carriage left by Torry, he said, distinctly, that all he had ever seen, heard, or known of that transaction, was drawn from the newspapers—but that had been said for the benefit of *gentlemen*, of men who understood the decencies, the ordinary proprieties of life, and not for the satisfaction of the member from Alabama, or of his less worthy confrère from Georgia, to whom he owed no other respect than that which parliamentary law *constrained* him to observe ; that what he alluded to, in regard to the franking of a calico dress, the author was wholly ignorant, and could form no opinion, and could say nothing more at that time than to pronounce it an *unmitigated falsehood* ; but if any fact should be developed, inculcating any member, he would bring it before the House—as no charge, coming from one holding a seat in that body, was unworthy of notice, however low, vulgar, or obscene the private character of the member making the charge might be.\*

\* Impressed with the idea that Black had heard something, out of which he had manufactured the charge of *franking a dress*, the author, that evening, addressed a note to the Postmaster-General, Mr. Wickliff, of Kentucky, (now, 1862, a democratic member of Congress,) inquiring if he had any information on the subject. That officer, evidently feeling that he was involved in Black's ridiculous charge, immediately answered the author's note, saying that the postmaster at Painesville, Ohio, had written that a bundle, apparently a lady's dress, had passed through his office ; and that he, Wickliff, had referred to this letter in conversation, and would at once call on the postmaster at Painesville for definite information. The author then saw that the slander had doubtless been brought into existence by other and more important members of the democratic party, and he awaited the denouement with much curiosity.

Some ten days subsequently, the stately form of the Postmaster-General was seen on the democratic side of the House, mingling with members, evidently engaged in grave consultation. Soon after, in company with Hon. Emery D. Potter, of Ohio, another member of the democratic party, he came across the hall, and the two gentlemen being seated beside the author, Mr. Wickliff, with unusual gravity, proceeded to say that he had received a letter from the postmaster at Painesville, saying, that the bundle referred to in his former letter, "was a shawl directed to Mrs. Potter, franked by McNulty, Clerk of the House, as a '*public document*,' and attested by the name of Mr. Potter." That as he was desirous that no feeling between the author and Mr. Potter might arise, he had come personally, with that gentleman, to make known the facts. The gravity with which Wickliff and Potter now besought the author to say no more on the subject, the more than



1845.] The author stated that he well understood the feeling which prompted slaveholders and their allies to do all in their power to throw around congressional and Executive action in favor of slavery, the protection of perpetual silence. He did not hold the member from Georgia so much responsible for his conduct as he did the more respectable members who had stood around him while speaking, and had prompted the display of that brutal coarseness which nothing but the moral putridity of slavery could encourage. That so far as he had himself referred to the institution, he had simply repeated historic truths, authenticated by official documents, which no member dared deny. That even the member from Georgia, speaking for himself, for those around him, and for the institution, dared not deny a word which the author had asserted. But Mr. Black had attempted to assail him personally, for daring to utter facts. To these rude assaults he would make no reply. He stood on that floor, before the country, clothed with the confidence of an intelligent and virtuous constituency, who, but a few months previously, had indorsed his character by a fourth election; while his assailant had been discarded after one election, as unworthy longer to fill a place properly assigned to *honorable* men. And now, as the chills of political dissolution were upon him, his "ruling passion" for vulgarity had shown itself "*strong in death.*"

The author had a few moments previously observed that Black was not in his seat. He had passed through the lobby behind the Speaker's chair and entered the small aisle on the author's right, where he was standing unobserved when the sentence last quoted was uttered. Black was unable to restrain his feelings, and raising a large cane which he held in his hand, said, "*if you repeat those words I will knock you down.*" The author, turning his eye to the right, saw Black with his cane raised, evidently under the excitement of extreme anger, and, unable to resist the impulse of the moment, repeated the language he had used in order to test the courage of Black, which he greatly *doubted*. He continued his remarks, while some of Black's friends, seeing the position in which he had placed himself, removed him from the hall. As Black was being passed out through the small aisle at which he entered, the author continued his remarks; and Mr. Dawson, of Louisi-

Indicrous combination of circumstances which now brought out the foolish and ridiculous action of the democratic Clerk, the democratic Postmaster-General, and the leaders of the party who had encouraged Black, and tacitly indorsed his slander, excited laughter in the author's mind. But Potter was sad. He was an inoffensive man. He now insisted that Black's charge would not affect the author, but if the facts were published they would *ruin him*; and he was desirous that the author would let the matter drop, and say no more about it. This appeal to the author's better feelings overcame his desire to expose his enemies, and, to the great dissatisfaction of many friends, he refused to make the exposure.



ana, who assaulted the author on a previous occasion, now rose from his seat, and, coming across the hall, approached within some four or five yards of the author, and placing his hand in his pocket said, "I'll shoot him, by G-d, I'll shoot him," at the same time taking care to cock his pistol so as to have the click heard by those around him. Instantly, Mr. Causine, of Maryland, a Whig, rose and taking position in the small aisle in front of the author and directly between him and Dawson, folded his arms across his breast with his right hand apparently resting upon the handle of his weapon, which was supposed to be concealed in his bosom; at the same moment Mr. Slidell, of Louisiana, Mr. Stiles, of Georgia, and two other members on the democratic side of the hall rose, and walked across the open area in front of the Speaker's chair and took their positions near Mr. Dawson, each man putting his hand in his pocket as he was coming across the hall, apparently for the purpose of adjusting his weapon.\*

At the same moment Kenneth Raynor, of North Carolina, a Whig,† and fully armed, left his seat and took position on the author's left. Mr. Hudson, of Massachusetts, came and quietly took position on the author's right, and Mr. Foote, of Vermont, placed himself at the entrance of the aisle through which Black had made his exit. It was with armed foes in front and friends on either hand, prepared to meet the hostile demonstration which for a time appeared imminent, that the author continued his remarks. One by one the slaveholders in front began to feel the awkwardness of their position, and quietly returned to their seats. Dawson, however, remained standing in front, while Causine stood firmly facing him until the author closed his speech. Then Dawson returned to the democratic side of the house, the author's friends resumed their several positions, and the business of legislation proceeded as usual.

This was the last effort to silence a member of the House of Representatives by threats of personal violence made during the author's service in Congress. [1845.]

A private claim of somewhat extraordinary character demanded the attention of Congress during this closing session of the twenty-eighth Congress. In 1836, soon after General Jessup assumed command of our army in Florida, he entered into a written contract with certain chiefs and warriors of the Creek tribe of Indians, by which they agreed to

\* At the time of penning this note (1862) Mr. Slidell is the agent of the Confederate States, sent to France in order to obtain a recognition of the Southern Confederacy.

† Mr. Raynor possessed a high order of talent, was sincere in his friendship, somewhat impulsive, but honest. It is with pain that the writer adds, he is at this time (1862) engaged in the rebel army.

furnish two battalions of not less than six hundred men each, to serve one year against the Seminoles, for which they were to receive ten thousand dollars and *such plunder as they might capture from the enemy*. Although the law had provided the mode of enlisting troops, and had specifically determined the amount to be paid to each soldier, yet General Jessup does not appear to have supposed that he was violating the law by entering into this contract; indeed the contract was made irrespective, and in direct violation of the law. Yet the Executive and War Department *approved the act*, and the Creek warriors entered upon the stipulated service. The Cherokees refused to furnish warriors for such a purpose, and their principal chief, John Ross, addressed a most able letter to the Hon. Secretary of War, solemnly protesting against the employment of pagan warriors to fight the battles of a Christian nation. He also sent a large deputation to visit the Seminoles, to induce them to make peace without further bloodshed.

During the year these Creek warriors captured more than one hundred negroes. These were claimed by the Indians as "*plunder*" coming within the letter and spirit of the contract, and were enslaved by their captors. General Jessup and the Secretary of War concurred in this construction of the contract; and the practice of enslaving prisoners captured in war, after it had been abandoned by all Christian nations for at least two centuries, was now revived by the American Government under the administration of General Jackson.

But provisions being scarce, General Jessup published an order directing eight thousand dollars to be paid to the Indians as a compensation for these enslaved negroes, whom he ordered to be sent to Fort Pike, below New Orleans, declaring them to be the *property* of the Government. This procedure was also sanctioned by the War Department, and approved by the Executive. And so far as the authority of the President extended, the people of the United States became slave-purchasers and slaveholders.

After these things had transpired, the Commissioner of Indian Affairs appears to have entertained some misgivings, and in an official communication suggested to the Secretary of War that in the *then excited state of the public mind* it was doubtful whether Congress might not hesitate in appropriating money to carry out this arrangement. He does not appear to have doubted the propriety of enslaving men in Florida as well as on the African coast; nor does he appear to have entertained doubts as to the ability of the Creek Indians, aided by the Government of the United States, to enslave men as legally and with as much propriety as did the slavedealers on the African coast, who were hanged.

for crimes precisely similar to those which our Government was perpetrating in Florida.

In the whole of these transactions there does not appear to have been any doubts entertained as to the constitutional authority of the Executive, nor as to his moral right to enslave men ; but the slave power feared that abolitionists would deny such authority, and might criticise the right of the Government to enslave innocent men and women.

While these questions were under consideration, a rich slave-dealer from Georgia, James C. Watson, happened to be in Washington. To him the whole subject was explained, and a proposition was made for him to take these negroes, receive a bill of sale from the Creek Indians, to whom he should pay fifteen thousand dollars ; and as the negroes were held by officers of the American army, the Secretary of War should issue an order to such officer as might have them in charge, directing their delivery to the slavedealer or his agent. There was no documentary evidence as to the manner in which the United States obtained the eight thousand dollars which General Jessup paid to the Indians. It is presumed, however, that the Indians repaid it from the money received of Watson. [1845.]

But our military officers refused to respect the order of the Secretary of War. General Taylor positively refused to interfere in the matter ; and many other officers, among whom was the distinguished General Gaines, actuated by feelings of humanity, put forth great efforts to keep the negroes from the agent of Watson, who after encountering many difficulties and disappointments and incurring much expense, returned without obtaining any of the negroes : and Watson, having paid out his money at the request of our public officers, now sent his petition to Congress, asking that his money, interest and expenses be refunded by Government ?

The petition was presented by Mr. Dawson, of Georgia, and was referred to the Committee of Claims, but learning that the author, then a member of that committee, would oppose the claim, he requested that no report be made upon it.

At the commencement of the twenty-eighth Congress, the author having lost the confidence of slaveholders, was no longer permitted to preside over the Committee of Claims.

Ex-Governor Vance, of Ohio, was made chairman. He had never served on the committee, and was compelled to learn his own duties from his colleagues, who were older in service. But this claim was cherished by the democratic party, and to render its passage safe, Hon. Howell Cobb, of Georgia, was placed on the Committee, being one of the



most influential members from the South, *and this claim was consigned to his care.\** Early in the first session of the twenty-eighth Congress Mr. Cobb reported a bill to compensate Watson for the failure of his speculation.

Soon as the bill was printed, the author called on several Whig speakers and invited their attention to it, assuring them that the democratic party had never engaged in a subject which reflected greater disgrace upon its members, nor had they assumed the support of any measure more odious : But these leaders of the whig party, though anxious to involve their opponents in disgrace, lacked the moral courage to effect that object by appealing to arguments in favor of freedom.

1846.] The writer was detained from attendance on the sessions of the House on one of the days devoted to private bills, when Mr. Cobb proposed to take up this claim of Watson *out of order*. Mr. Adams objected. Mr. Cobb declared there could be no reasonable objection to it, and the claimant was kept out of the use of his money because the bill could not be brought before the House for action : But the House refused to take it up.

At length it came before the House in due order of business, and the author stated his objections to its passage ; he defined the limitation of the powers possessed by human governments ; asserting that the laws of nature, or the will of God, had endowed all men with the *inextinguishable right to live, to support life, and attain happiness and heaven*. That by these laws, the earth was divided into land and water, time is separated into night and day : By these laws men must have food and sleep and rest. They must have raiment and habitation. To attain these they must have *liberty* : That no human enactment can change this law of Nature, which is but the manifestation of God's will : That to deprive an innocent man of his life is murder—to enslave him is equally a *crime*, the character of which no human law can modify or change. That when General Jessup and the Pagan Creeks undertook to enter into a compact by which innocent women and children should be captured and enslaved, they merely entered into a covenant *for the commission of crimes revolting to Christianity* ; crimes which we, as a nation, have declared " piracy " when committed on the African coast, while no one would say that God looked upon the place of committing such crimes as of any importance. That both General Jessup and the Creek Indians' deserved punishment for thus conspiring to deprive the Seminole

\* Mr. Cobb was subsequently Speaker of the House of Representatives of the United States and afterwards Speaker of the rebel Congress, and at a still more recent period, a general in the rebel army.

negroes of the sacred rights which God had bestowed upon them ; that the Secretary of War, who sanctioned the contract, simply made himself a party to the crime, and by every moral consideration deserved punishment. Nor was the President less guilty : His high position did not exempt him from the just penalty due to his moral turpitude. Indeed, men high in authority, and yet regardless of that justice which constitutes God's dearest attribute, should be the first to suffer. Therefore, by the natural law, by the moral law, the President, the Secretary of War, General Jessup, and the Creek Indians could, in no respect, change the right of the negroes, nor give to the Creek Indians any power or moral right whatever to enslave them : And no order of General Jessup, sanctioned by the Secretary of War, and approved by the President, could give the people of the United States any authority over those negroes.

The second proposition was, that the Constitution was based upon the moral law, in letter and in spirit. That it provides that "no person shall be deprived of life, liberty, or property, except by due process of law." That is, without trial and conviction in a court of competent jurisdiction. To enslave these innocent people was a direct and unmitigated violation of the Constitution, as well as of the moral law. It was the exercise of despotic powers, the commission of a crime of the first magnitude, for which the Indians, the Secretary of War, and the President deserved punishment : that Watson was a slavedealer who had attempted to make merchandise of human souls, for which he deserved the gallows ; but surely no sane man would admit that Watson had any claim upon the people of the North because he had failed to commit the crime which he intended to perpetrate.

Messrs. Cobb and Stephens, of Georgia, and Belser, of Alabama, *denied* that the case involved the question of *property in human flesh*. They insisted that the high officers of Government had advised Watson to purchase the negroes ; to pay out his money, supposing they were under the control of the Government : That he had thereby lost his money, and the United States ought to repay it.

Mr. Adams replied, that the Florida war was commenced and prosecuted for the purpose of enslaving innocent people, and that all proceedings for that purpose were void as to Congress, and to all other persons, and criminal as to all who participated in the transaction ; and he moved to lay the bill on the table. But to prevent any vote involving the merits of the bill, Mr. Hammet, of Mississippi, moved an adjournment, which motion was sustained, and the bill was no more heard of during that Congress.



The result was regarded as a defeat of the slave interest and a triumph of the whig party.

1845.] The primal doctrines of our Government were again brought under consideration upon the question of admitting Florida to the sisterhood of States. The people of that territory, in framing their State constitution, inserted a clause prohibiting the legislature from abolishing slavery. Exceptions were taken to this clause. In the discussion arising on this question, Mr. Douglas, of Illinois, put forth the doctrine which in subsequent years he maintained with such determination of purpose as to attract very general attention throughout the country. He insisted that the people of a territory have the political and moral right, while framing a constitution, to establish slavery if they choose : Thus boldly denying the doctrine of the fathers, that "governments are instituted to *secure* the enjoyment of life and liberty." Indeed, he maintained that human governments hold the same legitimate authority to murder, which they have to secure life ; the same authority to enslave mankind, which they have to protect liberty. These doctrines were at that time entertained, apparently, by the entire democratic party, and by leading members of the whig party. From 1793, the Federal Government had been conducted upon this doctrine, and Florida was admitted upon this principle. Mr. Bayley, of Virginia, was bold in his denunciation of every member who would undertake to dictate to the people of Florida the character of her constitution and government. A resolution limiting the time for debating the bill was adopted ; and the floor was thenceforth awarded to democratic members, who occupied the time until the final vote, which was controlled entirely by party division, being 123 in the affirmative to 77 in the negative.

In pursuance of the resolutions adopted by the Democratic National Convention for obtaining "the whole of Oregon," Mr. Duncan, of Ohio, early in the session, introduced a bill to organize a territorial government in all that portion of country which was then in the joint occupation of Great Britain and the United States : And the policy of the democratic party was declared to consist in obtaining "the whole of Oregon" and "the whole of Texas." Northern Democrats justified themselves in pledging their votes for the annexation of Texas, in consideration of southern members having pledged theirs in favor of Oregon. And when told that for the United States to take forcible possession of Oregon would produce war with England, they replied that a war with England would silence agitation in regard to slavery, and thereby prove a great benefit to the country.



There was a full discussion of the bill in regard to Oregon. An amendment excluding slavery from the territory was adopted by 131 to 69. The bill also authorized the President to give notice to the British government terminating the joint occupation of the territory, and passed the House of Representatives by 140 to 59.

During the debate on this bill, the policy of obtaining Texas was advocated as a part of the policy adopted by the democratic party, and while discussing the annexation of Texas, the same policy was constantly avowed. All apprehensions of a war with England were treated with contempt by the ruling party, and most of those speaking on that subject exhibited a desire for hostilities.

Nor was the Senate inattentive to this subject. At an early period of the session a bill was introduced into that body, authorizing the President to take possession of all the Oregon territory up to latitude 54 deg. 40 min., and was debated until the day of adjournment; but they took no final vote upon the bill before them; nor did they consider the bill sent them from the House; and the twenty-eighth Congress was brought to a close without any definite action in regard to Oregon.

On the 4th March, Mr. Polk was inaugurated as President of the United States. The bill for annexing Texas had passed and became a law, but that in regard to Oregon was yet in abeyance: The President in his inaugural address assured the country that "our title to the *whole* of Oregon was clear and unquestionable," and that he would use his constitutional powers to maintain it.

## CHAPTER XVI.

ATTEMPTS TO EXCITE A WAR WITH GREAT BRITAIN—THE MEXICAN WAR COMMENCED—EXODUS OF FLORIDA EXILES.

1846.] At the assembling of the twenty-ninth Congress, the President in his annual message informed that body that all attempts to settle the Oregon question with Great Britain had failed, and reasserting that England had no title to the territory in dispute, called on Congress to make the necessary provision for maintaining our rights in the disputed territory.

This appeal was heartily responded to by the democratic party in the House of Representatives, not one of whom appeared to doubt that a war with England would silence all agitation on the subject of slavery, and insure to them the control of the Government for an indefinite time. These facts impressed the public mind with an expectation of war, and many leading Whigs appeared anxious to cast responsibility upon anti-slavery men, and to hold them accountable for the folly and crimes of those who sought a dishonorable war. Whigs and Democrats laid it down as a predicate, that opposition to slavery in the District of Columbia, in the Territories and on the high seas, *could do no good*: but while it must fail of all beneficial results, it stirred up ill-feeling among southern members, which worked mischief to the body politic; and would eventually destroy the Union.

Unfortunately a class of men called radical abolitionists, regarding the construction of the Constitution entertained by leading Whigs as correct, and honestly believing that instrument to have imposed upon the people of the free States the burden of supporting slavery, pronounced it "a covenant with death and an agreement with hell;" declaring that nothing short of a dissolution of the Union could relieve the people of the free States from the moral guilt of sustaining slavery.

Politicians of all parties manifested an estrangement from Mr. Adams and the writer, who then appeared to be the only members willing to incur the odium of openly opposing the slave power. The Whigs, with whom they had always acted, excluded them from their consultations, and held no political fellowship with either of them. In regard to political action they consulted together, but with no other members.

Soon after the assembling of Congress, General Cass, the most experienced and probably the ablest member of the Senate who acted with the democratic party, moved resolutions instructing the Committee on Military Affairs to inquire into the condition of our fortifications on the seaboard, and the means possessed by the Government for the defence of the country: Also directing the Committee on the Militia to inquire into that arm of the national defence: Also instructing the Committee on Naval Affairs to inquire into the condition of the navy and our naval supplies.

Joint resolutions were also introduced into the Senate, directing the President to give notice for the termination of the joint occupancy of the territory in question, declaring it to belong to the United States, and that the Government held no constitutional power to surrender any portion of it.

These resolutions were adopted by the Senate, sent to the House, and were referred to the Committee on Foreign Affairs; [1846. who reported them back to the House with a recommendation of concurrence, and thus far every indication pointed to immediate war.

Mr. Adams and the writer were incredulous as to approaching hostilities: They could not believe the slave power so reckless as to enter upon a war with England in the then state of public feeling respecting "the peculiar institution."

At this time Mr. Calhoun reappeared in the Senate. He had retired at the close of Mr. Tyler's administration and was not expected to appear again in public life. He now seemed anxious and care-worn, and to the very general astonishment of his admirers avowed himself opposed to hasty action in regard to Oregon.

On the 5th February the resolution from the Senate requiring the President to give notice for the termination of the joint occupancy of Oregon came before the House for action; and the writer took occasion in a public speech to announce that the slave power had perfect control of the Government, maintaining peace and making war as the supposed interests of slavery might dictate: That the democratic party had become the mere instrument for sustaining the institution of slavery. That a war with England, in which Oregon and Canada were likely to be added to the free North, would not be permitted by the slave power: That such a war would prove to be one of *emancipation*: That the black regiments of the British West Indies would be landed upon our southern shores: That devastation by fire and sword would render the cotton States desolate: That the slave interest could not be induced to engage in such a war. These avowals occasioned great sensation: But Mr. Adams



followed them with the distinct assertion that he was in favor of holding the territory notwithstanding the consequences ; but he declared his apprehension that the President would recede from his position, and would accept the British proposition to make the forty-ninth parallel of latitude the boundary line between the two governments.

The whig press throughout the country denounced Mr. Adams and the writer as advocates of war ; but the President now faltered in his course. In a message to the Senate he stated the difficulties which lay in the way of obtaining the territory between the forty-ninth and fifty-fourth parallels of latitude, and asked the advice of that body as to his future action. The Senate advised him to accept the British proposition for making the forty-ninth parallel the boundary. The President acted according to this advice, and the whole matter was pacifically arranged.

But while the slave power thus avoided a war with England, its advocates appeared anxious for hostilities with Mexico. That government, distrusted and feeble, was known to be utterly unable to resist a large military force, and it was believed that we could wage a war upon her people with impunity.

No sooner had Congress passed the act of annexation than Mr. Tyler, on the eve of retiring from the Presidency, dispatched a messenger to inform the authorities of Texas of what had occurred. And Mr. Polk had scarcely reached the Presidential chair, when he ordered our army to "Corpus Christi," situated at the mouth of the Nueces, that being the then boundary between Texas and Mexico, and the farthest point to which Texan authority had extended.

When the President received notice that Texas accepted the terms of annexation, he immediately informed the two Houses of Congress, to enable that body to consummate the outrage upon the constitutional rights of the people of the free States, by declaring Texas one of the States in the Federal Union. Massachusetts and Connecticut had protested against the consummation of the proposed union. Many remonstrances from the people of other free States were presented for the consideration of Congress. The writer, a member of the House of Representatives, presented to the consideration of that body a series of resolutions, declaring, "That the maintenance, the continuance and existence of slavery must depend exclusively upon the power and authority of the States in which it exists.

"2d. That the Federal Government, possessing no powers except those expressly delegated to it by the several States, is destitute of all authority to establish, extend or perpetuate slavery.

“ 3d. That all attempts of Congress, or the Executive, to associate a foreign slaveholding people in the administration of the laws of our nation are in palpable violation of the Constitution, destructive to the interests and honor of the free States, and subversive of the fundamental principles of liberty.

“ 4th. That the admission of Texas to the Federal Union, upon terms allowing each holder of five slaves the same political influence and power over the rights of the free States as that exercised by four of our free educated citizens of the North, will constitute an outrage upon the rights and honor of the citizens of the free States unequalled in the history of civilized governments.

“ 5th. That a voluntary surrender of the rights of the free States to the keeping of foreign slaveholders is unworthy of the representatives of a free people.”

These resolutions were laid upon the table, and the annexation of Texas was consummated by a vote of 141 to 56. The entire democratic party voting in the affirmative, while many of the whig party failed to vote.

At this time General Taylor was in command of our troops, and his advanced guard was at Brownsville, on this side of the Rio Grande opposite Matamoras. It was at least one hundred miles advanced into Mexican territory, beyond the farthest point to which the jurisdiction of Texas had extended : And the first blood that was shed in the Mexican war was that of some deserters of our army, who, being pursued by a sergeant and guard, attempted to swim the river, but were fired upon and killed by our own troops, without being arrested, tried, or sentenced.\*

On the 12th April some sixty dragoons, while reconnoitering, [1846. were drawn into an ambuscade ; fifteen were killed and wounded, and the whole party were taken prisoners.

On the 9th May rumors reached Washington of the commencement of hostilities. It was on Saturday, after the adjournment of both Houses of Congress. During Sabbath the Committee on Military Affairs met, and before sunset it was rumored that they had agreed on a report declaring war against Mexico. Hostilities had been constantly foretold

\* This exercise of a barbarous despotism was brought to the attention of the House of Representatives by the writer, who cited a case from the American State papers, where, during the first Seminole war, some deserters were shot by their pursuers, while the commandant of the troops, Col. King, was absent from the post on business ; but on his return he failed to arrest and try those who perpetrated the murders ; and the facts being known at headquarters, he was himself arrested, courtmartialled, and sentenced to suspension from service and pay for five years. This sentence was approved by the President ; but Congress, learning the facts, adopted a joint resolution, requesting the President to strike the name of Col. King from the roll of the army, and *it was done*. But no effort could induce the democratic party now in power to examine the subject.



by those who opposed the annexation of Texas, and had been as constantly denied by the friends of that measure. But the latter now changed their position, and unblushingly urged the *necessity* of war, *the conquest of territory, and the* EXTENSION OF SLAVERY.

On Monday morning the President sent his message to the two Houses of Congress, declaring that "*American blood had been shed on American soil,*" and arraigning the Government of Mexico for her past neglect of duty, called on Congress to provide the means for sustaining the rights, interests and honor of the American people.

The message being read, was, together with the accompanying papers, referred to the Committee on Military Affairs. They reported a bill, declaring that "*war existed by the act of Mexico,*" and in one hour from the reference of the message, the bill, with this flagrant falsehood for its preamble, passed the House of Representatives with only fourteen dissenting votes. The names of members voting against the falsehood that *war existed by act of Mexico*, were from—

MASSACHUSETTS.	Messrs. Adams, Ashman, Grinnell, Hudson and	
	King . . . . .	5
MAINE. . . . .	Mr. Severance. . . . .	1
RHODE ISLAND.	Mr. Cranston . . . . .	1
NEW YORK. . . . .	Mr. Culver . . . . .	1
PENNSYLVANIA.	Mr. Strohm . . . . .	1
OHIO. . . . .	Messrs. Delano, Giddings, Root, Tilden and Vance	5

No sooner was this falsehood fairly incorporated in our legislative annals, than members of the democratic party boasted that Congress would be no longer troubled with the agitation of matters relating to slavery. This feeling arose from the conviction entertained by politicians generally, that war was always popular, without respect to its justice or injustice. But the reformers of that day were not to be driven from their purpose by unmeaning apprehensions founded on moral cowardice.

On the following day, while the House were engaged in considering a bill to raise a company of miners and pontoniers, the writer in a speech stated that our nation had waged a war of conquest against an unoffending nation for the purpose of extending the curse of human bondage; and declared that God had no attribute that would permit him to smile upon such crime: That all past history and experience had proven that *when any government attempted to extend its boundaries by conquest, by robbing other nations and people of their territory, such aggressive government had fallen beneath the weight of its own crimes:* THAT OUR NATION WOULD NOT PROVE AN EXCEPTION TO THIS RULE OF RETRIBUTIVE JUSTICE.



The Hon. Columbus Delano, of Ohio, also seized upon the first opportunity to express his detestation of the war thus commenced, as did Mr. Culver, of New York, and others as they had opportunity. The bill declaring war came before the Senate the next day, when the partisans of that body appeared anxious to pass it without examination or delay. Mr. Calhoun, the leader of the slaveholding hosts, now found that he had "raised the whirlwind" but "could not direct the storm." He had led in the annexation of Texas, cherishing the hope that he could extend the institution of slavery without involving the nation in war; but he now found himself the feeble instrument of a powerful and inexorable party bent upon hostilities. It was in vain that he asked delay. It was in vain that he declared the measure too important for hasty action. Partisan leaders were excited under the conviction that a war would confirm the democratic party in the possession of political power, and would effectually suppress all opposition. Every democratic Senator, except Mr. Calhoun, voted for the pending bill with its mendacious preamble, declaring that war existed by *the act of Mexico*, although it was notorious that our troops were at least a hundred miles within the territory belonging to that government. Mr. Calhoun hesitated, faltered, and refused to vote with his party on a subject which he foresaw must bring upon its authors a responsibility which he was unwilling to assume. Messrs. Berrien, of Georgia, and Evans, of Maine, who had acted with the whig party, refused to vote either for or against the bill; and Messrs. Thomas Clayton, of Delaware, and Davis, of Massachusetts, voted against it. The bill passed that body by 40 yeas to 2 nays, and in one year from the annexation of Texas the nation was plunged into a war of devastation and bloodshed, which cost the expenditure of three hundred millions of treasure and eighty thousand lives.

The advocates of slavery now appeared to feel themselves perfect masters of the Government; and equally conscious that the advocates of freedom were entirely at the control of the slave power. They spoke of those who voted against the war as ranking with the Federalists who voted against that of 1812. They assumed that to oppose the war was to oppose the Government; and spoke of all who condemned the war as traitors to the honor and the interests of the nation. The supercilious arrogance with which slaveholders spoke of the advocates of liberty became disgusting, and at times the resentment of members was not disguised.\*

\* An instance of this character occurred in the House of Representatives. Hon. Barclay Martin, of Kentucky, assailed Hon. Luther Severance, of Maine, in abusive terms of personal

While the war was thus inaugurated, there was at the same time a plan set on foot for bringing it to an immediate close. This plan consisted of an intrigue with Santa Anna, the exiled President of the Mexican republic, to get him back to Mexico, place him in power, and then buy a peace of him. The plan succeeded in part. Santa Anna entered willingly into it. He was permitted to pass our blockading ships into Mexico by order of the Executive. But when in his own country his influence was not sufficient to carry out the object of his return, and the war continued contrary to the intentions and expectations of those who commenced it.\*

The people of the United States now found themselves precipitated into a war for the extension and perpetuation of slavery. Yet among both Whigs and Democrats a general impression prevailed that to oppose a war in which our country was engaged would be unpopular, and but few statesmen or politicians were willing openly to denounce hostilities commenced and carried on for the support of slavery.

Reflecting men now saw clearly the necessity of a political organization, based upon the principles of the Declaration of Independence, in order to emancipate the people of the free States from the despotic domination of the slave power. Every suggestion of such a plan was met, however, with the cowardly objection that it would occasion the dissolution of the Union. This had become the general, the conclusive argument against every measure in opposition to slaveholding dictation.

The "liberty party," as it was then called, controlled some fifty thousand votes in the United States. At its head was Hon. James G. Birney, a man of ability, a native of Kentucky. He liberated his own slaves and proclaimed immediate unconditional emancipation the duty of every slaveholder, characterizing the institution as a political, moral

disrespect, for having expressed his honest convictions in regard to the Mexican war. Mr. Severance was a man of feeble physical powers, while Martin possessed more than an ordinary athletic frame. On hearing the assault made upon Mr. Severance, a few friends of his held a short consultation and requested the writer to reply to Martin. The request was complied with. The writer assumed as his own the doctrines and views of Mr. Severance, and then inquired by what authority Martin had offensively assailed them? He closed by saying the speech of Martin "*exhibited a sterile brain, a vicious heart, and a dastardly spirit.*" The offensive words appeared in all the city papers on the following morning.

Martin feeling uncertain as to the course which he ought to pursue, called his colleagues together for consultation. It was at once declared improper to challenge the writer, as he would only ridicule the man who should do it. It was also agreed that it would be a hazardous business to attempt personal chastisement on the street, as usual at the South. And it was finally agreed that Martin's only course was a public reply in the House of Representatives. This he never attempted. On his return home he was charged with pocketing the insult, was defeated at the next election, and never more appeared in public life.

\* This statement is made principally upon the authority of Col. Benton, who was at the time a leading Democrat, having access to their councils. (*Vide* Benton's "Thirty Years in the Senate.")

and social evil, and a violation of justice : He maintained the very obvious truth that all human enactments in favor of upholding it were morally *null and void*, imparting no moral right to the slaveholder and imposing no moral obligation upon the slave.

But this doctrine, although correct, had since 1793 been repudiated by those who administered the government, and was now regarded as very unpopular : The past action of men in public life was generally considered conclusive upon statesmen and people, and it became evident that the "liberty party" could never obtain control of the Government ; and the hopes of reformers now rested upon the Declaration of Independence and that construction of the Constitution which left to each State the right to be perfectly free from the expense, disgrace and turpitude of slavery.

Mr. Adams, possessing more prestige than any other statesman of that period, refused to unite in any political organization ; but acting independently of all political associations, continued to advocate the doctrines which had previously characterized his public life.

News from the Indian country, west of Arkansas, informed Congress that several of those western tribes were on the verge of war. The Creeks had their territory allotted to them by metes and bounds. The Cherokees also lived upon their own lands, set apart by well defined limits. The treaty of Payne's Landing had been enforced upon the Seminoles without the consent of that tribe ; the administration having apparently determined to compel them to settle with the Creeks for the purpose of allowing those savages to reënslave the Exiles or colored people then living with the Seminoles, their ancestors having fled from South Carolina in 1705.\* But when the Seminoles and their friends, the Exiles, reached the Indian country west of Arkansas, they were not allowed to go on to lands of their own, according to solemn stipulation ; but were told they must settle upon the Creek territory, under Creek laws. This would enable the Creeks to reënslave the Exiles, according to the obvious intentions of the administration. These Exiles had for many years proven a great annoyance to slaveholders, and the federal administration sympathizing with the slave interest, was anxious to see them reënslaved, in order to render the institution more secure. But the Seminoles refused to go within the jurisdiction of the Creek nation, and settled upon lands belonging to the Cherokees. The Creeks were disappointed in not being able to reënslave the Exiles. The Cherokees were dissatisfied at having their lands

\* *Vide* "Exiles of Florida," where the historic facts in regard to those people are collected in a small volume.



occupied by the Seminoles, and the Seminoles were dissatisfied at not having lands set off to them according to the supplemental treaty entered into between them and the Government of the United States.

To save bloodshed, commissioners were sent to the Western Country to form a treaty with those several tribes and thereby maintain peace on our western frontier. This object was effected by inducing the Seminoles and Exiles to settle upon the Creek lands. The President agreed to settle all questions of slavery between the Creeks and Seminoles, and the United States to compensate the Creeks for all slaves, to whom they should establish a title. Before the treaty was published, a bill making appropriations for carrying it into effect was reported, and came before the House for consideration. This policy, fraught with such corruption, was exposed and the attention of the nation called to it. The Creeks called for indemnity under the treaty. The Executive, with the eyes of the nation upon him, appeared unwilling to act upon questions in regard to slavery. He disregarded the demands of the Creeks, who now seized about one hundred of the Exiles and sold them into slavery in Louisiana. The other Exiles and a portion of the Seminoles fled towards Mexico, pursued by Creek warriors; a battle was fought, many of the Creeks were killed, and the remainder returned to their country, while the Exiles and their Seminole friends pursued their way far beyond the Rio Grande into Mexico, and settled near a place called "Santa Rosa," where they yet reside.\*

A barbarous persecution of these inoffensive people had characterized the action of the Federal Government since A.D. 1790, and now constitutes one of the darkest pages of American history.

\* *Vide "Exiles of Florida."*

## CHAPTER XVII.

## THE WAR WITH MEXICO CONTINUED—THE LAST SPEECH OF A VENERABLE STATESMAN.

At the opening of the second session of the twenty-ninth Con- [1846.  
gress the popular feeling against the Mexican war was far more general than had been expected, on account of the greater expense of blood and treasure than its advocates anticipated. To meet this feeling, the President, in his annual message, attempted to vindicate the course of himself and party. Relying upon the dignity of his position to shield his message from just criticism, he embraced within it gross fabrications, misrepresentations, and sophisms; but its weakness was ridiculed, its mendacity exposed, and its moral obliviousness was held up to the condemnation of the public. Members now spoke of the President as they would of an ordinary politician, and his annual message was treated with the same criticism that was bestowed upon the partisan speeches of members of Congress.

The advocates of freedom assumed a more bold and fearless position, declaring that the time was rapidly approaching when the political issue would be made between slavery and freedom, without disguise or evasion; that it were in vain longer to threaten a dissolution of the Union: That submission to the slave power had become intolerable and could not much longer be borne by the people of the free States.

The President in his message called for an additional military force, in order to subjugate Mexico. This proposition was resolutely opposed by the advocates of freedom; the bill passed the House of Representatives by aid of party discipline; but met with resistance in the Senate, where the influence of Mr. Calhoun was exerted in favor of a policy which he characterized as one of "*masterly inactivity*."

The difficulties with which the bill was beset in the Senate aroused the ire of some leading slaveholders; and the venerable Thomas Ritchie, editor of the "Union" and printer to that body, assailed the members with such offensive imputations on account of their want of zeal in the prosecution of the war, that he was expelled from the hall in which its sessions were held.

Early in the session Mr. Thommason, of Kentucky, who had voted for the war, offered resolutions declaring the restoration of peace desirable, and the acquisition of territory from Mexico impolitic and wrong.

Mr. Ficklin, of Illinois, offered resolutions vindicating the war and declaring it the duty of all good citizens to support it. But neither the resolutions of Mr. Thommason nor those of Mr. Ficklin were considered or voted upon.

Mr. Schenck, of Ohio, who had also voted for the war, offered resolutions to withdraw our army from Mexico and to prosecute the war by blockading the Mexican ports.

Mr. Stephens, of Georgia, offered resolutions for terminating the war without acquiring territory, and, on the question of adoption, they failed by a vote of 76 ayes to 88 nays.

In the Senate, Mr. Calhoun proposed to withdraw the army to a certain line, and to station it along that line, which should thereafter constitute our frontier, and the duty of the army should be confined to its defence.

1847.] Our army in Mexico was also suffering from sickness. Officers and soldiers were falling victims to disease, and the difficulties and burdens attendant upon hostilities appeared even greater than had been foretold by opponents of the war.

It was under these circumstances that the President became discouraged, and directed an order to be made by the Secretary of War for withdrawing our troops from Mexico. The order was actually made out and was to be sent to General Taylor on the following day, when Mr. Benton, learning the facts, hastened to the Presidential mansion, and dissuaded the Executive from a measure so just of itself, but which would have defeated the very objects for which the war was commenced, to wit, the *acquisition of territory over which to extend slavery*.\*

No effort was neglected that would conduce to the perfect transformation of our Government to a slaveholding and slave-supporting oligarchy. On the 2d March, the civil and diplomatic appropriation bill was returned from the Senate to the House, with an amendment granting to the owners of slaves on board the "Amistad" fifty thousand dollars, as a compensation for their loss.

The reader will bear in mind that the slaves, while at sea, had achieved their liberty by killing the master and mate of the vessel and taking possession of it, and finally landed on the Connecticut coast. The first question presented in considering the claim was, whether these ignorant,

\* This statement is made upon the authority of Colonel Benton in his "Thirty Years."



barbarous Africans held, in common with the human family, the right of life and liberty. For, if they had received this right from the Creator, it must of course be proper and just for all men and all nations, and governments and people, to respect the rights with which the Creator had endowed them.

When the amendment came up for consideration in the House of Representatives, the writer moved to disagree to it, and briefly assigned his reasons, asserting that, in resuming their natural rights to life and liberty, the slaves merely discharged a positive duty, which they owed to themselves, to their posterity and the world of mankind ; and that, in slaying those who held them in bondage, they had executed retributive justice upon piratical slavedealers, whose appropriate reward was the gallows ; that it was an insult to the laboring men of the free States to ask them to contribute of their earnings to compensate men whose vocation was a traffic in human flesh.

While the author was commenting on the facts of the case, the countenance of Mr. Adams seemed lighted up with an unusual glow of animation. He had sustained a paralytic shock in December previous, and for a time was not expected to recover ; but he possessed an unusual constitution, which enabled him to return to Washington. He at all times insisted that this attack constituted his political and moral death. No persuasion could induce him to speak or write for the public. But on hearing this question debated, he appeared to forget his infirmity. His love of truth, justice and liberty appeared to glow in every lineament of his countenance.

No sooner had the writer closed his remarks than the illustrious statesman arose to speak. Soon as he was announced in possession of the floor, members, leaving their seats, gathered in a dense mass around him, to listen to what was regarded by all as the last public speech of that moral hero. Reporters left their desks with pencil and paper, and rushing within the bar, where they could hear his voice, now enfeebled by age, endeavored to sketch the last speech of the venerable patriot. His utterance was low, and his voice tremulous ; but his theme was worthy of angels. As he proceeded, his voice became stronger and his utterance more distinct ; and although he had attained to the age of nearly four score years, and was enfeebled by paralysis, yet he spoke worthy of himself and of his past life. Southern members, who had in former times assailed him with great bitterness, now got as near to him as possible, in order to catch the last words of him whose voice had so often resounded through those halls, but who was now so obviously passing away.

When he had closed his remarks, the vote in favor of *disagreeing* to the amendment of the Senate was taken, and carried almost unanimously.\*

\* This was the last speech of Mr. Adams. He lived more than a year subsequently to its delivery, and on two occasions expressed his opinion on important questions, but attempted no argument.

The deep feeling which he entertained on the subject of liberty was illustrated while lying upon what was supposed to be his death-bed. A few days after he was attacked by paralysis the writer visited him.

Soon after he entered the room the attendants left it, and alone in that chamber of death he sat beside the dying statesman, who at once commenced a conversation upon the subject of human rights. The writer told him that he was too feeble to converse on a subject in which his feelings were so deeply interested. Looking the writer fully in the face, he said: "*My dear friend, I am on the verge of eternity; I shall never see you again. I must talk with you on this subject which lies so near our hearts.*" The writer made no further objection, and he proceeded in a conversation which is yet deeply impressed upon the writer's memory. At no period of his life had Mr. Adams exhibited a deeper solicitude for our Government, or for the rights of mankind, than he did on that solemn occasion.

## CHAPTER XVIII.

DISCIPLINE OF POLITICAL PARTIES—PEACE WITH MEXICO—IMPORTANT QUESTIONS ARISING UPON THE TREATY—THE LAST SLAVE PRISON OF WASHINGTON—DEATH OF MR. ADAMS—CLAIMS FOR DEPORTED SLAVES UNDER THE TREATY OF GUENT.

At the assembling of the thirtieth Congress, the whig party [1847. selected the Hon. Robert C. Winthrop, of Boston, as their candidate for Speaker. He was a gentleman of education and an accomplished parliamentarian, but he had exhibited indecision in regard to the annexation of Texas, and after the outrage had been perpetrated, he hastened to avow his concurrence in the act. He had also voted for the Mexican war. From these circumstances some members were led to distrust his devotion to the cause of freedom : and the Hon. John G. Palfrey, one of his colleagues, sent him a note inquiring whether, if elected Speaker, he would so arrange the committees of the House as to secure respectful answers to petitions from the people of the free States touching slavery ? To this kind inquiry Mr. Winthrop refused to give any direct answer ; but referred his colleague to his past action as evidence of his future course. With this answer Messrs. Palfrey, of Massachusetts, Tuck, of New Hampshire, and the writer were not satisfied, and refused to vote for him although they had previously acted with the whig party.

Fourteen Democrats refused to vote for Mr. Boyd, of Kentucky, who was the candidate of the democratic party. Their objection to Mr. Boyd was that he had voted for the Mexican war and against the exclusion of slavery from the territory proposed to be obtained from Mexico.

On the second ballot two Democrats refused to vote in order that Mr. Winthrop might be elected. His vote being 110, the refusal of the two southern Democrats gave him precisely a majority of one vote and secured his election.

It was well understood that leading Whigs in the North and in the South were endeavoring to concentrate the voice of their party for President upon General Taylor, an officer in the American army who had never served his country in any civil capacity ; and whose popularity had risen entirely from his gallant bearing upon the battle-field. To



sustain him for that high position, a paper called the "National Whig" had been established in the city of Washington.

On the 10th December this paper appeared with its leader entirely devoted to Messrs. Palfrey, Tuck and Giddings, arraigning them in language at once supercilious and offensive, for daring to vote against the whig candidate for Speaker. The editor declared he would send two thousand copies of the paper containing this article into their districts. Thus was the watchword sent forth from the city of Washington that these members were to be persecuted and denounced for maintaining their independence.

Nor did the "National Whig" stand alone in this work of detraction. Leading whig papers in the free States followed the example of their national organ, and as the writer had served long in Congress, the weight of their calumny was thrown upon him, apparently intending to make an example of him in order to deter others from offending. But this attempt to browbeat members into subjection to party dictation proved unfortunate for the organization: It drove many good men from the party and constituted an important step towards its total disbandment.\*

But this party discipline was carried out more perfectly in the democratic organization. Indeed, the watchword of "*party*" had superseded that of moral truth and justice in both organizations; and at that time controlled their action. The slave States were generally united upon the support of slavery, and the democratic party, ever subservient to that institution, held almost undisputed sway over the Government and nation.

These circumstances contributed to the formation of a third party, distinctly founded upon those moral principles on which the Constitution and Government had been based. But the anti-slavery party, to which attention has already been called, was not only impracticable, but was controlled by men wanting that political experience necessary to render it popular.

These facts showed clearly that the new party must base its action upon the Constitution, and maintain the rights of the free States to

\* Leading papers in Ohio, and one of those published in the district represented by the writer, openly pronounced him "*an apostate*," and attacked him with great bitterness for thus settling at defiance the behest of the leaders of the party in order to maintain his devotion to moral truth and political principle. This called out the writer in vindication of his conduct, showing the reasons why he would not vote for Mr. Winthrop. That gentleman feeling aggrieved, replied to the writer, and a most unpleasant personal and political controversy arose between them, which continued for some four or five years, when Mr. Winthrop, as the whig party diminished in power and influence, retired to private life.

be exempt and entirely free from the burdens, disgrace and guilt of supporting slavery. • The action of Messrs. Palfrey, Tuck and Giddings in the election of Speaker was regarded as the germ from which the free-soil party of 1848 first sprung ; although neither of them had any such thought or expectation at the time of voting.

The President, in his annual message, spoke more confidently of the Mexican war, referred with exultation to the victory won at the battle of " Buena Vista," and openly avowed his intention to obtain from Mexico territory as an indemnity for the vast expenses incurred, reiterating the mendacious assertion that Mexico had *commenced the war*.

The Whigs had control of the House of Representatives. The Speaker was a Whig, and the committees were all arranged by him in such manner as to effect the political objects which he had in view. The first of these was the election of General Taylor. But the next, which appeared most important, was the furnishing to the democratic President all supplies which he demanded for the prosecution of the war, the devastation of Mexico, and carrying out the designs of the slave power in obtaining territory over which to spread the institution of human bondage. The committees were also arranged so as to make no reports in answer to the respectful petitions of northern people for the abolition of the coastwise slave trade, of slavery, and the slave trade in the District of Columbia and in the Territories. Thus was the influence of both whig and democratic parties united for the extension of territory, the strengthening of the slave power, the increase of southern influence, and preparation of the slave States to assert their independence, and overthrow the Government which all had sworn to support.\*

The opening of this Congress was marked by the introduction to the Senate of Hon. John P. Hale, a bold and able defender of the constitutional rights of the free States. He had been a Democrat ; but while serving in the House of Representatives had opposed the annexation of Texas, and was repudiated by his party. Returning to his native land, he reared the standard of truth, justice and constitutional liberty, and after politically regenerating his State was returned to the Senate, having richly earned the confidence which the people reposed in him for many years. In the dignified body to which he now belonged he was regarded

\* When the writer was first assailed for refusing to vote for Mr. Winthrop to the office of Speaker, he foretold in the most explicit language that that officer would arrange the committees in the manner described in the text. Friends remonstrated with him for asserting these things before they occurred, saying Mr. Winthrop would not do it after his action had been thus foretold and denounced. But the writer replied that he well understood the elements of that gentleman's mind, and that he did not possess the heroism, nor the moral courage, to do otherwise than the writer had predicted.

as a pioneer of a future organization, which many believed was destined to sway the Government of the Republic.

The war with Mexico was so palpably unjust, that the clergy of New England, to the number of two thousand nine hundred and thirty, addressed a respectful memorial to Congress, asking the withdrawal of our army, and that our Government would offer an atonement for the injury inflicted upon her people. The memorial was presented by Mr. Hale, and was committed to the Committee on Foreign Affairs, who, according to the policy of both Houses and of both the leading parties, consigned it to the Clerk's office, from which it was never exhumed.

1848.] Mr. Dickinson, of New York, offered resolutions in the Senate, declaring it the true policy of our Government to obtain territory of Mexico, but not to establish or prohibit slavery therein. Mr. Yulee, of Florida, sustained them ; but, on motion of Mr. Foote, of Mississippi, they were laid on the table.

Mr. Bagby, of Alabama, offered resolutions declaring that neither the people nor the Legislature of a territory possess the authority to prohibit slavery therein ; and that such Legislature has no authority, except such as may be delegated by Congress, and that Congress has no power to exclude slavery from any territory of the United States. These resolutions, after debate, were laid upon the table.

Senator Niles, of Connecticut, presented resolutions from the Legislature of that State, asking Congress to prohibit slavery in any and in all territory that might be acquired from Mexico. Mr. Niles had long been a leading Democrat of his native State ; had been honored with the confidence of the Federal Executive ; and now, on presenting the resolutions, he declared they spoke the sentiments of the people of that State and of himself ; said that this question must be met, and advised the Senate to meet it promptly and *justly*.

Mr. Baldwin, of Connecticut, also presented resolutions, declaring that it should be regarded as an unalterable law of every territory, that neither slavery nor involuntary servitude should exist therein.

Mr. Webster, of Massachusetts, presented a memorial from the people of Forwardville, Virginia, asking Congress to appropriate the public lands to the extinguishment of slavery.

Mr. Calhoun, having greater experience than any other statesman of the South, seemed alone to comprehend the difficulty which the slave power would bring upon itself by obtaining territory from Mexico, thereby increasing the intensity of that controversy which was already pending. He had been active in obtaining the annexation of Texas, for the purpose of extending and perpetuating the institution ; but



he had at all times insisted that it would not involve our nation in war. When told by the advocates of liberty that, as Texas was engaged in war with Mexico, the annexation of the State would necessarily bring with it the war in which the State was engaged, he had denied the proposition : Seeing his error in that respect, he now appeared to comprehend the evils which must result from obtaining territory, and to avoid them he presented resolutions declaring that the "conquest of territory from Mexico would be contrary to the intentions of our Government in declaring war, a departure from its settled policy, subversive of our free and popular institutions ; and that no policy should be adopted that would lead to such disastrous consequences."

In explaining these resolutions, the distinguished Senator declared his original opposition to the war, said it was unnecessary, and asserted that the President had no authority to order our army into the disputed territory, while Mexico was in actual possession ; and asserted that the preamble in the bill, declaring that "war existed by act of Mexico, was *untrue*, and he believed would lead to great and serious evils."

No Senator appeared willing to take issue with him, who had so long stood forth as the master ruling spirit of the South. He now fully coincided with the views of Mr. Adams and his political friends touching the war and the consequences growing out of it. But the party had advanced beyond his control, and the sun of his influence was evidently waning, like that of his natural life.

The President, who was now the exponent of his party, did not hesitate to assume the most despotic powers incident to the prosecution of the war. Without any action of Congress, or authority of law, he levied a tariff of duties upon importations in all Mexican ports of which our army or navy held possession, and the long obsolete power of levying contributions upon captured cities was resumed.\*

The President justified these acts, saying they were equivalent to seizing upon the revenues of Mexico, and applying them to the support of the war ; thus denying that he was under obligation to await the action of Congress authorizing such procedure. But as there was no law making the President or the officers collecting this money responsible for its use, they were left to dispose of it according to their own judgments and consciences.

In the House of Representatives, the war with its atrocities was the

\* At the time of writing these sketches, the whole democratic party are denouncing the Federal Administration and republican party for confiscating the property of rebels.

theme of debate ; and as it had been commenced and carried on for the purpose of extending slavery, it was constantly scrutinized, its barbarities and horrors were held up to public view, and the popular hatred of slavery was increased, and the conviction that the powers and influence of the Government were wielded for its benefit became more general.

In the month of January Mr. Palfrey, of Massachusetts, spoke upon the President's message. He was a young member, but came to Congress with a high reputation as a scholar and philanthropist, having emancipated a large number of slaves who descended to him by the death of his father, who resided in the South. His speech was listened to with strict attention, and was characterized by great ability and a profound devotion to the cause of truth. Mr. Adams was an attentive listener to the whole of Mr. Palfrey's address, and as that gentleman resumed his seat the venerable ex-President, with a countenance glowing with intelligence, exclaimed : "*Thank God, the seal is broken ! MASSACHUSETTS SPEAKS !*" apparently realizing the extent of the victory which had been obtained in behalf of free speech.

1848. ] The treaty of peace with Mexico brought with it a vast ex-  
June 22. ] tent of territory from which slavery had been excluded by Mexican law. The ordaining of territorial governments in New Mexico and California was necessary, and the establishment in, or exclusion of slavery therefrom constituted an important question for Congress to decide.

The annexation of Texas had been urged under the usual argument that it was necessary to *save the Union*. But the very act which southern statesmen had urged as necessary to save the Union had produced agitation and presented more difficult and more dangerous questions than had been previously agitated.

Oregon, California and New Mexico belonged to the United States, but their *status* in regard to slavery was to be decided, and the attention of the people of the free as well as of the slave States was intensely turned to that question.

In speaking on this subject, Hon. Jefferson Davis, of Mississippi, said : "The fact that the slave is *property*, which the owner may carry with him into any part of the Union, is that which they (the South) are desirous to see recognized. The clause in the Constitution relative to the regulation of commerce is a constitutional admission that a slave is *property*. It is because slaves are considered property that the importation of slaves from Africa has been carried on under this clause of the Constitution. The words *slaves or any other property* in the Constitu-

tion are conclusive on this point.\* If the existence of property in slaves be admitted, what power has Congress to interfere with it? Entering a territory with his property, the citizen has a right to its protection."

A number of citizens resident in Washington addressed a memorial to Congress, asking that body to abolish the slave trade carried on in that city. The memorial was intrusted to the writer, who moved its reference to the appropriate committee. But Mr. Clingman, of North Carolina, moved to lay it on the table. All the members from the slave States, except Mr. Houston, of Delaware, voted to lay the memorial on the table, together with the following members from the free States, to wit:

MAINE.	Messrs. Clapp, Clark, Hammons, Williams, and	
	Wiley,	5
NEW HAMPSHIRE.	Mr. Johnson,	1
NEW YORK.	Messrs. Birdsall, Collins, and Murphy,	3
PENNSYLVANIA.	" Brodhead, Brown, and Ness,	3
OHIO.	" Dickinson, Kennon, Miller, Richie, and	
	Sawyer,	5
INDIANA.	" Petit, Robinson, and Wick,	3
ILLINOIS.	" Ficklin, McClernand, Richardson, and	
	Smith,	4

The other members from the free States voted against laying the petition on the table; the vote standing 92 ayes, 92 noes, the Speaker voted in the negative, and the motion being laid over never more came before the House.

Slaveholders regarded themselves as possessing influence sufficient to insure the success of any measure favorable to the institution however absurd. Thus the President recommended in his annual message an appropriation by Congress to compensate the Cuban slavedealers for the loss of slaves, who asserted their liberty on board the schooner "Amistad," to which the attention of the reader has been thrice directed. On the usual motion to refer the messages the writer called attention to this recommendation of the President, to tax the laboring freemen of the United States to sustain the Cuban slave trade. The message was,

\* This sentence may be regarded as a specimen of the accuracy and logic of the great body of southern statesmen in regard to the existence of *property* in human flesh. Mr. Davis doubtless supposed there was such a clause in the Constitution, but he would never have put forth the assertion without knowing whether it were true or false, had he supposed that northern Senators would expose his error.

This dogma, that "slaves are property," although denied by the Convention that framed the Constitution and constantly denied by Congress, has been as often iterated and reiterated by southern politicians.



of course, referred, but the committee treated this portion of it as they were accustomed to treat anti-slavery petitions. It was no more heard from.

The writer was in the habit of attacking every movement tending to make slavery a subject of national concern. And the barbarous character of the institution is well illustrated by an incident that occurred at his boarding-house during this session of Congress.

A colored man, supposed to be free, with his wife and a boy of some ten years of age, was serving at the house referred to. He had been a slave, but by an arrangement with his owner, a widowed lady, he agreed to pay three hundred dollars for his freedom. Of that sum he held receipts for two hundred and forty dollars, and both he and his wife averred that the whole amount within fifteen dollars had really been paid, and he was expecting to pay the remainder in a few days. Under these circumstances a slavedealer of the city paid the owner three hundred dollars and took from her a bill of sale, of which the man had no notice.

The slavedealer came to the house where the man was at work and with two assistants seized and bound him, and thrusting him into a hack, drove away. The wife and boy were in great grief and consternation at the abduction.

On inquiry the writer learned that the carriage had been driven towards the slave prison at the corner of Seventh street and Maryland Avenue; and with Hon. Abram R. McIlvaine, of Pennsylvania, he proceeded thither for information.

The evening was clear and the moon shone pleasantly when they reached that abode of barbarous wretchedness. The prison stood near the centre of an inclosure containing perhaps an acre and a half of land. The windows were dark save one in which a fire light flickered dimly. No shrubbery or ornamental trees were to be seen, and the picket fence which surrounded the grounds was old and dilapidated.

As the writer and his friend entered the gate, two men started from the house apparently to meet them. As they approached, one of them inquired if the writer and his friend wished to see Mr. Williams? They responded affirmatively. "He is not at home," said the man. "Then we will see his agent," said the writer. "Beware of the dog!" said the man. At the same instant a fierce mastiff sprang at the visitants, but his chain was not of sufficient length to permit him to reach them. Passing around to the left, in order to avoid the dog, they reached the front door, at which they rapped loudly, there being no bell. A colored

servant responded to the call. Opening the door, he stood in the dark passage and inquired their business? They told him they wanted to see the agent of Mr. Williams. Without bidding them to walk in he left, and soon the supposed agent appeared. He was a large man, apparently armed with bowie-knife and revolver, on the latter of which his right hand rested. The writer stated to him their business. He replied that he "had bought '*the nigger*' and had paid *six hundred dollars* for him;" assured them "the boy" was anxious to go South. The writer inquired where "the boy" could be found. He answered, "that he had sent him to Alexandria, that he was already on board the ship which would sail that night." On this intelligence Mr. McIlvaine and the writer placed no reliance, but bidding the slavedealer good night, walked away.

Passing through the gate, they turned to look at this "slave-pen," standing in the midst of our national metropolis. All was dark and silent. The whole contour of the buildings and grounds appeared in harmony with the piratical vocation to which they were appropriated. Its inmates, both slavedealers and victims, appeared to be isolated from all sympathy and association with the moral world around them, as they were separated physically from all other buildings of the city. As they stood gazing at this monument of disgraceful barbarism, the writer reflected upon the horrors, the unutterable grief, the despair, agony and suffering to which the victims of this domestic slave trade had been subjected within its walls. There an agonized mother, separated from her home and husband, had been imprisoned with her two children; and as she mused upon the past, and contemplated the future, her mind was wrought up to frenzy, and in the madness of the moment she seized upon her offspring and tore from them the life which God had given; and then severing the thread of her own existence, she rushed unbidden to the presence of her final judge. Her piratical purchaser, instead of abandoning his accursed vocation, prosecuted the former master for selling him a *vicious slave*, and instead of receiving sentence of death for his crimes at the bar of American justice, he obtained indemnity for his loss at the hands of an American jury.

From this gloomy prison a female of nineteen made her escape, in the vain hope that her eyes might once more rest on her beloved home and friends in Virginia: But the slavedealer and his assistant immediately pursued her, and as she was crossing the "long bridge" south of the city, they came in sight of her, and called to some men at the opposite end to stop her. The men prepared to seize her. She turned towards her pursuers, but seeing no chance for escape, she leaped upon the parapet, and as an invocation for mercy escaped from her lips, she plunged

into the dark waters beneath, and sought from her heavenly Father that mercy which would save her from the slave trade, which was then supported by both whig and democratic parties. This slave prison had been the scene of more crime and suffering than the French Bastille; and as the writer and his friend turned to leave, they felt overwhelmed with the consciousness that this "last slave-pen of Washington City," this memento of barbarism, had too long disgraced our American land.

On the following day the writer presented to the House of Representatives a resolution reciting the principal facts above stated, and providing for the appointment of a select committee to report a bill repealing all laws of Congress which authorized the sale or purchase of human beings within the District of Columbia.

A motion to lay the resolution on the table was made, and sustained by all the members from slave States, except Mr. Houston, of Delaware, and Jameson, of Missouri. The members from the free States voted as follows :

MAINE.	Yea—Messrs. Clark and Williams,	2
	Nay—none.	
NEW HAMPSHIRE.	Yea—none.	
	Nay—Messrs. Tuck and Willson,	2
MASSACHUSETTS.	Yea—none.	
	Nay—Messrs. Adams, Abbott, Grinnell, Hale, Hudson, King, and Rockwell,	7
RHODE ISLAND.	Yea—none,	
	Nay—Messrs. Cranston and Thurston,	2
CONNECTICUT.	Yea—none.	
	Nay—Messrs. Dixon, Hubbard, Rockwell, and Smith,	4
VERMONT.	Yea—none.	
	Nay—Messrs. Collamer and Peck,	2
NEW YORK.	Yea—Messrs. Birdsall, Maclay, and Nicoll,	3
	Nay—Collins, Conger, Duer, Gott, Hall, Homes, Hunt, Jenkins, Kellogg, Sidney, Lawrence, William T. Law- rence, Petrie, Putnam, Rose, St. John, Sherrill, Sylves- ter, Tallmadge, Warren, and White,	20
PENNSYLVANIA.	Yea—Messrs. Brodhead, C. I. Ingersoll, and Brown,	3
	Nay—Messrs. Blanchard, Butler, Dickey, Eckhart, Fa- relly, Friedly, Hampton, J. R. Ingersoll, Irwin, McIl- vain, Mann, Pollock, Strohm,	13
NEW JERSEY.	Yea—none.	
	Nay—Messrs. Edsall, Gregory, Hampton,	3



OHIO. Yea—Messrs. Edwards, Farran, Kennon, Miller, Richey,  
and Taylor, . . . . . 6  
Nay—Messrs. Canby, Crowell, Dickinson, Evans, Fisher,  
Fries, Giddings, Lahm, Root, Sawyer, Schenck, Vinton, 12

INDIANA. Yea—none.  
Nay—Messrs. Cathcart, Embree, Henry, Rockhill, Smith,  
and Thompson, . . . . . 6

ILLINOIS. Yea—Messrs. Vicklin and Richardson, . . . . . 2  
Nay—Messrs. Lincoln and Wentworth, . . . . . 2

MICHIGAN. Yea—none.  
Nay—Messrs. Bingham and Stuart, . . . . . 2

IOWA. Yea—none.  
Nay—Messrs. Lefler and Thompson, . . . . . 2

The whole vote in favor of laying the resolution on the table, . 85  
Against it, . . . . . 86

At the announcement of the vote great sensation was visible among southern members. They appeared astonished that northern men should dare encourage any examination of the crimes attendant upon the domestic slave trade. Dilatory motions were next made and messengers sent to call in absent members, and after an hour's delay another motion to lay on the table was made, and carried by a vote of 94 to 88.

In the month of March, Mr. Tuck offered a resolution directing the Committee on the Judiciary to inquire into the propriety of prohibiting the sale of persons under process issuing from courts of the United States, but was unable to obtain a vote upon it: yet the result of these assaults upon the domestic slave trade, upon slavery in the District of Columbia, and in the Territories of the United States, appeared to be attended with far more effect than merely defensive measures.

The consciences of members were appealed to in regard to the Mexican war. Hon. Alexander H. Stephens, of Georgia, a Whig, offered a resolution thanking General Taylor, his officers and men, for their gallantry in prosecuting the war with Mexico. And the question whether Congress would tender thanks to men who had exhibited courage and gallantry in a war for the extension of slavery was presented for each member to decide; but 181, then present, voted for the resolution, the writer *alone voting in the negative*.

When the vote had been announced, the writer offered a preamble and resolutions, setting forth that "the true honor and glory of our Republic consist in encouraging education, diffusing intelligence among

the people, cultivating a knowledge of the arts and sciences, thereby promoting the happiness of mankind, leaving to other nations the enjoyment of the same rights which we claim for ourselves : That the welfare of our people requires that we shall abstain from *all wars of aggression*, by which a spirit of conquest is excited, and a love of military fame is stimulated, and the peaceful avocations and moral restraints of civil life are forgotten : Therefore, resolved that the thanks of Congress and the gratitude of the people are due to Hon. Albert Gallatin for his distinguished efforts in the cause of truth, justice, *peace*, and humanity."

Mr. Dunn, of Indiana, moved to lay the resolution on the table, and the motion was carried by a vote of 132 to 45.

But the resolution of thanks to General Taylor, his officers and men, having passed the House, were sent to the Senate for concurrence. In that body, Mr. Hale opposed their adoption in an able speech, and on the vote being taken his name alone was recorded in the negative.

For many years southern statesmen had urged upon the Government a system of free trade as a measure of justice to all parts of the Union, while some northern members felt that it would be destructive to slavery. Hon. David Willmot, of Pennsylvania, being earnestly in favor of free trade, offered resolutions declaring that the expenses of the Mexican war ought to be defrayed by a system of *direct taxation*.

For this Mr. Willmot was most bitterly assailed by southern members, and charged with aiming a blow at the "peculiar institutions of the South," although he declared that in drawing up his resolutions, nor in presenting them, did the subject of slavery enter his mind. But the southern mind had become so excited, that every act of legislation was approved or discarded, according as its supposed bearing sustained or detracted from the influence of slavery.

1848.] The fifteenth, sixteenth, and seventeenth days of April were rendered memorable in the history of slavery's regime : And the writer believes he cannot give the reader a better idea of the habits and feelings of Congress, and of the people of our national metropolis, than by relating the incidents of those days somewhat in detail.

On the morning of the 13th, an old schooner, of some hundred and fifty tons burden, was lying at the wharf below the long bridge, on the south side of the city. She had discharged her cargo of wood, and the captain, mate, and crew were lounging on the wharf, apparently waiting for a return cargo.

At eleven o'clock that evening the writer was sitting in his room, when a friend called to inform him that the schooner referred to had sailed with some eighty slaves on board, bound for the North : The

writer at once pronounced the plan ill-advised, and stated his apprehensions of a recapture. His friend soon left, but sleep fled from his eyes. To him it was an anxious night. He watched the winds of heaven, on which the liberty and happiness of so many human beings depended.

At length the morning dawned. It was the Sabbath. All was quiet in the city, but the writer's thoughts, even while in church, dwelt upon the unfortunate men and women who were seeking liberty.

As he was returning from worship, he was told that a large number of slaves had left the city, but no trace of their exodus could be discovered. At night, it was rumored that they had left on board a schooner; that large bounties had been bidden for their recapture and return; and that a steamer had been chartered, and had started in pursuit of the fugitives. They had sailed with a fair wind, as far as the mouth of the river, but could not turn northward, as the wind was against them, and they dared not venture out upon the ocean, as the vessel's timbers were rotten. They therefore cast anchor, and lay quietly until captured by the steamer; and by eight o'clock on Monday morning, all were brought back to the city.

A large crowd met them at the wharf; and as the slave-catchers and their victims slowly wended their way towards the city prison, the mass of spectators became so dense that the police were called on to aid the piratical slave-hunters in conveying their victims to the prison. While passing through the most populous parts of the city, the excited mob proclaimed vengeance upon every friend of liberty. The writer's name was often mentioned, his residence described, and threats of violence were uttered.

Friends, who heard these imprecations, hurried to inform him. Others sent messengers; and some sent notes, warning him to be on his guard. But Captain Drayton, and his mate Mr. Sayers, of the schooner, with the eighty-three negroes, were lodged in prison.

The two Houses of Congress met at the usual hour. Members appeared anxious and solemn, as if some great calamity had befallen the nation. During the day, the writer received several notes, informing him of personal danger; and at night, there was said to be indications of a mob, on Seventh street, in the vicinity of the General Postoffice.

On Tuesday morning, after reading the Journal, the writer obtained the floor; and no sooner was he announced by the Speaker, than southern members gathered around him. Soon as order was restored, he asked leave to present a resolution and preamble, setting forth "that Rumor represented that more than eighty persons were imprisoned in the United States jail, for the District of Columbia, with-



out being charged with any crime or offence or impropriety, other than an attempt to enjoy that liberty for which our fathers had encountered toil, suffering, and death itself: and whereas such practice is derogatory to our national character, incompatible with the duty of a Christian people, and unworthy the support of an American Congress, therefore, *Resolved*, That a Select Committee of five members be appointed to inquire into and report by what authority said prison is used for the purpose of confining persons who have attempted to escape from slavery?"

Members appeared excited. Mr. Meade objected to the reading of the resolution, and Mr. Holmes, of South Carolina, proposed an inquiry, whether "the scoundrels who induced the slaves to escape, ought not to be hanged?" But leave to introduce the resolution was not granted; and such was the timidity of members, that the writer could not obtain the yeas and nays on the question of leave.

At evening, the mob again gathered around the office of the "National Era," an anti-slavery paper, and committed some violence, breaking the windows and window-blinds, and threatening the editor. But he behaved with great firmness, stepped out in front of his door, and addressed the excited mob; and by his coolness, endeavored to prevent violence and bloodshed. And after a while, the police having made several arrests, the mob dispersed.

Drayton and Sayers were in the prison, and constantly threatened with death, by violent hands. The situation of those men rested with much weight upon the writer's mind during the night, and he determined to visit them at the earliest suitable hour in the morning. Soon as breakfast was over on Wednesday, he started for the prison, but called to invite Mr. Hale of the Senate to go with him; that gentleman was not in, and the writer passed on to the office of the "National Era," hoping to find him there. As he approached the building, the broken window-blinds and windows gave unmistakable evidence of the mob during the previous night. He found the editor, Dr. Bailey, at his table, writing a manifesto addressed to the public, which he intended to publish that day. Dr. Bailey objected to the writer's going to the jail, saying he might find it more dangerous than he expected. But he met with the Hon. Lawrence Brainard, a Senator from Vermont, who proposed to go with him, and who behaved with perfect coolness and firmness during their visit to the prison. Hon. E. S. Hamlin, of Ohio, formerly a member of the House of Representatives, also accompanied them.

As they reached the prison, they found a sentinel in the yard outside

the door, to whom they gave their names, and the object of their visit. After some delay they were admitted, and found the vestibule of the prison filled with men, most of whom were said to be slavedealers. At the foot of the stairs they passed through an iron gate, which the jailer locked, and gave the key to the guard stationed there ; and ascending the stairs, they passed through another iron gate, which admitted them to the hall into which the cells of Drayton and Sayers opened. Through the grated doors the writer spoke to those men, stating his name and position, assuring them that he had come to inform them that they would not be lynched as the slaveholders threatened, but they would have a regular trial, and that friends would see their legal rights protected. They had been in great distress, not knowing their fate ; and on hearing the voice of friendship and kindness, they were melted to tears.

While conversing with them, a mob obtained the key to the lower gate, and ascending the stairs, called on the writer to retire immediately, or his life would be in danger. He spoke kindly, saying he should soon be through with his business, and would then accompany them down stairs. But the jailer assured them that the writer should not leave the hall, until they returned and delivered up the key of the lower gate to the guard. The writer continued to converse with Drayton and Sayers, and the jailer induced the mob to retire down stairs to the vestibule.

After he had concluded his conversation with the two prisoners, he looked into the other rooms, which were occupied by slaves and slavedealers, who were examining their victims. They then descended to the lower gate, where the mob in the vestibule appeared to be highly excited. The jailer hesitated in permitting them to pass through the gate, into the presence and within the power of the mob ; but he was directed, in a voice of kindness, to let them pass through. The mass of beings before them was dense and highly enraged, uttering profane imprecations against the writer and all abolitionists. The jailer opened the gate, and they passed through among the crowd, which pressed back and opened a narrow defile through which the writer and his two friends passed to the door, and soon found themselves in the jail yard from whence they entered the street ; and the writer went directly to the Hall of Representatives, where he found his friends anxious in regard to his safety, having learned that he had gone to visit the prisoners at the jail. To them he related the incidents that had occurred, and when the House was called to order, Mr. Palfrey, of Massachusetts, offered the following preamble and resolution :

“ *Whereas* common report represents that a lawless mob has as-



rombled within the District of Columbia, on each of the two nights last past, and has committed acts of violence, and set at defiance the constituted authorities of the United States, menacing individuals of this body, and other persons residing in the city, therefore,

"*Resolved*, That a Select Committee of five members be appointed to inquire into the facts referred to, and to report their opinion whether further legislation is necessary or expedient in the premises ; and further, that they have leave to sit during the sessions of the House."

The resolution involving a question of privilege, took precedence of all other business, and an excited debate arose upon it. Southern members appeared to be sincere in the opinion that the fugitive slaves had committed a grievous wrong in leaving the service of their masters, and that those who aided them in their attempt to escape had been guilty of crime. They did not stop to reason ; but assuming that the captain and mate of the vessel had placed themselves beyond human sympathy, they spoke of the writer's visit to them as itself a violation of law, and an act which rendered him an outlaw, and with an air of arrogance he was asked publicly before the House whether he had not visited the prisoners ? He replied that he had visited them, not merely because he possessed the moral and legal right to do so ; but he had done it from a sense of imperative duty, from the performance of which he had not been and never should be deterred except by positive force.

They appeared surprised at these views, and one of them, Mr. Haskell, of Tennessee, at once inquired whether the writer believed it morally right for a slave to leave the service of his master ?

Astonished at the question, he replied that he believed with Jefferson and the Republican fathers "*that all men held from the Creator equal rights to live and to enjoy liberty* : That whenever an individual stepped between God and his fellow-men to deprive them of this right, *he does it at his peril* : That it was not only the right of the oppressed to obtain their liberty at the earliest moment they could do so, even by slaying their oppressor, but it was their unquestioned duty to do so, even to the taking of the life of every man who opposed them." Mr. Haskell replied that the writer "ought to be hanged as high as Haman, but that his offrontery was so much beyond his own conception he would interrogate him no further." The debate occupied the entire day.

While this subject was agitating the House, Mr. Hale, in the Senate, asked leave to introduce a bill to prevent riots and unlawful assemblages in the city of Washington, on which a very exciting debate arose in that body, and at the close of the day it was difficult to say whether the



excitement was most intensified in the Senate, in the House of Representatives, or in the city.

Mr. Calhoun was the first to denounce Mr. Hale's motion, and with great solemnity spoke of the slave question as the one most likely to dissolve the Union. He referred to all men who offered resistance to the slaveholding policy as demagogues, and dangerous to the Government. He appeared to entertain no doubt that it was the constitutional and moral duty of those who wielded the Government to support and extend slavery.

Mr. Davis, of Mississippi, pronounced the bill of Mr. Hale to prevent mobs, to be a "bill to protect incendiaries and kidnappers." Mr. Foote, of Mississippi, charged Mr. Hale with complicity in the escape of slaves, and declared if he would come to his State, "*he should be hanged by a mob to the first convenient tree;*" but Mr. Hale bore himself with coolness and decided ability, meeting his assailants at every point with facts, arguments, and logic, that could not be resisted by human reason.

On the following morning "The Union," a newspaper published in the city of Washington, being the Administration organ, contained an article asserting that the excitement in the city had been greatly increased by the efforts of Mr. Giddings and others to lend aid and comfort and counsel to the white prisoners Drayton and Sayers: That the abolition incendiaries, Hale and Giddings, had thrown firebrands into the two Houses of Congress, which had produced an excited debate in each of those bodies. It stated that Mr. Giddings justified the kidnappers, declaring that although the act was *legally* forbidden, it was *morally* right. Mr. Hale, in the Senate, expressed himself willing to relax the laws and weaken the protection given to slave property in the District. Indeed, the whole article was calculated to direct the violence of the mob towards Messrs. Hale and Giddings.

At the reassembling of the Senate on the following day, that body passed to the ordinary business of legislation, and bestowed no further attention to the question which occupied the previous day. But the House resumed the debate on Mr. Palfrey's resolution with increased energy. The discussion, however, was no longer confined to one side. Mr. Root, of Ohio, a man of unusual powers in debate, always bold and gentlemanly, exposed with perfect fearlessness the despotism which southern members were endeavoring to establish.

While this debate was progressing, one Hope H. Slatter, of Baltimore, a slavedealer, having purchased some fifty of the slaves who had attempted to escape, marched his victims from the jail to Pennsylvania Avenue, and along that court street of the city to the railroad depot,

which then stood on the avenue near the Tyber. The scene was described by those who saw it as truly heartrending. In the mournful procession were fathers and mothers, brothers and sisters, sons and daughters, bidding a final adieu to their parents and friends, to all they held dear on earth, conscious that they were on their way to southern markets ; "*that bourne from whence no slave returns.*" It was said that all hearts were pained and all eyes suffused with tears, save those of the slavedealer and of the chaplain to the House, Rev. Henry Slicer, whose countenance appeared bland and smiling as he entered the car, and walking between the agonized victims, greeted Slatter, shaking him cordially by the hand, and then turned aside to reprove one of the men sitting near, a member of the same denomination to which Slicer belonged, for having attempted to regain his liberty. Indeed it was asserted that Slicer had administered the Sacrament of the Lord's Supper to this man a few days previously : And now amid the sighs and groans, agony and despair, the clanking of chains, the prayers of victims, and the profanity of assistant slavedealers, Slicer was administering Christian reproof to a member of his own church for attempting to regain the rights which God had given him.

On the following day, as the House was called to order and the chaplain ascended the desk and spread his hands in the attitude of prayer to invoke the blessing of God, members appeared disgusted at the sacrilegious hypocrisy, and one of them, putting on his hat, began to swear as Slicer began to pray ; and while the latter invoked the blessing of God upon members, one of them called on the same Almighty Being to damn such preachers, and most of those present appeared to feel that the prayer of one and the curses of the other were about equally efficacious. If the reader should regret that these details are placed on record, the writer begs leave to say this work is not designed to keep facts *out of view*, but to transmit as nearly as possible to posterity the incidents of that day simply as they transpired.

It had now become evident that southern members were satisfied that bluster and arrogance, and threats of dissolving the Union were operating against them, and that the sooner the debate was closed the better for the interests of slavery. The writer saw that if he spoke on the subject he must do so on that morning. Although the object of constant assault, he had forbore to speak, desirous of hearing his opponents fully before he attempted to answer them. The debate had lasted three days, and in the opinion of the writer was the most profitable to the nation that had ever occurred in Congress ; and whether his own speech was just or unjust to his opponents or to himself, he thinks he never addressed

the House under circumstances more favorable. The principal characteristic of the speech was its independence of thought and expression. The resolution was laid on the table : And it is believed that this attempt was the last put forth by the slave power in Congress to silence the voice of northern philanthropy by arrogant bluster and supercilious attempts at intimidation.

While the writer was speaking, a note from a friend was placed before him, saying that the "Edmundson sisters" and brother were among the victims purchased by the slavedealer Slatter. The brother had called on the writer a few days before to obtain from him letters of commendation to northern philanthropists, for the purpose of soliciting contributions to redeem his two sisters. His complexion was light, his features were Caucasian, his phrenological development bespoke a high order of talent, his language was good and his deportment and bearing gentlemanly. He said he had seven hundred dollars in money and could leave slavery on any day as he commanded his own time, paying his master for it ; "But," said he, "*I never will forsake those sisters.*" Nor did he. He was in the procession, walking by their side, at the time referred to ; and while surrounded with indescribable suffering he appeared absorbed in thought, anxious only to soothe and comfort the sisters to whom he was devotedly attached. That manly form now toils beneath the lash, or sleeps in a servile grave. The sisters were redeemed by northern philanthropists at an extravagant price. The family was said to have been one of the most talented in the State of Maryland, and the writer fully concurs in that opinion.\*

On the 3d April Mr. Cummins, of Ohio, a Democrat, offered to the consideration of the House a series of resolutions congratulating the French people upon the success of their then recent revolution and tendering them the sympathy of our Government. The House suspended its rules for the purpose of considering these resolutions, to which many of the whig members were opposed.

Mr. Ashman, of Massachusetts, proposed an amendment declaring our full and hearty sympathy in the pledge of the French nation for the immediate emancipation of slavery in the French colonies. To this amendment Mr. Schenck, of Ohio, proposed to add the following words, "recognizing as we do the cardinal republican principle that *there shall*

\* A few days subsequently to the scene described in the text, the writer, on opening a letter from New York, took from it a draft for nine hundred dollars. The letter was signed "*A Grandson of John Jacob Astor,*" who had been one of the wealthiest men in New York. In his letter he desired the money to be used for the redemption of the Edmundson sisters. The whole amount necessary to redeem them was made up, and the sisters were redeemed and subsequently educated at Oberlin College, Ohio.



*be neither slavery nor involuntary servitude except for crime."* Thus was the House again at once precipitated upon the discussion of the subject of human bondage.

Similar resolutions had been offered in the Senate, to which Mr. Hale offered a similar amendment, and that body and the House of Representatives were thus simultaneously engaged in discussing the primal truths on which governments are instituted. After several days of earnest debate in both Houses, the resolutions were adopted: But Mr. Palfrey moved a reconsideration of the vote, and on that motion delivered one of the ablest speeches of the session.

In the course of this debate the fugitive slave act of 1850 was very <sup>72</sup> thoroughly examined, and members appeared satisfied that no man nor officer of the free States was under any constitutional obligation to aid in the arrest or return of fugitive slaves: And that if such fugitive were to slay his master and all others who opposed his escape, there was no law to punish him.

In following these consecutive events we have failed to mention in chronological order the death of the venerable Ex-President Adams, who had so long stood forth as the leader of freedom's hosts. His lamp of life had long seemed faintly to flicker in the socket. He often expressed to the writer and others his consciousness, to use his own words, of standing "upon the verge of eternity," and in continuing his diary he termed his own writings, after the paralytic shock referred to heretofore, as "posthumous," saying he was morally and politically and almost physically dead: Yet he continued cheerful and exhibited as great a degree of interest in the cause of human rights as he had ever done.

1848.] On the morning of the 21st February he was in his seat at the usual hour of commencing business. The writer, as was his custom, inquired concerning his health. He shook hands with his accustomed cordiality, while his ordinary smile seemed faintly to light up his countenance.

When the House proceeded to business he resumed his pen. He had commenced an apostrophe to the Genius of History, which was represented by the recording angel sitting on the clock of time at the front entrance of the hall, when he was suddenly seized with an apoplectic fit, was carried to the rotunda in apparently an unconscious state and laid upon a sofa. While there he gave utterance to those last words so often quoted: "This is the last of earth, but I am prepared."\*

\* The writer here gives the words as he then understood them, but the committee appointed to arrange the funeral ceremonies reported his last words to be, "this is the last of earth, but I am content." The word *content* the writer believes was seldom used by Mr. Adams.

He was soon after removed to the Speaker's room, where he lay apparently unconscious on that and the following day, and at a quarter past seven o'clock on the 23d he departed to his final rest.

Another subject connected with slavery attracted attention near the close of this session of Congress. In the long pending controversy between our Government and Great Britain concerning deported slaves under the first article of the treaty of Ghent, a list of the slaves claimed to have been lost was made out and presented to the British Ministry.

This list was subsequently found to be fraudulent, containing the names of a large number of imaginary slaves who never had existence : But it had been made the basis of negotiations, and our Government was not only used as the instrument for supporting slavery, but it was disgraced by a petty fraud unworthy of honest or honorable men.

After the money was obtained from England, the claimants being held to strict proof as to the loss of slaves, and all such being paid for, there were several thousand dollars remaining in the treasury. The money properly belonged to the British Government, but no movement to refund it was made.

A Mr. Hodges, of Maryland, now petitioned Congress for indemnity for a slave who left the country on board a British ship in 1814. The petitioner had not filed his claim under the treaty, nor did it come within treaty stipulations ; but finding this money, which had been obtained under pretence that the British navy had carried away a greater number of slaves than had actually left their masters, he called on Congress to pay him for the loss of his human chattel from the money to which neither he nor the Government had any moral right.

The petition was referred to the Committee on Foreign Affairs, who had been appointed by a whig Speaker (Mr. Winthrop). Six members of that committee were from the free States, to wit : Mr. Smith, of Connecticut ; C. I. Ingersoll, of Pennsylvania ; Marsh, of Vermont ; Duer, of New York ; McClellan, of Michigan, and Duncan, of Massachusetts. While Messrs. Rhett, of South Carolina ; Hilliard, of Alabama, and Pendleton, of Virginia, represented the slave States.

This committee, apparently without a dissenting voice, reported a bill to pay for this slave, and when it came before the House it was admitted by all that the slave was not embraced in the treaty nor in the subsequent negotiation.

2d. That the treaty-making power could impose no obligation upon Congress to interfere in support or in the abolition of slavery.

3d. It was urged that slaves were not property, and that no human

legislation could confer any moral right on one man to hold another as property.

4th. That it was disgraceful to our Government for Congress to legislate upon the price of God's image.

But although the whig party was then in power in the House of Representatives, this bill was sanctioned by the committee of the whole body, and when it came into the House, the friends of liberty could not induce one-fifth of the members to vote for the Yeas and Nays, and the bill received its third reading and final passage without leaving any record showing who voted for, or who against it : Northern members dared not record their votes for the bill, and were afraid to vote against it.

On the 14th August Congress adjourned, having spent more time in the discussion of slavery and questions connected with that institution, than had been appropriated to that subject at any former session.



## CHAPTER XIX.

THE SLAVE TRADE IN THE DISTRICT OF COLUMBIA SUSTAINED—PROPERTY IN HUMAN FLESH DECREED—THE MOMENTOUS ISSUE ON EXTENDING SLAVERY INTO THE TERRITORIES DECIDED.

During the recess of Congress the Presidential election took place. The friends of Mr. Van Buren had been mortified and dissatisfied with his defeat in 1840. He had served but one term, while every southern President had been reelected. His friends determined to nominate him again. But he had, while serving as President, admitted the constitutional power of Congress to abolish slavery in the District of Columbia, and had refused to hold diplomatic correspondence with the authorities of Texas concerning the annexation of that country, believing such an act would be unconstitutional. Southern statesmen allowed no faltering among their professed friends, and Mr. Van Buren was defeated by southern influence in the nominating convention, at which his friends were greatly offended. They nominated General Cass, however, who was a northern man. [1848.]

The Whigs nominated General Taylor, trusting to his military character to secure his election : But he was a large slaveholder and unacceptable to the advocates of liberty. Indeed, they would not support either ; feeling that the time had fully come when a distinctive organization should be formed upon such principles as would lead to the separation of the Government and the free States from the support of slavery. A large convention assembled at Buffalo, and adopting a platform of doctrines, they nominated Mr. Van Buren as their candidate, who unhesitatingly pledged himself to the principles enunciated. His democratic friends supported him, and by that means General Cass was defeated, and General Taylor was elected President.

The democratic party now stood humbled before the country in consequence of its devotion to slavery ; while the Whigs held the executive branch of government solely because of the divisions in the democratic ranks. There was yet no distinct issue between these two organizations : Neither professed to draw any distinction between slavery and freedom, between the barbarism of oppression and Christian civilization, between right and wrong. The whig party came into power, but reflecting states-

men foresaw that its disbandment was near at hand, as they had united upon no distinctive principle on which they could rally, after the offices should be distributed and executive favors granted.

The advocates of liberty were known as "Free-soilers," from the fact that they advocated freedom of the soil wherever Congress held exclusive jurisdiction. They had broken the prestige of the democratic party, and now looked to the breaking up of the whig organization with great confidence.

Under these circumstances Congress assembled; and early in December Mr. Palfrey asked leave to introduce a bill to repeal all acts, and such parts of any and of all acts of Congress which authorize the existence or support of slavery or the slave trade in the District of Columbia. The intention of this motion was to place before the country the fact that both political parties, whig and democratic, were wielding the power of the Government for the maintenance of slavery and the slave trade, while they constantly denied that the Government or free States were in any way interested or concerned in that institution. On Mr. Palfrey's motion, all the members from the slave States voted against leave to introduce the bill, together with the following members from the free States :

NEW YORK.	Mr. Sherril . . . . .	1
PENNSYLVANIA.	Messrs. Brady, Brown, C. I. Ingersoll, Irwin, Levin, Mann, and Strong . . . . .	7
OHIO.	Messrs. Kennon and Miller . . . . .	2
INDIANA.	" Robinson and Thompson . . . . .	2
ILLINOIS.	" Ficklin, Lincoln, McClernard, Richardson, and Smith . . . . .	5
IOWA.	Mr. Leffler . . . . .	1
WISCONSIN.	" Lynde . . . . .	1
MAINE.	Messrs. Clark and Wiley . . . . .	2

Thus it will be seen that only twenty-one members from the free States, all but one of whom were Democrats, were willing to place their names on record distinctly in favor of maintaining slavery and the slave trade in the District of Columbia, while the following members put their names on record in favor of the abolition of slavery and the slave trade in said District, to wit :

MAINE.	Messrs. Belcher and Smart . . . . .	2
NEW HAMPSHIRE.	" Peaslee, Johnson, and Willson . . . . .	3
MASSACHUSETTS.	" Abbott, Grinnell, Hale, King, Palfrey, and Rockwell . . . . .	6

VERMONT. . . .	Messrs. Collamer, Henry, and Marsh . . . .	3
CONNECTICUT. . .	" Dixon, Hubbard, Rockwell, and Smith . . . .	4
RHODE ISLAND. .	" Cranston and Thurston . . . . .	2
NEW YORK. . . .	" Blackmer, Conger, Gott, Greeley, Hall, Holmes, Kellogg, W. T. Lawrence, Sid- ney, Lawrence, Lord, McMullan, Mar- vin, Mullen, Nelson, Petrie, Putnam, Reynolds, Rumsey, St. John, Silvester, Slingerland, Starkweather, Tallmadge, Warren, and White . . . . .	26
NEW JERSEY. . .	" Dickinson and Gregory . . . . .	2
PENNSYLVANIA. .	" Blanchard, Eckhart, Friedly, Strohm, Thompson, and Willmot . . . . .	6
OHIO. . . . .	" Canby, Farran, Giddings, Lahm, Morris, Root, Sawyer, Taylor, and Vinton . . . .	9
INDIANA. . . . .	" Dunn and Embree . . . . .	2
ILLINOIS. . . .	Mr. Wentworth . . . . .	1
MICHIGAN. . . .	" Stuart . . . . .	1
IOWA. . . . .	" Thompson . . . . .	1
WISCONSIN. . . .	" Darling . . . . .	1

Some members doubtless voted differently, from the dictates of their own judgments, believing their people differed from them ; but this vote was probably a fair representation of the popular voice. It was the opinion of candid statesmen, that sixty-nine out of every ninety-one inhabitants of the free States would then have abolished slavery and the slave trade in the District of Columbia, in our Territories, and upon the high seas, had they possessed the power. But every member from the slave States was in favor of prostituting the power of the Federal Government to uphold the institution and its attendant commerce in human flesh.

On the 18th December, the writer asked leave to introduce a bill authorizing the people of the District to express by ballot their desire as to the abolition of slavery. Leave was granted ; the bill passed its first and second reading, but on the question of engrossment, Mr. Tompkins, of Tennessee, discovered that it gave the negro an opportunity for saying whether he desired to be held in bondage. Southern slaveholders became excited, and northern conservatives were alarmed, and the bill was laid on the table by a large majority.

The object of these movements was, to inform the people of the free States that they were involved in the crimes and disgrace of maintain-



ing slavery and the slave trade. For that purpose, Mr. Gott, of New York, introduced the following preamble and resolution :

" *Whereas* the traffic now prosecuted in the metropolis of this republic, in human beings as chattels, is contrary to justice and the fundamental principles of our political system, and is notoriously a reproach to our country throughout Christendom, and a serious hindrance to the progress of republican liberty among the nations of the earth ; therefore, *Resolved*, That the Committee on the Judiciary be instructed to report a bill soon as practicable, prohibiting the slave trade in said District." The mover demanded the previous question.\*

Mr. Harrolson, of Georgia, moved to lay the resolution on the table ; but Mr. Venable, of North Carolina, also a slaveholder, declared that he wished to see *northern Whigs* and *northern Democrats* constrained to show their hands, to *let the country see how they voted*. He hoped that southern men would vote against laying on the table. This proposition was most heartily responded to by every "Free-soiler." The motion to lay the resolution on the table was negatived, and the demand for the previous question was sustained. This brought the House to a direct vote, constraining every member to put his name on record in favor of the domestic slave trade or against it.

Consternation rested upon the countenances of northern conservatives, as they called themselves ; but in common parlance, they were more generally known as "*dough-faces*."

The advocates of freedom had long desired to bring before the public the name of every man who was willing to court southern favor by continuing to involve the people of the free States in crimes which were pronounced "*piracy*" when committed on the African coast ; and now they were about to attain that object.

The members from the slave States, without exception, voted against the adoption of the resolution ; while those of the free States voted as follows :

MAINE.	Yea—Mr. Belcher,	. . . . .	1
	Nay—Messrs. Clark, Hammons, Smart, Wiley, and Wil-		
	liams,	. . . . .	5
NEW HAMPSHIRE.	Yea—Messrs. Johnson, Peaslee, Tuck, and		
	Williams,	. . . . .	4
	Nay—none.		

\* Fifteen years after this effort of one of the distinguished sons of New York to lustrate the people from the disgrace and guilt of sustaining this "execrable commerce in human flesh," Governor Seymour, of that State, characterized these acts as interfering with the rights of the South. (*Vide* his first Message.)

MASSACHUSETTS.	Yea—Messrs. Abbott, Ashman, Grinnell, Hall, Hudson, Palfrey, King, and Rockwell, . . . . .	8
	Nay—none.	
RHODE ISLAND.	Yea—Messrs. Cranston and Thurston, . . . . .	2
	Nay—none.	
CONNECTICUT.	Yea—Messrs. Dixon, Hubbard, and Rockwell, . . . . .	3
	Nay—none.	
VERMONT.	Yea—Messrs. Collamer, Marsh, and Peck, . . . . .	3
NEW YORK.	Yea—Messrs. Blackmer, Conger, Gott, Greeley, Hall, Holmes, Hunt, Kellogg, Lord, Lawrence, Law- rence, Mc'Clelland, Marvin, Mullen, Nicol, Putnam, Rose, Rumsey, St. John, Sherril, Sylvester, Slingerland, Starkweather, Warren, White, and Reynolds, . . . . .	26
	Nay—none.	
NEW JERSEY.	Yea—Messrs. Gregory, Hampton, Newal, and Vandyke, . . . . .	4
	Nay—none.	
PENNSYLVANIA.	Yea—Messrs. Blanchard, Butler, Dickey, Far- relly, Friedly, Hampton, J. R. Ingersoll, Irwin, McIl- vain, Mann, Pollock, Strohm, . . . . .	12
	Nay—Messrs. Bridges, Brown, and C. I. Ingersoll, . . . . .	3
OHIO.	Yea—Messrs. Canby, Crowell, Cummins, Dickinson, Ed- wards, Evans, Farran, Fisher, Fries, Giddings, Lahm, Morris, Richey, Root, and Vinton, . . . . .	15
	Nay—Messrs. Kennon, Miller, and Sawyer, . . . . .	3
INDIANA.	Yea—Messrs. Cathcart, Embree, Henley, Petit, Rob- binson, and Rockhill, . . . . .	6
	Nay—Mr. Dunn, . . . . .	1
ILLINOIS.	Yea—Messrs. Smith, Turner, and Wentworth, . . . . .	3
	Nay—Messrs. Ficklin, Lincoln, and McClernand, . . . . .	3
MICHIGAN.	Yea—Messrs. Stuart, and Bingham, . . . . .	2
	Nay—none.	
WISCONSIN.	Aye—Messrs. Darling and Lynde, . . . . .	2
	Nay—none.	
IOWA.	Aye—Messrs. Leffler and Thompson, . . . . .	2

On this vote the free States cast ninety-four votes for the abolition of the slave trade in the District of Columbia, and but fifteen in favor of continuing to involve themselves and constituents in the support of that barbarous traffic. The members from the slave States, sixty-seven in number, voted unanimously in favor of continuing this relic of a more barbarous age.

New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New York, New Jersey, Michigan, Wisconsin and Iowa, voted unanimously for its abolition. Maine gave five votes, Pennsylvania, Ohio and Illinois each gave three votes, and Indiana one vote, to continue the sale of men and women in the District of Columbia. The final vote stood 94 in the affirmative, and 88 in the negative—nearly fifty members not voting. Indeed, the attention of the House was particularly called to Messrs. Truman Smith, of Connecticut, and Caleb B. Smith, of Indiana, who were in their seats, but apparently unwilling to vote either for against the resolution.

Wire-working politicians appeared to be alarmed at this vote. Mr. Stuart, of Michigan, moved a reconsideration ; and after many incidental motions and delays, the vote was reconsidered, by 119 to 81. Messrs. Caleb B. Smith, of Indiana, and Truman Smith, of Connecticut, who were in their seats, but did not vote on adopting the resolution, now voted for its reconsideration. Some twenty other members who failed to vote, on adopting the resolution, now voted for reconsidering it. While Messrs. Grinnell, of Massachusetts ; Lord, Nicol, and Tallmudge, of New York ; VanDyke, of New Jersey ; Butler, Pollock, and Thompson, of Pennsylvania ; Cauby, Taylor, and Vinton, of Ohio, changed their votes ; having voted for the resolution, they now voted to reconsider.

The resolution being reconsidered, passed into the orders of the day, and was no more heard from.

1849.] But the slave power, no way daunted by these manifestations, appeared determined to constrain members to admit that “ *slaves were property* ;” although that idea had been repudiated by the convention that framed the Constitution and rejected as often as it had been presented to the consideration of Congress, slaveholders constantly asserted and reasserted the revolting dogma that men created in the image of God, with intellects clustering with immortal hopes, were *property* ; and northern conservatives had caught up the disgusting phrase, and constantly repeated “ *slaves are property* ;” while the advocates of human rights denounced the doctrine as barbarous and infidel in character.

The case was one of unusual interest. In December, 1835, Major Dade, while lying at “Fort Brooke,” near Tampa Bay in Florida, with his battalion of regular troops, was ordered to Fort King, one hundred and thirty miles in a north-easterly direction through an unbroken forest. Neither Dade nor any of his officers was acquainted with the road, and he sought a guide to conduct them on their way. He was told that a slave named “Louis,” belonging to a man named Pacheco,



was well acquainted with the proposed route. On examining Louis, he found him remarkably intelligent, speaking four languages with facility, well bred and apparently the very man he wanted. By contract with the master he was employed at twenty-eight dollars per month.

Louis, conscious that the Maroons, who had for nearly a century suffered persecution at the hands of the white people, were desirous of opening the second Florida war by some important blow that should give them influence with the Indians, gave them notice of the time that Dade was to start from Fort Brooke and the route he was to travel. The Maroons made the necessary arrangements, and inviting a certain number of Indians to attend them, encamped on an island in the Wahoo Swamp, three miles from where Dade and his troops bivouacked on the night of the fourth day from Fort Brooke; and on the fatal 28th December, A.D. 1835, massacred the battalion, only two of the whole number escaping. Louis was with the troops a few minutes before they were fired upon, but after the massacre was consummated he united his fortunes with an Indian chief called "Wildcat," and with him was in almost every battle of the Florida war, until the convention between General Jessup and the Indians in 1837, by which that officer agreed to protect the Seminoles, who should surrender for emigration, and their property.

Soon after that arrangement was made, Wildcat appeared in General Jessup's camp with Louis, whom he claimed to hold as his *own property*, declaring that he captured him at Dade's massacre.

The general recognizing the doctrine that "*slaves are property*," considered the honor of his Government pledged, and he sent Louis with other negroes and Indians west of Arkansas, to settle in the Indian country.

Pacheco, finding that his slave had been sent to the Indian country, presented his petition to Congress, asking that body to pay him for the loss of his slave who had caused the massacre of an entire battalion of troops, besides the other injuries he had done in two years' service with the enemies of the country. [1849.]

The Committee on Military Affairs was composed of five southern and four northern members, and the petition of Pacheco was referred to that committee. The southern majority reported a bill, but the northern minority made a strong report against the claim. This was not usual in that day: but Mr. Dickey, of Pennsylvania, presented a minority report, which was signed by himself, by Hon. Dudley Marvin, of New York, Hon. James Willson, of New Hampshire, and by Hon. David Fisher, of Ohio.

Mr. Dickey led in the debate, urging that *slaves were not property*. Mr. Burt, of South Carolina, called him to order for *discussing slavery*: but southern members were not long in discovering that when they called on Congress to pay for slaves who had done the country as much injury as Louis had, northern members were inclined to examine the real merits of the claim. Mr. Burt was bold and manly, declaring the only question that could arise in the case was that proposed by Mr. Dickey, that slaves were or were not *property*. Mr. Collamer, of Vermont, inquired whether other questions were not involved. Mr. Burt replied that he would leave no other loophole for gentlemen to escape. After debate the vote was taken in committee and stood, *for* the bill seventy, against it forty-four. When it had been reported to the House, Mr. Crowell, of Ohio, moved to lay it on the table; but his motion failed, by a vote of eighty-five against sixty-six. The bill was then passed to its engrossment, when Mr. Giddings moved a reconsideration, and on that motion the bill was again debated, and the vote on its passage was taken by yeas and nays amidst the most intense interest.

The question was vital to the character of slavery. The bill had been reported by a leading slaveholder, had been argued with all the apparent confidence which usually characterized southern members whenever the institution was involved: it had also been boldly and ably opposed. The doctrine of *property in human souls and bodies* was denounced as heathenish, barbarous and infidel; and those who engaged in the debate were anxious and excited.

As the deputy Clerk, a slaveholder, proceeded to call the names of members, it appeared that the vote was to be nearly equal. Some members kept count for their own satisfaction. When the roll had been called through, the Clerk appeared perplexed; but after some delay, handed his report to the Speaker, who announced the vote, ayes *ninety*, noes *eighty-nine*, and as the Speaker then stated that it became his duty to vote whenever his voice would change the result, proceeded to give his reasons why he should vote against the bill. While doing this, the Clerk handed him another report, when the Speaker, after looking at it, said the vote was reported *ninety-one* in the affirmative, eighty-nine in the negative, and he declared the bill *carried*.

The countenance of the Clerk and his manner was such that members were satisfied of the fraud which he had thus attempted in the face of the House: and Mr. Dickey immediately called attention to what he publicly characterized as the error of the Clerk, and showed from the record of names and votes that eighty-nine votes had been recorded against the bill, and precisely the same number in favor of it, while Mr.



Farrelly, of Pennsylvania, declared that he had voted against the bill, but the Clerk had not entered his vote. Thus there had been actually ninety votes given against the passage of the bill while only eighty-nine had been given for it. On this exposure of fraud, the Speaker corrected the journal and announced the bill as *lost*.

The supporters of slavery were mortified and depressed by this unexpected result, which showed that southern influence and party dictation could no longer subject the conscience of northern men to the barbarous dogma that men are property. The friends of humanity were greatly cheered by this result. Of the twenty-two members from Ohio only Mr. Ritchey, of Perry County, Mr. Cummins, of Tuscarawas, and Mr. Taylor, of Ross, voted in favor of the bill, while such Democrats as Farran, Fries, Lahm, Miller, Morris, Sawyer, and Starkweather, voted against it. No member from New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New Jersey, Michigan, Wisconsin or Iowa, voted with the slaveholders. But from Maine, Messrs. Clapp, Clark, and Williams; from New York, Messrs. Birdsall, Maclay, Murphy, Nicoll, and Tallmadge; from Pennsylvania, Messrs. Brady, Bridges, Brodhead, Charles, Brown, C. I. Ingersoll, Levin, and Moore; from Indiana, Messrs. Dunn, R. W. Thompson, and Wick; and from Illinois, Messrs. M'Clernand and Richardson, voted to pay Pacheco one thousand dollars in consequence of General Jessup's having sent a most dangerous enemy out of Florida.

To ease off the blow thus directed at the heart of the peculiar institution, a motion was made to reconsider the vote, and after searching the city, one hundred and five members were persuaded to vote for the bill, while only ninety-five opposed it; but although it actually passed the House, the feeling against it was so strong that its friends never brought it before the Senate for action, and the claim was never renewed.\*

In this debate an important principle was fully admitted by the advocates of slavery. No one denied that a commanding general or executive officer in time of war may capture, emancipate, or send out of the country any or all slaves that he may deem necessary for the public safety. They admitted the power of General Jessup to capture and send Louis out of the country, and sustained the doctrine of General Jackson, practised at New Orleans in 1814.

In January, Mr. Dix, of New York, presented to the Senate [1849. resolutions of the Legislature of that State, declaring that for the United States to permit slavery to exist in New Mexico was revolting to the spirit of the age, and instructing their Senators to oppose its

\* *Vide* "Exiles of Florida," p. 106.



existence therein. The resolutions also instructed the Senators of that State to use their best efforts to prevent the jurisdiction of Texas from extending beyond the Nueces, and to preserve the territory between the Nueces and Rio Grande to *freedom*.

These resolutions were regarded as offensive to southern Senators, some of whom objected to them as unworthy of that ordinary respect which was usually extended to the resolves of sovereign States ; and an angry debate arose, in which New York and other free States were treated with disrespect and referred to with arrogant contempt ; but the resolutions were finally ordered to be printed.

A few days subsequently, Mr. Wallace, of South Carolina, presented to the House of Representatives resolutions adopted by the Legislature of that State, declaring that the time for discussing the exclusion of South Carolina from her equal share in the Territories was passed, and that her "people were prepared to unite with their sister States in resisting the application of the 'Wilmot Proviso' to such territory at any and at all hazards."

It was understood that these resolutions were intended as an answer and a defiance to the doctrines asserted by the Legislature of New York, and these two States were the first to form a distinct issue upon the subject of freedom in our Territories.

In presenting the resolutions of South Carolina, Mr. Wallace remarked that his State had deliberately taken her position, which she *would not abandon*.

This issue was regarded as most important at that time, as the vast territory acquired from Mexico was to be organized immediately *with* or *without* slavery. The people of New York had declared through their Legislature that it would be "*revolting to the spirit of the age for Congress to permit slavery to be introduced into that territory which was then free*;" and South Carolina declared that her people "*would not debate that question, but would resist it*." Thus was the subject of slavery extension, or resistance and rebellion by South Carolina, presented to the consideration of Congress in 1849. It overshadowed all other subjects.

During the early part of this session the Senate were engaged in devising means to avoid the very issue which was now pressed upon Congress. This issue had been foreseen and repeatedly foretold by the friends of freedom, while the annexation of Texas was a pending question. It was often repeated during the Mexican war ; and they had constantly done all in their power to prevent it. But the Government had been precipitated step by step, first into the policy of obtaining Texas, next the Mexican war, next the acquisition of Mexican territory,

until the mighty issue which was to decide the fate of slavery, and of the Government, seemed to stare them in the face. One and only one circumstance appeared to encourage the slave power : The influence of the slave States had prevailed on every question touching the extension of slavery which had arisen since 1793. It had subjected our own Government to its control ; and England too had become tributary to its interest, while France had silently stood with folded arms, and looked upon the dismemberment of Mexico without objection, or the utterance of a protest. But the advocates of justice and truth stood undaunted, and were ready for the contest.

The first day of the session on which resolutions were in order, Hon. Joseph M. Root, of Ohio, presented to the House the following :

*“ Resolved, That the Committee on Territories be instructed to present to this House with as little delay as practicable, a bill or bills providing territorial governments for each of the territories of New Mexico and California, and excluding slavery therefrom.”*

The presentation of this resolution constrained members of all parties from the North and from the South to a consideration of the pending issue, the magnitude of which but few statesmen then appeared to comprehend.

Mr. Hall, of Missouri, moved to lay the resolution on the table. This motion, if successful, would have consigned the resolution to perpetual silence. The yeas and nays were ordered, and while the Clerk called the names and recorded the votes, members listened with great attention and solemnity, and the voice of some trembled with emotion as they responded to the call, and gave utterance to the vote which was to consign a vast territory to slavery, or preserve it to Christian civilization. It were useless to repeat names. Every member from the slave States gave his voice in favor of laying the resolution on the table, and were aided by Messrs. Charles Brown and C. I. Ingersoll, of Pennsylvania ; Clapp, of Maine ; Kennon, Miller and Sawyer, of Ohio ; Ficklin, McClernand and Richardson, of Illinois ; and Van Dyke, of New Jersey. These ten members from the free States belonged to the democratic party, and swelled the affirmative vote, including southern members, to 80.

All members from the free States, except those designated, voted against laying the resolution upon the table, and the motion was defeated by 107 to 80.

The question now recurred upon seconding the demand for the previous question which had been called by Mr. Root. At this moment, Mr. Vinton, of Ohio, chairman of the Committee of Ways and Means—a



man of influence with the whig party—began to falter. He inquired whether the resolution was peremptory, or whether it directed the Committee on Territories merely to inquire into the propriety of excluding slavery from those Territories? The Speaker replied that it was *peremptory*, ordering the committee to report such bills as early as practicable. Mr. Vinton then said he hoped the previous question would not be sustained. This indication of an unmanly disposition to surrender the question by a leading member from Ohio, was listened to with pain and disgust by the friends of liberty; but every member who had voted against laying the resolution on the table, now voted to second the demand for the previous question, *except Mr. Vinton*, and the resolution was adopted by a vote of 106 ayes to 80 noes.

A motion was next made by Mr. Robinson, of Indiana, to reconsider this vote. The discussion on this motion came up for debate a few days afterwards, and it was laid on the table by 105 ayes to 83 nays.

1849.] The subject of slavery now entered into the debates whenever the House went into committee on the state of the Union, where each speaker was allowed to select his own subject.

While the House was devoting its time and energies to the discussion of slavery in all its various phases, Senators were not idle spectators of passing events. On the first day of the session, Mr. Douglas, of Illinois, gave notice of his intention to introduce bills to organize territorial governments in Minnesota, Nebraska and New Mexico, and a bill to admit California as a State.

On the 11th he introduced a bill declaring California one of the States of the Union, without referring to the subject of slavery. The bill was referred to the Committee on Territories, of which Mr. Douglas was chairman, and reported back without amendment. It contained one of the grossest frauds ever perpetrated upon a free people. It provided that all laws of the United States *not inapplicable* should extend over and be in force in the contemplated State. Had the bill been adopted, this provision would have extended the domestic slave trade, authorized by the 8th, 9th and 10th sections of the law of 1807, over the new State, and the designs of the slave power in obtaining the territory would have been attained, inasmuch as the laws authorizing the transportation and sale of slaves in California would have been construed to authorize the holding of them in bondage while there.

As the subject was debated in the House of Representatives, members became more bold and more earnest in favor of free *soil* and free *men*. This gave evident pain to southern Senators. Mr. Calhoun spoke despondingly. Other Senators from slave States resorted to intimidation;



but Messrs. Hale and Baldwin steadily and firmly vindicated the doctrines of human freedom, giving conclusive evidence that they were not to be moved from the position which they had taken upon the attribute of liberty.

In the House of Representatives, the friends of justice, aided by the great body of the whig party, steadily pressed the subject with determined purpose. Southern members threatened a dissolution of the Union. Northern members retorted in bold defiance. Some northern Whigs faltered, but in return were greeted with sneers of contempt for their moral cowardice.

The Senate had always been and then was more subservient to the slave power than the House of Representatives, but that body appeared entirely incapable of agreeing upon any definite course of action.

Mr. Douglas reported another bill, differing somewhat from the one which he at first introduced, but retaining the objectionable feature in regard to slavery. The fraud which lurked under that feature of the bill had been unveiled to the public by the friends of liberty, and this attempt to subserve the cause of human bondage now operated as a dead weight, *retarding* instead of accelerating the passage of the bill. Almost every slaveholder and northern supporter of the institution, now had a plan of his own by which he appeared to think he could entice northern politicians to lend their moral and political influence to extend and perpetuate the institution of human bondage.

In the House various propositions to avoid all reference to slavery and admit California as a slave State were presented ; but their real character was invariably developed and exposed. Slaveholders and Democrats complained that the friends of liberty were constantly agitating the questions of freedom and slavery : to which the Free-soilers replied, " we opposed the annexation of Texas ; we opposed the Mexican war ; we opposed the conquest of territory in order to avoid these irritating subjects ; but slaveholders and the democratic party forced them upon us ; we have been driven to the wall, and now we are constrained to vindicate ourselves, by extending civilization wherever our flag shall float."

On the 19th February, Hon. Caleb B. Smith, of Indiana, moved to make the bills organizing territorial governments in California and New Mexico the special order of each and of every day until disposed of. The motion was sustained, and reluctant members now saw clearly that prompt and efficient action was determined on by a majority of the body.

The House had passed the ordinary bill providing for the civil and

diplomatic expenses of Government, and had sent it to the Senate for concurrence. On the 20th, Mr. Walker, a Democrat, of Wisconsin, offered to the consideration of the Senate his celebrated amendment, providing that all acts of Congress for registering, licensing or enrolling ships or vessels of the United States, should extend over the territory of California ; and giving the President authority to establish a territorial government therein. This proposition also in latent form extended the coastwise slave trade to California, although but few members discovered it upon a casual reading.

This mode of deception had long been practised by the slave power, and northern members had been slow to expose it, when discovered.

1849.] On the 22d February, Mr. Webster, of Massachusetts, proposed an amendment, simply authorizing the President to hold possession of California and New Mexico, and to protect the inhabitants in the enjoyment of liberty and property. The amendment of Mr. Walker, however, was debated until the 26th February, when it was adopted in the Senate by a majority of two votes, members voting generally with their political parties. On the following day the House resumed the consideration of the bill to organize a territorial government in California, and after a severe contest, members were brought to a final vote upon its passage, and it was carried by a majority of 126 to 87 ; every member from the slave States voting against the bill, aided by Messrs. Bridges, of Pennsylvania ; Kennon, Miller and Sawyer, of Ohio ; while every other member from the free States voted in favor of its passage. It was sent to the Senate for concurrence ; and on the following day that body took it up for consideration, and it was read a first and second time and referred to the Committee on Territories, and *was no more heard from*.

The civil and diplomatic bill was returned to the House with several amendments, which the House immediately referred to its appropriate committee, who reported it back, with a recommendation to strike out the amendment of the Senate organizing a government in California which extended the coastwise slave trade to that territory, and to insert an amendment simply authorizing the President to hold the territory and protect the people in the enjoyment of liberty and property.

The two Houses were now at a dead lock. The Senate was in favor of slavery in California, and the House opposed it. It was Friday, 2d March, and the Congress was to close on the 3d, by operation of the Constitution. The mass of unfinished business before each House forbade debate : yet the feelings of the advocates of liberty had become intense, while the supporters of slavery were still more excited. The magnitude

of the issue appeared more sublime as members approached the moment of decision.

The report of the committee upon the amendment of the Senate to the civil and diplomatic bill was taken up for consideration in the House. That body agreed to the report striking out the Senate's amendment, but disagreed to so much as recommended the insertion of the amendment proposed by the committee : and the bill was returned to the Senate, with the amendment inserted by that body simply stricken out. This was the condition of the question at the hour of adjournment on the 2d March, while only one day of the thirtieth Congress remained for the disposition of the business before it.

On the morning of the last day of the session, the cry was raised that the friends of free soil in the House of Representatives were intending to defeat every measure for establishing a government in California. The incoming President, General Taylor, his Cabinet, and others, were said to have become anxious on the subject.\* One of his Cabinet officers, Mr. Preston, of Virginia, was a member of the House, and sat in that body on the last day of the session. Other members left their quarters and appeared in the Hall of Representatives, endeavoring to persuade members to accept some proposition for establishing a government in California. This, too, was done while the bill for that purpose had been matured and passed by that body, and was then on the table of the Senate, and could have been passed in five minutes had Senators been willing to exclude slavery from the territory. Yet no member of General Taylor's Cabinet, nor friend of his Administration, has to this day explained why no efforts were made to persuade the Senate to pass the bill before it ; nor why they should have been so anxious to have the House accept some plan of the Senate, while that body presented no other proposition than one which would have planted the curse of human bondage upon the soil of California.

When the House assembled at 11 o'clock, the friends of freedom felt less confident than on the previous day. Suspicions were entertained that leading Whigs would surrender the question. Soon after the hour of meeting, the Senate took up the amendment of the House striking out that of the Senate, and disagreeing thereto, requested a conference. The House consented ; but the Committee of Conference could not agree, and so reported to the two bodies.

Mr. McClernand, of Illinois, now moved that the House recede from its amendment striking out the Senate's proposition, and the motion prevailed 101 to 107. This vote caused some despondency among the

\* *Vide* Letter of Senator Seward to the editor of the "National Intelligencer," March 24th, 1849.



friends of liberty. Every member from the slave States voted for McClelland's motion, aided by Messrs. Olap, Clark and Willy, of Maine; Brady, Bridges, Brodhead, Brown, Hampton, J. R. Ingersoll, Irwin, O. I. Ingersoll, Levin, Stewart and Pollock, of Pennsylvania; Kennon and Sawyer, of Ohio; Ficklin, McClelland and Richardson, of Illinois. Five of the gentlemen mentioned from Pennsylvania were Whigs, active friends of the President, and their vote was regarded as indicative of the Executive wishes.

Mr. Thompson, of Indiana, moved to insert in lieu of the Senate's amendment a proposition leaving the territory of California as it was before its cession to the United States. This made the territory free, and the amendment was adopted 111 to 105, and the bill was again returned to the Senate, at nearly one o'clock on Sunday morning, the 4th March.

From various quarters members were assured that General Taylor, the President elect, was anxious that the House should accept the Senate's amendment, and that his influence had been exerted for that purpose. But gentlemen felt too much self-respect to change position on so momentous a question thus suddenly, while every advocate of free soil was active. Great excitement was manifested in all parts of the hall and in the Senate. Members of irregular habits had recourse to artificial stimulants, which rendered the scene more gloomy.

The night was dark, the city was quiet, and most of the spectators had left the galleries, while that great battle for freedom in California was fought within the Hall of Representatives, against all the influence of the slave power, and the blandishments of Executive favor, aided and assisted by Senatorial influence. It was between three and four o'clock on Sunday morning, that the Senate again took up the last amendment of the House for consideration.

Mr. Davis, of Mississippi, now moved that the *Senate recede from its amendment*. His tone and manner was subdued. His voice faltered, and he spoke with evident emotion, saying that it had become evident that the House would not agree to the Senate's amendment, and that he regarded it as the duty of that body to *save the bill and sustain the Government*. His motion was agreed to, the bill was passed and signed, and *California was free*.

This victory was obtained under the force of peculiar circumstances. General Taylor had pledged himself not to interfere with the legislation of Congress; a man of sincere purposes, he abstained from interference until the last days of the session, when it was too late for Whigs who entertained feelings of self-respect to change their position.

The whig party now being in power, northern Democrats were

willing that the new Administration should incur what they regarded as the odium of maintaining freedom in California. But that triumph may be said to have defeated and demoralized both of the great political parties ; above all it was a most signal defeat of the slave power. California and New Mexico had been obtained for the purpose of extending slavery over them ; and the establishing of freedom in those territories was a fatal blow to the institution, from which it never recovered. And its downfall may be dated from that eventful night.

## CHAPTER XX.

UNPRECEDENTED CONTEST FOR SPEAKER—THE SPIRIT OF DISUNION DEVELOPED—THE CONTEST UPON THE ADMISSION OF CALIFORNIA—PAYMENT OF THE DEBTS OF TEXAS—DEATH OF MR. CALHOUN.

At the close of the thirtieth Congress California was left without the protection of law. Soon after the adjournment the President dispatched a messenger to the people of that territory, requesting them to form a State constitution and apply at an early day of the next Congress for admission to the Union. It is believed that he attempted to exercise no influence in regard to the adoption or repudiation of slavery ; but left that question entirely with the people, a policy which resulted in the adoption of a free constitution and organization of a State government.

1849.] At the assembling of the thirty-first Congress it was found that the members had been elected from the whig and democratic parties in nearly equal numbers. The practice of so arranging the committees as to silence the voice of northern philanthropy had been fully maintained by the whig Speaker of the former Congress. The advocates of justice and of northern honor now determined that their votes should be cast for no candidate who should refuse to pledge himself to abandon this practice, so unjust and dishonorable.

Messrs. Tuck, of New Hampshire ; Allen, of Massachusetts ; King, of New York ; Willmot, of Pennsylvania ; Root and Giddings, of Ohio ; Julian, of Indiana, and Durkee, of Wisconsin, had been elected as advocates of constitutional liberty, and were expected to oppose every encroachment upon the constitutional rights of any portion of the Union.

The policy had been introduced at the commencement of the former Congress by Messrs. Palfrey, Tuck and Giddings, who refused to vote for the whig nominee. The same gentleman was again nominated, and those opposed to his election now numbered eight instead of three. They boldly demanded of the candidates an avowal of principles. For half a century the great effort had been to select candidates for federal offices whose views in regard to slavery were *unknown*. But these eight members now determined to vote for candidates whom they knew to be



*right*, and not for men whose highest recommendations were that no one knew whether they were *right* or *wrong*.

The two great contending parties were duly informed of this resolution, and were assured that when either should present such a candidate he should be supported by the votes of the gentlemen named. It was conceded that a majority of all the votes was necessary to elect a Speaker, and that neither political party could control that majority.

Several other members from both political parties appeared anxious to act with the eight Free-soilers, as they were called from their advocacy of freedom to the Territories : Among them Hon. John W. Howe, of Pennsylvania ; Governor Cleveland and Hon. ——— Boothe, of Connecticut ; Hon. Horace Mann, of Massachusetts, and Hon. Joseph Cable, of Ohio, were prominent.

At the usual hour the House convened and proceeded to ballot for Speaker, and on counting the votes it was found that the whig candidate, Hon. Robert C. Winthrop, had received 96 votes, Hon. Howell Cobb had received 103 votes, and Hon. David Willmot had received 8 votes.

There were fourteen votes cast for individuals who were not candidates.

Of these members 109 had previously acted with the whig party and 112 had previously acted with the Democrats. These facts clearly indicated that the Whigs could only hope for success by putting in nomination a candidate who should receive the support of the Free-soilers.

On the 4th December, the balloting was renewed, but with no better success. Five ballots were cast without any material change in the position of the various candidates : And members of the two great parties appeared astonished at finding the Free-soilers immovable in the position they had taken. The oldest members of Congress had never witnessed such a phenomenon, and dark insinuations were thrown out against members who would thus endanger the Union : But in response to these intimations, both of those parties were assured that as soon as either should present a candidate who was recognized as a sincere supporter of the constitutional right of petition, the Free-soilers would sustain him.

On the 5th, three ballots only were taken without arriving at any results. Southern members had recourse to attempts at intimidation, but the Free-soilers paid little attention to them.

On the 6th, various propositions were brought forward, all looking to the appointment of a chairman as a means by which the friends of liberty could be cheated into the support of one of the great parties, but they

were all voted down : and the ballotings continued until the 10th, when members appeared irritated and spoke with much apparent feeling on the subject. To these manifestations of ill-feeling Mr. Root, of Ohio, responded in a vein of satirical humor that caused much laughter, while he gave members to understand very distinctly that the little party with whom he acted were not likely soon to change the position which they had assumed.

Mr. Sweetzer, a Democrat, of Ohio, now proposed an adjournment sine die. Mr. Holmes, of South Carolina, expressed his approval, but no vote was taken upon it.

On the 11th, the ballotings were continued, with no other result than the apparently satisfactory conclusion that the small band of Free-soilers were not disposed to aid the election of a Speaker who would be likely to treat the petitions of the northern people with disrespect.

The 39th ballot showed that William J. Brown, a Democrat, of Indiana, had received 109 votes out of 226, being a larger vote than any other candidate had received.

The whig candidate, Mr. Winthrop, now rose, and with much apparent emotion thanked his friends for their support, and withdrew his name from the list of candidates, and the House adjourned.

This was the first instance in the annals of American politics where a candidate for Congressional honors had failed in consequence of his devotion to the interests of slavery. Up to this time it had been supposed necessary for candidates to manifest their interest in the institution in order to obtain office, but the policy was now suddenly reversed. The incident was regarded with intense anxiety, and showed very clearly the increasing influence of the advocates of freedom.

During the evening, the little band of Free-soilers was informed that Mr. Brown was ready to pledge himself so to arrange the committees as to secure reports upon petitions concerning slavery.

Neither the moral nor political character of Mr. Brown recommended him to the favor of just and honorable men. Yet the Free-soilers had constantly assured the other parties, that whenever they would select a candidate pledged to arrange the committees of the House so as to secure the right of petition, they would vote for him ; and now all but Mr. Root, of Ohio, and Mr. Julian, of Indiana, consented to redeem their pledge.

A committee, consisting of Messrs. Willmot and King, was appointed to wait on Brown, and receive from him the *written* pledge which he was said to be prepared to give. He was addressed in writing and returned the following answer :



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 "W. . . . . NUTON CITY, Dec. 10, 1849.

"DEAR SIR,—In answer to yours of this date, I will state that should I be elected Speaker of the House of Representatives, I will constitute the committees on the District of Columbia, on the Territories, and on the judiciary, in such manner as shall be satisfactory to yourself and your friends. I am a representative of a free State, and have always been opposed to the extension of slavery, and believe that the *Federal Government should be relieved from the responsibility of slavery where they have the constitutional power to abolish it.*

"W. J. BROWN.

"HON. DAVID WILLMOT."

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 The pledge was ample, but the character of Brown was objectionable. Mr. Root refused to sustain him. Julian also objected, and was detained from the House by indisposition; but Messrs. Allen, King, Willmot, Durkee, Tuck and Giddings felt it their duty to live up to the assurance previously held out.

On the assembling of the House next morning, there was great nervousness among Whigs, and the writer was often inquired of whether he intended to vote for such a man as Mr. Brown? To these inquiries he replied that he believed it a duty to vote for Mr. Brown, in order to maintain the constitutional rights of the people, which had been disregarded by the Speaker of the previous Congress. Those members who made the inquiry admitted that the writer had acted frankly and honestly, but declared that they had not believed that he would ever vote for Mr. Brown.

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 The Whigs had elected their candidate to the Presidency, and could have elected a Speaker, by taking any member pledged to sustain the constitutional right of petition, by a proper arrangement of committees; but they would not, and now they saw their party must soon be disbanded.

An unusual solemnity rested upon the countenances of members as the Clerk, amidst the most profound silence, commenced calling the roll, and when the name of Charles Allen was called, and that gentleman, in his own quiet tone, responded "William J. Brown," there was a distinct sensation manifested throughout the hall, and it was renewed when Charles Durkee made the same response; but a most profound anxiety and deep interest was visible when the Clerk commenced calling the names beginning with the letter G., and as the name of Joshua R. Giddings was called, and he responded "William J. Brown," a murmuring sensation ran through the hall. The fact that he should vote for a



Democrat of Brown's character seemed to strike the Whigs with perfect astonishment.

1840.] Southern Democrats had watched the vote of the Free-soilers with interest, and when Messrs. Allen, Durkee, King, Willmot, Tuck and Giddings voted for Brown, several southern members changed their votes, and left Brown in a minority. The vote standing :

W. J. Brown . . . . .	112
William Duer . . . . .	26
Edward Stanly . . . . .	18
Charles S. Morehead . . . . .	17
Robert C. Winthrop . . . . .	17.
Edward W. McGaughey . . . . .	13

and some twenty other votes were cast for individuals who were not candidates.

Brown had been defeated by southern votes, and he felt the blow : But just at the very moment when the whig party should have seized upon the favorable moment to elect a Speaker pledged to the Constitution, Mr. Stanley, a Whig, of North Carolina, offered a resolution, stating that—

“The democratic party be requested to appoint three members to confer with three members of the whig party relative to the choice of proper officers of the House of Representatives.”

In his address urging the adoption of his resolution, he applied to the Free-soilers terms and epithets unusual in legislative bodies. Mr. Bayley, of Virginia, a Democrat, replied to Mr. Stanley, charging that gentleman and the whig party with electing a President who had been silent, not daring to say anything on the subject of slavery ; but leaving every man to imagine that when elected he would do as each of his supporters desired.

But the debate soon turned upon the correspondence between Messrs. Willmot and Brown. The note of Mr. Brown was read publicly in the House, and members engaged in debating the extraordinary circumstances, without aiming at any particular object.

As the House convened on the 18th, members again appeared solemn. They now seemed to realize that the advocates of liberty were not to be driven nor flattered from their position. Stanley's resolution was regarded as proof that southern Whigs were more disposed to break up the whig party than permit it to become the instrument of sustaining the constitutional right of petition : and northern members of the whig organization appeared to feel that it must be abandoned. Nor did it recover. It had come into power without any avowed or definite prin-

ciples, and at that point its triumph ended. There being no common principle on which its members could rally, the organization disbanded, and this contest for Speaker constituted its last battle-field ; and the movement of Mr. Stanley inflicted the fatal wound of which it died.

Mr. Brown, of Mississippi, offered a resolution declaring Howell Cobb, of Georgia, to be Speaker, and addressed members in support of his proposition. Other resolutions were offered and exciting speeches were delivered. Mr. Meade, of Virginia, as if his patience had been tried to the utmost, declared himself ready to vote for any man of any party, who would crush this *demon* of discord now seeking the abolition of slavery in the District of Columbia and in our Territories ; but if these measures were to be carried, he *trusted in God that he had looked upon the last Speaker of the House of Representatives.*

This distinct enunciation of disunion sentiments appeared to arouse the patriotic feelings of Mr. Duer, of New York, who proclaimed himself ready to vote for any one, "a Whig, or Democrat, or Free-soiler—any man except a *disunionist.*"

Mr. Bayley, of Virginia. "There are no disunionists in this House."

Mr. Duer. "I wish I could think so, but I fear there are."

Mr. Bayley. "Who are they ? Point them out."

Mr. Duer. "I believe there are some from your State ; I think I see one of them now" (pointing towards Mr. Meade).

Mr. Meade, in his seat. "It is false."

Mr. Duer. "You are a liar."

Meade now rushed at Duer : Duer's friends gathered around him, and Meade's friends rushed to him. Different voices mingled in angry tones. Profane curses and defiant imprecations constituted the only audible expressions uttered by the hostile parties. The Clerk called to order at the top of his voice ; the Sergeant-at-arms seized the mace and bore it into the midst of the crowd, while excited voices from various quarters bade him "*take away that bauble.*"

At length the tumultuous waves began to subside, and the excitement gradually died away. Members came to themselves, and one after another retired to their seats, and when Mr. Duer's voice could be heard, he apologized to the House for having used language unbecoming the place.\*

Mr. Toombs, of Georgia, was more honest than Meade. He was vehement in his denunciation of Free-soilers for taking advantage of this occasion to promote their objects, saying, "I do not hesitate to avow

\* Meade challenged Duer to mortal combat for thus charging him with being a disunionist in 1849, but was one of the first to join the disunion rebellion thirteen years afterwards.

before this House and the country, and in the presence of the living God, that if you seek to drive us from the territories of California and New Mexico by excluding slavery therefrom, and abolish slavery in the District of Columbia, *I am for dissolution.*"

Mr. Duer now explained in a very undignified manner, disavowing any intention to exclude slavery from California or New Mexico, or of abolishing it in the District of Columbia, and insisted that such imputation was unjust to nine-tenths of the people of the free States.

Mr. Inge, of Alabama, inquired of Mr. Duer if he would vote for the gentleman from Georgia (Mr. Toombs).

Mr. Duer replied, "I did not understand the gentleman from Georgia to be in favor of a dissolution except in a certain contingency, and with that understanding I would vote for him if necessary to organize the House."\*

Mr. Baker, of Illinois, declared that the people had the right to exclude slavery from California and New Mexico, and the District of Columbia, if they desired, and such exclusion *would afford no cause for dissolution.*†

Mr. Stephens, of Georgia, declared that he approved of every word that his colleague, Mr. Toombs, had uttered, and assured northern men that whenever southern institutions were invaded outside of slave States, either in the Territories or in the District of Columbia, the Union would be dissolved.‡

Mr. Cleveland, of Connecticut, in a very cool and sensible manner, assured southern gentlemen that the people were *free*, and would exercise the rights of freemen wherever they had the constitutional authority to do so.

Mr. Colcock, of South Carolina, agreed with Messrs. Toombs and Stephens, that the Union would be dissolved whenever slavery should be excluded from our Territories or from the District of Columbia.

1849.] Mr. Allen, of Massachusetts, with dignity of manner and great force of argument, defended the course of the Free-soilers, and in chaste and dignified language exposed the threats and supercilious bearing of southern members. The debate continued to a late hour, and very fully and clearly manifested the mortification and disappointment

\* Mr. Toombs, probably, had no more attachment to the Union at that time than he had while acting as Secretary of War for the Confederate States thirteen years afterwards.

† Mr. Baker was a native of England, a man of fine talents and devoted to the Government. He was appointed a Brigadier-General in the army of the United States, and fell at the battle of Ball's Bluff, in 1862.

‡ Mr. Stephens was the first Vice-President of the Confederate Government, a whig, and like Mr. Stanley, wielded great influence with northern members of that party.



which southern members felt at their failure to establish slavery in California and New Mexico at the previous session. Threats and arrogant bluster was regarded as the resort of the slave power.

Before the adjournment another ballot was had for Speaker, which demonstrated the demoralization of both whig and democratic parties. The debate and ballotings continued until the evening of the 20th December, when the Whigs and Democrats met in separate conventions, and appointed committees from the free and slave States to confer and agree upon some mode of organizing the House.

The writer having heard some hints in regard to these meetings, called out the facts in open session, by interrogating Mr. Ashman, a Whig, of Massachusetts.

The 21st December was entirely occupied in debate. The House was as yet an unorganized body of men. Each member was controlled by his own sense of propriety. In accordance with this common propriety, and from necessity, the Clerk had from the commencement of the government called members to order, at 12 o'clock on the first day of each Congress, and calling to his assistance four members, had proceeded to call the roll and receive the votes for Speaker, who, soon as elected and sworn, assumed official functions ; but up to the 22d December the members had been unable to elect a Speaker : yet all had demeaned themselves in an orderly manner, save in the affair between Messrs. Duer and Meade, and they had quietly submitted all questions of order to the decision of the Clerk, agreeably to former precedent. On the day last referred to, Mr. Toombs, a Whig, of Georgia, claimed the floor, for the purpose of addressing the House ; but was called to order from various parts of the hall as the House were proceeding to vote on a pending question. Toombs insisted on speaking ; the Clerk declared the call for yeas and nays on the pending question to have been carried, and commenced calling the roll. Toombs, setting at defiance that courtesy and respectful demeanor towards his fellow-members which had ever controlled their action, continued in a loud tone of voice to address the House. The Clerk proceeded in calling the roll of members, and while thus employed and the members were responding to their names, Toombs became more boisterous in his tone and manner ; members, unable to hear their names when called, left their seats and gathered around the Clerk's desk and made their responses to the call, while Toombs, apparently enraged, now spoke at the very top of his voice to the members, not one of whom was paying any attention whatever to his vehement tirade, and no reporter attempted to give any sketch of his remarks. The Clerk declared the vote. Toombs continued speaking in the most boisterous manner,

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and the Clerk and other members continued the regular business amid great disorder for thirty or forty minutes, when, apparently from physical exhaustion, Mr. Toombs suspended further effort, and Mr. Staunton, of Tennessee, as chairman of a joint committee of the whig and democratic parties, stated that said committee had agreed to advise the House to proceed to take three more ballots for Speaker, and if no election be had, the roll should be again called and the candidate receiving the highest number of votes should be declared *duly elected*.

1849.] The writer then offered a resolution setting forth that as the Constitution required a majority of all the votes given to elect a Speaker, no vote of a minority of the members could elect such officer; but as one-fifth of the members were not in favor of this resolution, the yeas and nays could not be obtained, and it was rejected. The House then adopted Mr. Staunton's report by a vote of 113 to 106.

On the adoption of this report there was some exultation, but the older and more considerate members regarded it as a precedent for setting aside the Constitution in coming time.

The three ballots were taken and the House reached the contingency contemplated in the report; and the Clerk proceeded to call the roll of members for the final vote, being the sixty-third ballot. After the roll had been called, Mr. Tuck, of New Hampshire, rose and changed his vote from Mr. Willmot to Mr. Winthrop. The other members of that little band remained firm to the last, and the vote was declared as follows: for Howell Cobb, 102; for Robert C. Winthrop, 99; for David Willmot, 8.

Mr. Stanley then rose and proposed a resolution declaring Mr. Cobb to have been duly elected. This proposition was adopted by a vote of 147 to 34. Mr. Cobb then took the oath of office and was duly installed as Speaker of the House.\*

This contest was one of unprecedented duration. The fact that eight members, acting upon what they deemed their constitutional duty, voted for no man who would not pledge himself to uphold the constitutional

\* The whig party had ever been controlled in its action by southern members. Indeed, a perfect infatuation appeared to have taken possession of the northern members of that organization. At any day during the three weeks of conflict they could have elected any member of the party who would pledge himself to sustain the constitutional right of petition, by appointing committees who would report on northern petitions. There was no pledge demanded that they should report in favor of such petitions; but the demand was that the petitions should be *respectfully* responded to. Yet that party suffered Mr. Stanley, a slaveholder, to lead them to disbandment rather than sustain the right of petition.

It should be further borne in mind that the Free-sellers proposed to vote for Mr. Stevens, of Pennsylvania, without any pledge, as they regarded him committed to the support of the Constitution by his past life.

rights of the free States, set at defiance the taunts and threats and persecution of the two great parties, met the slander and detraction of partisan presses, and finally maintained their moral and political integrity, compelling the two pro-slavery parties to unite in order to preserve the influence of the slave power, constitutes an important incident in the "regime of slavery."

Experienced statesmen then saw that the whig party had voluntarily surrendered up its existence at the dictation of its slaveholding members. True, it attempted to rally on the Presidential election of 1852, but it failed, and with this election of Speaker that party ceased to exist as a potential organization.

This result also demonstrated the political principle that the advocates of slavery and the supporters of liberty cannot act together when properly confronted by those who would maintain the principles which lie at the basis of our Government.

The House being organized, the President transmitted to Congress his first annual message, informing the members that the people of California and New Mexico had formed State governments and adopted State constitutions, and would at no distant day apply for admission to the Federal Union. This circumstance was regarded as favorable to the cause of human freedom, and was gladly hailed by the friends of human rights.

The violent attacks of the whig press upon the Free-soilers who had so firmly refused to vote for any candidate who would not pledge himself to maintain the constitutional right of petition, attracted general attention throughout the country. They denied that those members were actuated by patriotic motives, but insisted that they had refused to vote for Mr. Winthrop for the purpose of destroying the whig party.

In consequence of these assaults, Mr. Root took occasion to inform the House and the country that Mr. Cobb held the office of Speaker by virtue of Mr. Stanley's resolution, and not by the votes of eight Free-soilers.

A debate of a mixed character, being in part personal and in part political, followed, in which the writer participated, sustaining Mr. Root and justifying the "Free-soilers," while Messrs. Winthrop and Rockwell, of Massachusetts, and Schenck and Vinton, of Ohio, endeavored to vindicate the whig party. The discussion manifested the intense hostility of the Whigs towards those who devoted their energies to promote the cause of liberty and civilization.

Both Whigs and Democrats also appeared to feel that the interests



of humanity had been too successful in excluding slavery from California, and that measures must be adopted to placate the slave power.

On the 31st December, Mr. Root offered a resolution directing the Committee on Territories to report a bill organizing all that territory obtained from Mexico ; and laying east of California, *excluding slavery therefrom*. Delays were interposed until the 4th February, when the resolution was rejected by a vote of 105 to 75.

In accordance with the policy adopted by the Executive in regard to California, the people of New Mexico formed a State constitution and government, excluding slavery, and applied for admission to the Union ; but after some delay the application was rejected, the democratic party having control of the House, as it was then organized.

1850.] Mr. Upham, of Vermont, presented to the Senate a resolution adopted by the Legislature of that State, declaring " that slavery is a crime against humanity and a sore evil in the body politic, that was excused by the framers of our Federal Constitution, entailed upon the country by their predecessors, and tolerated solely as a thing of inexorable necessity ;" and calling on Congress to *exclude it from the Territories of the United States, from the District of Columbia, from the high seas, and from all other places where Congress holds exclusive jurisdiction*.

The presentation of this resolution occasioned a spirited debate. Mr. Yulee, of Florida, objected to its being printed. He regarded the language declaring slavery a *crime* as offensive to the people of other States. Mr. Mason, of Virginia, also referred to the language in terms of condemnation.

Mr. Phelps, of Vermont, maintained the right of the people of his State to speak their own views without restraint.

Mr. Boreland, of Arkansas, spoke with great severity, proclaiming a dissolution of the Union if language like that used in this resolution was tolerated.

Mr. Chase, of Ohio, a new member from that State, thought that the rule of the Senate should be maintained, that every State had the right to express the views of its people upon all subjects, including that of slavery, and assured Senators that the State of Ohio would be likely to speak the sentiments of her people, irrespective of threats of disunion, let them come from what quarter they may.

This was the first time Mr. Chase spoke in the Senate. He had been one of the leading anti-slavery men of Ohio, and was elected to the Senate as such. He had spoken and written in favor of the natural rights of mankind ; and southern members were well acquainted with his character. Mr. Butler, of South Carolina, a man of

age and high position, replied to Mr. Chase, declaring that South Carolina had made great sacrifices in surrendering to Congress the power over commerce and navigation ; and then read a long letter written by Mr. Chase, declaring the doctrines which he had long maintained in public and in private, manifesting the singular coincidence of action between these two Senators : Mr. Chase having desired the public to understand his views with the expectation that they would be sustained ; while Mr. Butler read them to the Senate with the expectation of injuring the influence of the Ohio Senator. The debate continued four days, but at its conclusion the resolutions were ordered to be *printed*.

Mr. Benton presented resolutions from the Legislature of [1850. Missouri, declaring that the Federal Constitution was a compromise of conflicting interests ; that it gave no power to Congress to legislate upon the subject of slavery, except in regard to the African slave trade and the return of fugitive slaves. "That any attempt to legislate upon the subject of slavery in the District of Columbia or in the Territories would be a violation of the Federal Constitution tending to a dissolution of the Union."

The students of our political history will wonder at these absurd doctrines put forth by legislatures of that day. The Government had been founded upon the avowed right of every human being to liberty, and the Constitution had declared that no person should be deprived of liberty without trial by due process of law : Yet professed statesmen, under excitement, solemnly placed on record the opinion that Congress could not legislate for carrying out the very purpose of its existence. But the absurdity of these resolutions become most apparent when we call to mind the fact that slavery and the slave trade in the District of Columbia and upon the high seas had been *established* by congressional legislation, and the power of Congress to repeal its own enactments was then denied by the slave power.

The Legislature of Missouri, however, declared further, that in case Congress legislated for the exclusion of slavery from the District of Columbia or from the Territories, that State would be found acting with other slave States *in favor of any measures deemed necessary to preserve the rights of her people*.

Mr. Benton, on presenting these resolutions, declared that the Legislature of his State had *mistaken the feelings of her people*, who would *never be found acting in favor of a dissolution of the Union*.\*

Mr. Hale presented the petition of citizens of Pennsylvania, praying

\* Missouri was subsequently the first of the slave States to declare in favor of emancipation.

Congress to take measures for the peaceful dissolution of the American Union. This aroused the feelings of southern members, who denounced the memorialists with great bitterness, in a debate of two days upon the propriety of receiving the petition, which was finally excluded.\*

Mr. Mangum, a Whig, of North Carolina, presented the resolutions of a popular meeting in that State denouncing the people of the free States as fanatical and dishonest, and threatening a dissolution of the Union if, what they termed, the *rights of the South were interfered with*.

It is among the curiosities of slaveholding literature that plainness of language was never used where slavery was concerned; thus, these resolutions spoke of the *rights of the South*, meaning slavery and the slave trade in the District of Columbia, in the Territories, and on the high seas, and if these were interfered with, the people of North Carolina would secede from the Union.

Mr. Hale objected to the reception of this memorial which threatened violent dissolution, as the petition which he had presented but a few days before from Pennsylvania had been excluded from the Senate, because it asked a *peaceful* dissolution.

But this memorial from North Carolina was respectfully received and referred to the Committee on Printing, to be published or withheld from publication as they might think proper, only two democratic members voting against the proposition, to wit, Messrs. Douglas, of Illinois, and Bradbury, of Maine.

1850.] Mr. Seward, of New York, presented the petition of some two hundred and twenty citizens of that State praying the abolition of slavery and the slave trade in the District of Columbia, and asked its reference to the appropriate committee; but its reception was refused. Messrs. Bright, of Indiana; Dodge and Jones, of Iowa; Cass, of Michigan; Douglas, of Illinois; Dayton and Miller, of New Jersey, voting with the slaveholders to exclude the petition.

From all parts of the free States petitions were now daily presented in each House of Congress for the abolition of slavery and the slave trade in the District of Columbia, in the Territories of the United States, and upon the high seas. Others requested that Congress would publicly acknowledge the existence of a Supreme Being, and the duty of obeying His law: while from various slave States memorials were presented

\* Thirteen years after this debate every southern member who assailed these memorialists with invective, was sustaining an *armed rebellion* against the Union, which they had proclaimed *sworn to every American*.



setting forth the blessings of slavery, declaring it a divine institution, and praying Congress to extend its benefits.

But the subject which attracted more attention than any other, was the question of admitting California as a free State. The people of that far distant territory had, in accordance with the Executive wish, formed a constitution and State government, and now asked admission to the Union of States. They had expressly prohibited slavery, by the constitution, from existing in that important region, which the slave power had designed as the abode of abject servitude.

The advocates of slavery now learned by experience, that the slaveholder, with his servants domiciled around him, with his plantation and its peculiar paraphernalia regulated and adapted to the taste, the habits, and wants of the owner, was not only unwilling to remove to a new country, but was positively unable to do so without great sacrifice of property, of ease, and of comfort. In consequence of these difficulties, not a large slaveholder had removed to California, and but few owners of a small number of slaves were to be found there, at the time the people were shaping the institutions of that embryo State ; while young and enterprising citizens from every free State had taken up their abode in the territory, almost as soon as the treaty had been signed. These young and active men were lovers of liberty, and were careful to give the proper character to the constitution and laws of California. [1850.]

Having failed to establish a slaveholding government in the territory acquired for that purpose, the slave power was at once arrayed against its admission as a free State. Accordingly, the debate on that question was opened by Mr. Clingman, of North Carolina. He appeared clearly to comprehend the danger to slavery arising from the progress of Christian civilization ; and that the institution could be preserved from immediate destruction only by obtaining further concessions in its favor before California should be admitted. He was candid in his statement of the views and designs of the anti-slavery men. He admitted their object was merely to exclude slavery from the District of Columbia, from the Territories, and from the high seas ; making a total separation of the Federal Government from all support of the institution.\* He denounced these objects as unconstitutional. He spoke of the loss of slaves by voluntary emigration to Canada, complained that northern men would

\* It is a singular fact, that while some slaveholders were thus candid and specific in their assertion of the objects of anti-slavery men, northern presses and northern pro-slavery politicians denounced anti-slavery men in *general terms* ; but never made any specific charges, which could be met and disproved.

not capture them ; and insisted that Congress was bound to enact a more efficient law for their arrest and return. He spoke freely of disunion, and insisted that the northwestern States would unite with the South, if the Union were dissolved ;\* and cautioned northern men to beware.

Mr. Howard, of Texas, said the public ought to know whether a southern President had induced the people of California to adopt a constitution excluding slavery ; declaring that the South had ever *required of Presidential candidates express pledges to maintain southern interests*. But the burden of Mr. Howard's speech was the right of Texas to all the territory lying east and north of the Rio Grande.

Perhaps history records no instance of a more unfounded assertion of claim, than that of Texas to the territory mentioned.

The intendency of Texas, and that of Coahuila, had been originally united under one government ; and when about to separate, a commission was appointed to establish the line between them. At the head of this commission was General Almonte, for many years Minister to the ~~United States~~. The line of demarkation commenced at the mouth of the Aransas, one hundred and forty miles north of the Rio Grande, and extended northwesterly at about the same distance from that river to the east line of New Mexico. Most of this last mentioned intendency, with Santa Fé, its capital, its custom-house and many of its most populous villages, lay east of the Rio Grande.

Texas revolted in 1836, and, by resolution, declared *all the territory north and east of the Rio Grande to belong to her people*, and sent an army to New Mexico ; but every man was killed or taken prisoner. Another army had marched upon Mier, on the Rio Grande, within the intendency of Chihuahua ; but every man was killed, taken prisoner, or made a hasty retreat back to Texas. And the Mexican custom-house, lying north of the mouth of that river, continued to receive duties ; and all acts of jurisdiction were exercised by Mexico over the whole territory, between the Nueces and the Rio Grande, until the American army, under General Taylor, marched towards Brownsville, when he met the Mexican army, and the battle of Resaca de la Palma was fought upon the territory which the slave power now declared to have belonged to Texas.

1850.] The territory thus arrogantly asserted to be a part of Texas, was of an average width of one hundred miles, and extended from the mouth to the source of the Rio Grande, being some two thousand

\* This is now the watchword with the northern democracy, at the time of writing these sketches—1863. They are merely repeating the language of Mr. Cillingman.



miles—including some twenty towns and populous villages, whose people had never seen a Texan officer, nor obeyed any other than Mexican laws.

This vast country had been conquered by our army ; and by treaty, the United States had acquired title to it, paying Mexico its full value in money. But Texas now claimed it, as a part of her original territory. To yield this vast country to slavery, would be to obliterate the intendency of New Mexico, and an obvious violation of our treaty. Texas proclaimed her intention to dissolve the Union, unless permitted to occupy this whole country, thereby making it slave territory ; and raised an army, under pretence that she was intending to take possession of it by force of arms—although the United States was at that moment supporting an army on the frontiers of Texas, at an expense of more than two million dollars annually, to defend the people of that State against the Indians.

The advocates of justice insisted that Texas should be restricted to her real boundaries, according to the provisions of the joint resolutions of annexation. Thus was another important issue formed between the supporters of slavery and the adherents of liberty. It had grown out of the annexation of Texas, which the democratic party had assured the people would forever settle all controversy in regard to slavery. Never, perhaps, was the great law of unerring truth and retributive justice more clearly manifested than in these various attempts to extend slavery. Indeed, the political history of the United States during these transactions is little more than the record of a connected series of retributions for violating the rights of our fellow-men : Yet few of our American statesmen appeared to comprehend the feebleness of human sagacity when attempting a violation of immutable justice.

This proposition to give Texas the territory in question came before the Senate, when Colonel Benton led off in opposition to it, but proposing to pay Texas fifteen million dollars from the public treasury as an indemnity for territory to which she had no more claim than she had to Mexico itself.

Mr. Foote, of Mississippi, was greatly irritated at Colonel Benton's proposition, and became so personal in his remarks that Mr. Benton left the hall. He then compared the Senator from Missouri to Cati-line in the Roman Senate, and exhibited the most intense anger towards him.

Mr. Calhoun was now aged and infirm ; his voice had become tremulous and his step feeble. Consumption had fastened upon his system, and as he approached the consummation of his earthly exist- [1850.



ence, he saw that all his plans for placing human servitude in a position of safety had failed, and he appeared desponding and gloomy. Unable to speak in the Senate, he wrote out the thoughts which he desired to express and asked a fellow member to read it to the Senate.

His speech opened with gloomy forebodings as to a continuance of the Union, saying that our danger arose from the conviction of the southern people that their rights were disregarded by those who discussed the slave question. Assuming that all discussion of slavery from whatever cause it arose, whether from the annexation of Texas, the Mexican war, or the consignment of California to oppression, was wrong and injurious to southern interests, he easily arrived at the conclusion that the *lovers of liberty* were really *dangerous* to the existence of the Union, and expressed the opinion that nothing could save it but such an amendment of the Constitution as would secure to it a sufficient support. This was the last speech of the greatest statesman of the South. He said a few words on two subsequent occasions, and died about three weeks afterwards.

Amid this feeling of excitement in relation to the claims of slavery, Mr. Benton publicly proposed that Mr. Clay should introduce some measure of compromise in order to restore harmony upon the various questions then pressing upon Congress. That distinguished statesman had advocated the Missouri Compromise of 1820, and had again held out the olive branch to Mr. Calhoun and his confrères in 1832. He was now advanced in age, and time had made its mark upon his physical system; but, although in the decline of life, his influence was great, and in accordance with the apparent desire of the Senate, he brought forward a proposition, *First*, To admit California as a free State.

*Second*, An organization of the Territories *without restriction of slavery*.

*Thirdly*, Giving to Texas all the territory lying east of the Rio Grande, formerly belonging to Coahuila and Chihuahua, but saving to New Mexico her ancient territory.

*Fourthly*, The United States to pay the debts of Texas due at the time of annexation.

*Fifthly*, That slavery should not be abolished in the District of Columbia while Maryland retained the institution, nor until the people of the District desired it.

*Sixthly*, That it is expedient to prohibit the bringing of slaves from the surrounding country into the District for sale.

*Seventhly*, That further provision should be made for the recapture and return of fugitive slaves.

*Eighthly*, That Congress has no power to prohibit the inter-state slave trade.

Mr. Clay, when he laid these propositions before the Senate, was surrounded by different circumstances from those which had given him success in 1820 and in 1832. Slaveholders had grown arrogant, and the advocates of liberty were inexorable in their support of human rights, and could no longer be misled nor deceived by men of distinction. Indeed it is difficult to conjecture how he should have imagined that Congress could silence the popular voice against slavery in the District of Columbia, or reconcile the people of the free States to the extension of Texas over such a vast territory as that proposed ; or to paying that State for so much of New Mexico as lies east of the Rio Grande ; or to the continuance of slavery in the District of Columbia until Maryland should abolish the institution ; or to become the instruments for catching fugitive slaves ; or to the continuance of the coastwise slave trade.

However, he urged the adoption of these measures in an able speech ; but was interrupted by Mr. Foote, of Mississippi, who inquired if he held to the constitutional power of Congress to abolish slavery in the District of Columbia ? Mr. Clay and his associates had always proclaimed that men in a state of nature were equally entitled to liberty ; while Mr. Foote, and most southern men at that time, believed that in a state of nature the strong have a perfect right to enslave the weak ; therefore the holding of slaves must be a natural right, lying behind and above human enactments and human constitutions.

To reconcile minds thus opposed to each other constituted a work which no human power could accomplish. The resolutions were debated almost daily during an entire month, when they were postponed indefinitely.

On the 4th February, Mr. Disney, of Ohio, presented a series of resolutions proposing such an amendment to the Constitution as would prohibit Congress from excluding slavery from the Territories of the United States, which, after colloquial debate, were laid on the table ; and responsive to this movement, Mr. Giddings introduced resolutions declaring, "life and liberty to be *gifts of God* INHERENT and INALIENABLE, for the protection of which governments are instituted among men. That in establishing governments in any territory it is the duty of Congress to secure all the people thereof in the enjoyment of those rights." [1850.]

In order to test the sense of members upon these essential doctrines, the yeas and nays were ordered. Mr. Inge, of Alabama, moved to lay the resolutions on the table, which was equivalent to a motion to reject

them ; and on this vote all members from the slave States voted in the affirmative, and the vote of the free States was divided as follows :

MAINE. There was no vote in the affirmative.

Nay—Messrs. Gerry, Goodenow, Littlefield, Sawtel, and  
Stetson, . . . . . 5

NEW HAMPSHIRE. There were no yeas.

Nay—Messrs. Peaslee and Willson, . . . . . 2

MASSACHUSETTS. Yea—none.

Nay—Messrs. Allen, Duncan, Fowler, King, Man, and  
Rockwell, . . . . . 6

RHODE ISLAND. Yea—none.

Nay—Messrs. Dixon and King, . . . . . 2

CONNECTICUT. Yea—none.

Nay—Messrs. Booth, Butler, Cleveland, and Waldo, . . . 4

VERMONT. Yea—none.

Nay—Messrs. Hibbard, Henry, and Peck, . . . . . 3

NEW YORK. Yea—Mr. Briggs, . . . . . 1

Nay—Messrs. Alexander, Andrews, Burroughs, Clark,  
Conger, Duer, Gott, Gould, Jackson, John A. King,  
James G. King, Preston King, Nelson, Phoenix, Putnam,  
Reynolds, Risly, Rumsey, Sacket, Spaulding, Scher-  
merhorn, Silvester, Underhill, Walden, and White, . . . 25

NEW JERSEY. Yea—none.

Nay—Messrs. Hay and Vandyke, . . . . . 2

PENNSYLVANIA. Yea—Messrs. Butler, Casey, Fuller, Mann, Pitt-  
man, Robbins, and Ross, . . . . . 7

Nay—Messrs. Calvin, Dickey, Chandler, Friedly, Hampton,  
Howe, Moore, Ogle, Reid, Stevens, Thompson, and  
Willmot, . . . . . 12

OHIO. Yea—Messrs. Miller and Taylor, . . . . . 2

Nay—Messrs. Cable, Campbell, Carter, Corwin, Disney,  
Evans, Giddings, Hunter, Morris, Olds, Potter, Root,  
Schenck, Thurman, Vinton, and Wood, . . . . . 16

INDIANA. Yea—Messrs. Albertson, Brown, Fitch, Dunham, and  
Gorman, . . . . . 5

Nay—Messrs. Harlan and Julian, . . . . . 2

ILLINOIS. Yea—Messrs. Bissel, Harris, McClernand, Richardson,  
and Young, . . . . . 5

Nay—Mr. Baker, . . . . . 2

MICHIGAN. Yea—Mr. Buell, . . . . . 1

Nay—Mr. Sprague, . . . . . 1



WISCONSIN. Yea—none.

Nay—Messrs. Cole, Doty, and Durkee, . . . . . 3

IOWA. Yea—Mr. Leffler, . . . . . 1

The aggregate showing 104 in the affirmative and 84 in the negative. There was not an affirmative vote from the six New England States, nor from New Jersey or Wisconsin. Of the twenty-six votes from New York only one was in the affirmative, while the smaller States of Michigan and Iowa each gave one vote against these doctrines. Two of the sixteen votes from Ohio, five of the seven cast by Indiana, and five of the six given by Illinois, were in favor of slavery, while only twenty-two members from the free States were willing to deny the great principle of human rights.

On the 12th February, Mr. Hale presented a petition, numerously signed, praying the exclusion of slavery from California and New Mexico, which gave rise to personal imputations by Mr. Butler, of South Carolina, which were ably met and exposed by Mr. Hale.

The President now communicated to both Houses of Congress copies of the constitution of California. In the Senate, Mr. Douglas moved its reference to the Committee on Territories. This question of reference being debatable, the whole subject of slavery in the territory obtained from Mexico came under general discussion.

In the House of Representatives a similar motion was made ; and that body now engaged in one of the most intensely interesting debates that ever agitated the nation. These discussions were the natural and inevitable consequences of the annexation of Texas and the consequent war with Mexico. No sophistry could disguise this obvious truth ; yet while it was in progress the democratic party asserted, reiterated, and constantly insisted that the agitation was the work of the Free-soilers.

The debate was occasionally interrupted by other questions touching slavery. Mr. Dayton, of New Jersey, presented to the Senate a petition praying further legislation against the African slave trade, which stirred up much feeling in that body, and the debate upon it occupied one entire day.

Mr. Giddings presented to the House of Representatives a memorial from the Quakers of Delaware and Pennsylvania, setting forth that slavery was a *violation of God's attribute of justice*, must bring upon the nation a *severe retribution*, and prayed that Congress would take measures for an immediate and peaceful dissolution of the Union.

Mr. Giddings moved its reference to a select committee with *instructions* to inquire—

*Firstly*, Whether dissatisfaction with our Federal Union exists among the people? If so, to what extent?

*Second*, From what has such dissatisfaction arisen?

*Thirdly*, The proper means for restoring confidence among the people?

It appeared that few members were willing to meet this question in an undisguised and friendly manner. It was admitted on all hands that Congress could constitutionally take no means for dissolving the Union; but, in favor of referring the petition, it was urged that every cause of dissatisfaction should be frankly met, and explained or removed in a spirit of respectful kindness. But this policy was opposed by the entire South, and by almost the entire North. Messrs. Goodenow, of Maine; Allen, of Massachusetts; Howe, of Pennsylvania; Preston King, of New York; Giddings and Root, of Ohio; Julian, of Indiana, and Durkee, of Wisconsin, only voting for the reference.

## CHAPTER XXI.

A MOVEMENT TOWARDS SECESSION—MR. WEBSTER'S POSITION—FUGITIVE SLAVE ACT—TEXAN EFFRONTERY—CORRUPTION UNDISGUISED—SENATORIAL DIGNITY OUTRAGED—CALIFORNIA ADMITTED AS A FREE STATE.

THE first session of the thirty-first Congress was rendered [1850. memorable by the issuing of an address by southern members of Congress to their constituents, calling attention to the efforts about to be made to exclude slavery from the territory of California and from all the country then recently obtained from Mexico, and charging that the people of the free States were not active in their efforts to arrest and return fugitive slaves. The address further announced that northern people were constantly agitating the subject of slavery. These were the causes of complaint then urged by the united voice of nearly all southern members of Congress against the people of the free States. They were definite, and incapable of being misunderstood. Opposition to the extension of slavery and to all participation in the crime of arresting and returning fugitive slaves, constituted the gist of their complaint. The charge of agitation was then regarded as somewhat ludicrous, in view of the fact that southern statesmen had urged the annexation of Texas for the avowed purpose of extending and perpetuating slavery; but denounced all opposition to that measure as "*agitation*." They were at that time seeking to extend the institution over the territory acquired from Mexico; but characterized all opposition to that measure as "*agitation*." They were demanding a new and more efficient fugitive slave act; but asserted that opposition to it constituted "*agitation*."

This address appeared to be a well defined step towards a separation of the States and the formation of a Southern Confederacy.

In response to this address, several southern States took incipient measures for severing the bonds which had long bound them to the common sisterhood. Mississippi was the first to move on this subject. Her Legislature, by joint resolutions, declared that efforts had been made for the last thirty years to *deprive the southern people of their rights in the Territories of the United States*: that the time had come for the southern States to take action in favor of their own safety; and for that purpose, a Southern Convention ought to be held.

These resolutions were presented to the Senate by Mr. Davis, who



spoke briefly in support of the right of slaveholders to carry their "human chattels" into the Territories of the United States, and to receive from Congress the same protection which they received for other property ; and he asserted that free governments had been formed in California and New Mexico, under the apprehension that they would not be recognized with slaveholding institutions.\*

1850.] The issue between slavery and freedom soon became more fully developed. As the advocates of freedom resisted all encroachments upon the rights of the free States, the slave power became more assiduous in its demands for support. On the 6th March, Mr. Hunter, of Virginia, submitted to the consideration of the Senate a resolution calling on the Secretary of State for copies of all papers relative to the deportation of slaves by the British army and navy during the revolutionary war ; and inquiring whether any measures had been adopted since the treaty of 1794 for the recovery of compensation from the British government. The proposition was received with marked respect, and was referred to the appropriate committee, but was never reported upon.

These episodes in the regular debate were confined to the subject of slavery, and constituted no change of the spirit or the theme which now occupied the attention of both Houses of Congress.

Mr. Mason, of Virginia, had, on leave, introduced a bill to amend the fugitive slave law of 1793. It had been referred to the Committee on the Judiciary, of which Mr. Butler, of South Carolina, was chairman.† This bill excited much debate ; and much interest was felt to hear Mr. Webster's views in regard to it, in consequence of the fame which he had acquired as a constitutional lawyer. It was known that he believed the Constitution had given to Congress no authority to legislate in regard to fugitive slaves, but that the power had been reserved to each of the several States.

In intellect he may be said to have stood at that time without a rival. Nature had bestowed upon him her richest gifts. He was characterized for extraordinary concentration of thought. His logic was compact, and appeared to be irrefutable : and no speaker used the English lan-

\* It was on this occasion that Mr. Davis first committed himself fully to the doctrines of secession ; an act which the author has ever believed that gentleman regretted, although he subsequently became President of the Confederate States.

† It is a matter of some curiosity that Mr. Butler, in his report, maintained the very doctrines of the Free-soilers on this subject ; declaring that the Constitution had intended that the several States should legislate for the return of fugitive slaves ; that this construction had been held by the founders of the Government ; but he stated, *as the States had failed to do their duty in this respect the obligation devolved upon Congress*. The legitimacy of this sequence does not appear very clearly.

guage more appropriately. He had long stood among the leading statesmen of the nation, and his mind had been enriched by an experience to which few men attain. He was literally the favorite statesman of Boston, and as that city then gave tone to the popular feeling of the State, he was said to have a controlling influence in Massachusetts :\* Probably at the period of which we are now writing, he exerted a greater moral power throughout the free States than any other man, although his political influence had been somewhat diminished by his service in the Cabinet of Mr. Tyler, whose administration had proven unpopular. But he had great defects of character, common to the age in which he lived. He had been reared and educated in the school of political *expediency*, which taught the separation of moral principle from the duties of political life. He regarded mankind as so ignorant and depraved, that no political organization could be sustained upon the basis of moral truth. He was ambitious, and publicly aspired to the Presidency.

He had given anti-slavery members of Congress to understand that he would sustain their doctrines. He even submitted the skeleton of his speech to the inspection of one or more leaders of that party, who pronounced it satisfactory, and Free-soilers anticipated that he would lend his influence in favor of carrying forward the great moral enterprise of redeeming the nation from the thralldom of human bondage. But the great leading defects of his character disqualified him for the discharge of that high duty. He did not believe in the omnipotence of moral truth. In his judgment and conscience he drew a line of demarkation between moral duties and political action. With all his high qualities, his great experience, his gigantic intellect, he had failed to understand that moral truth and immutable justice constituted the only basis of true greatness and of certain success in political life. He was ambitious, and after mature reflection, he appeared to think that his only pathway to the Presidential chair lay through the regions of slavery.

In commencing his speech, known as his 7th March exposé, he was solemn in manner, and lucid in his historical facts, clearly defining the encroachments of slavery, and attributing the responsibility of those wrongs to the democratic party, while at the same time he gradually laid the foundation for his own departure from principle by admitting the past action of the Government to constitute precedents from which he asserted that the then present age *was not at liberty to depart*.

He then declared that soil and climate had excluded slavery from

\* It was said by ex-President Adams that he himself was unable to obtain a seat in the Senate of the United States, in consequence of Mr. Webster's influence in the Legislature.

California and New Mexico, and asserted that he would *do no act to prohibit its existence therein*. Having thus placed himself in direct opposition to the friends of liberty and to *northern whigs*, who, as a body, had ever opposed the extension of slavery ; he proceeded to declare in regard to fugitive slaves, that he had ever regarded the Constitution as referring the duty of capturing and returning fugitive slaves to the several States ; but said *the supreme court had decided that the power of legislating on that subject remained exclusively with Congress* ; and he declared it the *duty of statesmen to obey that decision* ; and then he expressed his concurrence in the propriety of passing the bill before the Senate, for the capture and return of fugitive slaves. He proceeded to declare that their capture and return was binding upon the *honor and conscience* of the American people. Having thus asserted the revolting infidelity that human constitutions may change or dictate the moral duties of men, he proceeded to denounce those who sought to evade or get round the commission of such crimes, or as he expressed it, the "*duties*" of seizing and sending to slavery innocent men and women ; a crime which, under the laws of Congress, was at that period punishable with death, if committed on the African coast. He denounced the public press for speaking in offensive language of the institution, and referred to what he characterized as "*foolish speeches in both Houses of Congress*." He declared secession impossible, and expressed his belief that the Nashville (secession) Convention would be guided by high and just motives. He proceeded so far as to admit the claim of Texas to the vast country north and east of the Rio Grande, and asserted his willingness, if she would surrender a portion to New Mexico, to grant her from the national funds a just compensation.\*

By this speech a blow was struck at freedom and the constitutional rights of the free States, which no southern arm could have given. It shook the pillars of our American temple ; but its reaction prostrated in political death the giant who seemed to have directed his deadly aim at the heart of liberty. At the close of his speech, those who listened to him appeared to regard his political prospects as totally annihilated.†

This speech greatly encouraged the supporters of slavery. Mr. Webster's friends were numerous and wealthy throughout Massachusetts and

\* The history of American legislation perhaps furnishes no parallel to the corruptions embraced in the measures here proposed.

† In the speech of Mr. Webster, as published, is a paragraph setting forth the wrongs perpetrated by the slave States upon the colored citizens of the free States ; but he did not name it in the speech when delivered. He inserted it afterwards, at the suggestion of a friend that he should have maintained the rights of the North in this respect.



the North. In order to sustain him they adopted his doctrines, and with him united their political fortunes to the South.

The speech occasioned great sensation in the free States. Mr. Webster was denounced as a traitor to human rights and to the interests of the free States. Public meetings of the people, and several State Legislatures by resolutions, repudiated the doctrines he had thus solemnly asserted. Remonstrances against it were presented in both Houses of Congress. These, and almost every subject of legislation which came before that body, furnished questions for debating the institution of slavery in some of its phases; and it may be truly said that four-fifths of the time of each House was devoted to that subject during the first six months of the session.

One of the questions to which the attention of Congress and the country was directed was presented by Mr. Crowell, of Ohio. On the 27th May, that gentleman asked leave to present to the consideration of the House a bill for the abolition of the slave trade in the District of Columbia, and on this question of leave one hundred members, mostly from the free States, voted in the affirmative; while sixty from the slave States, assisted only by Messrs. Miller, of Ohio, and James Thompson, of Pennsylvania, voted against the proposition. Leave was obtained, but the bill never came up for action.

The philosophy of that day, which discarded moral principle from the political code, extended further than was generally understood by the people. Many men who held office and were popular believed that *corruption was necessary* to the support of every form of government; that neither political parties, nor governments, could be held together without a free use of corrupt means. During the session of Congress now under consideration a resolution was introduced, calling attention to the fact that the Secretary of War had unjustly, and without any legal or equitable claim, obtained from the treasury \$234,871 86, as the representative of one George Galphin, an Indian trader, who, in 1773, obtained a cession of lands from the Indians which had by the revolution become the property of the State of Georgia. That State had very properly repudiated the claim as altogether fabulous; but the heirs of Galphin appealed to Congress, and such was the influence of southern members that the claim for \$43,518 97 was granted. One-half of this sum was received by Mr. Crawford, Secretary of War, as one of the heirs and attorney for the others. But, not satisfied with this, he now demanded of the treasury annual interest on that sum, amounting to \$191,352 89. He, being a member of the Cabinet, obtained the money. A select committee having reported the facts to the House of Representatives,

declared that the money was obtained unjustly, and without legal or equitable right. This report was confirmed by the House, and Mr. Crawford retired to private life with a vast fortune plundered from the public treasury, in full accordance with the doctrine that corruption is necessary to the support of governments. This immense fraud resulted from slaveholding influence, and was the legitimate sequence of the doctrine which sustained slavery and had long controlled the Government.

The slave question was now rendered more complicated, by a most extraordinary proceeding on the part of the Executive of Texas. As already remarked, she claimed all that part of New Mexico which lies east of the Rio Grande, including its capital Santa Fé, its custom-house and its most populous towns and villages. Mr. Webster, and other politicians who were obsequious to the slave interest, admitted the claim to be just, and the Governor of Texas sent a Commissioner, with orders to organize counties in New Mexico under Texan laws, declaring that that State owned the territory. The people of New Mexico were indignant. The United States had guaranteed to them the enjoyment of all their municipal rights by treaty; and the Texan Commissioner, finding himself in danger, fled from the scene of his labors. The Governor of Texas now called on the President to withdraw the Federal troops from the territory, in order that he might send those of Texas, to enforce her laws in this ancient intendency. He declared that, if the Federal troops were not immediately withdrawn, he would send those of *Texas to dislodge them*.

This insolent threat was put forth only four years after the annexation of Texas; and its real character can only be appreciated by bearing in mind that the war which followed annexation cost the United States some three hundred millions of dollars, and they had furnished an army to protect the Texans from the miserable hordes of Indians that hung upon her frontier, at an expense of three millions per annum.

Mr. Fillmore was President. He selected Mr. Webster for his Secretary of State, after that gentleman had made his 7th March speech, declaring all the country east of the Rio Grande to belong to Texas, and his willingness to pay Texas from the treasury of the United States for such part of New Mexico as lay east of that river.

The President and Cabinet appeared greatly alarmed at the threats put forth by Texas. Leading Whigs and leading Democrats professed great fears that Texas would *dissolve the Union*. And instead of sending a military force to suppress the threatened rebellion, a bill was introduced into the Senate, proposing to pay the State of Texas ten millions of dollars, for the territory to which she never had the shadow of a claim. This surrender of our national dignity, in consequence of the



harmless threats of the Texan executive, presented a melancholy spectacle to the patriots of that day. The popular mind attributed it to the moral cowardice of those who controlled the action of Congress and of the Executive ; but men who mingled in the public councils of the nation, those who had the best opportunities for judging, attributed the course of leading statesmen to an emotion far less honorable than cowardice.

Previous to this time, Texas bonds had been regarded as of little value. They were sold as low as seventeen cents upon the dollar. But it was seen that the proposed payment would raise the price of those bonds at least to seventy cents upon the dollar. This proposition aroused the mercenary feelings of stock jobbers and gamblers, who gathered about the Capitol, and members of the Senate and of the House of Representatives became purchasers of Texas bonds. Even members of the Cabinet were charged with having purchased large amounts at small prices, to be returned in case the bill alluded to should fail of becoming a law. Members of Congress offered some of their fellow-members a hundred thousand dollars of Texas bonds, to be paid for at seventeen cents upon the dollar, and if the bill passed they were to be received back by the vender at sixty-seven dollars on the hundred, so as to give the purchaser *fifty thousand dollars for his vote*. Indeed, it was asserted that the value of Congressional votes was witnessed by the transfer books of certain banks. Ladies of members threw off disguise, and insisted that those members who had refused to become interested should purchase Texas bonds, so as to secure the passage of the bill and make fortunes for themselves and families.

The bill passed the Senate on the 10th August and came to the House. Here it met with great difficulties, the anti-slavery members assailing it with force, publicly charging its supporters with *bribery*. The first vote taken upon it was to refer it to the Committee of the whole House on the state of the Union, which was carried by 101 to 99. This would have been equivalent to a rejection of the bill ; but a motion to reconsider was made and carried. The contest became spirited : members changed from one side to the other. As the day wore away members appeared to settle into a determined purpose, and on the vote for engrossing the bill, 80 members recorded their names in the affirmative and 126 voted in the negative. Nearly all the southern members voted for the engrossment, and were sustained by northern members as follows : From

MAINE. . . .	Messrs. Fuller, Gerry and Littlefield, . . . .	3
NEW HAMPSHIRE. . . .	“ Peaslee and Willson, . . . .	2
MASSACHUSETTS . . . .	“ Elliott and Grinnel, . . . .	2



VERMONT . . .	Mr. Hebard, . . . . .	1
NEW YORK . .	Messrs. Andrews, Briggs, Brooks, Duer, Gould, McKissock, Phoenix, Rose, Underhill, Walden, and White, . . . . .	11
NEW JERSEY .	" James G. King, Van Dyke, and Wildrich, . . . . .	8
PENNSYLVANIA .	" Butler, Carey, Chandler, Dinmock, Levin, Job Mann, Moore, Ogle, Pitman, Rob- bins, Strong, and Thompson, . . . . .	12
OHIO . . . .	" Disney, Hoagland, Schenck, Taylor, Thur- man, and Vinton, . . . . .	6
INDIANA . . .	" Albertson, Brown, Dunham, and Gorman, . . . . .	4
ILLINOIS . . .	" Harris, McClelland, and Young, . . . . .	8
MICHIGAN . .	Mr. Buell, . . . . .	1
IOWA . . . .	Mr. Leffler, . . . . .	1

Rhode Island, Connecticut, and Wisconsin furnished no vote for the bill. The result was declared by the Speaker amid intense excitement. Many appeared disappointed at the failure. Free-soilers declared that they had supposed the work of corruption to have been more perfect. But Mr. Boyd, of Kentucky, a leading Democrat, moved a reconsideration.

On the following morning a motion was made to lay the proposition to reconsider on the table: And members who were supposed really to desire the passage of the bill, but were unwilling to vote for it, were now constrained to vote *against* the pending motion to lay the proposition to reconsider on the table, or suffer the bill to be defeated at this stage of the proceeding.

Many members who had voted against the passage of the bill, apparently anxious for its defeat, now changed positions and voted against its defeat, apparently anxious for its passage. Those who thus placed their contradictory votes on record were Messrs. Duncan, Mann, and Rockwell, of Massachusetts; Dixon and King, of Rhode Island; Meacham and Peck, of Vermont; Burroughs, Conger, John A. King, Nelson, Ramsey, Sylvester, and Schermerhorn, of New York; Calvin, Friedly, Gilmore, and Ross, of Pennsylvania; Carter, Evans, Potter, Sweetzer, and Whittlesey, of Ohio; Fitch and Halloway, of Indiana; Richardson and Wentworth, of Illinois.

Thus was the bill now saved from defeat by a vote of 135 to 71, although it had been refused engrossment on the previous day by a vote of 126 to 80.

It was near the close of the day when the House again arrived at a direct vote upon the engrossment of the bill, and the following members

who had voted against it on the previous day, now voted for it, to wit : Messrs. Mann and Rockwell, of Massachusetts; Dixon and King, of Rhode Island; Meacham and Peck, of Vermont; Burroughs, Conger, John A. King, Ramsey, Sylvester, Schermorhorn, of New York; Calvin and Friedly, of Pennsylvania; Carter, Evans, Sweetzer, and Whitteley, of Ohio; Halloway, of Indiana, and Wentworth, of Illinois.

As the count proceeded, and members saw the engrossment of the bill was again defeated, the excitement became intense, and the Speaker was for a time quite unable to be heard, but at length he again declared the question *lost*. Mr. Howard, of Texas, again moved a reconsideration ; but the Speaker promptly replied that a second reconsideration was not in order. From this decision an appeal was taken, and the House adjourned.

On reassembling the next morning, the countenances of members would have presented a rich scene for the pencil. Some sat with knitted brows and compressed lips, sternly silent amid the moral pestilence which appeared to surround them. Others were nervous, and evidently ill at ease with themselves ; others appeared desperate, and determined to secure fortunes for themselves by transferring money from the pockets of the people to their own ; while the one usual and universal excuse for all corruptions was iterated and reiterated, and constantly repeated on every hand, that the passage of the bill was necessary "*to save the Union.*"

The first question was upon sustaining the Speaker in declaring that the second motion to reconsider was out of order. He was himself a slaveholder, and supposed to be anxious for the passage of the bill ; but would not violate his duty and parliamentary law in order to effect that object. It appeared impossible for any man to mistake the law of legislation which the Speaker explained so clearly. Opponents of the measure declared the proposition to reverse the Speaker's decision most obviously *corrupt*. They asserted that neither pusillanimity nor cowardice could induce members to vote for it : But it was sustained. The vote given by the free States was as follows :

From Maine, Messrs. Gerry, Otis, Sawtelle, and Stetson voted in the affirmative ; Messrs. Fuller and Littlefield in the negative. From New Hampshire, Mr. Tuck voted alone in the affirmative, and Messrs. Hibbard, Peaslee, and Willson in the negative. From Massachusetts, Messrs. Allen, Fowler, Mann, and Rockwell sustained the Speaker ; while Messrs. Duncan, Elliott, and Grinnell voted against his decision. From Rhode Island, Messrs. King and Dixon voted in the negative ; while all the members from Connecticut, Messrs. Booth, Butler, and Waldo, voted

in the affirmative. From Vermont, Messrs. Henry and Peck sustained the Speaker's decision ; while Messrs. Meacham and Hebard voted to reverse it. From New York, Messrs. Alexander, Bennett, Clark, Conger, Gott, Preston King, Jackson, Matteson, Sacket, and Schoolcraft maintained the Speaker's decision, and Messrs. Andrews, Briggs, Brooks, Burrows, Gould, Rose, Reynolds, Putnam, Ramsey, Jackson, John A. King, McKissock, Nelson, Phoenix, Schermerhorn, Sylvester, Underhill, Walden, and White voted to overrule the Speaker's decision. From New Jersey, Mr. Newell voted in the affirmative ; and Messrs. James G. King, Van Dyke, and Wildrick gave their voices in the negative. From Pennsylvania, Messrs. Dickey, Howe, Read, and Stevens voted in the affirmative, and Messrs. Butler, Chandler, Calvin, Casey, Dimmock, Friedly, Gilmore, Lovin, Mann, McLanahan, Moore, Ogle, Pitman, Robbins, Ross, Strong, and Thompson voted in the negative. From Ohio, Messrs. Cable, Campbell, Corwin, Crowell, Disney, Giddings, Hunter, Morris, Root, Schenck, and Sweetzer voted in the affirmative, and Messrs. Carter, Evans, Hoagland, Olds, Potter, Taylor, Thurman, Vinton, and Whittlesey voted in the negative. From Indiana, Messrs. Fitch, Halloway, and Julian sustained the Speaker's judgment ; and Messrs. Albertson, Brown, Dunham, Gorman, Harlan, and Robinson gave their votes to overrule it. From Illinois, Mr. Baker voted in the affirmative, and Messrs. Harris, McClernaud, Richardson, Wentworth, and Young voted in the negative. From Michigan, Messrs. Bingham, Buell, and Sprague voted to sustain the Speaker's judgment. From Wisconsin, Messrs. Cole, Doty, and Durkee voted to support the Speaker's decision ; while Mr. Leffler, from Iowa, voted to overrule it.

Fifty-four votes from the free States were given in favor of the decision of the Speaker, while seventy-two members from the free States voted to overrule it, in order that the bill might become a law. There were men from the slave States who would not place their names on record in behalf of this obvious attempt to overrule all parliamentary law : Messrs. Ash and Venable, from North Carolina ; Averet, Bayley, Edmundson, Holliday, Mead, Parker, and Powell, of Virginia ; Burt, Colcock, Holmes, McQueen, Orr, Wallace, and Woodward, of South Carolina ; Bay, Hall, and Phelps, of Missouri ; Haralson and Jackson, of Georgia ; Bowdon, Harris, Hubbard, and Inge, of Alabama ; Brown, Featherston, and McWillie, of Mississippi ; Johnson, of Arkansas ; La Sere and Morse, of Louisiana, and Staunton, of Tennessee, constituting thirty-two members from the slave States, making in all eighty-six votes in favor of sustaining the Speaker's decision, while



seventy-two votes from the free States and fifty from the slave States, amounting in all to one hundred and twenty-two votes, were cast to reverse the Speaker's decision, in order that the bill might pass.

Perhaps it were impossible for the reader, or any person not present at the time, to form a correct idea of the scene presented on that occasion. Every one seemed confident that the appropriation of this ten millions would be an unmitigated robbery of the treasury to gratify the insolent demand of Texas ; while southern statesmen tauntingly asserted that they could carry any measure that would place money in the pockets of northern members. It was also manifest that while many northern men who dared not vote for the bill, even under the plea of saving the Union, were quite willing to extricate it from the grave to which the vote of the House and the Speaker's decision had legally consigned it.

There was no further difficulty encountered in the progress of the bill. It reached its third reading and final passage by a vote of 108 to 97, and many members who were said to have left home poor, were reported to have returned to their families with handsome fortunes ; while the only excuse which they attempted to render for their votes was, that *they were given "to save the Union."* Indeed there appeared to be no crime so damning that its perpetration could not be justified by this plea. The Union became the professed ultimate object for which American statesmen labored : To attain that object the Constitution was disregarded ; and truth, justice, and human nature were trampled upon.

It has been previously remarked that the framers of the Constitution, and the early American statesmen, supposed that all legislation in regard to the capture of fugitive slaves had been specifically reserved to the several States. But the slave power, in 1793, prevailed on Congress to pass a law on that subject. The Supreme Court subsequently decided that the State Legislatures could not interfere in the matter, and that Congress alone held constitutional power to pass laws in regard to it. From the passage of the act of 1793 it had been used as a means for arresting and carrying into bondage free colored persons from the northern States. But the law itself was odious from its passage. The people of the free States cherished the love of liberty ; they detested slavery, and most of them refused to be involved in the crime of arresting slaves. The arrest of a man charged with no offence but the love of liberty, the placing irons upon his limbs and carrying him to interminable bondage, could not be regarded by an enlightened Christian people otherwise than barbarous ; and in a moral view, really as *piratical* as to do the same thing in Africa. The sym-

pathy of all good men must of necessity be with the oppressed. Yet at the period of which we are writing, the slave power demanded a more stringent fugitive law than that of 1793, which itself was so odious that it could not be enforced in many of the States.

After the passage of the act paying the State of Texas ten million of dollars, the pretended value of territory to which she had no title or claim, southern statesmen insisted that northern members would concede anything which the South might demand ; and in demanding the passage of the fugitive act of 1850, they appeared desirous of testing the degree of servility to which northern members of Congress had been reduced.

This bill was early reported by Mr. Mason, in the Senate, and the celebrated speech of Mr. Webster had been delivered upon it early as the 7th March ; but it did not come up for general debate in the Senate until near the close of August. Mr. Webster had left that body and was acting as Secretary of State under Mr. Fillmore ; but the bill was supported by Messrs. Butler, of South Carolina ; Foote, of Mississippi, and Mason, of Virginia. They took the bold ground that *slaves were property in every moral sense, and to the same extent that horses are property* ; and that the framers of the Constitution intended that Congress should compel the people of the free States to capture and return them to their masters whenever they escaped.

The passage of the bill was ably opposed by Messrs. Hale and Chase. They drew a marked distinction between *persons* and *property* ; showed the absurdity of the doctrine that Congress could have any legitimate power whatever over the life and liberty of innocent men, or authority to place those prerogatives at the disposal of other individuals. They maintained the very obvious philosophy that Congress possessed no constitutional or moral power to authorize one man or a number of men to murder or enslave innocent persons. That no act authorizing or requiring the people of the free States to murder or enslave men or women who were innocent of crime could confer moral or constitutional authority to commit those crimes ; nor would it impose any moral or constitutional obligation upon the fugitive to submit to be murdered or enslaved. They contended that the second section of the fourth article of the Constitution gave to Congress no powers of legislation upon this subject ; but that such powers had been expressly prohibited to Congress by the tenth article of the amendments.

On the question of engrossing the bill, all the Senators from the slave States voted in the affirmative, and Messrs. Sturgeon, of Pennsylvania, and Jones, of Iowa, were the only Senators from free States who voted with the South ; while Messrs. Bradbury, of Maine ; Upham, of Ver-

mont ; Davis and Winthrop, of Massachusetts ; Greene, of Rhode Island ; Baldwin and Smith, of Connecticut ; Dayton, of New Jersey ; Cooper, of Pennsylvania ; Chase, of Ohio ; Dodge and Walker, of Wisconsin, voted against the bill ; and Messrs. Hamlin, of Maine ; Hale and Norris, of New Hampshire ; Phelps, of Vermont ; Clark, of Rhode Island ; Seward and Dickinson, of New York ; Miller, of New Jersey ; Ewing, of Ohio ;\* Bright and Whitcomb, of Indiana ; Douglas and Shields, of Illinois ; Cass and Felch, of Michigan, constituting one half of the Senators from the free States, *did not vote*. This failure to vote on a bill so barbarous called down upon the silent Senators severe criticism. The fact that they so far stifled the voice of their several States on a subject of such importance was regarded by both parties as unstatesmanlike, and unworthy of American Senators.

The bill having passed the Senate, was taken up in the House of Representatives, on motion of Mr. Thompson, of Pennsylvania, who, having made a speech in favor of its passage, moved the previous question. There was great indignation felt at the attempt to press such a bill through the House without debate, and a motion was made to lay it on the table. It was the expectation and confident belief that every member really opposed to the bill would vote to lay it on the table, as that would have been a final defeat of the measure. On this motion the members voted as follows :

MAINE.	Yea—Messrs. Otis, Sawtell, and Stetson,	3
	Nay—Messrs. Fuller, Gary, and Littlefield,	3
NEW HAMPSHIRE.	Yea—Mr. Tuck,	1
	NAY—Messrs. Hebbard and Peaslee,	2
MASSACHUSETTS.	Yea—Messrs. Allen, Duncan, Fowler, and	
	Mason,	4
	Nay—Mr. Elliott,	1
VERMONT.	Yea—Messrs. Henry, Hebard, and Meacham,	3
RHODE ISLAND.	Yea—Messrs. Dixon and King,	2
CONNECTICUT.	Yea—Messrs. Booth, Butler, and Waldo,	3
NEW YORK.	Yea—Messrs. Bennett, Burrows, Clark, Gott, Gould,	
	Jackson, John A. King, Preston King, Matteson,	
	McKissock, Nelson, Ramsey, Sacket, Schermerhorn,	
	Schoolcraft, Sylvester, and Underhill,	17
	Nay—Messrs. Briggs, Brooks, and Walden,	3

\* President Taylor died in July, and the Vice-President Fillmore succeeded him in office, and called to his assistance Senator Webster ; and Mr. Winthrop was appointed to fill that Senator's place. Mr. Corwin, of Ohio, was appointed Secretary of the Treasury ; and Mr. Ewing was appointed to fill his place in the Senate.



NEW JERSEY.	Yea—Messrs. Hay and King,	2
PENNSYLVANIA.	Yea—Messrs. Calvin, Casey, Chandler, Friedly, Hampton, Howe, More, Reed, Stevens, Mann, and McLanahan,	11
	Nay—Messrs. Butler, Dimmock, Robbins, Ross, and Thompson,	5
OHIO.	Yea—Cable, Campbell, Corwin, Crowell, Evans, Gid- dings, Hunter, Morris, Root, Thurman, Vinton, Whit- tlesey, and Wood,	13
	Nay—Carter, Disney, Hoagland, Miller, and Taylor,	5
INDIANA.	Yea—Messrs. Halloway, Harlan, Julian, Robinson,	4
	Nay—Messrs. Albertson, Dunham, Fitch, Gorman, Mc- Donald, and McGarghy,	6
ILLINOIS.	Yea.—Mr. Wentworth,	1
	Nay—Messrs. Bissel, Harris, McClernand, Richardson, and Young,	5
MICHIGAN.	Yea—Messrs. Bingham and Sprague,	2
WISCONSIN.	Yea—Messrs. Cole, Doty, and Durkee,	3
IOWA.	Yea—Mr. Leffler,	1

There were sixty-eight votes from the free States in favor of laying the bill on the table, and thirty against it ; all members from the slave States voted against the motion, which was lost. The bill was then put upon its passage, and Messrs. Carter and Disney, of Ohio ; Briggs, of New York ; and Fitch, of Indiana, changed positions, and voted against the bill, which they had just voted to preserve from defeat. While Messrs. Andrews, Palmer, Phoenix, Spaulding, Reynolds, Rose, White, Risley, Bokee, Conger, and Duer, of New York ; Baker and Richardson, of Illinois ; Cleveland, of Connecticut ; Gilmore, Levin, Ness, Ogle, Pitman, Strong, and Willmot, of Pennsylvania ; Ashman and Grinnell, of Massachusetts ; Newel and Vandyke, of New Jersey ; Schenck and Sweetzer, of Ohio, failed to vote ; but such was the feeling among the people, that these efforts to avoid responsibility by refusing to vote, brought upon silent members more disfavor than they would have incurred by voting for the bill, which was passed, 105 votes to 73.

The bill declared it the duty of all good citizens to be active and vigilant in their efforts to arrest and return fugitive slaves ; and affixed severe penalty on every attempt to aid or assist the fleeing bond-  
man to escape the fangs of the human bloodhounds who were pursuing him.

The cruelties which this bill authorized and required of northern citi-  
zens were so revolting to the public conscience, so directly at war with

Christian civilization, that it was denounced in all parts of the free States as disgraceful to the nation and the age in which it was enacted. Mr. Fillmore, the President, with Mr. Webster and Mr. Corwin among the members of his Cabinet, *approved* the bill and it became a law, so far as human enactments violative of the natural rights of mankind can be called laws. Yet the action of the President, aided by the influence of a majority of Congress as well as of his Cabinet, and by that of his friends throughout the free States, could not stop the progress of that detestation in which the people of the free States regarded this undisguised attempt to make them the catchpoles of southern slaveholders.

Mr. Webster now began to comprehend the sad mistake he had made in his speech on the 7th March, and yet hoping to save himself and friends from the odium which seemed to await the advocates of this bill, he wrote Professor Stuart of the Theological Seminary of Andover, requesting that venerable divine to address the Christian public on the subject. The able professor now turned his attention to the plan of guiding the religious sentiment of the country to a favorable consideration of this odious law. He published an essay entitled "*Conscience and the Constitution*," urging the capture and return of fugitive slaves as a *religious* duty. Other divines united their influence with that of Professor Stuart, and a strong effort was put forth to prostitute the religion of the free States to the commission of the revolting crime of capturing and reënslaving professed Christians who were fleeing from bondage. Nor should we forget that the argument in favor of the passage of the law as well as in favor of its execution consisted in the *assertion* that it was "*necessary to save the Union*."

But a free and enlightened people could not be misled on a measure so barbarous. They pronounced those divines who advocated the capture of slaves "*hypocrites unworthy of Christian Fellowship*," and many statesmen and members of Congress descended to premature political graves in consequence of their advocacy of this measure,\* and no effort on the part of the advocates of slavery seemed capable of staying the feeling of indignation which appeared to prevail throughout the free States.

But each surrender of northern rights and northern honor most obviously confirmed southern men in the conviction that the northern

\* Reverend Orville Dewey, a clergyman of the Unitarian Church, distinguished for ability and learning, in a public lecture was said to have declared that he would seize his "own mother and return her to slavery *in order to save the Union*." The learned divine modified his assertion, declaring that he used the word "*brother*" instead of "*mother*," but this modification appeared in no degree satisfactory to the public mind.



people were destitute of that moral courage, that unbending integrity, which would enable them to maintain a government separate from the slave States. Southern men began to utter the maxim that "cotton is king," and many of them believed the commercial importance of that article rose so far superior to all other considerations, that no abuse, no degradation of the North, would stimulate their statesmen to a resistance of southern dictation; and this idea was frequently put forth after the passage of the fugitive slave act, and few northern members repudiated the dishonorable imputation.

It was late in September before the bill to admit California came up for action. It had been delayed near seven months in order to pass the bill to pay Texas ten millions dollars and this fugitive slave act. As early as the 12th March the President had transmitted to the two Houses of Congress copies of the Constitution of California and the credentials of her Senators and Representatives; but in the Senate the vote on admitting that State had been postponed until the 13th August, when all the Senators from the free States, with Messrs. Bell, of Tennessee; Benton, of Missouri; Wales and Spruance, of Delaware, and Underwood, of Kentucky, voted for the bill, and all the Senators from the slave States except those named voted against it.

The debate had been able, at times it was animated, and aroused much feeling on the part of those who participated in it. Indeed slaveholding members could not disguise their chagrin and mortification at seeing a free State formed from the territory acquired at their instance for the avowed purpose of establishing slave States. Mr. Benton had long entertained the conviction that Mr. Calhoun and other leading statesmen of the South intended to dissolve the Union and erect a southern slaveholding confederacy. For this conviction he became obnoxious to those who were plotting the destruction of the Union in order to eternize the institution of slavery.

Mr. Foote, of Mississippi, appeared desirous of a personal altercation with the venerable Senator; but up to that period members of the Senate had seldom forgotten the dignity due to their stations. Mr. Foote appeared incapable of restraining his feelings, and his language became so offensive that the gallant old colonel appeared unable to withstand it longer. He was a man of powerful frame, though sixty years of age, while Mr. Foote was younger and very properly numbered among the "light-weights." Benton's courage had been tested on the field, and although Foote had also met his foe in the duella, his firmness under danger was not so universally acknowledged. When Mr. Foote's language appeared no longer endurable, Mr. Benton rose and stepping into the outer aisle proceeded



with rapid strides directly towards Mr. Foote, with the intention as he stated of passing out of the chamber at the front door. Mr. Foote seeing the stalwart form of his opponent approaching under evident excitement, concluded that "discretion was the better part of valor," and starting from his seat retreated towards the presiding officer, at the same time drawing a pistol, apparently intending to shoot his supposed assailant. This "presentation of arms" exerted an electric effect upon the spirit of Col. Benton, who now in a loud voice cried, "*stand back, let him shoot,*" as he violently separated his clothing and exposed his bosom to the expected shot of Mr. Foote. Instantly every Senator was upon his feet, some calling to order and others rushing between the parties. Several Senators seized Col. Benton and conducted him back to his seat, when he became unmanageable, and breaking from those around him, again rushed towards Foote, using language too emphatic for record. Other Senators rushed between them, disarmed Foote and conducted Mr Benton again to his seat, and restored order ; and the Senate proceeded with the business before it.

Mr. Benton was a Democrat, had long been a leading member of that party, and was more perfectly informed as to the intentions of southern men in regard to secession than any other man not engaged in the plot.

And while Mr. Webster in his speech on the 7th March had expressed confidence in the "Nashville Convention," Mr. Benton was impatient at hearing any man doubt that the object of leading southern men and of that convention was the disruption of the Union ; and the scene just related may be regarded as the first senatorial demonstration of violence between the lovers of the Union and Secessionists.\*

The feeling of southern statesmen and people in regard to the exclusion of slavery from California was illustrated by public meetings, held in Georgia, Alabama, and Mississippi, at which resolutions, declaring the admission of California as a free State would be a stupendous fraud upon the people of the slave States, and threatening a separation from the free States unless slavery were admitted to all our territory south of 36 deg. 30 min. north latitude.

But these demonstrations could not intimidate northern members. The vote in the House of Representatives upon the admission of California as a free State showed 151 members in favor of that measure, and only 57 against it, nearly all of whom were slaveholders.

This incident will long constitute an important era in our political history. We have already stated, that near the close of the thirtieth

\* At the time of writing these sketches, A.D. 1863, Mr. Foote is an active member of the Confederate Congress; but Colonel Benton was an unwavering friend of the Union until his death, in 1858.

Congress, when the House of Representatives defeated the adoption of the Senate's amendment to the civil and diplomatic bill, which was intended to establish slavery in California, that institution passed its culminating point ; and from that date its permanent decay and final dissolution commenced.

From the decline of slavery that of the whig and democratic organizations could not be separated. Both of these parties had sought to propitiate the slave power. Each numbered many slaveholders as members ; and the northern wing of each appeared perfectly conscious that without the support of at least a portion of the slaveholding interest it must fail. The lovers of liberty, under the name of "Free-soilers," were united, compact and determined in resisting every encroachment of the slave power. Every struggle tended to bring before the people the moral power of those who based their action upon truth and justice, while they constantly developed the crimes of slavery to the public view.

It may prove useful for future statesmen and politicians to understand that leading Whigs and leading Democrats, instead of attempting to reform their parties or to conform their own action to the laws of truth and immutable justice, continued their effort to destroy the reputation and influence of those who stood forth most boldly as the supporters of freedom and the equal rights of mankind : And the writer will be excused for referring to himself so far as to say that he became the subject apparently of much hatred and odium among the politicians of both parties. They appeared to regard every effort of his against slavery as aimed at those parties, and during this first session of the thirty-first Congress, as the writer and his friends had apparently defeated the extension of slavery into California, and exposed the corruptions of the bill paying the debts of Texas, the feeling against him appeared to know no bounds. He was charged with purloining papers from the General Post-office : And the charge was published simultaneously in the leading whig papers of Cleveland, Philadelphia, New York and Boston. Its appearance in those papers gave the author the first notice that suspicion of crime had ever rested on him. He at once demanded an investigation ; but such was the feeling of the House, then under democratic rule, that the members would not grant a committee to examine the case. But one of the Assistant Postmaster Generals, being a Whig, sent to the House a reiteration of the charge, to which the author promptly responded, declaring the Assistant Postmaster General guilty of falsehood and a violation of official duty : and pledged himself to show those facts if the House would grant a committee. This

could not well be refused. A slaveholding Speaker selected men in no respect friendly to the author, either personally or politically. They met, and the first witness examined was the Assistant Postmaster General who had reiterated the charges: But after a cross-examination he asked the committee to place on their journal the fact that he then withdrew all imputation against the author. To this the accused responded, saying that the charge had been made and could not be recalled: He therefore desired to disprove every *circumstance* alleged. To this proposition the committee consented, sent to Ohio and Boston for witnesses, and having taken the testimony, reported the charges to have been made without any foundation in truth; and the slander which was intended to destroy the reputation of an individual recoiled with great effect upon the party whose interest it was intended to subserve.

Finding that the popular feeling was aroused against the slave trade, which was carried on with much activity in the City of Washington, the Senate passed a bill entitled "A bill to abolish the slave trade in the District of Columbia." But although this was its title, it merely prohibited the bringing of slaves from the surrounding country to that city for market. It also authorized the Common Council of Washington to abate as a public nuisance any slave-pen or house kept as a market for slaves; but left the slaves of the city liable to purchase and sale as they had been previously to the passage of the act. The House at once passed the bill as it came from the Senate.

The passage of this bill was a still further yielding to the demands of the people of the free States, and was viewed by the friends of liberty as an important indication of further success.

With the passage of this bill; with the admission of California as a member of our common sisterhood of States, as well as by the passage of the Fugitive Slave act and the grant of ten million dollars to Texas, the first session of the thirty-first Congress may well be regarded as holding a prominent place on the page of our political history. As the slave power passed its culminating point and began its descent to oblivion, its corruption was developed more vividly to the public view: And as its power began to decline, it was able to call to its aid the mercenary propensity of northern men, and thereby perpetrate crimes which slaveholding influence could not alone have effected.



## CHAPTER XXII.

## THE WORKINGS OF THE FUGITIVE SLAVE ACT.

1850.] THE vacation of Congress afforded the President and members of that body an opportunity to witness the operations of the fugitive slave act. The first victim under that barbarous enactment proved to be a free man of Philadelphia, sent by the commissioners, at public expense, as a slave to Maryland. In this respect it may be said to have met the designs and expectations of its friends. But when he reached the plantation from which it was alleged he had escaped, no one recognized him, even the supposed master declared he had never seen him, and he was permitted to return to his home and to freedom *at his own expense*.

A husband and wife escaped from Georgia, and after much toil and constant danger reached Boston. The master pursued them and attempted to arrest them ; but the husband manfully defended himself and wife ; drove off the master, who could find no one to sympathize with or to aid him ; and he returned to his own State, published a narrative of his adventure and complained of the inefficiency of the fugitive slave act.

In the autumn of that year ten slaves escaped from Maryland, and while in the mountains of Somerset County, Pennsylvania, were discovered and fired upon by those pursuing them. Three were killed, the others captured and taken back to servitude ; but no attempt was made to arrest or punish the murderers.\*

These crimes, perpetrated under color of the fugitive act, led to the belief that Congress had extended those barbarous laws of the slave States, which authorize the master or his agent to shoot escaping slaves, into the free States, and greatly contributed to increase the odium which already rested upon it.

In Chester County, Pennsylvania, a deputy marshal, with legal process, broke into the dwelling of a citizen in order to arrest a slave who was sleeping in the chamber. But the owner of the dwelling and his wife assailed the marshal with weapons and occupied his attention while the slave escaped through a window.

\* This statement is made upon the authority of newspapers published in that part of Pennsylvania, and was afterwards confirmed by members of Congress from that State.

While these circumstances convinced the friends of liberty that the fugitive slave act was arousing the public mind to the horrors of that institution, and was therefore exerting an influence which must eventually eradicate slavery from the American soil, President Fillmore appeared to view them quite differently.

On the reassembling of Congress, in his annual message he referred to the fugitive act and the corrupt assumption of Texas debts approvingly ; spoke of them as *concession* and *compromises* necessary to allay the asperities and animosities which he alleged were rapidly alienating one section of the country from another. In his comments he made no distinction between *right* and *wrong*, between *freedom* and *slavery*, or between *virtue* and *crime*. But in this he followed the example of those who were more experienced in public life. Moral principle was at that period entirely excluded from political action : and the philosophy which then prevailed in our Federal Government taught that crime and corruption were necessary to maintain every form of government. But the advocates of justice appeared more conscious of their moral power than at any former period. California had been admitted to the Union as a *free* State, and now stood an enduring monument of their fidelity and political prowess. The fugitive slave act had proven more barbarous than they had expected, and now threatened to overwhelm with disgrace those who had lent their influence for its enactment.

It should be borne in mind, that while the President in obedience to the demands of the slave power was doing all he could, assisted by his Cabinet and by large majorities in both Houses of Congress, to induce the people of the free States to capture and send back to servitude the fleeing bondmen of the South, the people of that region continued to seize and enslave the colored citizens of the free States who happened to travel in the South without protection. And whenever a northern ship entered a southern port with colored sailors on board, they were seized and imprisoned until the vessel sailed, when the captain or any friend might appear and pay charges and the imprisoned sailor would be permitted to go on board his vessel and depart ; but if neither the captain nor any friend of the sailor paid such charges, he was sold into slavery.

The people of Massachusetts, generally active in good works, were anxious to prevent the enslavement of free blacks, and sent one of her most respected attorneys to Charleston, South Carolina, to institute judicial proceedings in order to test the constitutionality of those southern laws ; but he was driven from the city and from the State by mob violence with the approval of its authorities.

This outrage upon the dignity and constitutional rights of Massachusetts had the effect to stir up a more intense detestation of the fugitive slave act, to which Mr. Webster and the President, and the supporters of slavery, had attached their political fortunes.

These circumstances developed more and more distinctly the great permeating issue between the "submissionists" and the philosophic reformers, who maintained that, to enjoy the light of the sun, to breathe the air of heaven, to drink the waters of earth, to obtain food, procure raiment and habitation, were *natural rights pertaining to every human soul while innocent, conferred by the Creator, and EVER TO BE HELD SACRED FROM INVASION, BY INDIVIDUALS AND BY GOVERNMENTS.* That these rights were held at the will of God, which constituted a "*higher law*" than human enactments or human constitutions: that the violation of this law of heaven constituted *crime*, whether it were done by individuals or by men holding office, or acting as legislators, professing to authorize its commission.

The submissionists denied these fundamental doctrines, sneered at those who held them, and expressed their contempt for men who defied the legitimate boundaries of human governments, as "*higher law men*;" but were careful never to argue the question nor to reason upon it.

Southern members, however, taunted the Administration and its friends, asserting that the "*higher law*" men controlled the sentiment of Massachusetts to such an extent that the fugitive slave act *could not be enforced in Boston.* The idea that an act of Congress, however despotic and barbarous, could not be enforced among the law abiding people of that city, so distinguished for its obedience to law, appeared to arouse the pride of every friend of the Administration. An approved catchpoll was sent to Boston for the purpose of enforcing this flagitious enactment, in the presence of that Christian people.

A fugitive named Shadrach was discovered, and the regular warrant for his arrest procured, and placed in the hands of the officer. In open day, in the presence of the people in the city of Boston, a Christian was captured, pinioned, and led away, as was then supposed to interminable slavery. The people looked on and sighed and wept at seeing a fellow-being, whose soul like their own was clustering with immortal hopes, thus led to the sacrifice.

The Legislature of Massachusetts by statute had forbidden the imprisonment of fugitive slaves in their jails, and the marshal conducted his victim to the United States court-house, the only sanctuary for such crimes. The commissioner being unable to attend the proper examination that day, the fugitive was placed in custody of three or four



assistant catchpolls, who were directed to hold him in custody until the next day.

That was a night of sadness and sorrow to the philanthropists and patriots of Boston. Their fathers had led in the great Revolution of 1776, and many had died to establish the doctrine that all men hold from the "Creator an inalienable right to life and *liberty*." Yet after the lapse of seventy-five years, they were compelled to witness a scene of barbarism, which no patriot of the Revolution ever contemplated.

But a few colored men of that city, actuated by that law of our nature which never fails to call forth sympathy for the oppressed, gathered around that court-house, entered its chamber, bade the minions of slavery to stand aside, released Shadrach, and placed him in a carriage, which rapidly hurried him toward a land of liberty.

The news of this escape reached Washington by telegraph. The friends of freedom were delighted. They viewed the whole thing as a ludicrous exhibition of the folly of attempting to enforce crime by Congressional enactment. But the effect on the President and Cabinet, and the advocates of submission to southern dictation, was quite different. They exhibited a degree of vexation, of consternation and moral cowardice, which excited laughter among their opponents. The President called his Cabinet together for consultation, and the Executive of thirty million people, with his constitutional advisers, sat in grave deliberation upon the best means of averting the evils arising from the escape of a friendless negro.

But Mr. Webster had staked his hopes for the Presidency upon the favor of the slave power. He was now the ruling member of the Administration, and had no other course left than to carry out his plan, by enforcing the enactment which he had advocated. The President and the other members of his Cabinet had considered the act and approved it, when it first passed Congress; the President had again indorsed it in his annual message, and they now regarded the success of the Administration dependent upon the popularity of this enactment, which was rapidly becoming detested by the people.

The result of this deliberation was a proclamation by the President, calling on the good people of the United States to be active and vigilant in enforcing the *laws*, and a general order from the Secretary of War, addressed to the officers, non-commissioned officers and soldiers of the United States, to be present at their posts of duty, and ready to aid the civil authorities in enforcing the law: And the Secretary of the Navy issued a similar order, addressed to that arm of our national defence.

The proclamation and general orders were published in the papers of the following day.

Nor did this national farce end here. The further proceedings in relation to the escape of this friendless negro exhibits the feeling and policy of the Administration more clearly than any other facts which can be placed upon the page of history.

The President and Mr. Webster, and Mr. Corwin, of the Cabinet, had been Whigs during their whole lives. The President had been elected as a Whig, and Messrs. Webster and Corwin held seats in the Senate as Whigs, when aspirants to cabinet offices. They were supposed to represent the whig party, which was by them fully committed to the support of the fugitive act, and they felt it was very desirable that the Whigs, as a body, should sustain it.

Mr. Clay, now far advanced in life, was still a member of the Senate, and moved a resolution calling on the President for information whether resistance to the laws was manifested in any part of the United States. 2d. The means adopted to suppress such resistance. 3d. Whether there be or be not defects in the existing laws for the capture and return of fugitive slaves?

Mr. Clay treated the subject as a matter of grave importance, and Messrs. Davis and Foote, of Mississippi, sustained the views of Mr. Clay.

Mr. Hale reminded Senators that there was but a single step from the sublime to the ridiculous, and declared his conviction that the Senate was about to take that step. But the resolutions were adopted by an almost unanimous vote.

On the 21st February, the President replied to the resolutions in a message of some length, declaring that nothing could have been more unexpected to him than the escape of the negro : nor had he supposed the people of Boston would set the laws of the United States at defiance. He characterized the escape of Shadrach as "flagitious," and assured the Senate that in his opinion, had the people anticipated such resistance of the *laws*, thousands would have put forth their best endeavors to prevent it. In the whole message there was no indication that the President doubted the moral duty of Shadrach to surrender his manhood, return to bondage, and doom his offspring to chains and sighs, and tears and bitter suffering : He spoke of the escape of Shadrach as "*deplorable*;" regretted that Massachusetts had prohibited the use of her jails for the imprisonment of fugitive slaves, declaring the negroes who assisted Shadrach to escape were guilty of "*insurrection*;" and transmitted copies of his proclamation and general orders, with his message, to the Senate.



To carry out this solemn burlesque, Mr. Clay moved the reference of the message and documents to the Committee on the Judiciary, with instructions to *report with all convenient dispatch*, such further legislation as they might deem necessary for the faithful execution of the fugitive law.\*

Mr. Hale declared his entire satisfaction with the whole procedure. Said the President was evidently rendering his administration ridiculous: That nothing could have contributed to that purpose more than his proclamation: That the President's attempt to vindicate the fugitive act must, in the nature of things, prove abortive.

These remarks called out Mr. Clay, who, with some feeling, declared that the abolitionists throughout the country were stimulating the negroes to *defend themselves* when pursued by their masters.† He declared they were stimulated to slay, murder, and kill their pursuers, who were endeavoring to persuade them back to their duty and to the service of their masters: He declared they were urged to this by speeches in the Senate and in the House of Representatives: He asserted that the proclamation aimed to put down all who sought to put down the law.

It was a matter of astonishment to the reformers of that day, that Mr. Clay and other statesmen ignored those familiar principles which publicists and philosophers had constantly asserted for the last century, that "enactments against the natural rights of man to *life and liberty are void*, do not possess the elements of *law*, and in no proper use of language can be called *laws*:" Yet that distinguished statesman spoke of the fugitive act as *law*, although its entire object was to deprive the fleeing bondsmen of liberty, and therefore not only *void*, but *barbarous, despotic, and criminal*.

Mr. Mason, of Virginia, though a most unmitigated advocate of slavery, took a more rational view of the subject, declaring it were in vain to attempt the execution of the fugitive act where the people were as much opposed to it as they were in Boston.

Mr. Chase, of Ohio, referred to the construction of the Constitution, *given by those who framed it*, denying all power in Congress to legislate upon the subject of fugitive slaves, and insisting that that power was expressly reserved to the several States: That in accordance with that construction several of the States passed laws to carry out the compact.

\* The committee, finding the subject had become a matter of ridicule among the people, suffered the message to rest in silence, and made no report on the subject.

† Mr. Clay evidently did not believe that the first dictate of nature's law and of nature's God, "*self defence*," belonged to the negro. He probably alluded to a case in Ohio, where the fugitive slew his master and then made his escape.



That the present difficulties were the legitimate sequence of the despotic law.

Messrs. Butler and Rhett, of South Carolina, admitted the construction contended for by Mr. Chase to have been the views of those who framed the Constitution.

Mr. Douglas, of Illinois, denied that there was any law higher than the Constitution ; said there never would be *four* members of the Senate who would assert the existence of a "higher law : " But did not explain the law or the motive power by which the planets performed their revolutions around the sun ; nor the law of gravitation, of electricity, of vegetation, or the laws of life, of the circulation of the blood, or that by which all men in all ages are inspired with a love of life and of liberty : nor did he pretend that human life and human affections existed by virtue of the Federal Constitution or Federal laws.

Mr. Cass, of Michigan, read from a newspaper a resolution adopted at a meeting in Weymouth, Massachusetts, declaring it a duty which slaves owe to themselves, to posterity, and to God, to escape whenever an opportunity should be presented ; and the aged Senator declared that a more atrocious sentiment never disgraced any public meeting.

The absence of all regard for moral principle, of that manly independence which usually characterizes the statesman ; of that self-respect which constrains the acknowledgment of the right of others to speak and think according to their own judgment, distinguished the debate to which we have called attention.

The hostility manifested towards those who maintained the right of all men to life and liberty, was general among both political parties. It constituted one of the principal modes of conciliating southern favor.

While Congress was in session, a woman, the mother of six children, all of whom were born in Pennsylvania, where she was lawfully married and had lived twenty-two years, together with her husband, were seized, brought before Commissioner Ingraham, of Philadelphia, and returned to bondage in Maryland.

Four colored persons, who had been liberated by their former master in Western Virginia, were residing in Portsmouth, Ohio, when they were kidnapped, carried across the river, sold South, and probably died in bondage.

From official reports it was estimated that thirty thousand fugitive slaves, resident in the free States, were now frightened from their homes and from the comforts of life, and subjected to hardships, privation, and suffering. Some fled to Canada, others left their all and went to distant

parts of the free States, unwilling to forsake the government which persecuted them.

But the barbarism of slavery knows no bounds. Claims were sent from slave States by men who never owned a slave, describing some colored person who resided at a particular point. The slave-catcher would take with him men who, for the purpose of sharing in the spoils, would swear to the identity of the victim, and servile commissioners were ready to consign the prisoner to bondage on such proofs, receiving ten dollars fee under the law if the prisoner were remanded as a slave, while if they found the prisoner to be a *free man*, and discharged him, they would obtain but half that amount.

From all parts of the free States memorials were sent to Congress, characterizing the enactment as "*revolting to the moral sense of the civilized world*," as "*barbarous*," "*a disgrace to the age*," &c., and calling for its repeal. It had been enacted under the plea that "it was necessary to save the Union," but it excited a feeling of hostility to the slave power in exact degree as it involved the people of the free States in the crimes and barbarities of slavery.

The incidents which we are relating cannot fail to impress the reader with a consciousness of that infatuation which appeared to seize upon the strongest minds from long and constant habits of thought. Mr. Clay had been one of the commissioners who subscribed the treaty of Ghent, pledging the British and American Governments to the entire abolition of the "*traffic in slaves*." He had during his whole life sustained the institution in our own country, and by his efforts Missouri had been admitted as a slave State thirty years previously : Yet during the present session he denounced every man who agitated the question of slavery : But now, as the thirty-first Congress was drawing to a close, he presented to the Senate resolutions directing the Committee on Commerce "to inquire as to the propriety of further legislation to prevent the prostitution of the American flag to the protection of the African slave trade." Thus, while denouncing those who exposed the coastwise slave trade, the inter-State slave trade, the selling and buying and transferring slaves from one plantation to another, this distinguished statesman was himself anxious to put down the same practices upon the African coast. He was apparently unconscious that the foreign slave trade, the coastwise slave trade, the inter-State slave trade, the buying and selling slaves from one plantation to another, the holding, punishing, torturing and murdering of slaves constituted an inseparable network of crime and guilt which could not be morally severed. The subject occupied the attention of the Senate at times during the

remainder of the session, without any definite action upon the resolutions.

Nor did the slaveholders of that day appear to regard their own action in behalf of slavery as liable to criticism. Thus, while every southern member was in the daily practice of denouncing their northern friends for agitating questions touching slavery, Mr. Atchison, from Missouri, presented the petition of Margaret Drew, of that State, praying compensation for a slave lost while in the service of a quartermaster of the United States, at Leavenworth, in the territory west of Missouri. He declared himself opposed to any reference of the petition, saying but one question could arise, and that was, whether the quartermaster *had used due diligence to prevent the slave from escaping*. The Senator appeared to have no conception of the uniform practice of the Government in discarding all consequences arising from the unauthorized acts of its agents; nor did he appear conscious that by going into territory where no law of slavery existed, the slave became, *ipso facto*, free; nor to have discovered that train of decisions by Congress, in which that body had ever *denied that slaves were property*. The Senate, however, more thoughtful than the mover, referred the petition to the Committee on Claims, where it yet rests in silence.

As the thirty-first Congress was about to close, and members, on looking back, found that every effort to suppress the conscientious convictions of the people on the subject of slavery and the slave trade in the District of Columbia, in our Territories, and upon the high seas, and of the fugitive act, and the act giving Texas ten million dollars, had proven not only abortive, but had greatly intensified the feeling which previously existed, they determined to make one more effort to silence the popular voice, which appeared to be literally the voice of God finding utterance through the organs of humanity. Entertaining no doubt as to their power to control the moral and political sentiment of the country, they entered into a solemn compact with each other to support no man for public office who did not regard the measures adopted by Congress at its previous session as a *final settlement of the slave question*: or who should agitate the repeal of any of the measures alluded to.\*

\* This compact was in the following words: "The undersigned, members of the thirty-first Congress of the United States, believing that a renewal of sectional controversy upon the subject of slavery would be both dangerous to the Union and destructive of its objects, and seeing no mode by which such controversy can be avoided, except by a strict adherence to the settlement effected by the compromise acts passed at the last session of Congress—DO DECLARE their intention to maintain said settlement inviolate, and to resist all attempts to repeal or alter the acts aforesaid, unless by the *general consent of the friends of those measures*, and to remedy such evils, if any, as time and experience may develop.

"And for the purpose of making this resolution effective, they further declare, that they will not



These various efforts to draw the line of demarkation between the supporters of slavery and the advocates of liberty, could not fail greatly to diminish the influence of the former and increase the numbers of the latter. But the leading statesmen of the South and their friends of the North felt that the safety of the principal political organizations, and of the nation, depended on maintaining and confirming every act of Congress in favor of slavery, and holding it up as a precedent to be followed in all subsequent time. The oligarchs now held slavery to be a permanent, enduring institution, and that all laws enacted for its support must of necessity be sacredly preserved from modification and repeal: while the Free-soilers of that day declared their policy to be the repeal of all Congressional enactments in favor of slavery, leaving the institution entirely with the States in which it existed: while no State which preferred freedom should be involved in the support of slavery.

support for Pres' lent, or for Vice-President of the United States, or for Senator or Representative in Congress, or member of a State Legislature, any man of whatever party who is not known to be opposed to the disturbance of the settlement aforesaid, and to the renewal in any form of agitation upon the subject of slavery."

(Signed)—Henry Clay, Howell Cobb, Charles S. Morehead, Henry S. Foote, Wm. C. Dawson, Thos. J. Rusk, A. H. Stephens, Jeremiah Clemens, Robt. Toombs, Meredith P. Gentry, Thos. G. Pratt, Wm. M. Gwinn, F. E. McLean, A. G. Watkins, David Outlaw, Alexander Evans, O. H. Williams, F. S. Haywood, A. H. Shepherd, David Breck, James L. Johnson, D. A. Dookee, J. B. Thompson, L. M. Andrews, W. P. Mangum, John B. Kerr, Jeremiah Moreton, J. P. Caldwell, R. J. Bowie, Edmund Deberry, E. C. Cabell, Humphrey Marshall, Alex. F. Owen, from slave States.

From New York—William Duer, Robert L. Rose, J. Phillips Phoenix, George R. Andrews, James Brooks, A. M. Schermerhorn.

From Pennsylvania—James Cooper. From Massachusetts—Samuel Elliot. From Ohio—John G. Thurman. From New Hampshire—Henry Hubbard.

## CHAPTER XXIII.

ATTEMPTS TO ENFORCE THE COMPROMISE MEASURES—DEATH OF MR. CLAY—  
KOSSUTH VISITS WASHINGTON—POLITICAL PARTIES PLEDGE THEMSELVES  
TO STOP ALL AGITATION.

1851.] THE thirty-second Congress was composed of men differing in thought and opinions respecting slavery. The whig and democratic parties appeared impressed with the conviction that final disruption awaited them ; that they could only be held together for a time by the most strenuous efforts of their members. Thus, on the day of assembling, when the Clerk had called the members to order, Mr. Campbell, of Ohio, proceeded to nominate as the whig candidate for Speaker, Thaddeus Stevens, of Pennsylvania, for whom the Free-soilers would have gladly voted at the previous Congress, and his election would have been secured could the Whigs have been induced to vote for him.

Mr. Jones, of Tennessee, nominated Mr. Boyd, of Kentucky, declaring that he did not make the nomination merely because that gentleman had been nominated by a democratic caucus, but because he was a *Union man*.

Mr. Brooks, of New York, said the Whigs had that morning held a caucus, and resolved to maintain the compromise measures as a *finality*. And a long debate now arose between the whig and democratic parties as to which was the most zealous *supporters of the Union*, which was understood to mean the most zealous supporters of slavery ; southern Democrats endeavoring to show that northern Whigs were opposed to slavery, and southern Whigs endeavoring to show that northern Democrats were unfaithful to that institution. This debate was irregular, as the House was unorganized ; and Mr. Giddings, being a Free-soiler, took occasion to remind gentlemen that they would have ample time to show each other's crimes after a Speaker should be elected ; and said he was greatly surprised to see gentlemen pledged to silence all agitation, engage in debating the slave question before a vote for Speaker was allowed to be taken. He hoped the country would notice that the House had been precipitated into this debate by Whigs and Democrats, and not by the friends of liberty.

The House then proceeded to ballot for Speaker, and Mr. Boyd, of Kentucky, was elected on the first ballot.

On the following morning, Mr. Foote, of Mississippi, presented to the Senate a resolution declaring that the fugitive slave act, the act establishing territorial governments in Utah and New Mexico, and the act admitting California to the Union, were in the judgment of the Senate, to be regarded as a definitive adjustment of the distracting questions growing out of, and touching domestic slavery.

When the resolution came up for debate, Mr. Foote made a long speech to show that the several acts referred to ought to be regarded as a final settlement of the slave question, and that all discussion of the subject should be suppressed. This discussion of the *propriety* of discussion attracted much attention. Those who witnessed it were amused at its ludicrous character. Southern statesmen for years had introduced subjects relating to slavery, but when northern members resisted such measures they were at once charged with "*agitating the slave question.*"

Mr. Foote declared that the people of his State, in solemn convention, had approved those acts of Congress, and pledged the State to stand by them ; and he then read a resolution adopted by said convention declaring that the asserted "right of a State to secede from the Federal Union *was utterly unsanctioned by the Constitution.*" He then read further resolutions declaring,

1st. That any interference by Congress with slavery in the States, or

2d. With the slave trade between the States, or

3d. With slavery in the District of Columbia, or in other places within the jurisdiction of Congress, or

4th. The refusal by Congress to admit new slave States to the Union, or

5th. The repeal of the fugitive slave act, or

6th. The prohibition of slavery in the Territories, would furnish sufficient cause for resistance on the part of the slave States.\* Mr. Foote also appealed very solemnly to the democratic party to stand by Mississippi and the slave States in maintaining the compromise measures of the previous Congress. Messrs. Butler and Rhett, of South Carolina, and Mr. Mason, of Virginia, joined in *debating the propriety of debate.*

These Senators had *long before that time* assured the public, that all agitation would cease soon, as the measures alluded to should pass Congress ; and now those political prophets were active and loud in their arguments endeavoring to convince the world that they had correctly foretold the precise effects of their own measures. This unenviable position of the slave power and its democratic friends could not fail to

\* This movement in Mississippi was intended as the first step on the part of that State towards secession, which was, ten years subsequently, carried into effect.



provoke facetious remarks. Mr. Hale, of New Hampshire, held up the mirror before them, exhibiting their inconsistency.

This exposé called out reply, and the resolutions continued to be discussed at intervals for more than two months, when members appeared to realize the singular position which they occupied, in debating measures that had been disposed of during the previous year, and the resolutions were suddenly laid aside and no more called up.

1852.] Amidst all the difficulties which now surrounded the slave power, a policy was adopted by the friends of the institution for obtaining Cuba, in order that it might be divided into slave States, and being annexed to our Government, would give the slave interest a controlling influence.

The projectors of this unauthorized expedition against Cuba have not been exposed. That it was being fitted out was known to the British, French, and Spanish governments, long before it sailed from the United States. The Spanish Government was well aware of it and gave notice to ours of the intended raid upon Cuba. The President issued his proclamation, calling upon all well-disposed citizens to enforce the laws against all such unlawful expeditions ; but no general orders from the Secretary of War or of the Navy were sent as was done in the case of the fugitive Shadrach.

But no law of the United States against the interests of slavery could be enforced at that day within the slave States. The expedition was commanded by a Spaniard named Lopez, and the whole number of troops embarked did not exceed four or five hundred. They landed near Cardenas, and after some little time were all captured, and Lopez and some fifty others were tried, condemned, and executed. The others were sent to Spain, and eventually, on application of our Government, were given up and brought to the United States at the public expense. The appropriation of money for this purpose by Congress, gave rise to discussion which may be said to have been *unpleasant* to southern members.

Mr. Clay had now become well stricken in years, and those who conversed with him at the commencement of the session were impressed that his earthly labors were drawing to a close. He had long served his country in official life, and had mingled in all the debates of the Senate on the subject of slavery while a member of that body. He had also been active in that respect while a member of the House of Representatives. He was a man of dignified deportment, bland and genial in his manner, amiable in his temper. Possessing great experience, he of course wielded great influence in the Government. That

influence had been far greater in the North than that of Mr. Calhoun, and was probably more efficient in favor of slavery than that wielded by any other man ; but his eventful life drew to a close. He died at the National Hotel, in the city of Washington, on the 27th day of January, 1852.\*

But while Calhoun and Clay were departing to their reward, Chase and Seward entered upon senatorial duties, and uniting with Hale and Sumner, boldly proclaimed that freedom and the free States were entitled to a hearing before the Senate and before the world.

That law of the human intellect which prompts us to love liberty, constrains us to approve and admire its defenders. Louis Kossuth, the distinguished Hungarian, after maintaining to the utmost of his power, the rights of his people against Austrian despotism, fled and took refuge under the Turkish Government; and was invited by the President of the United States, to visit our American land.

On the first day of the present session, Mr. Foote, of Mississippi, offered in the Senate, a joint resolution to appoint a committee of the two Houses to make arrangements for a suitable reception of the exiled Governor. Other slaveholding Senators appeared emulous of doing honor to this noble defender of human liberty, apparently unconscious that in honoring him they were stimulating American advocates of liberty to follow his example, in the support of those rights which pertain to the human race in all countries and in all times. But when Mr. Sumner, of Massachusetts, paid a glowing tribute to the patriotism, philanthropy, and justice of the noble stranger, slaveholders began to falter. They had, however, gone too far to recede, and the resolution passed the Senate, and was sent to the House of Representatives.

It was obvious to reflecting men, that to encourage liberty in Hungary was in effect to approve its advocates in the United States. All felt that Austrian despotism was mild when compared with that of our southern States. Yet the measure had become popular, and although a few members of the House of Representatives opposed the adoption of

\* After Mr. Clay was confined to his room the author visited him. He was sitting in an easy-chair, able to converse in a low tone of voice ; but was evidently passing away under the slow progress of consumption. He alluded at once to the former friendship that had existed between them, the kindness and fidelity with which the author had supported him when a candidate for the Presidency, and to the coldness which had grown up in consequence of slavery. Said he had no doubt that his own feelings had been too strong. The writer responded in the same language, and assured him that he could retain no feelings other than of kindness under the circumstances in which they then found themselves. Mr. Clay said he had no unkind feelings towards any one. After full explanations and mutual assurances of kindness, the conversation turned upon the future, on which his thoughts appeared to dwell.

the resolution, it passed that body. Kossuth was publicly received with imposing ceremony, adding influence and strength to the advocates of freedom ; While the supporters of slavery soon viewed the whole proceeding with sadness, apparently fearing that the rising spirit of liberty would at no distant day wipe out the stain of oppression from our American land.\*

1852.] The doctrine of secession had been but little discussed at the time of which we are writing. Mr. Calhoun had avowed it in the Senate. Messrs. Pickens, Rhett, and some others, had spoken favorably of it in the House of Representatives ; but those men had disappeared from the halls of legislation, and no man was found in either House possessing sufficient moral courage to publicly avow it : Yet it was discussed in southern papers, and Mr. Gorman, a Democrat, of Indiana, took occasion to denounce the doctrine as *monstrous in principle* and *destructive in practice*. Although some members were supposed to entertain secession views ; yet no one appeared willing to reply to these denunciations.

There were few subjects of general interest involving slavery discussed at the first session of the thirty-second Congress ; but the Legislature of Iowa being democratic, and desirous of expressing the allegiance of her people to slavery, adopted resolutions laudatory of the fugitive act. Senator Jones, on presenting them to the Senate, referred to the act as *wise, just, and in all respects proper*. This provoked renewed discussion of the subject.

Senator Miller, of New Jersey, also presented similar resolutions from the Legislature of his State, and spoke in favor of the wisdom which prompted the enactment of this statute ; and it is somewhat remarkable that every subject involving the character of slavery which came before Congress during this session was introduced by the friends of that institution.

Mr. Jackson, of Georgia, presented to the House of Representatives resolutions declaring the compromise measures of the thirty-first

\* During this debate Hon. James Brooks, of New York, said he would vote for the resolution, although it was ill advised. He charged the author with encouraging its passage because it was *popular* ; and the public reception of Kossuth would give an impetus to the anti-slavery cause.

The author replied that he had never constituted the member from New York the exponent of his views ; that it was true he greatly respected that public sentiment which would at no distant day consign the gentleman from New York and all supporters of slavery to the "*charnel-house of political forgetfulness*."

The prophecy appeared to have proven true. For some ten years Mr. Brooks adhered to the whig party while it existed, then joined the "Know-Nothings," but remained in private life until the voluntary disbandment of the Republican organization of New York, in 1861. Mr. Brooks then joining with the Democrats, was elected to Congress.



Congress, including the fugitive slave act, to be *just, constitutional*, and *obligatory* upon all the States and upon the citizens of each State.

It again became evident that the friends of those measures were ill at ease as to the influence they were exerting upon the northern conscience ; they were therefore anxious to re-argue their propriety, hoping to reason the northern mind into the *justice* of seizing innocent men and women while fleeing from oppression, and sending them back to bondage.

Both whig and democratic parties appeared anxious to avow their allegiance to the fugitive act and the Texas bill ; but the friends of freedom, assured from history, from experience, and observation, that the course pursued by those parties would lead to their own destruction, were content to sit in silence with folded arms, and witness this process of political suicide.


The feeling now so prevalent among the pro-slavery parties was [1852. regarded as favorable to the re-presentation of the important claim of J. C. Watson, for the loss of slaves whom he had purchased of certain chiefs of the Creek tribe of Indians, in 1837. As stated in a former chapter, in 1836 General Jessup employed two battalions of Creek Indians to aid our troops in the Florida war, agreeing to give them ten thousand dollars and *all the plunder* they might capture. In doing this, General Jessup acted without law and without authority, as all soldiers were enlisted under well-defined regulations, receiving *certain wages*.

In the course of the campaign they captured about one hundred colored persons, mostly women and children. The Indians had no provisions for feeding them, and by order of the commanding officer, (General Jessup), they were turned over to the United States, and eight thousand dollars paid the Indians for them. This, too, was unauthorized ; but the negroes were sent west and Watson called on Congress to pay him for the loss of those free persons to whom he had no legal claim whatever, even under slaveholding laws.

The absurdity of paying this slavedealer for the loss of human chattels, in which the people of the United States could have no pecuniary interest, was quite obvious ; but such was the obsequiousness of northern members that the bill giving Watson more than twenty thousand dollars passed both Houses of Congress, and the money was duly paid. Every member from the slave States voted in favor of the bill, and were assisted by Messrs. Appleton and Porter, of Maine ; Scudder, of Massachusetts ; Hibbard, of New Hampshire ; Ingersoll, of Connecticut ; Brooks, Dean, Martin, Schermerhorn, Sutherland, and Walsh, of New York ; Price, of New Jersey ; Chandler, Florence, Kuhus, McNair, Robbins,

and Ross, of Pennsylvania ; Taylor, of Ohio ; Penniman and Stuart, of Michigan ; Parker, of Indiana ; Clark and Henn, of Iowa, and McCreole, of California. The bill was discussed, and questions of slavery were fully debated ; but southern members, abandoning the doctrine that slaves were *property*, urged payment of the claim upon the principle that the action of the commanding officer in time of war was binding upon the Government, even when professing *to sell free men into slavery*. The vote stood, 75 for the bill, 53 against it ; and, after fifteen years of effort, Watson obtained indemnity for his loss of human chattels from the pockets of the people.

The policy of the whig and democratic parties was well illustrated in their national conventions for nominating candidates for President and Vice-President. The democratic organization assembled at Baltimore in the month of May, and nominated Mr. Pierce, of New Hampshire, as their candidate, but asserted no primal truth, no moral principle, no political doctrine, as the basis of their organization ; on the contrary, they studiously avoided such avowal, but pledged themselves to resist all attempts in Congress to *renew* the agitation of the slavery question under whatever shape or color the attempt might be made.

The Whigs held their convention in the same city in the week following, and nominated General Scott as their candidate. They also adopted a series of resolutions avoiding the assertion of any moral principle or essential doctrine ; but declaring that they would deprecate all agitation of the slave question, and pledging themselves to discountenance all efforts to continue or renew such agitation *whenever, however, and wherever* made. 

These two great parties, now standing before the country as opponents, long contending with each other, and each demanding support of the people, presented to the world a political phenomenon morally inexplicable. They fully agreed with each other on the subject of slavery, nor did they *disagree* on any other subject. Each of these parties had in past time risen to power, not because of any principle which it advocated, but on account of the incompetence and corruption of the opposing organization, and by aid of the malcontents among the party in power. And now they united in discarding from their ranks all who advocated the undying truths and immutable principles of human freedom. Each party sought to obtain the vote of the slave States. To do that, they were compelled to discard the very doctrines on which the Republic was founded. They pledged allegiance to a despotism a thousand times more barbarous than that for the overthrow of which their fathers contended, bled, and died. Men who were able to cast aside the prejudice of

party clearly understood, that the spirit of our Government and institutions had already departed : That we merely retained the form of a republic ; and their hope rested on the confident belief that the people could be awakened to the support of the doctrines on which it had originally been founded.

The Free-soilers, who had assumed that cognomen at Buffalo in 1848, now assembled at Pittsburg. It was an imposing convocation of men of moral and political character. Hon. Charles F. Adams, and Senator Wilson, and many other good men and true from the old Bay State, together with others of like character from each of the free States, assembled under a deep and solemn sense of the responsibility which rested on them, knowing the determined hostility of both the old parties which they were to encounter. They put forth probably the most perfect platform of political faith which had then been enunciated since the Declaration of Independence. They pledged themselves fully to the support of liberty wherever the constitutional jurisdiction of the Federal Government was exclusive, leaving the slave States to support or abolish slavery at the pleasure of their people. They nominated Hon. John P. Hale as their candidate for President, and Hon. George W. Julian for Vice-President, and entered upon the contest with a high moral prestige. Intending to succeed eventually by the force of truth and justice, they entertained no expectation of electing their candidates in that particular contest. They assumed the name of *Free Democrats*, and entered upon the work before them with a spirit and energy worthy of commendation.

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## CHAPTER XXIV.

RESULT OF THE PRESIDENTIAL ELECTION—DEATH OF MR. WEBSTER—CLAIM OF  
WILLIAM HAZZARD WIGG.

1852.] DURING the vacation of the thirty-second Congress the Presidential election was determined as most reflecting men had foreseen. The course pursued by the whig party on the election of Speaker at the commencement of the thirty-first Congress had impressed leading politicians with the conviction that it had surrendered its own existence at the dictation of the slave power. They had succeeded in electing their President in 1848, without the enunciation of any essential principle; but soon as they came into power and the offices had been distributed, there was no longer any rallying point or principle to which the President, or any member of the Cabinet, or party, was in honor bound; and the people soon discovered that they had gained nothing by the change of administrations. The subsequent refusal to take a candidate for Speaker who was in favor of the constitutional right of petition seemed to have forbidden all hope of their further success; but relying upon the military fame of their candidate, they entered upon the contest with some show of force. When the votes were counted, however, the whig candidate was found in such a meagre minority that the party voluntarily disbanded and henceforth ceased to exist.

The death of Mr. Webster in the autumn of 1852, while holding the office of Secretary of State, constituted an incident interesting and important. He had disappointed the advocates of liberty by his speech in the Senate, and by his subsequent exertions to placate the slave power and win their influence to his support. Finding the people of the free States hostile to the fugitive act, on which he had been willing to stake his prospects, he then threw himself entirely upon the slave power for support. His anxiety under these circumstances became oppressive, and was noticed by those who were familiar with him.

But at the nominating convention no vote was cast for him. The slave power had obtained from him all the assistance which its advocates expected. His election would not increase the safety or prosperity of the institution. And members of Congress who met him on the morning after the nomination, were struck with the sadness which marked every

lineament of his countenance. It was evident that ambition no longer stimulated him to action. The blow was fatal. That mighty intellect which had commanded the admiration of Europeans as well as Americans, was evidently falling a sacrifice to disappointed ambition. He lived scarcely six months from the time of his disappointment, and evidently died of a broken heart. He may be said literally to have fallen with the party which he had so long supported.

At the reassembling of Congress those members who had belonged to the whig party were in an anomalous position. They had denounced both Democrats and Free-soilers, and now felt that pride of opinion which would not permit them to act with either.

The Free Democracy, however, satisfied with their prospects, [1858.] were willing to permit others to introduce subjects of debate.

A bill was brought before the House of Representatives, for appropriating money to bring from Spain the unfortunate members of the Cuban expedition under Lopez, mentioned in the previous chapter. As that expedition had been fitted out for the purpose of extending and strengthening the slave power, it excited debate, during which leading southern members declared their intention to obtain Cuba for that purpose.

During this session the author served as a member of the Committee on Territories, who reported a bill to organize a government in Nebraska. When this bill came up for debate in Committee of the whole House, Hon. John W. Howe, of Pennsylvania, publicly called on the author to inquire why there was no prohibition of slavery in it? Mr. Giddings replied that, by the eighth section of the act admitting Missouri, slavery and involuntary servitude had been distinctly prohibited in all the territory ceded by France to the United States, in what was called the "Louisiana purchase," north of 36 deg. 30 min. north latitude: That being excluded, no additional legislation was necessary on the subject, and he, Mr. Giddings, had voted for the bill as it then stood. Mr. Howe declared himself satisfied. This incident showed that the lovers of liberty were willing that the subject of slavery in that territory should rest, without further disturbance. The bill passed the House without debate, and was transmitted to the Senate. That body were unwilling to permit Kansas to be organized as a free territory, and retained the bill without any action upon it.

Late on the last night of the session a motion was made to suspend the rules of the House, in order to take up and consider a bill from the Senate for the relief of "William Hazzard Wigg," who was said to have lost about a hundred slaves during the revolutionary war. He was

a resident of South Carolina, and the slaves were said to have been carried away by the British. The reader will recollect the efforts put forth by President Washington, to obtain compensation for the thousands of slaves carried away during that war, and the final surrender of all these claims, as related in a former chapter.

Thousands of northern citizens had been ruined during that war, their property taken by the enemy, their dwellings burned, their families left destitute, but Congress had ever refused compensation. But here was a case where men and women were assisted to gain their liberty, and the grasp of the oppressor had been loosened by British power, and the people of the free States were to contribute their substance to compensate the descendants of Wigg for the loss of slaves who had regained their liberty more than seventy years previously. The bill had passed the Senate without objection, although, on a motion to amend, Messrs. Brodhead, of Pennsylvania ; Clark and James, of Rhode Island ; Dodge, of Wisconsin ; Miller, of New Jersey ; Weller, of California, and Wade, of Ohio, voted for perfecting the bill ; but, as no one opposed it, these Senators, with all others present, must have approved its passage.

When it reached the House of Representatives, the author, understanding its character, foresaw that an effort would be made to take it up on the last night of the session, and in the hurry of business to pass it. To prevent this he went among northern members, stating the character of the bill and foretelling the effort to pass it on the last night of the session, when it could not be debated or its character made known to the House.

As predicted, at 11 o'clock of the last night of the session, Mr. Colcock, a Democrat of South Carolina, moved to take up this bill.

Mr. Skelton, of New Jersey, a Democrat : "I object. The bill ought not to be passed ; it introduces"—(Cries of "Order, order !" from slaveholding members.)

Mr. Duncan, Whig, of Massachusetts : "I object, and wish to state the reasons for my objection." (Cries of "Order ! order !")

Mr. Colcock : "I move to suspend the rules, in order to take up this bill."

Mr. Walsh, Democrat, of New York : "I hope that bill will be taken up and passed."

Mr. Allison, of Pennsylvania, Whig, demanded the yeas and nays on suspending the rules and laying aside all other business, to take up and pass this bill. They were ordered, and all the slaveholders voted in the affirmative, together with Messrs. Appleton and Porter, of Maine ; Fay and Gooderich, of Massachusetts ; Briggs, Brooks, Conger, Dean, Hart,



Hawes, Russel, Schermerhorn, Sutherland and Walsh, of New York ; Bibighaus, Chandler, Curtiss, Dimmock, Florence, Fuller, Gamble, Jones, Kuhns, Kurtz, Moore, McLanahan, Morrison, Parker, Robbins and Ross, of Pennsylvania ; Marshall and McCockle, of California ; Ingersoll, of Connecticut ; Stratton and Wildrich, of New Jersey ; Carter, Disney, Edgerton, Olds, Gaylord, Greene and Taylor, of Ohio ; Dunham, Fitch, Gorman, Lockhart and Mace, of Indiana ; Campbell and Richardson, of Illinois ; Clark and Henn, of Iowa. These men from the free States assisted in suspending the rules of the House and all other business, in order to pass this bill, which, in every possible aspect, was most insulting to our northern laborers, from whom the money was principally drawn ; but no debate was allowed, nor were the opponents of the bill able to obtain one-fifth of the members of the House to vote for the yeas and nays on its passage. The effrontery of southern men, in demanding compensation for the loss of these slaves, was more than equalled by the base servility of those northern members who sustained this fraud upon the public treasury. But these surrenders of northern honor and northern interest were all justified and vindicated by the usual argument that "*it was necessary to save the Union ;*" while, in fact, they really made southern men believe their favor, their smiles and approbation necessary to preserve the Government ; and to regard northern members as incapable of the exercise of the higher virtues of patriotism and justice.

## CHAPTER XXV.

CHARACTER OF PRESIDENT PIERCE—THE "AMISTAD" CLAIM—REPEAL OF THE MISSOURI COMPROMISE—THE INAUGURATION OF CIVIL WAR—ATTEMPT OF THE EXECUTIVE TO EXCITE A WAR WITH SPAIN—BLOODSHED IN BOSTON—RESISTING THE FUGITIVE ACT—HUMILIATION OF SENATOR CASS—FIDELITY OF HIS STATE—COMPENSATION FOR LOSS OF SLAVES ON BOARD THE "CREOLE," THE "ENTERPRISE" AND "HERMORA," PAID BY GREAT BRITAIN.

1858.] The thirty-third Congress convened under peculiar circumstances.

The democratic party were in power. They held the Executive offices and a majority of both Houses of Congress, and controlled the Legislatures of nearly all of the thirty-one States which then constituted the Union. For many years the members of both whig and democratic parties had charged the advocates of liberty with agitating the "slave question." The repetition of this assertion had become chronic with those parties. Whenever the slave power introduced any subject of legislation involving the interest of the institution, and the adherents of freedom resisted it, the charge of "agitation" was iterated and reiterated: and it was never repeated and asserted with greater emphasis, than when they opposed the annexation of Texas, the Mexican war, the establishment of slavery in California, the giving Texas ten millions of dollars, and the passage of the fugitive act.

Free-soilers having felt that these outrages upon the rights and interests of the free States were arousing the indignation of all thinking men, had during the last Congress refused generally to enter into debate touching the institution.

This quietude was unsatisfactory to the slave power. Ambitious men were unable to attract public attention on other subjects; but all could manifest allegiance to slavery, which was usually regarded as the only mode for obtaining popularity. Nor were any members more anxious for debating the slave question than those who at the close of the thirty-first Congress had signed a written pledge, binding themselves not to support any man for President or Vice-President who did not regard the compromise measures as a final settlement of the slave question.

Mr. Pierce, the Democratic President, in his first annual message, recommended that Congress should appropriate money to compen-

sate the owners of the slaves who on board the Spanish schooner "Amistad" had by their own prowess won their right to liberty.

The case was fully stated in a former chapter. Having been first recommended by President Polk, and reported upon by the Committee on Foreign Affairs, the writer had met it, and exposed it in a short speech, when the motion to print the report was abandoned even by the mover. The claim was again brought to the attention of the House by an amendment of the Senate to the civil and diplomatic appropriation bill, and that amendment was promptly defeated in the House. But the case was important, as it involved the right of slaves to obtain their liberty by slaying their oppressors. It involved the life-giving doctrines of the Government. But the life of liberty, is the death of slavery: and the position of the Supreme Court, and the repeated decisions of the House of Representatives, if sustained, must prove the destruction of the "peculiar institution." The first step towards a reversal of those decisions, was necessarily taken by the highest authority of the Government: and Mr. Pierce, from education, from habits of thought, from political affinity, was the proper man to take it. Few statesmen of that period were more devoted to the party which elevated them. In no way distinguished for the powers of his intellect, he was kind and gentlemanly in his deportment, and pleasing in his address. Unconscious of the philosophy of governments, he studied thoroughly the *policy* of his party, and was unfaltering in his devotion to the interest of slavery. Under these circumstances, he really believed that Congress held the same legitimate power to legislate in favor of slavery that it possessed to act in favor of freedom. He was sincere in the opinion that colored men were in duty bound to become slaves, to remain slaves at the will of the white race, and that it was a moral crime for a black man to obtain his liberty by the display of that virtue called *heroism*: and he strongly urged Congress to grant from the public treasury full indemnity to the Spanish slavedealers for loosing their piratical grasp upon their fellow-men.

This recommendation of the President came under debate in [1853. the House of Representatives on the usual motion to refer the message to the appropriate committees. The writer, then the only member of the House whose public life had been contemporaneous with this claim, now for the third time met it with more than usual confidence, repeating the positions which on the two former occasions he had endeavored to maintain, and representing the President's position on the subject in no enviable light. But to his main points he invoked the attention of the chairman of the Committee on Foreign Affairs, Mr.



Bayly, of Virginia, regarded as one of the ablest of the southern delegation : and so pointed was the writer on this branch of his remarks, that Mr. Bayly at once said that he would reply at the first opportunity, and would show the justice of this claim. After the lapse of some two weeks, the writer publicly called attention of the House to the promise of the chairman of the committee, and complained that he had failed to vindicate the President's views. The chairman excused himself, saying he had not yet prepared such a vindication as he desired, but would do so at no distant day. After another month's delay, Mr. Giddings again complained to the House that the chairman of the committee had suffered the President's views to be assailed on the important measure of paying for the "Amistad" slaves, without vindicating them. To this Mr. Bayly listened, but made no response, nor did the committee to whom this part of the message was referred ever respond to the proposition, and the claim again appeared to be set at rest. But democratic members and democratic presses denounced Mr. Giddings for "agitating the question of slavery" on debating the President's message, and declared that the Union could not continue if such agitation were permitted.

But a question of far more pervading interest awaited debate. As stated in the last chapter, a bill organizing a territorial government in Nebraska had been reported to the House of Representatives, and having passed that body was sent to the Senate. It was silent as to slavery, and had therefore occasioned no debate.

1853.] But as the vast territory west and north of Missouri was now ready for the establishment of territorial governments, preparatory to admission as States, and as this whole country had been declared forever free by the Missouri Compromise of 1820, southern men viewed the addition of more free States from that part of our country as fixing the boundaries of slavery, which must inevitably result in the total extirpation of the institution. They had endeavored to avoid this result by the annexation of Texas, and obtaining California : But the sceptre of power had already departed from the slave States. California was *free*, and it was clearly seen that the addition of free States from the northwest would reduce the slave power to a subordinate position in the Government, which it had controlled for more than half a century.

Early in the session, Senator Dodge, of Iowa, introduced a bill in the Senate on leave, organizing a territorial government in Nebraska. But it is believed that neither that Senator nor his confrères were conscious of that vast tumultuous sea of agitation on which they were about to

launch the democratic bark. The bill was referred to the Committee on Territories, of which Mr. Douglas, of Illinois, was chairman. He was a man of some experience, having served in the House of Representatives several years, where he failed to exhibit any extraordinary powers of intellect. He was however a ready debater. His language was appropriate, but his arguments were more diffuse than logical, more plausible than profound. His great error was that which was common to the age in which he lived. He constantly lent influence to whatever he supposed would subserve the interest of himself or party, rather than to maintain enduring truth and unerring justice. It is believed that in his whole public life he never admitted the existence of a higher law than human enactments, or of a power superior to human governments, or of interests more important than those of the democratic party.

Mr. Atchison, of Missouri, was acting as Vice-President of the United States, and feeling a deep interest on this question, proposed to Mr. Douglas to report a bill authorizing the people of Nebraska to form a territorial government without excluding slavery, or he, Atchison, would resign his position as Vice-President, and take that of chairman of the Committee on Territories in which Mr. Douglas had served several years. Mr. Douglas, after reflection, preferred to report the bill himself. These facts were afterwards publicly stated by those gentlemen in the Senate, and Mr. Douglas accordingly reported the bill, accompanied by an elaborate report, endeavoring to show that the people of a territory have the moral right to establish slavery or freedom as they may deem most for their own interest; but he had not in language provided for the repeal of the Missouri Compromise of 1820. The Senate ordered five thousand copies of the report to be printed for distribution.

Mr. Dixon, of Tennessee, gave notice that when the bill should [1854. come up for consideration he would offer an amendment expressly repealing the 8th section of the act admitting Missouri, which prohibits slavery in all the Louisiana purchase north of 36 deg. 30 min. north latitude. Mr. Douglas moved a recommitment of the bill, which was agreed to; and he subsequently reported a bill organizing two territorial governments, one for Kansas and the other for Nebraska, declaring the Missouri Compromise *inoperative*, and maintaining the right of the people to establish slavery.

It became obvious that a serious attempt to repeal the time-honored compromise was now to be made under the prestige of the democratic party: and those opposed to the extension of slavery felt the necessity of an earnest and persistent effort to prevent such an outrage



upon the people of the free States and the rights of humanity. They prepared an address to the people of the United States. It was signed by Senators Chase, of Ohio ; Sumner, of Massachusetts ; Hale, of New Hampshire ; Messrs. Gerrit Smith, of New York ; De Witt, of Massachusetts ; Giddings and Edward Wade, of the House. The subscribers said in the address, " We arraign this bill as a gross violation of a sacred pledge ; as a criminal betrayal of sacred rights ; as a part and parcel of an atrocious plot to exclude from a vast unoccupied region emigrants from the old world and free laborers from our own States, and convert it into a dreary region inhabited by masters and slaves." This was the tone and spirit of the address. It invoked the attention of the Legislatures of the free States and called on the people to meet in primary assemblies and speak their opinions and wishes in regard to it. It invited ministers and all classes of people to examine the subject and express their opinions respecting it. It was published in most of the whig papers and in all those which sustained the free democracy of that day. The names of Senators Seward, of New York, and B. F. Wade, of Ohio, were also on the paper ; but those gentlemen preferred not to appear before the public in that way, and erased their names before publication. Several members of the House who had signed the paper, followed the example of the two Senators, and erased their names before the address appeared in public.\*

The address was written with the intention of calling out an expression of the popular mind on the subject. Mr. Douglas appeared to feel the blow ; and when the bill came before the Senate a few days subsequently, he made a personal attack upon the signers, styling them an " abolition conclave acting in the dark and governed by feelings of personal unkindness." His remarks were somewhat offensive in their character. Mr. Chase, however, was present and replied to Mr. Douglas with such force as to give him clearly to understand that in carrying his bill through the Senate he would find argument necessary instead of epi-

\* There was much said at the time in regard to the authorship of this address. The facts are as follows : Mr. Edward Wade, of the House, was sitting in the author's room one evening, conversing upon the subject of Mr. Douglas' report. It was remarked that its result would be defeat to the democratic party. Mr. Chase, of the Senate, came in and joined in the conversation. It was agreed by these members that an address to the people ought to be published. Mr. Giddings, regarding Mr. Chase as an accomplished scholar, proposed that he should pen the address. Mr. Chase suggested that if Mr. Giddings would put his thoughts on paper, he, Mr. Chase, would revise and correct them. Mr. Giddings wrote out the address, and placed it in the hands of Mr. Chase, who corrected and rewrote it. It was then submitted to Mr. Smith, who also made some verbal corrections and submitted it to Mr. Sumner, who also examined and corrected it, and the paper went to press precisely as Mr. Sumner left it and may now be found at length in " Congressional Globe," vol. xxiii., pages 281-2.



thets and declamation. Mr. Douglas replied, and instead of maintaining the doctrines or policy of his bill, reiterated his personal attacks upon the signers of the address. Mr. Sumner rejoined in language of eloquent severity touching the objects and purposes of the bill, which he declared could not be described in language, saying it was "a soulless, eyeless monster, horrid, unshapely and vast."

But the great issue of slavery or freedom in our Territories [1854. was now made up and entered upon the record. The leading members of the democratic party had expected it would prostrate the opponents of slavery: while the friends of Constitutional freedom appeared equally confident that it would result in the overthrow of the democratic party, and would eventually place the friends of liberty in possession of the Government. The great prize to be lost or won was nothing more nor less than the primal rights of human nature. Throughout the country and in Congress men prepared for the conflict. In the Senate the debate became general and of absorbing interest, and instead of consolidating political parties, it soon became evident that it was severing political friends. Southern Whigs now united with southern Democrats in favor of the bill, and northern Democrats united with Free-soilers in resisting this extension of slavery into territory which had thirty years previously been consecrated to freedom. The debate in the Senate called out the able men of that body. Public meetings in the country were held and the people passed resolutions disapproving of the attempts to repeal the Missouri restriction. The Legislatures of several States adopted resolutions denouncing such repeal. People sent petitions to both Houses of Congress remonstrating against this perfidious violation of pledged faith. Three thousand and fifty ministers of various religious denominations in New England sent to Congress their solemn protest against the perpetration of this national crime of extending slavery into territory once made free by the voice of the nation. They protested against it as a great moral wrong, justly incurring the righteous judgment of the Almighty.\*

The presentation of this memorial may be said to constitute an era in

\* The following is a copy of this solemn protest:

"We, the undersigned clergymen of different denominations in New England, hereby, in the name of ALMIGHTY GOD and in HIS presence, do solemnly protest against the passage of what is generally known as the Nebraska bill, or any repeal or modification of the existing prohibitions of slavery in that part of our national domain which it is proposed to organize into the territories of Nebraska and Kansas.

"We protest against it as a *great national wrong, as a breach of faith* eminently unjust to the moral principles of the community and subversive of all confidence in national engagements: a measure *full of danger to the peace and even to the existence of our beloved Union*, and exposing us to the righteous judgments of the Almighty."

the great moral and political revolution which was daily becoming more and more obvious. The protest of these clergymen served to call public attention to the one point so destructive of slavery, to wit, *its crimes*. Those ministers evidently hated slavery for its depravity ; and held to the fundamental truth, that the natural law, which they with perfect propriety usually call the will of God, had vouchsafed to every human soul the right to live, to gain intelligence, and prepare for heaven ; and this memorial was hailed by the lovers of justice as the harbinger of a corrected public sentiment.

1854.] The memorial was presented by Senator Everett, of Massachusetts, and having been read, Mr. Douglas appeared to feel keenly the advantage which this moral view of the question gave his opponents. He assailed the memorialists, declaring they had followed the suggestions of the address of the members of Congress ; denounced them as political preachers ; charged them with ignorance ; said the memorial was offensive and libellous, and asserted that the signers ought to be rebuked and required to confine themselves to their proper vocation.

Mr. Houston, of Texas, defended the memorialists, declaring the right of the clergy to speak their opinions frankly and fearlessly of public men and public measures, and expressed his own approbation of the memorial.

Mr. Mason, of Virginia, assailed the memorialists, denying their right to approach Congress as professional men, or to pronounce judgment upon any proceeding of that body, and closed my moving that the memorial be not received.

Mr. Butler, of South Carolina, and Mr. Adams, of Mississippi, sustained the motion of Mr. Mason.

Mr. Everett replied to these assaults upon the clergy. He was a learned man, and an accomplished speaker ; had served in early life in the House of Representatives, and more recently as minister at London. He defended the memorialists in kind and gentle language, which contrasted very distinctly with the violence of Mr. Mason and Mr. Douglas.

Mr. Petit, of Indiana, next addressed the Senate. He was a man of more mental strength than mental culture. Long residence upon the frontier of civilization had rendered him somewhat regardless of that refinement of thought and of language which is always desirable in public men. Nor did the free expression of his thoughts, in the language most natural to him, appear to be restricted by respect for those around him, or for the body of which he was a member.

Mr. Seward, of New York, closed the debate by a lucid statement of

facts and arguments, which apparently left no one in doubt as to the propriety of the memorial, and which he respectfully moved to lay upon the table, and the motion was agreed to.

This debate illustrated the great advantage which the advocates of liberty and justice always wield over the supporters of slavery, by referring to the *moral* view of that institution.

The bill was brought to final action in the Senate on the 3d March, and was passed by a vote of 37 to 14, Messrs. Bell, of Tennessee, and Houston, of Texas, voting against it. All the other Senators from slave States voted for it, assisted by Messrs. Brodhead, of Pennsylvania; Cass and Stuart, of Michigan; Dodge and Jones, of Iowa; Douglas, of Illinois; Norris, of New Hampshire; Petit, of Indiana; Thompson, of New Jersey; Toucy, of Connecticut; Weller and Gwin, of California.

Before the bill was taken up in the House, a meeting of the [1854. democratic members was held in the Capitol. Some denounced the policy, and others declared their intention to leave the organization rather than participate in the proposed outrage. Some left the party, and never more acted with it; but the slaveholders were inexorable, and most of the members were constrained to assist in the passage of the bill.

When the bill was taken from the Speaker's table, Mr. Cutting, a young member, a Democrat from the city of New York, moved its reference to the Committee of the whole House. The motion prevailed, and it was expected at the time that it would defeat the bill. Mr. Cutting had been known to the public as an able lawyer, and a man of a high order of talents: But loud and deep were the curses heaped upon him by the slaveholders, who viewed his action as exciting an insurrection against southern influence.

A few days after, Mr. Breckinridge, of Kentucky, spoke upon this subject, although the bill was not before the House for consideration. He, too, was a *young and talented* member. He had been reared in a slaveholding community, and brought with him the "*hauteur*" of southern life. He spoke of Cutting's motion to refer the bill with some severity: declared that he had represented himself as a friend of the measure while he had done all in his power to kill the bill: that his course had been like throwing his arm around the neck, saying, "How is it with thee, my brother?" while with the other hand he inflicted the fatal stab.

Four days afterwards Mr. Cutting replied to this assault upon his motives by Mr. Breckinridge. Apparently unwilling to submit to the supercilious bearing of his southern confrère, he declared that the



Democrats of New York had contributed fifteen hundred dollars to be expended in efforts to procure the election of Breckinridge to Congress. Breckinridge explained, admitting the contribution, but insisting that it was the duty of every member to sustain the Senate's bill. Cutting rejoined, saying his opponent had *skulked* behind the Senate bill. Breckinridge asked him to withdraw the remark. Cutting refused, and Breckinridge pronounced it false. Cutting responded, that this was not the place to reply to such language.\*

This conflict between two able members, each representing a section of the democratic party, was regarded as somewhat ominous of the effect which this measure was to exert upon that organization.

More than five hundred clergymen, mostly from Illinois, transmitted to the Senate a respectful remonstrance against the repeal of the Missouri Compromise. A meeting of clergymen, held in the city of Chicago, where Mr. Douglas resided, adopted resolutions disapproving his remarks upon the memorial sent to the Senate by more than three thousand clergymen of New England. These evidences of dissatisfaction at the great moral outrage about to be perpetrated, gave evident uneasiness to the advocates of the measure. Mr. Douglas replied to the memorial of the western clergy with more severity than Christian forbearance; and showed very distinctly that he regarded political duties in no way allied to moral obligation.

1854.] Nor were the clergy so distinct and lucid in their views as the occasion seemed to demand. They spoke of slavery as a *sin*, a *wrong* in general terms, without referring to that consciousness of the *right to life and liberty* which the Creator breathes into every human soul, and which is the outworkings of His will and the evidence of his law. But the influence of the clergy, which had been inactive generally, and in some instances exerted for the benefit of slavery, was now exerted for freedom and justice. Sermons were preached demonstrating the criminal character of slavery. Many of these were printed and widely distributed, and much information was disseminated among the people on the subject.

But party discipline was used to counteract their efforts. The democratic organization had been in power at least four-fifths of the time since the election of Jefferson in 1800, and its members believed it always would

\* Rumor represented a challenge as being sent to Breckinridge the next day, and a duel was said to have been arranged; the matter, however, was in some way settled, but the terms of settlement were not published. At the close of that Congress, Mr. Cutting retired to private life, but Breckinridge remained until the rebellion, when he joined the rebels, and became a general in the Confederate service.

control the Government, and they were unwilling to offend its leaders. Adhering democratic members of the House, by frequent consultations, were finally prepared to act unitedly in favor of the Senate bill : and on the 9th May they proceeded by vote to lay aside every bill holding position on the calendar prior to that organizing governments in Kansas and Nebraska, and when that was reached, Mr. Richardson, of Illinois, offered the Senate bill as a substitute for that reported by the committee of the House, and the whole subject came legitimately before that body for final action.

The proposition excited intense interest, and elicited the best talent of the House. Indeed, nearly every member gave utterance to his own views. The leaders of the democratic party found that the subject had got beyond their control. They could not limit the debate, which appeared interminable, and recourse was had to legislative chicanery.

Mr. Stephens, of Georgia, formerly a Whig but now acting with the democratic party, moved to strike out the enacting clause of the bill ? The opponents of the measure, supposing that this motion if carried would defeat the bill, voted for it. The motion prevailed and the bill was reported to the House as thus amended ; the previous question was demanded, and the House was thus brought to a direct vote on its *passage*.

All members from the slave States voted for the bill, as did also Messrs. McDonald, of Maine ; Ingersoll, of Connecticut ; Henn, of Iowa ; Hibbard, of New Hampshire ; Lilley and Vail, of New Jersey ; Clark and Stuart, of Michigan ; Latham and McDougal, of California ; Disney, Greene, Olds, Shannon, and Taylor, of Ohio ; Davis, Dunham, English, Hendricks, Lane, and Miller, of Indiana ; Brooks, Cutting, Rose, Walbridge, Walker, Walsh, and Westbrook, of New York ; Bridges, Dawson, Eddy, Florence, Jones, Kurtz, McNair, Parker, Robbins, Wright, and Witte, of Pennsylvania.

Thus forty members from the free States voted to repeal the Missouri restriction in order to extend slavery into Kansas and Nebraska. Of them it is believed that only two, Mr. Brooks, of New York, and Taylor, of Ohio, claimed affinity with the whig party. The others had acted with the democratic organization. But it should be remarked that southern Whigs and Democrats uniformly acted together on all subjects involving the institution of slavery.

The bill was returned to the Senate for concurrence in the amendments.

On debating these amendments, the agitating question of slavery in all its bearings was again discussed ; but in time the amendments were

agreed to and the bill was approved by the President, and became a law.

1854.] This was literally a democratic measure, declared by its advocates to be "necessary to *silence agitation* AND SAVE THE UNION ;" while its opponents with unhesitating confidence maintained that it would increase agitation and constitute an important step towards the dissolution of the Union. Events have proven that it was an important incident in "the regime of slavery."

The Senate presented an extraordinary spectacle on the morning when the President's message approving the bill was received. General Cass, a man of great experience, venerable for his age, arose and proclaimed to the country that peace and harmony would now govern our public councils, that there would be *no more agitation concerning slavery*. This was doubtless the real opinion of the leading statesmen of the democratic party ; while the entire history of the Government showed that every act in obedience to slavery had served to increase its demands, and every step taken by the democratic or whig party *to save the Union* constituted an important *advance towards its dissolution*. That the repeal of the Missouri Compromise was tending to a dissolution of the Union became evident soon after its passage.

The people of Connecticut felt the severe blow which civilization received from this extension of slavery. The Legislature of that State being in session, adopted resolutions deprecating the repeal, and declaring their intention of never consenting to the admission of a slave State from the territory.

These resolutions were presented to the Senate, and soon as they were read, Mr. Cass, who but a few days previously had assured the country that there would be no more "agitation" on the subject of slavery, was the first member of the Senate to become agitated on hearing them read. He at once arose and in an audible voice and excited manner said, "I hope those resolutions when put into plain English do not mean another *Hartford Convention*."

This allusion to the convention held at Hartford in 1813, to devise measures to relieve the people of New England from the sufferings which the war had brought upon them, was supposed to have been intentionally offensive to the Representatives of that State ; and Mr. Smith replied, saying, the resolutions contained nothing to provoke the remarks of the Senator from Michigan, who would in due time learn that they not only spoke the sentiments of the people of Connecticut but of Michigan also.



This prophecy of Mr. Smith called forth a reply from General Cass, in which he asserted the rightful powers of governments to establish slavery if their people choose, substantially denying that governments are formed to secure the enjoyment of liberty, in any greater degree than to secure the existence of slavery.

Soon as this bill had received the Executive sanction, the democratic party prepared for the next step tending to the dissolution of the Union. A plan was adopted for invading the territory with an *armed* force, taking possession of the ballot boxes on the day of election, in order to establish a slaveholding government.

It is unknown to what extent members were involved in this plan for initiating that civil war which has since attracted the attention of the civilized world. Our statements rest upon well established incidents, explained by those who professed to be familiar with and were supposed to understand the plot. It was known at Washington that Vice-President Atchison left the Presidency of the Senate while that body continued in session ; that he went immediately to western Missouri, was active in instituting what were called "blue lodges," and in his public conduct exhibited an intense anxiety to induce men to go to Kansas for the purpose of establishing a slaveholding government there. His secret consultations before he left, and the persons with whom he consulted, are not so well understood. It was said, however, that the leaders of the democratic party were generally consulted and agreed that force and violence and civil war must be resorted to if necessary to establish slavery, and that arrangements were made for the slave States to send men and money to Kansas in order to carry out this plan.

Nor were the advocates of free soil idle. The "Emigrant Aid Society" of New England was formed, and assistance was tendered to every man and family who wished to remove to that territory. Funds were raised, and emigrants were on their way to that theatre of action soon after the adjournment of Congress.

While public attention was thus directed towards Kansas, some three or four thousand citizens of Massachusetts sent to the Senate a petition asking the repeal of the fugitive slave act. It was respectful in language and unexceptional in its tone and spirit. Senator Rockwell, who presented it, remarked upon the circumstances under which the fugitive act had been passed, and the feelings which it had excited. He also stated that the peace and quietude of the country demanded its repeal.

1854.] Mr. Jones, of Tennessee, who had once acted with the Whigs, appeared desirous of avowing his unqualified allegiance to slavery ; and somewhat arrogantly declared that all who opposed the fugitive act were opposed to the *Constitution*. Senator Sumner, hearing his people thus assailed, replied to Mr. Jones with great energy of thought and of language. He had regarded the fugitive slave act with abhorrence from its first introduction, and now felt all the stirring emotions necessary to arouse his intellectual powers. He hurled back the charge that those opposed to the fugitive act were opposed to the *Constitution* ; and with the force of obvious truth showed that those who voted for that act violated the *Constitution*, and the rights of human nature, and the civilization of the age.

Mr. Butler, of South Carolina, interrupted him to inquire if he would arrest a fugitive slave ? Sumner turned partially around, and looking Butler full in the face with a scowl of contempt that was inimitable, and in a tone of voice and manner most withering, replied : “ Is thy servant a *dog* that he should do this thing ? ” He appeared to be moved from the deepest recesses of his moral nature, and speaking from the holiest impulses of the heart, he could not fail to impress those who heard him. Butler resumed his seat, apparently regretting that he had propounded the insulting question ; intense silence pervaded the Senate chamber, and the whole scene was one not easily forgotten.

The friends of freedom in Congress were also greatly encouraged by the presence, the aid, and assistance of Hon. Gerrit Smith, a representative from central New York. He was a man of great wealth, and had long been distinguished as a leading philanthropist. He had been well educated and was regarded as possessing a high order of talents. At his first advent to the House he led off in the debate upon that part of the President's message which related to the seizure of “ Martin Costa ” on board an American vessel lying in a neutral port, showing himself well versed in international law. His whole energies were devoted to the cause of justice and liberty.

The Administration having been brought into power by aid of slaveholding influence, appeared anxious to subserve the interest of the “ peculiar institution.” In the month of February a steamer called the “ Black Hawk ” cleared from Mobile for New York by way of Havana, and arriving at that port, was reported by the captain as in ballast, while she really had some five hundred bales of cotton on board that were not mentioned in her manifest. These facts becoming known to the proper officers, the steamer was *seized and held for trial*. It was gene-



rally understood that the democratic party were anxious to obtain Cuba, though at that time no open avowal of the fact had been announced ; yet it was supposed that the leaders of the party would gladly welcome a war with Spain in order to obtain that island.

On the 10th March, Mr. Phillips, of Alabama, said he desired to present a resolution upon a grave and important matter, involving the interest of his constituents and the honor of the nation. He then presented a resolution calling upon the President to communicate to the House such information as he might deem proper in relation to the seizure of the ship "Black Hawk," and the confiscation of her cargo.

The resolution was adopted without objection, and a few days subsequently the President sent to the House full information on that subject ; and said that "other acts of aggression upon our commerce had been perpetrated by her Catholic Majesty for which reparation had been delayed in a very unreasonable manner. That the Cuban authorities were wanton in their aggressions, while Spain delayed or refused indemnity ;" and referring to the situation of Cuba, her proximity to our coast, said, "it would be in vain to suppose that she could adopt a policy unfriendly to our commerce and '*other interests*,' without exciting the most intense feelings of our people ;" and closed by declaring that he should "feel disposed to carry out any measures which Congress might see fit to adopt in relation to the matter."

The message was clearly a recommendation of war, the object of which was to obtain Cuba. Its tone, and language, and reference to *other interests*, meaning the *interests of slavery*, could leave no doubt as to the intention of the President.

The message being read, Mr. Bayly, of Virginia, chairman of the Committee on Foreign Affairs, expressed his admiration of the manner in which the subject had been treated, and moved its reference to the committee of which he was chairman. The motion was carried, and thus far all seemed to favor the objects of the slaveholders.

The next morning the writer moved a reconsideration of the vote referring the message, and in a speech of an hour's length, exposed the designs of the President and party for getting up another war for the extension of slavery, referred to the war with Mexico for that purpose, and the defeat of its objects in part, and assured the friends of the war now proposed that if Cuba was obtained, it would be made free before it would be admitted as a State to our Federal Union. Mr. Bayly replied, but denied none of the objects imputed to the President and his party ; yet this timely exposure, together with the existing difficulties in



regard to Kansas, probably prevented further efforts to produce a war with Spain, for the increase of the slave power.\*

1854.] During this session northern servility was still further exhibited. The bill granting homesteads to actual settlers on the public lands was under consideration, when Mr. Wright, of Pennsylvania, moved an amendment limiting its benefits to the *white* people, and made a speech in favor of excluding blacks.

A Free-soiler moved a modification of the amendment, permitting all persons "*more than half white*" to participate in the benefits of the law. The mover proceeded to deprecate the policy of excluding the descendants of Mr. Jefferson, and of Martha Washington, who were well known throughout the country to be more than *half white*, although held in bondage. He declared that he had no intention to interfere in the quarrel which was evidently going on between the democratic party and the negroes; as to which possessed the best native talent: But it was well known that a few years before the House had been engaged in estimating the value of a black man who read and spoke four languages with facility; and he doubted whether the gentleman from Pennsylvania was able to give such an exhibition of literature; yet by this comparison of the two gentlemen he intended no offence *to the negro*. The burst of laughter which followed appeared to make a more serious impression upon slaveholding members than the most profound argument. They seemed to feel, for the first time, that they were likely to become the subjects of contempt.

For years the advocates of slavery assailed the personal character of all who devoted their energies to the support of truth and justice. During the session of Congress now under consideration they invaded the sanctuary of the departed, and assailed the memory of Mr. Adams. His friends, however, met these attempts to disparage the character of the illustrious dead, and vindicated the fair fame of the "old man eloquent," as may be seen by reference to the report of congressional debates in April, 1854.

The fugitive slave act had now been in force three years, and was far more unpopular than when first enacted. Yet the friends of that measure were still desirous of enforcing it in Boston. A fugitive, named Sims, from Georgia, was arrested in that city and imprisoned in the Court-house, and a force of armed men were left to guard him. These men were generally of that base character, who, having stifled the natural

\* Jefferson Davis, at that time Secretary of War, in a public speech, while visiting Mississippi, stated that the President did everything incumbent on him to produce a war with Spain; but declared that Congress did not sustain his efforts.

sympathies of the human soul, were anxious to maintain the influence of the political party to which they were attached by dooming a fellow-being to degrading bondage. A few friends of liberty felt that their city was again disgraced by a barbarism unsuited to the age, or to any Christian community, and anxious to maintain the reputation of their ancient commonwealth, collected together and proceeded to break the door of the Courthouse in which Sims was imprisoned.

A deputy marshal, with his assistant slave-catchers who were in the house, met those who were endeavoring to enter. Shots were exchanged, and for an instant there was the clash of arms; but as one of the guard fell, those who were outside, as if conscious of the responsibility which they incurred, fled amid the darkness of the night without being recognized. After they left it was found that one of the guard, named "Batchelder," had been struck by some sharp-pointed instrument; the femoral artery had been pierced, and he died immediately.

The feelings of the people were greatly excited. The man had fallen while assisting to rob his fellow-man of liberty, which all regarded as far dearer than life, and no one doubted that he had received retributive justice at the hands of the assailants.

The United States troops were at once called from the fortifications around Boston, and placed on guard. The Courthouse was surrounded by chains. The victim was kept in an upper room, which could only be approached through files of armed troops. A Commissioner, named Loring, sat in judgment upon Sims' right to life and liberty. The fugitive was ably defended by Mr. Dana, one of the most distinguished lawyers of Boston. The trial lasted several days. It was, however, a mere formality. At length Loring, the Commissioner, decided that Sims did not hold his life and liberty at the will of the Creator, but at the will of his master, and a decree for his delivery was entered. The victim was taken to the wharf, surrounded by a strong guard of soldiers, who, by their bayonets, held the indignant people at bay. Having reached the wharf he was placed on board a steamer, which instantly left the shore, amid the tolling of bells; while the flags in the city and on board the ships in the harbor were raised at half-mast, as an evidence of sympathy for a fellow-being who was thus consigned to a moral grave.

The expense of sending this man to servitude was borne by the United States, and was estimated at \$30,000, beside the life of Batchelder.

The resistance which caused the death of Batchelder imparted to the transaction a serious importance. But the President now issued no proclamation, nor did the Secretary of War or of the Navy issue General

Orders, as had been done when Shadrach escaped. The victim had been secured and sent to slavery, while the transaction had awakened a resistance to the fugitive act that was deep and abiding in the hearts of the people.

In the House of Representatives, Mr. Faulkner, of Virginia, chairman of the Committee on Military Affairs, moved to suspend the rules, in order to introduce a bill giving the widow of Batchelder a pension ; but Messrs. Dean, of New York, and Jones, of Tennessee, Democrats, objected ; while Mr. Giddings, of Ohio, was in favor of suspending the rules, provided the bill should be subjected to debate ; but the House refused to suspend the rules. Indeed, so timid were northern Democrats that very few of them voted with the slaveholders on that occasion.\*

In the Senate, however, the bill was referred, and Messrs. Clay, of Alabama ; Williams, of New Hampshire, and Jones, of Iowa, reported it back to the Senate recommending its passage ; while Senators Sumner and Seward made an able report against it. The bill passed by a vote of 37 to 12, and was sent to the House for concurrence, but was never taken up in that body.

The State of Rhode Island, through her Legislature, protested against the extension of slavery, urged upon Congress the propriety of granting to fugitives the right of trial by jury, and approved the course of those members of Congress who resisted the repeal of the Missouri Compromise. These proceedings were transmitted to Congress and presented in the Senate.

1854.] At the reassembling of the thirty-third Congress, after the summer recess, it was believed that the subject of slavery would not disturb its deliberations, as the session would continue only ninety days. But an attempt to enlarge the powers of the Mayor and Aldermen of Washington City brought before Congress the barbarous practice of imprisoning freemen and selling them for the fees, and an animated debate arose upon it.

Many petitions were also presented for the repeal of the fugitive slave act and against permitting slavery to exist in any territory of the United States.

But the progress of freedom was more strikingly evinced by resolutions adopted by the State of Michigan, declaring that slavery was a moral, social and political evil ; that its introduction into Kansas was violative of a solemn compact and of the Constitution, and was directly tending to a disruption of the Union. They asserted that the people of

\* Mr. Faulkner, at the time of recording these incidents (1868), was an adjutant general in the Confederate army.



Michigan were opposed to the extension of slavery, in favor of its entire abolition in the District of Columbia and of repealing the fugitive slave act.

Michigan had from its organization been a democratic State, and General Cass had ever been sustained as a faithful representative of their principles. He had publicly declared that, when he ceased to represent their views, he would resign his seat in the Senate. He had voted for the fugitive act and for the act admitting Kansas and Nebraska to establish slavery in those territories. He had long been a leader in the democratic party, and at one time its candidate for the Presidency. He had grown old in the public service, had to the utmost of his power opposed the progress of that reformation to which he was about to fall a victim. He now saw clearly the sentence of separation from those who had long stood by him and sustained him in public life, and as the aged statesman, with more than usual solemnity, announced to the Senate and country the change of public opinion which was to consign him to private life, he exhibited much emotion, and the audience listened to him with interest and with sympathy.\*

His colleague, Mr. Stuart, a younger man, but a Democrat, who had sustained the slave power with fidelity, also spoke on the subject, acknowledging the change of opinion that had been wrought in his State.†

This conversion of a strongly democratic State, in direct opposition to their Senators, their Representatives and public men, was [1855. regarded by the reformers with great pleasure. It appeared ominous of the approaching dissolution of that party; for all men of all parties were conscious that, whenever the sceptre of power should depart from the slave States, the democratic organization would disband.

The Free-soilers, however, maintained the policy adopted by Mr. Adams, of adhering to the fundamental doctrines of our Government. Every speech, resolution and bill which they presented had

\* General Cass first went to Michigan in 1812, as a colonel commanding a regiment of twelve months' volunteers from Ohio, and the writer, at that time a boy of sixteen, served in the militia of that State. From the close of the war until the breaking out of the great rebellion in 1861 they were personally friendly, but very decidedly opposed in politics. On the breaking out of the rebellion General Cass abandoned the democratic organization, and when in 1862 the author called on him at his residence in Detroit, they found themselves again in perfect political harmony when the Government was in danger, although separated during half a century of peace.

† Michigan remained true to her principles. When in 1861, Ohio, New York and Pennsylvania voluntarily surrendered the republican organization, and abandoned the doctrines which had been proclaimed in 1850, for the purpose of uniting with a portion of the Democrats, Michigan refused to join in that political suicide, but continued firmly adhering to the doctrines which her people loved. And in 1862, when Ohio and New York were carried by the democratic party, Michigan maintained her integrity and retained her faithful Republicans in office.

direct reference to the doctrines proclaimed in the Declaration of Independence. They saw the people had been misled by public men, who taught them to believe it their duty to maintain slavery and the slave trade in the District of Columbia, upon the high seas and in our Territories, and that Congress had authority and was bound to legislate for the capture and return of fugitive slaves. In short, the whole theory of the Free-soilers consisted in acting honestly towards the people, towards themselves and their country : And they regarded the conversion of New Hampshire and Michigan as important fruits of their long and arduous labors. True, many of their own friends had fallen in the frequent personal assaults of the slave power, and their ranks appeared thinned at times, but they were soon filled again.

But the arrogance of the slave power knew no bounds. Its advocates had proclaimed the compromise measures of 1850 to be a final settlement of the slave question, and many of its statesmen had pledged themselves to sustain no man for office who should agitate the subject of slavery : Yet the men who thus deprecated agitation brought forward and maintained the repeal of the Missouri restriction, and now demanded that Congress should add three and a half millions of dollars to the bonus granted to Texas by the compromise which was said to be *final*. Speculators, stock-jobbers and lobby members became solicitous for a further donation to Texas. On this subject ladies were employed : wives of Congressmen put forth their smiles and blandishments to induce members to vote for this proposition, than which nothing could be more corrupt. But leading statesmen of the whig and democratic parties held that injustice and corruption were necessary to sustain the Union, and this bill soon became a law, and the people of the free States were again taxed to purchase the *loyalty* of Texan slaveholders and *save* a union with that State which had been purchased at an immense cost of blood and treasure.

1855.] Near the close of Mr. Fillmore's administration our Government entered into a convention with that of England for submitting all disputed claims existing between the two Governments to arbitrators, and in case of their disagreement an umpire was to be selected. To them the claim of our Government for the loss of slaves on board the "Creole," the "Enterprise" and the "Hermora" was submitted. The two arbitrators disagreed, and the umpire, upon the authority of Mr. Webster and Mr. Calhoun, decided that the British Government was bound by the laws of nations to pay for the slaves lost on board those ships. Thus did the resolutions of Mr. Calhoun, for which Mr. Webster nor any northern Whig dared vote, in the short

space of twelve years become a part of the international law controlling the Governments of England and the United States. These two nations now united in sustaining a traffic in slaves which in 1814 they pledged themselves to *abolish*. Thus did the British and American Governments yield to the slave interest ; and instead of executing justice upon the piratical slavedealers, actually paid them money as a compensation for their misfortunes while speculating in the bodies of men and women : They united in acknowledging the supremacy of the slave interest, and thus stimulated southern statesmen to regard the cotton-growing interest of the South as the controlling element among civilized nations.



## CHAPTER XXVI.

STATE OF POLITICAL PARTIES—CONTEST FOR SPEAKER—COMMENCEMENT OF HOSTILITIES IN KANSAS—OUTRAGE UPON THE PERSON OF SENATOR SUMNER—FORMATION OF THE REPUBLICAN PARTY—ITS PRINCIPLES—PRESIDENT PIERCE'S LAST MESSAGE—THE SLAVE TRADE REPUDIATED.

1855.] The free-soil party was now rapidly increasing in numbers and influence. The whig organization had disbanded : Yet its leaders had too much pride of opinion to admit that the anti-slavery men were right in their policy or in their construction of the Constitution. Indeed, their prejudices were too strong to permit them to join any other existing organization. They therefore instituted a new party called the "Know Nothings" or "American party." Their leading policy was the exclusion of foreigners from office. In fact, the real point at which they aimed was the election of themselves to office. It was a secret society, known to each other by signs, grips and pass-words. It increased rapidly in numbers, and in the autumn of 1844 they elected a large majority of officers in all of the free States. This success brought many to their ranks, and aspiring members appeared to think that the only road to political preferment lay through the nocturnal councils of this new party.\*

The effect of their success became apparent at the assembling of the thirty-fourth Congress. It had placed the democratic party in a very decided minority in the House of Representatives.

The demoralization of the whig and democratic parties now stood acknowledged by the country. Their disruption was admitted to have risen from their devotion to slavery. While one of the instrumentalities for effecting their overthrow was the "American" or "Know Nothing" organization : And the Free-soilers or Republicans were placed in a most critical position. Their difficulty arose from the determination of aspiring politicians to give all influence into the hands of the organization which had recently sprung up.

Members of this new party were at the city of Washington some weeks before the assembling of Congress, making such political arrangements as they regarded necessary to secure the success for the "Know

\* Their lodges were said to be held in dark rooms and always in the night.

Nothings :” But all were conscious that neither they nor the Free-soilers could succeed except by uniting with each other.

On Thursday evening, before the commencement of the session, notice was given that a meeting of members would be held at the “republican rooms, on Friday, at 10 o’clock A.M., for consultation.”

At this meeting only about twenty-five Republicans assembled. These were mostly new members, and appeared exceedingly timid. However, there were several “Know Nothings” present, who assured the meeting that whatever the Free-soilers or Republicans might do the “Know Nothings” would nominate a Speaker at their lodge that evening or the next. To this it was replied that they could not expect a nomination made in secret lodge would be supported by those not admitted to participate in making it.

When the Republicans collected at evening there were about forty present, with a number of “Know Nothings,” and a debate upon the comparative merits of the two organizations opposed to the common enemy was fairly opened and occupied that evening and most of the next day. But late in the day a resolution was introduced pledging the members to vote for any man on whom a majority of the members should unite, provided he stood pledged by his past life or present declarations so to arrange the committees of the House as to give respectful answers to petitions concerning slavery. This resolution was adopted by a unanimous vote of more than seventy members. But the leading members of the “Know Nothings” did not appear at any of the caucuses.\*

It was in this unorganized form that members opposed to the extension of slavery met their associates on Monday in the Hall of Representatives, to enter upon a contest unequalled in the previous history of our Government.

The House consisted of two hundred and thirty-four members—two hundred and twenty-five of whom answered to their names at the first calling of the roll.

The first business in order was the election of a Speaker : And the ballots being counted, it was found that William A. Richardson, the democratic candidate, had 74 votes ; Lewis D. Campbell, of Ohio, the “Know Nothing” candidate, had 53 votes ; Humphrey Marshall, of Ken-

\* The resolution was drawn and introduced by the author, and was in the following form :—

“*Resolved*, That we will support no man for the office of Speaker who is not pledged to carry out the parliamentary law by giving to each proposed measure ordered by the House a majority of such special committee, and to organize the standing committees of the House by placing on each a majority of the friends of freedom who shall be favorable to making reports on all petitions committed to them.”

tucky, the southern Know Nothing candidate, 30 votes ; Nathaniel P. Banks, of Massachusetts, was supported by those Free-soilers or Republicans who refused to support any man placed in nomination by the Know Nothings ; and Hiram M. Fuller, of Pennsylvania, received the votes of 17 members of the Know Nothing party who refused to support any other candidate. There were several other ballots cast during the day, with little change. The voting continued on the second, third, fourth and fifth days, without material change, except that Mr. Campbell's vote rose on one occasion as high as *seventy-five*.

After the result of the twenty-third ballot was announced, Mr. Campbell withdrew his name from the list of candidates.

On the withdrawal of Mr. Campbell, Mr. Banks' vote rose regularly until the 15th December, when it reached 107.

In this protracted contest Mr. Fuller, of Pennsylvania, was sustained by about seventeen northern Know Nothings, and Humphrey Marshall by an equal number of that order from the South. These gentlemen and their supporters frequently united, when their joint vote would rise to the number of thirty or forty. Other individuals, acting with the Republicans generally, manifested a strong disposition to defeat the candidate for whom they were voting.

The House continued to vote pretty steadily until the fifty-ninth ballot had been cast, when Mr. Hickman, of Pennsylvania, a Democrat, who had steadily voted with the democratic party, offered a resolution declaring that after one more ballot, the candidate having the lowest number of votes should be dropped at each voting until but two candidates remained, and the one having the highest number of votes should be declared elected.

On this resolution a debate arose which continued for several days, with occasional interruptions for the purpose of taking a vote.

Mr. Broome, of Philadelphia, proposed to refer the questions which separated the political parties to the Supreme Court. Little reply to this proposition was made, except by general laughter.

On the 19th December, the ballot showed Mr. Banks to have 106, and Mr. Richardson 75. Messrs. Marshall and Fuller, with their adherents, continuing to vote by themselves.

During the debates the Republicans were constantly assailed, and as the writer was the oldest member of that party, he felt constrained to vindicate their cause. He assured the Democrats and "Know Nothings" that the Republicans *must soon come into power*: And when once in power they would not *permit southern members to dissolve the Union*. This seemed to arouse much angry feeling. Mr. McMullen, of Virginia, re-



plied with much spirit, declaring that *whenever a northern President should be elected the South would dissolve the Union*. This is believed to be the first distinct enunciation in Congress that the Union was to be dissolved upon the election of a *northern* President. Northern Democrats appeared mortified at the imprudence of Mr. McMullen.

Mr. Banks, in a public speech made some two years previously in Maine, had said, that if we were to extend slavery or dissolve the Union, he would say, "*Let the Union slide*." This saying was now seized upon by southern men as an insuperable objection to Mr. Banks' election : While, at the same time, Mr. Brooks, of South Carolina, assured the House and the country that unless slavery were extended he desired to see the Union *slide*.

Members appeared by common consent to enter upon a general debate, which was suspended on the 24th so long as to take a ballot, which showed no substantial change in the parties.

On the 27th, four ballots were taken with a similar result.

The newspapers showed that some excitement existed in the country. The Conservatives were pained at seeing representatives from the free States so regardless of the Union as to resist the South with such pertinacity. Northern Democrats and many "Know Nothings" insisted that the Union would be dissolved unless members consented to elect a Democrat who was known to sustain "*southern interests*;" a term synonymous with slavery.

But the advocates of the Constitution replied, we will vote for no man who by his past life or present professions is not pledged to "*sustain the constitutional right of petition*:" They had laid down a rule without reference to parties or to individuals. It was so plain that no man dared deny its propriety : and they declared that "*the constitutional rights of the States must and should be preserved whether the Union continued or not*." This doctrine, so entirely at war with the ruling motto of the old parties, had not been previously asserted ; nor did the people appear to comprehend its importance. Indeed, many members of Congress drew no distinction between maintaining the Union of *all* the States, and maintaining the Constitution over so many States as were satisfied with the Constitution.

But it now became evident that individuals calling themselves "Know Nothings," but acting with Republicans, were seeking the defeat of Mr. Banks. Thus, Mr. Campbell, of Ohio, who had received seventy-four votes for Speaker, presented a resolution declaring that Mr. Orr, of South Carolina, should assume the chair, and act as Speaker until such officer were regularly elected. Mr. Campbell was said to be in daily con-

sultation with Mr. Marshall, of Kentucky, who was steadily endeavoring to defeat the election of Mr. Banks. He had been a Whig, and his *avowed* object was to unite all parties in order to *defeat the Democrats*; but without pledging those who should defeat that party to any particular principle or definite policy.\* But Mr. Campbell's proposition was rejected, and by presenting it he lost the confidence of most of the members who had previously voted for him.

On the 28th December the balloting was resumed, and continued through that and the following day without material change of parties, and debate was again renewed. Southern members became grossly personal in their remarks, constantly threatening to dissolve the Union unless northern members ceased to press the subject of slavery upon the consideration of the people. Others attempted to ridicule northern members for attempting to organize the House in opposition to the democratic party.

These supercilious pretensions served to unite republican members more strongly, while it placed the supporters of Mr. Fuller and Mr. Marshall in no very enviable position.

Mr. Pennington, of New Jersey, was also a candidate, and many excellent members desired to support him. They had voted for Mr. Banks a long time, and desired to bring Mr. Pennington forward as the candidate of the Republicans. But the more experienced members united in saying that any change of candidates would prove fatal, unless the man brought forward could receive the entire vote then being given to Mr. Banks. Others declared they would not change under any circumstances; and the difficulty which the Republicans had to contend with consisted in harmonizing their party. That was only effected by adhering to the principles adopted at the commencement; and asserting their object was not the success of any man or any party, but to maintain the Constitution.

The President of the United States sent his annual message to the Senate on the 31st December, and his private secretary appeared at the entrance of the House of Representatives and announced that he had brought with him the annual message of the President, to be presented to that body.

Aware that this was intended to exert an influence against the Republicans, the author at once objected to receiving it, as it was an attempt to introduce a new practice—for up to that time no President had ever presumed to thrust his message upon an unorganized body—and that it

\* At this time, 1863, Mr. Marshall is serving as a brigadier-general in the Confederate army, and Mr. Campbell is serving as a colonel in the army of the United States.



could not constitutionally be received by members until a Speaker were elected. But a majority voted to receive it. The next attempt was to read it to the House; but it was again objected that it was not addressed to members in their disorganized condition, but was addressed to the Senate and *House of Representatives*, which had not then been organized. This objection was sustained, and although they had received the message, they refused to read it.

The new year found the House unorganized, with the President's message lying upon the Clerk's desk unopened and unread. [1856.] One ballot was taken. A motion was next made to take up and read the President's message; but, after debate, the motion was laid on the table.

Members now began to make arrangements for continuing the contest indefinitely. Most of them had expected to draw their mileage to defray their current expenses; but being unable to do that until the House were organized, found themselves out of funds. In many republican districts the people met in public conventions and passed resolutions approving the action of their Representatives, made provisions for their members to draw on their local banks for such funds as they deemed necessary for defraying expenses at Washington. To meet these expenses, some State Legislatures made appropriations from their State funds.\*

Soon as the republican party became consolidated, its members became more confident. Those of greatest experience assured their friends that as the President, officers of government, and the army and navy must go without pay until the House should be organized, the pressure would soon be so great upon the democratic party that they would be compelled to submit to the election of a republican Speaker.

Some State Legislatures passed resolutions sustaining the action of their Representatives, declaring the issue involved to be the extension or non-extension of slavery. Indeed, the entire debate turned upon questions touching that institution. The several candidates were interrogated upon the subject of slavery; but Mr. Banks was the only one who avowed his concurrence in the doctrines of the Declaration of Independence.

\* Mr. Richardson, the democratic candidate for Speaker, had been acquainted with the writer for some years, and, coming to his seat, suggested the absolute necessity of some compromise. The writer spoke with some degree of determination, declaring that he *hated the very term compromise*, as it always meant some further surrender of northern rights and interests. "But," said Mr. Richardson, "how long do you expect to keep up this contest?" "Until the 4th March, 1857," said the writer. Richardson appeared astonished, and saying—"You be d—d!" walked away.



The debate and balloting continued without any material change or incident until the 25th January, when the President sent another message having relation to public affairs in Kansas. The members generally feeling some curiosity to hear what the President had to say in relation to that territory, ordered the message read, and then very quietly resumed the discussion.

On the 29th January several propositions were made for an immediate organization. They were rejected, but by such small majorities as to indicate an organization at no very distant period ; and the Republicans now felt one, and only one doubt in regard to success. The southern " Know Nothings " had been Whigs, and bitterly hated the Democrats ; and the question now presented was, whether they would unite with their old enemies rather than see a republican Speaker elected.

On the 3d February a resolution was presented, declaring that three more ballots should be taken, and if no election were had, the candidate having the highest number of votes on the 4th ballot should be declared Speaker. Soon after this vote was announced the House adjourned. Members now felt that the contest was drawing to a close.

The next morning, reports from members showed that every Republican stood firm, and that the " Know-Nothings " had pledged themselves to vote only for their candidate ; the assurance of success appeared to pervade every mind. All were solemn, and appeared conscious that the action of that day was to tell upon our national character in coming time.

Mr. Aiken, of South Carolina, was announced as the democratic candidate. And the first ballot, under the resolution, showed little change of parties. Banks received 102 votes ; Aiken, 92 ; Fuller, 13 ; Campbell, 4 ; and Wells, 2.

By this time the spacious galleries were filled with eager spectators, the lobbies and passages were crowded by men and ladies anxious for the result. The next ballot was taken without any change of parties. A motion was made to adjourn, but it was voted down by 159 to 52. Mr. Fuller announced that he was no longer a candidate. The result now appeared to be anticipated by all, and as the Clerk commenced calling the roll of members for the final vote, there appeared to be the most intense interest felt on all sides of the House. As Mr. Barclay's name was called, he arose and declared that he wanted further information as to Mr. Aikin's views in regard to the " American, or Know Nothing organization." The inquiry gave rise to a colloquial debate, which lasted for an hour, detracting somewhat from the dignity of the occasion. Confusion now reigned in various parts of the hall ; crimination and re-crimination was heard ; and members were seen standing up talking to

each other in great excitement as the Clerk proceeded in calling the roll. Various propositions were suggested, but the Clerk, declaring all motions out of order, proceeded to call the names and record the votes of all the members. When the roll had been called through, there was so much confusion that it was difficult for any one to be heard. But the clerks and tellers proceeded in their duties, and when the count was completed, Mr. Benson, of Maine—one of the tellers—rose, and in a loud voice proclaimed that “On the one hundred and thirty-third ballot Nathaniel P. Banks had received *one hundred and three votes*; Mr. Aikin had received *one hundred votes*; Mr. Fuller had received *six votes*; and Mr. Campbell had received *four votes*. That *Mr. Banks having received the highest number of votes on this ballot, was declared duly elected Speaker of the thirty-fourth Congress.*”

At this announcement the spectators in the galleries broke forth in wild excitement. Cheer after cheer went up, amid the waving of handkerchiefs and demonstrations of unrestrained exultation, which were responded to by hisses from the Administration side of the House.

Some feeble opposition was made to Mr. Banks assuming the duties of the chair, when a resolution declaring him Speaker was offered and adopted by a large majority. This was in accordance with the precedent established in 1849, and rendered the election constitutional.

When this resolution had been adopted, the Clerk, Mr. Forney, a Democrat of Philadelphia, called on Mr. Aikin, of South Carolina, Mr. Fuller, of Pennsylvania, and Mr. Campbell, of Ohio, to conduct the Speaker to the chair. This being done—

Mr. Banks delivered an appropriate address, and the Clerk called on the writer, being the oldest member of the House, to administer the oath of office. He walked into the open area in front of the Speaker's chair, and, taking a position some thirty feet from him, desired that officer to raise his right hand, which he did, and the oath was administered in a loud voice, according to the form practised in New England from the time of the Pilgrims.

Thus closed this remarkable conflict, after a struggle of nine weeks. In this contest the most discordant elements were brought to the support of principle, and the power of truth in political contests was very fully and beautifully illustrated.\*

\* When the writer, possessing a large physical frame and whitened hair, walked out to the front of the Speaker to administer the oath, the audience at once recognized him as having labored long and steadily in the cause of human freedom, and another cheer was given for this result of his labors.

This form of administering the oath had never been adopted on any former occasion, and it was regarded with so much interest that the papers of the next morning described the incident, and gave a verbatim report of the language used on the occasion.



The effect of this victory was felt through the country. Men now saw the moral influence which a few individuals devoted to truth and freedom had been able to exert upon Congress. Sixteen years before this occurrence Mr. Adams and the author of these sketches were the only representatives in Congress of the doctrines now supported by a majority of the House.

The slaveholders and those who sympathized with them appeared to realize that political power was gradually escaping from their grasp, and that the day was rapidly approaching when the people would resume control of the Government and wield it for their own benefit.

Slavery and freedom had met in open conflict, and truth had again prevailed. From the hour that slavery had been rejected from California, defeat and disaster had attended the advocates of the institution.

On Monday, 5th February, the House proceeded to read the President's message, and having completed its organization, commenced the ordinary business of legislation.

But now the difficulties in Kansas attracted public attention. Many emigrants from New England had settled in that territory and constituted almost its entire resident population. The people of Missouri and the other slave States had not been idle. They could not send emigrants to cultivate its soil, but they prepared to enter the territory with an armed force and to establish the institution of slavery by military power.

Accordingly, on the day appointed by the Governor for electing members of the General Assembly, and on the previous day, citizens from Missouri with arms and banners entered the territory, took possession of the ballot-boxes, drove the resident citizens from the polls, and proclaimed their companions members of the Legislature. These men professing to have been elected, assembled and enacted a slave code for Kansas, which in point of barbarity had seldom been equalled since the darker ages had passed away.

The resident citizens were unwilling to recognize either the legislators or the slave-sustaining enactments which they had passed.

The people of the free States in the meantime sent arms and ammunition to their friends in Kansas to enable them to protect themselves against the invaders, who were now endeavoring to establish slavery by force of arms. The citizens of slave States also sent men and arms to reinforce the harbingers of slavery.

Military parades, drills, and camp equipage became common. Skirmishes were fought, victories were won and lost, men were slain, prisoners were captured, and civil war with all its ordinary incidents existed in that territory. The President espoused the cause of the slave-



holders, and sent troops of the United States to maintain the curse of human bondage and enforce the worse than Draconian code enacted by adherents of slavery from slave States.

The Senate called on the President by resolution to communicate to Congress such information as he might possess in relation to the difficulties existing in Kansas. He replied by message on the 14th February, and in it he assailed the societies and men of the free States who had assisted emigrants to the territory as "promoters of civil war," and mildly censured the invaders who had entered the territory with an armed force and usurped the government; but in the most emphatic terms denounced as "insurgents" those who refused to obey the enactments of their invaders. He referred to those who favored the formation of a free State, and to those who sympathized with them, as "enemies of the Government" and "violators of the Constitution," and those who opposed the extension of slavery he characterized as "*agitators* seeking to overthrow the Government and institutions of the country."

This extraordinary state paper did not fail to call forth the deep indignation of those who were endeavoring to maintain the constitutional rights of the free as well as of the slave States. They spoke of the President as the mere instrument of the slave power, seeking southern favor by treason to the Constitution and to freedom. They placed upon the record of debates the fact that he had sent the army of the United States to aid the invaders, and sustain the usurpers of the government in Kansas.

In the Senate, Messrs. Hale, Sumner, Seward, Wilson, Hamlin, Fessenden, Collamer, Foote and Wade, were outspoken and bold in exposing the crimes committed in Kansas by the supporters of slavery. The transactions in that territory, the attempts of the Executive and his friends to sustain them, afforded an inexhaustible theme for criticism; and these exposures were the more unwelcome to the slave power in consequence of the approaching Presidential election, which was to take place before the next meeting of Congress. But the Senate debated the message of the President and the report of the committee to whom it was referred, as well as the bill admitting Kansas to the Federal Union as a State. These subjects were discussed until the 8th July, when the Senate passed the bill authorizing the people of Kansas "to form a State constitution and government."

In the House of Representatives the message of the President was examined with less severity. Members of that body appeared to regard the association of the President with the Vice-President, Atchison and the border ruffians of Missouri, to be so obvious as to deprive him of

that influence which could alone justify them in commenting upon his conduct.

On the 27th February, Mr. Grow, of Pennsylvania, chairman of the Committee on Territories, in the House reported a bill declaring most of the acts passed by the usurpers of Kansas *void* and securing the people of that territory in the enjoyment of their rights.

But as there appeared to be doubts thrown around many important facts connected with Kansas, resolutions were introduced authorizing the Speaker to appoint a committee of three members, who should visit the territory, take testimony, and report to the House facts concerning the invasion, the election, and action of the self-styled Legislature.

This so-called Legislature of Kansas passed a pretended law professing to authorize the people to elect a delegate to Congress, and a man holding a certificate of election under these enactments, appeared and demanded admission ; but after a full examination the House declared that the self-styled legislators had no authority, that their enactments were void, and that the delegate had no claim to a seat in that body. Thus did the House of Representatives spurn the enactments which the President declared valid.

The report of the committee sent to Kansas to ascertain facts appeared to set all cavil at rest ; and the free-State men of the territory and their advocates in Congress and in the States determined to encounter the horrors of civil war rather than submit to this attempt to extend slavery over Kansas by force of arms.

But a difficulty arose in consequence of the unwillingness of the Committee on Ways and Means to exercise the legitimate functions which the House possessed. In reporting the army appropriations, they placed the whole amount in the hands of the President, without restriction, instead of declaring that no part of it should be used to transport troops to Kansas or to sustain them in that territory. Thus did that committee propose to give the President means to carry on the civil war.

Older members of the House were dissatisfied with this action of the committee, and when the bill came under debate, Mr. Campbell, of Ohio, chairman, on being publicly interrogated, reluctantly declared that he would not *look at sectional difficulties while legislating for the country*. But an amendment was proposed limiting the appropriation so as to restrict the President from using the army for the subjugation of Kansas. This amendment was adopted, and the bill passed the House of Representatives ; but the Senate disagreed to this restriction, and the bill was finally lost on this disagreement.



The feeling of hostility which had grown up on the part of the South towards the North, was manifested by the dictatorial bearing of southern members. It had been confirmed and strengthened by yielding up rights and interests on the part of northern members until slaveholding Representatives regarded themselves as the *superiors* of those from the free States. They found it impossible to maintain an intellectual superiority whenever northern members boldly confronted them ; yet Mr. Butler, of South Carolina, a man usually of gentle demeanor, was quite impatient of opposition upon questions touching slavery. Whenever the institution came under debate he assumed a dictatorial tone, spoke disrespectfully of his opponents, and on matters relating to Kansas he became offensive to those who opposed him.

Mr. Sumner, of Massachusetts, was erudite and always gentlemanly. He had the advantages of a fine education, improved by travel in foreign countries. A man of pure morals, proud of the noble State of which he was a Representative, and devoted to the cause of progress and human elevation ; he devoted all his energies to the discharge of official duty.

On the 20th May, he delivered a speech on the bill authorizing the people of Kansas to form a constitution and State government, a part of which was in reply to the remarks of Mr. Butler on the same subject. No one doubted, nor did Mr. Sumner deny, that he intended such a rebuke to Mr. Butler as would admonish that gentleman of the propriety of observing a respectful courtesy towards his opponents ; yet no friend of Mr. Butler or of slavery charged Mr. Sumner with overstepping the bounds of order, or of strict parliamentary rules in his remarks ; but they were forcible, indeed withering towards Mr. Butler, who had rendered himself subject to the severest criticism. The force of his logic and the obvious justice of his allusions were wounding to the pride of South Carolina : her Representatives were said to have held a consultation on the subject. Their Senator and State had been placed in an unenviable position, and the question appeared to be how they were to wipe out the stain ?

Unfortunately, they believed in the practice and habits of the South, and instead of maintaining the intellectual conflict, they had recourse to physical violence.

Mr. Brooks, attended by Mr. Keitt, both armed, entered the Senate chamber after the adjournment of the 22d May. Mr. Sumner remained at his desk engaged in writing, with a few other Senators who were also engaged at their desks, as was usual. Brooks approached Mr. Sumner



in front, with a heavy cane in his hand, saying : " I have read your speech ; it is a libel on my State and Mr. Butler, who is a relative of mine," at the same instant striking him. Sumner attempted to rise ; a second blow, falling with full force, prostrated him, at the same time depriving him of consciousness. As he lay paralyzed and apparently lifeless, Brooks proceeded to inflict further blows, while Keitt, with a pistol in one hand and a cane in the other, ordered the spectators to stand back. Mr. Crittenden, of the Senate, and Mr. Murray, of the House, being present, seized Brooks and removed him ; while Mr. Morgan, of the House, protected the apparently lifeless body of Sumner from further outrage.

Perhaps Massachusetts and South Carolina were never more faithfully represented than by Mr. Sumner and Mr. Brooks. The one was intelligent, gentlemanly and kind, holding that all contests were to be decided by reason, by the judgment and conscience ; the other holding that violence, physical force, the duella, or battle-field, was the proper resort of gentlemen and of nations. The ideas of the one were refined and pure ; the other adhered to the barbarism of former ages. Indeed, this distinction was equally well defined between the people of the free and slave States.

On the morning following this assault, Mr. Wilson called the attention of the Senate to the outrage which had been perpetrated upon the senatorial sanctity of that body.

Mr. Seward moved a resolution of inquiry and the appointment of a committee. The resolution was adopted, but *every* member of the committee, five in number, were Democrats ; no Senator opposed to the Administration was appointed. This outrage upon parliamentary usage was as great as the personal assault on Mr. Sumner. But the facts were so well known that the committee could neither misunderstand nor misrepresent them, although they referred to the speech of Mr. Sumner as the cause of the attack. As Mr. Brooks was a member of the House of Representatives, a copy of the report was transmitted to that body for its action.

But before this report was made to the Senate, Mr. Campbell, of Ohio, offered to the House of Representatives resolutions of inquiry in relation to this violation of the privileges of the Senate by a member of the House. The consideration of these resolutions was opposed by Mr. Clingman and Mr. Craig, of North Carolina ; Mr. Smith and Mr. Letcher, of Virginia. The Speaker, however, decided that the resolutions were privileged under parliamentary law, and entitled to immediate consideration. From this decision Mr. Clingman appealed ; and every member

from the slave States voted against the decision, together with Messrs. Day, of Ohio ; English, of Indiana ; Florence, of Pennsylvania ; Fuller, of Maine ; Marshall, of Illinois ; Miller, of Indiana, and Valk, of New York. But the Speaker was sustained by a large majority, and the committee was appointed, and on the 2d June made a full report of facts, accompanied by a resolution expelling Mr. Brooks from the House. This report was, however, signed by Messrs. Campbell, Pennington and Spinner ; while Messrs. Cobb and Greenwood, belonging to the democratic party, made an elaborate report, concluding with the resolution that the House of Representatives had no jurisdiction of the case.

On the 10th June, resolutions from the Legislature of Massachusetts were presented, stating the rights of each State to be represented in the Senate, and the sanctity of the persons of Senators while thus representing their States, and in dignified language deprecating the late outrage upon one of her Senators.

Similar resolutions were received from the Legislatures of Rhode Island and Connecticut, they being in session at the time.

Mr. Sumner being confined by his wounds, Mr. Butler replied to the speech of Mr. Sumner. To this Mr. Wilson, while his colleague was yet prostrated, rejoined in an able manner. Mr. Evans, of South Carolina, also spoke upon the subject. Mr. Douglas, of Illinois, spoke only in excuse of himself for not interfering at the time of the assault, *as his object might have been misconstrued*. Mr. Slidell, of Louisiana, declared that he heard the blows, but *felt no interest in the matter*. Mr. Toombs, of Georgia, openly justified the assault. To these remarks Mr. Wade, of Ohio, responded with earnestness, declaring the assault "assassinlike and cowardly."\*

On the 9th July, the House proceeded to the consideration of the resolutions and report of the committee expelling Mr. Brooks. Mr. Clingman, of North Carolina, argued that the attack was a mere assault and battery, of which the House could take no jurisdiction. Mr. Bingham, of Ohio, replied with great force ; and after further debate the vote was taken upon expelling Brooks, and stood 121 in the affirmative and 95 in the negative. All the members from the slave States, assisted by

\* As Mr. Toombs had *justified* the assault which Mr. Wade pronounced *cowardly*, members expected that Toombs would challenge him ; but he did not.

Mr. Brooks challenged Senator Wilson, who replied that the moral feeling of his State would not justify him in meeting an opponent in a duel ; but the people expected him to *defend himself*. This he expected would call out an attack upon the street, and he prepared for it. Indeed, the feeling now ran so high that several Senators and Representatives carried arms upon their persons wherever they went.



Messrs. Florence, Cadwallader and J. Glancy Jones, of Pennsylvania ; Denver, of California ; English, of Indiana, and Marshall, of Illinois, voted in the negative ; while all the other members from the free States voted in the affirmative.

There being less than two-thirds in the affirmative, the resolutions were lost. After the vote was declared, Mr. Brooks addressed the House, by common consent, for an hour, endeavoring to justify his barbarous violence in consequence of Mr. Sumner's speech. When he closed he declared that he had already sent his resignation to the Governor of his State.

On the following day the House proceeded to consider another resolution reported by the committee, for expelling Mr. Keitt for the part he had borne in the affair, which being so amended as to express the disapprobation of the House, was adopted by a large majority, and that gentleman thereupon resigned his seat.

Thus ended the public debate concerning a transaction which greatly disparaged our Government with foreign nations, involving the people of the free States in that low degree of civilization which only belonged to the slaveholding portion of the nation ; but the recollection of those scenes will long remain deeply impressed upon the memory of those who witnessed them.

The general indignation of the northern people became intensified when it was found that Mr. Sumner continued unable to attend his duties in the Senate. He was subjected to painful operations at the hands of the most eminent medical men of Europe. He was temporarily paralyzed, and suffered exceedingly for nearly two years before he was able to resume his official duties.

The natural result of these outrages was the formation of political parties upon the question of slavery and freedom. Indeed, the necessity for such political organization was so obvious that few persons appeared to doubt its propriety, when the first session of the thirty-fourth Congress adjourned.

But that body having failed to pass any bill making appropriations for the army, the President called the members together by proclamation, for an extra session ; and a sufficient number of northern members now united with the Committee of the House to pass a bill giving the President both funds and army for the subjugation of Kansas, and the bill in that form became a law.

Long before the adjournment, the people began to move in favor of a general political organization preparatory to the coming presidential canvass. The "Americans" or "Know Nothings," were to



meet at Philadelphia, and the leaders of the free-soil party called a meeting of their friends to be held in Pittsburg at the same time. The Americans were unable to unite upon any platform in regard to slavery ; and the Free-soilers, after consideration, passed resolutions declaring their principles and expressing a desire that all who held those doctrines would meet in national convention for the nomination of candidates for President and Vice-President.

Soon after a general call for a convention appeared, inviting "all who were opposed to the repeal of the Missouri Compromise, to the extension of slavery, in favor of admitting Kansas as a *free State*, and in favor of *restoring the Government to the principles avowed by Washington and Jefferson, to meet at Philadelphia.*"

This restoration of the Government to the doctrines of our revolutionary fathers, had constituted the theme of contemplation by Mr. Adams and his associates since 1837. No reformation short of adopting those doctrines was regarded by them as of any importance. And this call was intended to carry out that object.

The convention, in point of numbers and of moral character, was equal to any that had ever met in the United States.

At Philadelphia, on the 18th June, A.D. 1856, the Republican party was formed upon the principles explicitly enunciated in the resolutions of which the following is a copy :

"*Resolved*, That the maintenance of the principles promulgated in the Declaration of Independence and embodied in the Federal Constitution are essential to the preservation of our republican institutions ; and the Federal Constitution, *the rights of the States and the union of the States shall be preserved.*

"*Resolved*, That with our republican fathers, we hold to the self-evident truth, that all men are endowed by their Creator with equal and inalienable rights to life, liberty, and the pursuit of happiness. That the primary object and ulterior design of instituting our Federal Government was to secure the enjoyment of these rights to all persons under its exclusive jurisdiction. That, as our republican fathers, when they had abolished slavery in all our national territory, ordained by the Constitution *that no person shall be deprived of life, liberty or property without due process of law*, it becomes our duty to maintain this provision against all attempts to violate it ; and to prevent the establishment of slavery in any territory of the United States by positive legislation, prohibiting its existence therein : And we deny the constitutional authority of Congress, of a territorial legislature, or of any individual or association of individuals to give legal existence to slavery in any

territory of the United States, while the present Constitution shall be maintained."\*

There were also other resolutions relative to Kansas, to the "Ostend Manifesto," and to polygamy in Utah; but the two which we have quoted show the *primal truths, the essential elements* on which the founders of the republican party based their claims for support.

These resolutions were intended to invoke a distinct and unmistakable issue with all who held to the necessity of corruption, or fraud, or oppression in our American Government. The writer while serving in Congress had publicly called on southern men to acknowledge or deny these doctrines; but he had never been able to obtain from a slaveholder or a sympathizer with slavery a direct answer to the question.

The adherence of those who founded the republican organization to the doctrines enunciated was well expressed by a subsequent vote. The Americans or Know Nothings of New York, had appointed a large and respectable committee to meet a similar committee from the Republican Convention, in order to agree upon terms by which the Americans and Republicans could unite. The committee had come from New York for that purpose, and were in the convention when Governor Morgan, of that State, proposed to appoint a corresponding committee on the part of the Republicans to meet them.

To this it was objected that the Republicans had proclaimed their doctrines, which were immutable, and no committee could change them. If the "Americans" maintained those doctrines, they would of course vote with the Republicans; if they did not hold to them, they could not and ought not to support them. Nor could any Republican vote for any man who denied these essential principles, and Governor Morgan's proposition was laid upon the table with but little opposition.

The convention having assumed the name of "Republican" as its party designation, and nominated John C. Fremont as its candidate for President, and William L. Dayton for Vice-President, adjourned.

But this assertion of primal truths as the basis of the organization was novel to the politicians of the old parties. Messrs. Clay, and Webster, and Calhoun, and Cass, and other statesmen had discarded this policy, and its adoption now was regarded by their admirers as an imputation upon the wisdom which those great men were supposed to possess. All

\* The first of these resolutions was penned by Hon. Preston King; the latter was written by the author in his library, at Jefferson, Ohio. Mr. King and the writer were both on the committee appointed to report resolutions and platform to the convention, and these were adopted by unanimous vote of the committee, and in convention there was not a dissenting vote.



admitted the doctrines, but many denied the policy of adopting them. Some said the "self-evident truths of the Declaration of Independence" were admitted by both the democratic and whig parties. Leading Democrats in the free States, in public and in private, asserted that their party held them firmly as Republicans. But the more experienced men of that day admitted that in *practice* both of the old parties denied them.

There was much difficulty encountered from that pride of opinion which is natural to the human intellect. Old politicians who had grown grey in maintaining the policy of a national bank, a protective tariff, and distribution of the proceeds of public lands, could not understand how these should be laid aside and the primal doctrines of government be resorted to as the basis of a party organization. Men who had always assailed their opponents as the only argument in favor of themselves, could not understand why the platform of any party should fail to attack those who opposed it.

The result of the election placed James Buchanan in the Executive Chair; but all saw that his success had been achieved by the united support of northern men, who dared not deny the doctrines enunciated by the Republicans; or that the slaveholders practically repudiated them. It was also well understood that the democratic party could only be held together by the enunciation of some principle on which all could unite.

The American or Know Nothing party had now sunk in political death, and only two parties were before the nation: of these the republican only avowed essential doctrines as its basis.

When the thirty-fourth Congress reassembled in December [1856] for its third session, it seemed admitted by all that the Republicans had become a political power in the nation. Their scattered forces had been collected, their principles had crystallized into definite form, and the members of that organization felt full assurance of success at the Presidential election of 1860.

The civil war in Kansas continued; property was destroyed, buildings were burned, men were slain, and skirmishes fought in order to establish slavery therein.

The President's annual message gave ample evidence of the feelings of his party. Former Executives had been accustomed to express with great dignity their views upon important questions of *policy* and of *principle*; but Mr. Pierce now descended from his official position to read lectures to the people for discussing their rights: and he assailed those State Legislatures who passed laws for protecting the liberties



of their people ; and falsely charged the anti-slavery men with agitating the emancipation of southern slaves. This misrepresentation was constantly repeated by men in office and politicians, so far as to become evident that they intended to falsify the historic record in regard to it. The message was criticised with great freedom ; the right of the people to discuss whatever subject entered into the administration of government was maintained, and all attempts to usurp undelegated authority by the Executive was denounced ; the untruthful assertions in the message were exposed, and the President's friends were called on to vindicate him against these charges of official mendacity.

In the Senate, Mr. Hale reviewed the message with deserved severity and with consummate ability. In that work, Senators Wilson, of Massachusetts, and Trumbull, of Illinois, engaged with a zeal becoming patriots ; while the press of the country repelled his attacks upon the people for speaking their sentiments, declaring them new and without precedent.

In the message the whole subject of our Kansas difficulties was opened up for debate. The question of extending slavery was again presented, and the issue between the parties on that subject was rendered unmistakable. This was the first fundamental issue ever formed between the political parties of our nation. Although the leaders of the whig party in 1844 professed opposition to the extension of slavery, they had not dared to proclaim it as a principle in their national platform. Such, too, was the case when the Democrats were about to annex Texas : Indeed, the joint resolutions in favor of that measure were introduced both in the Senate and in the House of Representatives by Whigs, but now the republican party, representing the principles enunciated at its formation, stood compactly and immovably opposed to this leading doctrine of the democracy.

1857.] The reopening of the African slave trade was much agitated in the cotton-growing States. The Governor of Alabama, in his message, called attention of the Legislature to this subject, and it was said that several cargoes of slaves had been recently imported by its citizens : Individuals boasted of having followed that barbarous traffic, declaring that the laws of the United States against it could not be enforced within any slave State. Southern men insisted that slavery was right and proper ; that the Federal Government was bound to support it : and taking this as the predicate, they declared that it was for the interest of the cotton States to increase the number of their slaves, asserting with great confidence that if slavery be right, the slave trade *could not be wrong*.

On the 15th December, Mr. Etheridge, of Tennessee, offered a resolution, declaring "the African slave trade to be shocking to the moral sense of the civilized portion of mankind ; and that any act of Congress conniving at, or legalizing that horrid and inhuman traffic would justly subject the Government and citizens of the United States to the reproach and execration of all Christian people throughout the civilized world."

Southern members opposed the introduction of the resolution, but it was finally brought to a vote, and adopted by 152 to 57, only one member from the free States, Mr. Florence, of Pennsylvania, voting with the slaveholders, while Messrs. Etheridge and Zollicoffer, of Tennessee; Smith, of Alabama ; and Kennett, of Missouri, sustained the resolution. The feeling against the slave trade became so strong that several members who had voted for it, at the time of which we are speaking, took occasion subsequently to declare their hatred of it.

During this last session of the thirty-fourth Congress, constant intimations were thrown out in regard to the settlement of the constitutional right of carrying slaves into our Territories by the Supreme Court, and northern men were inquired of as to the surrender of their opinions, provided the Supreme Court should decide in favor of that measure. But no one appeared to understand the allusion.

## CHAPTER XXVII.

SUBSERVIENCY OF THE SUPREME COURT—CONSTITUTION OF KANSAS—PRESIDENT'S MESSAGE—POLITICAL PRINCIPLES—"AMISTAD" SLAVES—CONSTITUTION OF KANSAS REJECTED—WALKER'S EXPEDITION—CLAIMS FOR DEPORTED SLAVES—RIGHT OF VISITATION:

1857.] AN important incident in "the regime of slavery" transpired soon after the adjournment of the thirty-fourth Congress. The important and well-defined principles of the Republican party needed no explanation, no vindication. They were not only "self-evident," but they constituted the distinct and emphatic doctrines on which the Government had been founded, without the maintenance of which it must cease to be that established by our fathers.

The result of the Presidential election showed clearly that the democratic party of the North dared not take issue upon those doctrines, and had escaped defeat only by claiming them as their own; while the southern wing of that organization distinctly and emphatically denied the existence of those "self-evident truths."

1858.] All now appeared to see the overthrow of the democratic party, unless some effective movement were made to prevent the onward progress of the republican organization. To effect this object, recourse was had to the Supreme Court. A majority of the members of that tribunal were slaveholders, and at least one of the non-slaveholding members was believed to be as anxious to involve the free States in the crime of sustaining slavery, as were his fellow-judges of the South.\* A case was made up by counsel in Missouri, stating that a negro woman, accompanying her master, who was a military officer, by whom she was held a slave, gave birth to a child while living in the Louisiana purchase north of 36 deg. 30 min. north latitude, and subsequently moved to and resided in Missouri. The child had been named "Dred Scott," and having arrived at mature age, sued for his freedom. The case was carried to the Supreme Court of the United States, and during the month of March, that tribunal took up the subject, and after hearing it elaborately argued, very gravely decided, that "although the language used in the Declaration of Independence was broad enough to include the

Gale  
\* Judge Baldwin, of Pennsylvania.



whole human family, and if used in a similar instrument at this day would be so understood ; yet *history informs us* that such was not their intention ; they did not include, nor did they intend to embrace, colored persons, the descendants of African slaves," and they proceeded to declare "*that black men had no rights that white men were bound to not so respect.*"

This denial of the essential truths announced in the Declaration of Independence, astonished the people of the free States. But the barbarous doctrine that white men were not bound to respect the *right of black men to live*, awakened among the people an intense abhorrence not merely of the principle but of the men who enunciated a doctrine so revolting to Christianity. The people believed the black man's rights to life as sacred as that of the white man.

The intentional killing of black men was universally believed in the free States to be *murder* ; yet it was well known that the Federal Government had sent our army to Florida, where they butchered innocent men, women, and children because they were black. Indeed, the reader will recollect that men were shot down in the State of Pennsylvania under the fugitive act. They were shot by deputy marshals of the United States in Pennsylvania and in Ohio, and in every slave State the master was authorized to slay his bondman if he resisted the master's barbarous brutality. And in all the cotton-growing States they were driven so hard at labor as to render the average life of persons after reaching manhood but seven years, and on the sugar plantations but five years.\* It was therefore necessary, in order to vindicate the institution, for the Court to assert this doctrine, revolting as it was. But when that tribunal assumed that the signers of the Declaration, in asserting that *all* men were endowed by their Creator with inalienable rights to life and liberty, intended to assert only that all *white* men were entitled to these prerogatives of the human soul, the people at once charged ignorance upon the Court rather than upon Jefferson and Adams and Franklin and their associates.

That distinguished tribunal, however, became so excited as to assert the undisguised falsehood that "*history showed that the signers of the Declaration regarded black men as having no rights that white men were bound to respect.*"

This decision, however, recognized one essential doctrine of the anti-slavery men. They had ever averred that the Declaration of Independence asserted the principles of the Government, and that the Cou-

\* *Vide* "Jay's views of the Federal Government" and the slaveholders' address therein quoted.

stitution was to be so construed as to carry out the essential principles of the Declaration of Independence. But this had been denied by southern statesmen and by leading Democrats of the North. The Court, however, felt the necessity of admitting this doctrine, and were unable to find any warrant for slavery under the *Federal* Government, except by an attempt to show that the signers of the Declaration of Independence failed to express their own views, but asserted doctrines directly *opposed to those which they entertained*.

1858.] The decision, however, shocked the public conscience. It seemed to satisfy the public mind that men who had so far vitiated their own moral natures as to hold their fellow-men in degrading bondage, would even pervert the truth of history in order to vindicate their own conduct. The decision aroused a spirit of investigation and of independent thought among the people.

Upon its publication slaveholders and northern Democrats hastened to adopt it as the platform of their moral and political faith, and thus was the great issue between the Republicans and Democrats distinctly formed and placed unmistakably upon the records of the nation. The right of all men to live, and to that liberty which is necessary to cherish and sustain life, had been asserted by the republican Convention, and was now as emphatically denied by the democratic organization north and south. It was an issue broad as human nature, eternal as the will of the Creator. Yet from the formation of this issue some professed Republicans were dissatisfied. They had belonged to the whig party, had embraced the doctrine so long adhered to by the leaders of that organization, "that no political party could succeed upon well defined principles;" "that the people were not sufficiently enlightened and virtuous to maintain their own liberties, or to adhere to truth and justice as the basis of governmental organization;" and "therefore injustice, wrong, and even corruption, were *necessary to the support of our Government*." They labored to convince those who had long endeavored to organize a party upon the doctrines of the Declaration of Independence, that such an organization *could not succeed*. They appeared unwilling to admit that Clay, and Webster, and Ewing, and Corwin, and Fillmore, had been in error in their efforts to placate the slave power instead of resisting it. And while they were struggling to convince Republicans of what they deemed errors of policy, they found themselves constrained to practise the doctrines which they theoretically deprecated.

The persons elected by slaveholders from Missouri and other slave States to constitute the Legislature of Kansas passed an act authorizing



the election of delegates to a convention for forming a State constitution and government. The people generally refused to recognize those men as possessing any power, and regarding the enactment as void, refused to appear at the polls or to vote for delegate. Of course, those who were pro-slavery were elected, and a slaveholding constitution was framed. But at this point a difficulty was discovered. The framers of this pro-slavery constitution became convinced that the people of Kansas would never adopt it if it were submitted to them for approval, and they proceeded to declare it absolutely the constitution of that State; and it was transmitted to the President, for the purpose of being laid before Congress preparatory to admission to the Federal Union.

At the assembling of the thirty-fifth Congress there was more intense feeling throughout the United States in regard to Kansas than had existed at any former day.

The "American" or "Know Nothing" party had disappeared; and many Democrats who had left their party to attach themselves to this novel association returned to their democratic friends, and a majority of members of the House were now obedient to the dictates of the slave power. James L. Orr, of South Carolina, was elected Speaker.

President Buchanan's first annual message was characterized by an elaborate argument in favor of admitting Kansas under the slaveholding constitution which had been adopted by the Convention, but not by the people. He referred to the fact that the constitution of Kansas secured to the master his property in slaves, according to the then recent "decision of the Supreme Court and the dictates of *justice!*" Indeed, the general tone of the message recognized slavery as just and righteous, exhibiting the entire devotion of the President to the institution.

Mr. Douglas, of Illinois, and many other Democrats, had given [1858. the public to understand that they did not believe in the despotism manifested by the Convention in Kansas. They insisted that the people had the right to pass judgment upon a constitution which was to bind them and their children to an indefinite period of time. But the message of the President showed them clearly that support of this slaveholding constitution was to be the test of democratic orthodoxy.

On referring the message to appropriate committees in the Senate, Mr. Douglas took occasion to say that he differed from the President on the point alluded to; and Mr. Stuart, of Michigan, declared his dissent from the President's views; while Mr. Davis, of Mississippi, sustained the President. Other members were drawn into the debate, and it became evident that a rupture of the democratic party must take place from the agitation of this question. Southern oligarchs never permitted



their allies to falter at any doctrine or principle which the slave power had adopted ; and the more experienced statesmen foresaw that the hesitation of Mr. Douglas in adopting the Lecompton Constitution, without permitting the people to express their opinions upon it, would exclude him from southern support for the Presidency.

In the House of Representatives the message was criticised with severity. It was debated at length, analyzed, dissected, and its moral and political deformities exposed. The President, in former times, had served both in the House of Representatives and in the Senate, when silent and quiet submission to the dictation of slaveholders was practised ; but he had been absent from the United States four years, and appeared unconscious of the progress of public sentiment during that time, and his message had been far better adapted to the *twenty-fifth* than to the *thirty-fifth* Congress.

The public mind was now absorbed with the difficulties in Kansas. Emigrants from every free State resided there. They had left behind them relatives and friends, who sympathized with them in their struggle for freedom. They sent to Kansas provisions, money, arms and ammunition, tents and all the paraphernalia of war ; while most of the southern States continued to send men and arms to maintain the barbarous code of slave laws enacted by the military usurpers ; and civil war continued to desolate that devoted country.

At an early period of the session, Mr. Douglas introduced to the Senate a bill authorizing the people of Kansas to adopt a State constitution and form of government. Resolutions were also adopted, calling on the President for copies of all correspondence in relation to Kansas not previously reported.

1858.] In the House of Representatives, Mr. Banks, from the Committee on Territories, reported a similar bill. Other bills, having the same object in view, were also reported. These bills were debated, and questions relating to the extension of slavery, its moral character and its pecuniary bearings, were for some two months the theme of remark.

The Legislature of Ohio, in view of the difficulties into which the democratic party was being precipitated, adopted resolutions declaring their confidence in the President, their adherence to the Cincinnati Platform ; then, denouncing the Lecompton Constitution as unwise and unfortunate, and asserting that every constitution ought to be submitted to the people, they called on the Senators and Representatives from that State to oppose the admission of Kansas under the Lecompton Constitution.

The incongruity of these resolutions afforded a rich theme for comment; yet they showed that the democratic party could not stand together on the issue which had been formed between them and the Republicans.

The Legislature of Tennessee, anxious to express the voice of her people, adopted resolutions condemnatory of Senator Bell, of that State, for his course in regard to Kansas, and instructing her Senators and requesting her Representatives to exert their influence for the admission of Kansas upon the Lecompton Constitution.

Mr. Douglas now stood in avowed opposition to the President and his policy in relation to Kansas. Senator Stuart, of Michigan, and Senator Broderick, of California, also took position with Mr. Douglas. The last named Senator was a man of great boldness and possessed a high order of talent. He frankly and fearlessly maintained his position against the combined opposition of the party to which he had belonged, and finally fell a martyr to his integrity of purpose. He was killed in a duel with Judge Terry, of California, and in his last moments declared that he was murdered "*because of his opposition to a corrupt Administration and the extension of slavery.*"

On the 20th January, the President transmitted to the two Houses of Congress copies of the Lecompton Constitution and other documents connected with the formation of a State government.

The issues now being made up, the supporters of slavery and the advocates of liberty ranged themselves on opposite sides in well defined order, while a class of politicians, calling themselves Conservatives, appeared uncertain to which army they belonged; they appeared to be vibrating between right and wrong, "preferring heaven, but choosing hell."

Others joined the Republicans, acted with them, but were at all times anxious to induce that party to abandon its principles and bring its members back to the support of the exploded policy of the whig party, of acting in opposition to the democratic organization without referring to essential principles for their guide. This class of politicians proved more dangerous to the Government than its open enemies. Incapable of understanding the force of moral truth, or of appreciating the omnipotence of justice; they at all times expressed the conviction that success must depend on shrewdness of management; that sound policy might require injustice to individuals and classes or to sections, or it might require fraud and deception to carry it out; that it might even require bribery and corruption to maintain the Government.

These men were regarded by the experienced statesmen of that



day as political infidels, destitute of the first requisites of patriotic politicians.

No sooner had the issues been fully settled in regard to Kansas, than Hon. Frederick P. Stanton, of Tennessee, a Democrat, long a member of Congress and more recently Secretary for the Territory of Kansas, published an address to the people of the United States, declaring that the real difficulty had risen from the unlawful invasion of the territory and the usurpation of its government by military force. These outrages had been approved by Mr. Douglas; at least he had insisted that the enactments of the usurping Legislature were *valid*: Indeed, he had expressed no disapproval of the military invasion of the territory, and the fact that Stanton now stood fairly upon the grounds assumed by Republicans concerning Kansas served to discourage the leaders of the democratic party.

Mr. Stanton had resided in Kansas, was well acquainted with the popular voice, and in his address declared that a large portion of the people were determined never to recognize the invaders as their legitimate rulers, and he confirmed the reports concerning frauds, oppression and despotism practised upon the people of the territory.

This publication from the pen of a southern man of high moral and political standing was a severe blow to the dominant party. Hon. Thomas L. Harris, of Illinois, a member of the House of Representatives, who had been elected to Congress as a Democrat, came out boldly denouncing the invasion of Kansas, the usurpation of its government, and repudiating all political fellowship with men who sustained these outrages. Others in public life and thousands in private life now abandoned the democratic party and joined the Republicans because of their unchanging principles of liberty and justice.

As men now saw almost the entire time of Congress occupied in some form of agitation concerning slavery, they lost confidence in the prediction of Messrs. Clay, and Webster, and Calhoun, and Cass, and Polk, and Pierce, and Buchanan, and all those leaders who had represented that the gag-rules, the censure of members, the annexation of Texas, the Mexican war, the payment of Texas debts, the Fugitive Slave act, and the repeal of the Missouri Compromise was to silence agitation. Each of these incidents had greatly weakened the influence of the free States, and had strengthened that of the slave States; and the agitation, at first slight, had now crystallized into *civil war*, which threatened a dissolution of the Union: And the prediction of Mr. Adams and his associates in 1843 had thus far been *literally fulfilled*.

To hide these facts from the great body of the people was now the



object for which the slave power, the democratic party and many old Whigs appeared to labor. Indeed, some professing to have embraced the republican faith labored assiduously and others *insidiously* to bring republican doctrines into disfavor.\*

The whig party held the decisions of the Supreme Court to be of binding validity on all departments of government, while the democratic party correctly asserted that every officer sworn to support the Federal Constitution must act on his own judgment, and could not be controlled by the opinion of any judge or officer *against his own convictions*. The doctrines of the Supreme Court in the case of Dred Scott were examined with great ability, and the philosophy of human governments was more fully brought before the people than at any former day. Statesmen insisted that He who created the earth and ordained the laws by which its fruits were produced, had imparted to men the appetite and imposed upon them the duty of obtaining those fruits; That He who created the seasons had given to men the means of providing protection against the storms of heaven; had made it their *duty* to obtain raiment and habitation. That to say the Creator had imposed these duties upon men without giving them the inherent and imprescriptible right to that liberty which is *necessary to obtain them* would be an impeachment of the Creator's justice, and downright infidelity. They asserted that it was "self-evident" that every human being possessed the right to enjoy the light of the sun, to breathe the air of heaven, to satisfy his hunger from the fruits of the earth, so long as he forbears to interfere with the rights vested in other persons. They insisted that these rights and necessities are not given nor imposed by human constitutions, or human laws, or human governments; but by the Creator; and that human governments, constitutions and laws should recognize these rights as constituting a part of the Divine

\* Hon. Thomas Corwin, of Ohio, had been Governor of that State, a Representative and a Senator in Congress, and more recently Secretary of the Treasury under Mr. Fillmore. On professing to hold republican doctrines he was nominated for Congress. He attended a State republican convention, and was chairman of the Committee on Resolutions. The committee reported resolutions modified in their tone from the platform adopted at Philadelphia. Soon as the regular business of the convention was completed, Mr. Corwin was called on for an address. He complied, and spent three-fourths of an hour in efforts to convince Republicans of the duty of *catching and returning fugitive slaves*. The writer was next called, and he spent an equal amount of time in ridiculing and holding up to public contempt every "bloodhound" who chased negroes, whether on two or four legs.

Subsequently, Mr. Corwin was reported to have boldly denied the essential truth that the natural rights of mankind to life and liberty were derived from the Creator. He was reported to have said that "*all our rights are derived from the Constitution.*" To this the writer replied in a letter to a friend, which was published; and the editor of the paper giving Mr. Corwin's speech then stated that it had been *erroneously reported*.

Will : That invasion of these rights must of necessity constitute *crime*, whether such invasion be by individuals or by men associated in the legislative or executive administration of governments. They asserted that religion and philosophy blended and united in support of these principles, and that the duties of Christians and philosophers, statesmen and jurists were precisely the same in regard to them.

These doctrines, held by all true Republicans, were opposed and denied by all slaveholders and northern Democrats : But the Conservatives, as they were called, would neither admit nor deny them ; but generally bore themselves in such manner as to induce Republicans to believe they held to them, and at the same time cause the Democrats to believe they denied them.

1858.] Of this character was Mr. Crittenden, of Kentucky. He was an honest man of the school alluded to. He had been a contemporary of Mr. Clay, and held the policy which that statesman maintained. He was eloquent and able : and his constant efforts at compromise arose from the conviction that deception and fraud and oppression were necessary to save the Government. He introduced an amendment to the bill for admitting Kansas with its slaveholding constitution. His amendment provided in substance that Kansas should be admitted under the Lecompton Constitution, provided her people should at a subsequent election vote in favor of adopting it.

This amendment was in accordance with Mr. Douglas' views, and every Republican in the Senate voted for it : But as the Senate was strongly democratic, the amendment was rejected ; the bill passed and was sent to the House of Representatives.

The Constitution of Kansas in Article 1, Section 7, declared that "the right of property is before and higher than any constitutional sanction, and the *right of an owner of a slave to such slave and its increase is the same and is as inviolate as the right of the owner of any property whatever.*"

The antagonism between this provision in the Lecompton Constitution of Kansas and the American Declaration of Independence was so clear and unmistakable that no intelligent mind could misapprehend the issue. Yet republican Senators had voted for this amendment, which if adopted would admit Kansas as a slaveholding State.

The debate in the House of Representatives was long, able and greatly embittered by the violations of faith which had repealed the Missouri restriction of slavery ; yet, the fundamental principle which denies the right of men to enslave their fellows constituted the issue on which the parties were contending.



The amendment of Mr. Crittenden was now pressed in private conversation upon the Republicans of the House, as the only means of defeating the bill. It was nothing more nor less than a compromise between slavery and freedom. But for its adoption in the House most Republicans were anxious, under the conviction that it would defeat the Senate's bill.

At length the Senate's bill came up for hearing. The writer moved its rejection : Against this motion all the members from the slave States voted, together with the following, from—

CONNECTICUT.	Messrs. Arnold, Bishop, and Clark,	3
NEW YORK.	“ Clarke, John Cochrane, Corning, Haskins, Hatch, Kelly, Maclay, Russell, Searing, Sickles, Taylor, and Ward,	12
NEW JERSEY.	“ Adrain, Huyler, and Wortendyke,	3
PENNSYLVANIA.	“ Ahl, Dewart, Dimmick, Gillis, J. Glancy Jones, Owen Jones, Landy, Leidy, Mont- gomery, Phillips, and White,	11
OHIO.	“ Burns, Cox, Groesbeck, Hall, Lawrence, Miller, and Pendleton,	7
INDIANA.	“ Davis, English, Foley, Gregg, Hughes, and Niblack,	6
ILLINOIS.	“ Marshall, Morris, and Shaw,	3
CALIFORNIA.	“ McKibbin and Scott,	2

These forty-seven northern Democrats, with the slaveholders of all parties, constituted the negative vote on the motion to reject the bill, making in all 137, while the affirmative included the whole republican force, amounting to 95 votes ; and the motion failed by a majority of forty-seven. Maine, Massachusetts, Rhode Island, Vermont, Michigan, Wisconsin and Iowa furnished no vote against the rejection of this bill. After the failure of this motion, Mr. Montgomery, of Pennsylvania, offered the amendment of Mr. Crittenden as a substitute for the bill, and it was adopted by 120 ayes to 112 noes. The bill being thus amended, passed the House and was sent to the Senate for concurrence. The Senate rejected the amendment, as was expected. A committee of conference after much labor agreed upon a substitute for the bill, which was finally passed. By it the constitution was returned to Kansas for adoption by the people. But as it was well understood that most of the people of Kansas were in favor of a free State, there was but little chance for its adoption : Yet the friends of African bondage in the



Senate continued to press the matter of slavery in Kansas upon the consideration of that body.

The admission had been defeated against the combined influence of the slave power and the democratic party, aided by the Executive, who declared that "Kansas was as much a slave State as Georgia or South Carolina."

1858.] The Legislature of New York having passed resolutions against the admission of Kansas as a slave State, transmitted them to Senator Seward, who presented them to the body of which he was a member.

The Republicans became still more confident after this defeat of the slave power. But although the great body of that party were hostile to the institution of slavery upon political and economical principles, there were comparatively few who regarded it a *crime*, or asserted that life and liberty were "gifts of God," lying behind and above human enactments: While the framers of the Lecompton Constitution did not hesitate to assert that "the right of property in slaves existed before, and was higher than any constitutional sanction:" Indeed, this moral phenomenon manifests itself throughout the history of the American Government. The advocates of oppression, of despotism and crime, have ever exhibited a boldness that almost commands respect: while the advocates of liberty, justice and Christianity have been modest, retiring and diffident.

This defeat of the slave power was more deeply felt by southern men than was generally understood. After the exclusion of slavery from California, the supporters of that institution looked to Kansas as the remaining source from whence to add another slave State to the Union. That having failed, they seemed to comprehend their situation. They felt that they were to be rapidly dwarfed in political power and influence, preparatory to the final extinction of human bondage.

1858.] Laboring under these gloomy forebodings, the advocates of slavery appeared to feel that spirit of desperation which usually precedes the overthrow of men and of nations. They now spoke boldly of secession; of separating from the free States, and gave distinct indications of that subsequent uprising in favor of oppression, which will in coming time form one of the most astonishing incidents in the history of nations.

The President, in his annual message, had again recommended an appropriation from the public treasury to compensate the Cuban slave-dealers, who professed to own the people on board the Spanish schooner "Amistad." This recommendation was regarded by many northern

members as insulting to the people of the free States. It was so treated in the House of Representatives. Mr. Leach, of Michigan, a devoted friend of liberty, made an exposé of its absurdity, and a democratic Committee on Foreign Affairs in the House consigned this recommendation of the President to the same silent repose to which northern petitions had been committed in former days. This was the fourth time that the Executive had pressed upon Congress the propriety of appropriating the money of the people to sustain this Cuban slave trade ; but the rising of those Africans, and assertion of their liberty, was so palpably just, so evidently in accordance with the law of nature, that Executive influence, aided by that of the slave power, could not subject the people of the free States to the humiliation of paying the piratical slavedealers for the loss of their victims.

But the Senate treated the message with greater respect. Mr. Mason, of Virginia, from the Committee on Foreign Affairs, reported a bill granting full indemnity to those slavedealers : And so zealous was the author of the bill for its passage, that he obtained a vote making it the special order, for a day certain at the next session, when it was to override all other business ; but learning the repeated fate of that measure in the House of Representatives, and being aware that Messrs. Seward, Sumner and Hale were prepared to resist its passage, he failed to call it up for debate, and this favorite measure of the slave power, after a struggle of nearly twenty years, slept in silence.

While these incidents were transpiring, the people of Kansas had elected delegates to a convention for the purpose of framing a free State government. The convention met at Topeka, and agreed upon a constitution. The Legislature passed resolutions in favor of admission upon this constitution, and transmitted the resolutions to Congress. They were respectfully received and ordered to be printed, and the *status* of the territory in regard to slavery appeared to be established, although the slave power interposed every obstacle that could delay its admission as a State.

The advocates of human bondage now realized their condition. California was free : All efforts to create a war with Spain, in order to obtain Cuba, had failed, and the 'Ostend Manifesto had fallen into apparent contempt. The last and greatest effort to extend slavery into Kansas had been defeated, notwithstanding the entire influence of the Executive and of the democratic party had been earnestly exerted in favor of the measure : and it was evident that no further extension of the institution within the jurisdiction of the United States could be hoped for : The slave power found its energies para-



lyzed, its influence dissipated, and its prestige lost. The popular feeling of the free States had been awakened to its moral and political crimes : yet its devotees determined on one more effort to extend the institution and increase its power for maintaining a separate and independent government, before leaving that which had so long protected and cherished it.

[1858.] An expedition to Central America for the purpose of conquest was now agitated among the people of the slave States. That country was well adapted to slave labor. The people were supposed to be somewhat effeminate, and unprepared to defend themselves against an invading force. William Walker, of Alabama, appeared to be the master-spirit of this piratical foray upon an unoffending people : while many leading men of the slave States were said to be active in aiding him with men and money to carry out his design. Indeed so fully were the people of the slave States identified with this unlawful and unauthorized invasion of Central America, that no man of the South was known to oppose it. The subject was openly approved and encouraged by some of the southern newspapers, while it is not known that a paper in either of the slave States openly condemned it. It was said by Walker, and believed by the public, that he held conversations with the President and other high officers of Government, stating to them his intentions ; and Walker himself asserted that he had the President's tacit consent to fit out the expedition, which was a most palpable violation of the laws of the United States as well as of the law of nations. He went so far as to publish what appeared to be a correspondence between himself and the Federal Executive on the subject, and which is yet uncontradicted by President Buchanan : but the popular disgust of the North became apparent. The northern press spoke out manfully in condemnation of all who aided or approved of this outrage upon international as well as municipal law : and the President appeared to feel constrained to make an effort to suppress the movement. Whether this effort was made in good faith or not, is a question which the writer is not authorized to pass upon, but it is due to the truth of history that he should say the President at that time could not have suppressed this expedition gotten up among a people, all of whom were in favor of it.

It consisted of a few hundred men and three ships. They left our shores and landed in Nicaragua. Walker issued a proclamation declaring the establishment of a new government, constituting slavery one of its essential elements.

The public indignation became so manifest after the expedition had



departed, that the President gave orders to Commodore Paulding to pursue Walker and bring him back to the United States.

Walker was a man of daring and enterprise. He was cruel and despotic. But placed in that sickly climate, with little food and less medical attendance, his force diminished as he advanced, until he found himself unable to proceed further. He was soon surrounded by greatly superior numbers, and appearances indicated that justice might speedily be executed upon him and his followers.

In the meantime the brave old commodore, dreaming of no [1853. deception, but regarding it his duty to bring back Walker, and having reached the coast, sent all his disposable force in pursuit, and Walker and his men were rescued from the grasp of an outraged people, by the men sent to arrest and bring them to the United States, in order that justice might be executed upon them.

This faithful and literal execution of orders by the gallant commodore, appeared to have been unexpected by the President, as well as by the slave power. Walker was now in the United States, and in the custody of their officers: Yet no efficient movement for his punishment was made; and southern statesmen, with characteristic effrontery, charged both the President and Commodore Paulding with the exercise of unlawful authority in arresting Walker and his men while within the *territory of a foreign power*. It was admitted that he had violated the laws of the United States, and would have been liable to punishment had he been arrested on the *water*; but inasmuch as he was captured on *land*, they contended that the whole proceeding was void, and they demanded the discharge of Walker and his men.

The President, always subservient to the slave power, directed the discharge of Walker, not because he was innocent, nor because he was not properly held under the laws, but for the reason that he had been arrested on *land* and not on *water*. The absurdity of the principle that Walker ought to escape punishment because he had been arrested within another government by consent of that government, will at once enable the reader to comprehend both the effrontery of the slave power and the abject obsequiousness of the Executive.

The Senate, by resolution, called on the President for such correspondence and information touching the capture of Walker and his men by Commodore Paulding, as might be in possession of the Executive. In answer to this resolution, the President spoke mildly of Walker's offence, and explicitly *disapproved of his capture on land*. The message was referred to the Committee on Foreign Affairs, of which Mr. Mason was chairman. He made a report, concurring in the views of the Presi-

dent, and strongly censuring Commodore Paulding for the faithful performance of his duties. There was much debate on this resolution. Slaveholding Senators approved Walker's expedition, and were therefore unwilling to hear it denounced.

The subject also attracted much attention in the House of Representatives. Southern members justified Walker and his expedition, while the advocates of human rights denounced the invasion of Nicaragua as an infraction of natural and of international law, for the worse than piratical object of establishing slavery therein. They ridiculed the idea that Walker's capture *on land* constituted any reason why he should not be punished: Showed that if any one had a right to complain of the force which captured Walker, it must be the government of Nicaragua, with whose consent the arrest was made: That the guilt or innocence of Walker was not affected by the *place of his capture*, and that nothing short of slaveholding audacity would raise the objection, and nothing short of abject servility would admit the validity of such an argument.

But these troubles to the slave power came not alone. As it was known that slaves were imported into the southern States, and the American Executive was supposed to connive at this crime, which our nation and laws had pronounced "piracy," the British Government sent cruisers to the Gulf of Mexico to watch for piratical slavedealers. These cruisers, while seeking for men who had waged a piratical war upon human nature, interrupted some suspected American merchantmen so far as to ascertain that they were "Americans," and not "pirates." The masters of these ships, on reaching the United States, sympathizing with the slave interests, made complaint of having been stopped on their voyage by British cruisers who claimed to exercise the "*right of search*." This right of search claimed by England in time of war to examine the manifests and cargoes of neutral powers had constituted one of the principal causes of the war of 1812, and the very name was odious to the American people. The slave power understood this cruising in the West India seas and in the Gulf as an imputation upon the "peculiar institution," and became excited, threatening vengeance upon Britain for "thus attempting to put down the commerce of the United States," as they expressed it. The hereditary jealousy and long cherished prejudices of American sailors in regard to England as a maritime power did not fail to exaggerate every case in which an American ship had been visited by British officers.

On the 14th May, Mr. Bright, of Indiana, presented a resolution calling on the President for any information which might be in his



possession touching encroachments upon our commerce in the Gulf of Mexico.\*

The President, in answer to the resolution, communicated such information as he possessed, and the whole subject was referred to the Committee on Foreign Relations.

On the 25th May, Mr. Mason, chairman of the committee, made a report, setting forth the doctrine asserted by Mr. Stevenson, our minister at London, in 1838, that British cruisers, while searching for slave-dealers declared pirates by England and the United States, have no right to intercept the progress of a suspected ship bearing the American flag, even to ascertain whether it be engaged in the slave trade or in lawful commerce.

This doctrine had been met and combated by Mr. Adams in the House of Representatives, and apparently abandoned by the American Government in 1842, when, by the Treaty of Washington, the British ambassador not only refused to acknowledge the exemption of suspected vessels from such inquiry, but the American Government agreed to furnish a naval force to be kept near the African coast for the purpose of suppressing the slave trade.

It appeared clear to the judgment of reflecting men, that every master of a ship who detested the traffic in slaves, would gladly exhibit his innocence whenever suspected. It was equally plain that no nation who held the slave trade in just execration, would complain of such interruption of its ships when suspected of being engaged in that inhuman traffic. But it was the intention of the slave interest to resist the exercise of this legitimate power and duty by Great Britain and by our own national ships, as southern men were at that time notoriously engaged in the importation of slaves : and strange to say, not a Republican in the Senate uttered a word against this arrogant doctrine, which had been so successfully resisted by Mr. Adams eighteen years previously. On the contrary, Messrs. Hale and Seward, and Wilson and Wade united in supporting the doctrine contended for by slavedealers and successfully resisted by the advocates of liberty for twenty years previously. The resolutions of Mr. Mason, evidently concocted for the purpose of securing our ships engaged in the slave trade from visitation by British cruisers, were adopted by a *unanimous* vote of the Senate : and the influence of that body was prostituted to protecting the slave merchants of the United States from merited punishment.

\* This gentleman was expelled from the thirty-seventh Congress on account of his sympathy with the rebels.



The subject was also debated in the House, where the doctrines asserted by unanimous vote of the Senate were characterized as a code for the protection and encouragement of "American piracy." In that body the doctrines enunciated by Lord Palmerston, and maintained by Mr. Adams, were reiterated and supported by argument.

In a former chapter the reader has been informed of the manner in which compensation was obtained for slaves deported by the British army and navy after the treaty of Ghent had been entered into. A list of all slaves lost after entering into that treaty was made out, and when compensation had been obtained from the British Government, notice was given to claimants to make proof of their loss and receive the money. At this stage of the proceedings it was found that many claimants had preferred fraudulent demands for slaves which they had not lost. These fraudulent demands had swelled the amount received from the British Government much above the real loss of slaves. This surplus remained in the treasury, and southern slaveholders, emboldened by the success of the bill for the relief of "Wigg," heretofore mentioned, now presented a list of slaves said to have been really lost at the close of the war of 1812, but not claimed until the present session. Alpha Jennings claimed four slaves; Henry A. Wise, one; Ann Robinson, one; Edward Reed claimed a husband, wife, and four children; Mary Martin, one slave.

Mr. Mason, of Virginia, presented the claims and reported the bill in favor of paying for them. He and Mr. Pugh, of Ohio, argued in favor of the bill. Mr. Hale frankly avowed his hostility to the bill, as it acknowledged *property in human flesh*. Mr. Hamlin, of Maine, stated that he was unable to find sufficient facts to require him to look into the principles of the claim. Mr. Mason declared that Great Britain had paid over the money, and he did not deem it necessary to debate the opinions of Mr. Hale, as the humanitarian views of Great Britain *were becoming modified*.

Mr. Seward, of New York, said he was a member of the committee who reported the bill, that he had opposed it in committee, and now opposed it. He declared that *no condition of things, no circumstances, no considerations, should induce him to vote for any bill that recognized property in man*. He stated that he was not prepared to admit that the people or government of Great Britain were modifying their views in regard to slavery. The bill, however, passed the Senate by a vote of 32 to 15. Messrs. Allen, of Rhode Island; Broderick, of California; Doolittle, of Wisconsin; Fitch, of Indiana; Pugh, of Ohio; Stuart, of Michigan; and Wright, of New Jersey, voting with the slaveholders.

In the House of Representatives the character of these claims was exposed by Hon. Philemon Bliss, of Ohio, a modest, retiring man, but an able and zealous defender of truth and justice : The bill was defeated. During this debate Mr. Garnett, of Virginia, became personally insulting towards the author for opposing the bill. He was a slaveholding Virginian, and among the first in that State to encourage and promote the rebellion which occurred two years subsequently.\*

\* At the commencement of the rebellion Garnett received a brigadier-general's commission in the Confederate service, and fell at the battle of Antietam, in 1862.

## CHAPTER XXVIII.

## CHANGE OF POPULAR SENTIMENT—PRESIDENT'S MESSAGE—THE "AMISTAD" SLAVES.

1858.] DURING the recess of the thirty-fifth Congress, the people of Kansas elected delegates to a convention for the purpose of forming a constitution and State government. They met at Leavenworth, and performed the duty assigned them, adopting measures for demanding admission to the Union ; and at the reassembling of Congress the cause of liberty appeared more cheering than it had at any time during the preceding half century. Resistance to the encroachments of the slave power had become the sentiment of the northern people ; submission to slaveholding dictation had become unpopular ; northern members of Congress no longer turned pale or trembled at the frowns or the threats of slaveholders. Yet a class of servile politicians appeared perfectly unconscious of the moral and political change that was going on around them. They seemed to imagine that, like themselves, the world was approaching a fossilized insensibility.

There were also ambitious men, those who had opposed the republican organization until its success became certain ; they then joined it for the purpose of being in a majority. They could not readily assume a leading position in a party which they had long opposed. These men were anxious for some change of parties that would place them more conspicuously before the public ; and it was clearly foreseen that the cause of human rights was to be in far less danger from the slave power than from timid Conservatives and ambitious politicians, who, having long served in the whig and democratic parties, were anxious to resuscitate the ancient policy of those organizations, of avowing no moral truth or essential principle by which political partisans were to be judged, or to the support of which they might be committed. This class of men were looking at Presidential elections, contemplating the means of elevating themselves and friends to office, while others were toiling for the reformation of the Government.

The President, in his annual message, represented the excitement in Kansas as dying away ; which was very true, as the armed forces of the slave States had left, and the advocates of a free State were quietly pursuing their own happiness. He next asserted that there was a gene-



ral acquiescence in the decision of the Supreme Court that a master might carry his slaves *as property* into any territory of the United States, and hold them under the guardianship of the Federal Constitution : And then declared that it had been settled at the last session of Congress that the people of a territory had the right under the Federal Constitution to come into the Union with or without slavery.

He next avowed that all resistance to the usurped government in Kansas had ceased, and that all opposition to it had been a resistance to rightful authority ; and characterized the efforts of the people of Kansas in favor of the Topeka Constitution, and against that framed at Lecompton, as grave errors.

It is no part of the historian's duty to explain these official statements, and it is beyond his power to reconcile them with truth as demonstrated by acknowledged facts. So far from acquiescing in the decision of the Supreme Court that a master may carry his slaves into any territory of the United States and hold them under the protection of the Federal Constitution, the feeling of hostility against the decision was much stronger than when it was first published. It was however true that resistance to the usurped authority in Kansas had necessarily ceased, as no attempts to enforce that authority was then being made.

But it is due to President Buchanan to say, that during the last two years of his administration a strange hallucination appears to have clouded his intellect. His whole energies were exerted to suppress the rising spirit of liberty, and to make the people believe that amid civil war no discontent was exhibited. His assertion that the people were reconciled to the decision of the Court declaring human beings *property* was wholly inexplicable. The doctrine had long been urged by the slave power. It had ever been repudiated by Congress, and at the date of this message it was looked upon with deep detestation by every Republican. In attempting to uphold this Atheism, the Supreme Court had brought upon itself the disapprobation of the people, and had dissipated its influence.

The President stated in his message, that the people of Kansas had formed a new constitution, but argued that they ought not to be admitted until their population should reach the number of inhabitants necessary to constitute a congressional district ; nor did he appear conscious that while the territory had a far less number of inhabitants he had urged its admission under a *slaveholding* constitution, had even declared it a "*slaveholding State as much as Georgia or South Carolina.*" [1858.]

The President presumed so much upon his influence with the people, that he now urged the acquisition of Cuba. He had while minister at

London met other diplomatic authorities of the United States at Ostend, and united with them in advising the acquisition of that island. But the advice was unheeded, and now he urged it in his annual message. There was but one argument in favor of this robbery of Spain; by wresting from her that rich island, it would increase the power of slavery in the Government, while it would diminish that of freedom in a corresponding ratio. But every circumstance tended to show that the President's bias in favor of slavery arose from a paralysis of his moral sensibilities, and that stupid dogma of a darker age, which forbade him to connect moral duties with political action.

As a further evidence of Mr. Buchanan's devotion to slavery, he again recommended the payment of money from the public treasury to the slavedealers claiming to own the persons on board the "Amistad." The anxiety of the President and of the slave power to obtain indemnity in this case, appears to have arisen from the desire to reverse the decision of the Supreme Court and the previous votes of Congress on the subject. All of those decisions admitted that these degraded heathen held from God the same right to live and enjoy liberty that white men possessed. They went so far as to admit that in slaying the captain and cook in order to regain their liberty, the Africans committed no crime, and were justly liable to no punishment. The natural conclusion followed, that every slave has the right to liberty; and if he can obtain it only by slaying his master, he may do so with impunity. This was the doctrine of the Declaration of Independence, and of the Government at its formation, which the slave power had long labored to subvert.

1858.] At an early period in the session, Mr. Slidell, of Louisiana, from the Committee on Foreign Affairs, reported a bill for the acquisition of Cuba; and Mr. Mason, of Virginia, in speaking upon it, gave satisfactory evidence that the democratic party were prepared to respond to the President's view on that subject; but it was equally obvious that the northern members of that party were not prepared for immediate action in favor of the measure; and after a long debate, it was laid aside and never again brought up for debate.

The capture of Walker and his followers in Nicaragua, and bringing them back to the United States, appeared to be a death-blow to further conquest of territory for the extension of slavery, and the friends of that institution struggled hard during this session to adopt resolutions condemning Commodore Paulding for pursuing Walker on land and capturing him; but their efforts failed. Northern Democrats began to find there was a point beyond which the people would not be led in support

of slavery. The resolutions referred to were not only rejected ; but others approving his conduct, and tendering him the thanks of Congress for the faithful execution of his orders, were adopted.

This result appeared to extinguish the last ray of hope for the extension of slavery. Cuba could not be obtained ; conquest in Central America could no longer be hoped for ; and the curse of human bondage was limited, and its boundaries established. On every side of it liberty, triumphant and prosperous, was rapidly developing blessings to mankind. The age was characterized by the progress of human thought : Christian civilization was advancing. Observation, experience, philosophy and religion combined to teach mankind that *justice to all men* : the enjoyment of life, of liberty and happiness by all, was the design of the Creator and the legitimate object of human governments. [1859.]

Justice began to assert her prerogative in the Government ; and the fate of slavery appeared to be written upon the tablet of the heavens above us, and of nature around us. The times seemed propitious for the introduction of practical measures to restore the Government to its original purpose by repealing those enactments that sustained the institution of slavery. While the bill making appropriations for legislative and judicial purposes in Kansas was before the Senate, Mr. Hale proposed an amendment, repealing the first section of the law of the last session for admitting Kansas to the Union ; but after a long debate, the amendment was rejected. Similar efforts were also made in the House of Representatives, but they also failed. And it became evident that the popular mind was not yet fully prepared for positive action in favor of human rights.



## CHAPTER XXIX.

THE RAID OF JOHN BROWN IN VIRGINIA—MEETING OF THE THIRTY-SIXTH CONGRESS—CONTEST FOR SPEAKER—THE RIGHTS OF THE SLAVE STATES—THE SENATE USURPS JUDICIAL POWERS—CONFLICT BETWEEN FEDERAL AND STATE RIGHTS—THE PRESIDENTIAL ELECTION.

1850.] During the civil war in Kansas, individuals became accustomed to scenes of blood and cruelty. Among them was John Brown, a native of Massachusetts, a man of that ordinary education which it is the pride of that State to bestow upon all her children. He had a large family of sons, educated as their father had been, and possessing in a good degree his qualities of mind. Three of these sons early emigrated to Kansas, and when the civil war broke out there, the father followed them, in order to make himself acquainted with their situations. One of the sons was barbarously murdered for his devotion to freedom : and another was captured, subjected to such abuse and suffering, that insanity relieved him from the consciousness of his condition. ;

These things aroused the feelings of the father, who, attended by a younger son, took the field. He was bold and unmoved amid dangers, maintaining the exercise of his judgment under the most trying circumstances. He distinguished himself on several occasions, and soon became a leader, and visited retributive justice on several of the invaders, some of whom were said to have been executed under his advice and direction.

After the termination of hostilities in Kansas, Brown returned to Ohio and New England. He at all times, wherever he went, urged upon the people of the free States the positive duty of emancipating the slaves held in bondage by our southern brethren.

In the course of the spring and summer of 1859, he appears to have engaged the services of a number of active, energetic and bold men. He also rented a small farm some three miles from "Harpers Ferry," on the Maryland side of the Potomac. He and his followers took possession of the farm and dwelling-house in September. In that building he deposited his arms and ammunition. In October, a number of negroes suddenly gathered to his standard ; their masters were in some instances seized by Brown and his followers, and held as prisoners, while he took possession of the public buildings at "Harpers Ferry,"

evidently intending to hold possession of them while the other portion of his forces, with the negroes, should escape to the mountains, where he intended to follow them, and thence escape to Pennsylvania : but they were soon surrounded and fired upon. His two sons and two others of his followers were killed, and himself wounded, when he and his party surrendered. The slaves returned to their masters, and those who were expected to lead them into the mountains fled.

The incident appeared to strike Virginia and the whole South with astonishment. Throughout that State troops were called into service. Arms were prepared and ammunition obtained, while wonder and amazement sat on every countenance.

The President of the United States caught the alarm ; called out the militia of the District of Columbia ; sent United States troops to " Harpers Ferry ;" ordered arms and ammunition to be placed in the City Hall of Washington, where they could be obtained on the shortest notice, in case the slaves should rise ; while the governor and people of Virginia appeared to regard themselves as in the midst of an extensive slave insurrection.

There was at that time an election pending in New York and in New Jersey. Members of the democratic party, thinking that great odium would attach to those who sympathized with Brown, now sought to involve the republican party in the transaction. A committee of democratic gentlemen in the city of New York were appointed to ascertain and report facts concerning this invasion ; and the democratic press, at all times licentious, now casting off all restraint, attempted to involve the best men of the nation in this raid, charging them with having stimulated Brown to make an attempt to free the negroes of that State.

Brown, wounded and a prisoner, was visited by Senator [1859] Mason, of Virginia, and Hon. C. L. Vallandigham, of Ohio, who endeavored to draw from him matter that would implicate Republicans. Their conversations with him were published, professing to implicate the author. He at once replied in a card published in Philadelphia, where he happened to be on business, declaring that the murder of Brown's son in Kansas, and the barbarities exercised in that territory under democratic influence had impelled Brown to pursue the course which he had adopted. In response to this card, an advertisement appeared in the papers published at Richmond, Virginia, promising a bounty of ten thousand dollars to any one who would bring the person of the author to that city alive ; or five thousand for his head.

In the meantime Governor Wise, of Virginia, and other southern

men of distinction endeavored to magnify this transaction and give it importance. A number of the followers of Brown were captured, and all of these, as well as Brown himself, were tried for treason against the State of Virginia, convicted, and executed.

The committee appointed by the democratic meeting in New York, made report, asserting in substance that Senator Hale, the Hon. Gerritt Smith, the author, and others, were involved in the insurrection which Brown had excited. But on receiving official notice to appear before the judiciary to answer for the libel, they acknowledged the error, paid costs and counsel fees; and legal proceedings against them were discontinued.

The Hon. William H. Seward, of New York, having returned from a European tour, soon found that a bounty of thirty thousand dollars was bidden in the papers of Richmond for the delivery of his head in that city. For these manifestations of barbarism, suited only to the darker ages, the author heard no explanation.

1859.] It was under these circumstances that the thirty-sixth Congress assembled. A large majority in the House of Representatives were Republicans. They were men of talents and patriotism; but were wanting in that experience which was necessary to take the proper advantages of their position. Most of them had been elected for the first time. Members of the old whig organization had been educated in the belief that the avowal of no principles, and the assuming of no definite position, constituted the highest policy.

Their first duty was to elect a Speaker; but they selected no candidate before entering upon the ballot, and instead of supporting an individual, as many as six candidates were voted for.

Soon as the result of the first ballot had been declared, Mr. Clark, of Missouri, a democratic slaveholder, with the apparent intention of embarrassing the Republicans, insisted on presenting a resolution declaring that "the doctrines contained in a book entitled '*The Impending Crisis of the South, how to meet it*,' written by one Hilton R. Helper, of North Carolina, are insurrectionary, hostile to the domestic peace and tranquility of the whole country; and that no member of the House of Representatives who has recommended that work is fit to be Speaker of this House."

The work referred to consisted merely of a compendium of facts showing the effects of slavery upon the prosperity of the southern States, and had been recommended by nearly every Republican member of the previous Congress; and Mr. Clark proceeded to enforce the propriety of the resolution by a speech; while northern members insisted on proceeding with the ballot.



But the arrogance of Mr. Clark was equal to that of his proposition setting at defiance all parliamentary order as well as propriety ; he proceeded to represent the book as advising the people of the " Union to stop at nothing until they put out of public life, disfranchised, and murdered a large portion of the inhabitants."

This unfounded imputation appears to have alarmed Mr. Kilgore, of Indiana, who interrupted Mr. Clark, denying all sympathy with the doctrine set forth in the book, and begged Mr. Clark to withhold further remark until gentlemen who had recommended the work could explain their action, protesting that he and his people were conservative.

This indecent haste of Mr. Kilgore to manifest his own pusillanimity provoked the contempt of Mr. Clark, who merely replied that he was "glad the gentleman *was fleeing from the wrath to come.*" Mr. Farnsworth, of Illinois, appeared anxious to relieve Mr. Kilgore, and called for the reading of the work, saying he had no doubt that it contained facts that would edify both Mr. Clark and himself ; but Mr. Clark would neither read nor suffer any other member to read any part of the book which he was so earnestly condemning. But Hon. Clark B. Cochrane, of New York, took occasion to say that he *utterly condemned the sentiments of the book.*

Mr. Clark, finding Republicans timid and alarmed, now firmly persisted in his purpose. Mr. Kellogg, of Illinois, said that his name appeared among those who recommended the book ; declared he did not know whether the sentiments were right or wrong ; but if the House would adjourn he would be prepared on the following day to sustain or repudiate the doctrines of the work.

On the following morning, Mr. Clark read a circular [1850.] dated at New York, and signed by gentlemen from various States commending the work, and advising its general circulation. Then followed a certificate cordially indorsing the opinions, and commending the enterprise set forth in the circular. This was signed by about seventy members of the previous Congress and was followed by a similar commendation signed by Horace Greeley, John Jay, Thurlow Weed, Wm. C. Bryant, Abram Wakeman, and several other gentlemen.

Then followed several extracts from the work showing its character. Exhibiting :

- 1st. The destructive effects of slavery upon the southern States.
- 2d. The ignorance of the southern people.
- 3d. The barbarous character of the slave trade.

## 4th. The remedy—proposing :

1. A thorough political organization of non-slaveholders in the South.
2. To elect no slaveholder to office.
3. To extend no patronage to slaveholding merchants, physicians, lawyers, hotel-keepers, or mechanics.
4. No affiliation with slaveholders in religion, morals, or politics.
5. No hiring of slaves.
6. Discountenancing all pro-slavery newspapers.
7. To extend patronage to non-slaveholders only.

The work was written by a southern man and addressed to southern men, and the object of those who recommended its circulation was to introduce it North as well as South. This synopsis of the work being read, Mr. Clark spoke in the most impassioned language condemnatory of that part which recommended non-slaveholders to hold no communion, religiously, morally, or politically, with those who held their fellow-men in bondage, and thus to destroy the slave interest, drive out slave labor, and dedicate the country to freedom. He closed by declaring his intention to support no man for Speaker who had recommended that work.

Neither the mover of the resolution nor any other slaveholder or ally of the slave power asserted that the work contained anything *false*, or anything that was morally wrong, or *unjust*; but they insisted that it was opposed to the *interests of oppression*, to the *policy of the South*. *Opposed to injustice, and wrong, and crime*. Yet, although the supporters of slavery commenced this agitation and continued it for many weeks, they charged the whole debate upon northern men.

Hon. John Sherman, of Ohio, was the prominent candidate of the Republicans. He was a man of education, of talents, and had the advantage of some experience as a statesman; but unfortunately he had been educated in the school of northern diffidence, timidity, and submission to slaveholding dictation. He appeared to regard it the duty of Congress not only to sustain, uphold, and protect slavery, but also to treat it with respect. Gentlemanly and kind in his deportment, he had not learned the necessity for entertaining decided opinions, of uttering them boldly and adhering to them firmly when right and abandoning them freely when wrong. The book contained nothing that did not commend it to his judgment and conscience when he signed the recommendation; but now southern men assailed him and determined to oppose his election to the office of Speaker, because he had honestly



expressed the convictions of his own mind. Instead of boldly maintaining in a frank and dignified manner, his integrity and the truthfulness of the work which he had recommended, he appears to have quailed under the taunts, the sneers and denunciations of slaveholders and their democratic allies. When thus assailed for doing a just and creditable act, he said *he had never seen a copy of the work*; declared that he had never used such language towards southern men as they had towards him; asserted that the republican party had never during his service in Congress introduced the subject of slavery; and he trusted they never would; and for himself proclaimed that he *never would trespass upon the rights of any southern citizen*.

No sooner had Mr. Sherman resumed his seat than Mr. Leake, of Virginia, in true slaveholding style, characterized Mr. Sherman as the "*abolition candidate*;" demanded whether he indorsed or repudiated the doctrines avowed in the work alluded to; said he wished to *hold* the candidate up to *face the music*. To this insolence Mr. Sherman submitted in silence. [1859.]

The debate on slavery now became general. The repeal of the Missouri Compromise, the civil war in Kansas, the raid of John Brown, were all discussed; and Mr. Keitt, of South Carolina, assuming that Hon. William H. Seward, of New York, was a prominent candidate for President, criticised several of that gentleman's speeches, and arrogantly demanded of northern members whether they indorsed the doctrines which Mr. Seward had avowed?

Hon. Thaddeus Stevens, of Pennsylvania, obtained the floor. He was a man of unusual powers of analysis, of mature age, of more experience than any other member of the House, and, with all these qualifications, he was bold and fearless. He appears to have become impatient at the faltering timidity of his republican friends, and referring to the protracted debate, and to the tone and style in which it had been conducted, said he did not blame southern men for the course they were pursuing, "nor for the language of intimidation, nor for the threat of *rending God's universe from turret to foundation*;" asserted they had tried this course fifty times, and fifty times they had found *weak and recreant tremblers* in the North who were ready to act from such intimidation. He proceeded to say that all debate was out of order, and that no business or proposition ought to be presented to divert the members from electing their Speaker.

Mr. Crawford, of Georgia, attempted to interrupt Mr. Stevens, who said he would not be interrupted; but Mr. Crawford, assuming a mild tone, was permitted to proceed. He soon became very defiant, intimat-



ing that northern men dare not avow their sentiments; declared that southern members wanted to know them. If they were for the abolition of slavery, he assured gentlemen there would be no shrinking—no cowardly falling back of southern men from the maintenance of their rights.

As Mr. Crawford closed, Mr. Stevens, who had been listening very attentively, broke forth in mock admiration, saying, "that is *right*! that is the way they frightened us before." At this Republicans applauded; and southern men, stung by the imperturbable coolness of Stevens, sprang to their feet, and some rushed towards him as if intending personal injury; but he was instantly surrounded by friends, and as soon as his voice could be heard, he added, "*now you see exactly what it is, and what it has always been.*"

The newspapers generally applauded the boldness of Mr. Stevens, and most of them were severe upon all those who appeared to hesitate and falter during this struggle. Individuals felt restive under these criticisms, and much time was spent by members in defining their positions. But it is an historical curiosity that no member of the republican party avowed the doctrines enunciated by the united voice of that organization at the time of its formation. Nor did any Democrat assert the doctrines proclaimed by the Supreme Court, and adopted as those of the democratic party. Both appeared timid as to the avowal of truth or the assertion of principle. Most Republicans appeared anxious to excuse themselves for having recommended the book. But the complaints of southern men began to assume a definite form, and members distinctly avowed the dissolution of the Union would follow the *election of a northern President*.

This threat of leaving the free States to themselves whenever they should refuse to remain political vassals of the South gave evidence of the southern policy, and distinctly foreshadowed the approaching rebellion.

1859.] Southern statesmen were unanimous in proclaiming the doctrine that the Federal Government was bound by the Constitution to protect and defend slavery in the Territories, while most northern members faltered in their course, hesitating to avow the distinctive principles of their party. Some leading men were endeavoring to prepare the minds of Republicans to disavow all doctrines as the basis of party organization, while others endeavored to show that the republican party had no common principle of action. Hon. Thomas Corwin had long served in public life, possessed remarkable powers as an orator, but he adhered to the Whig school of politicians, which avoided all decla-

ration of principles: Yet he had been elected upon a distinct avowal that he held the doctrines enunciated by the Republicans at Philadelphia. Such, too, was the case with all those members who were striving to induce Republicans to abandon their principles as well as those who denied that the party had distinctive principles. These men had all been elected upon their avowal of the very doctrines which they now repudiated. Mr. Corwin declared himself as much of an exponent of republican doctrines as any other man, and proclaimed them to be the same as those avowed by Mr. Fillmore; but asserted that the *party united upon no principle*, apparently unconscious that the doctrines of the party were proclaimed by the unanimous vote of those who formed and constituted it, and were carefully placed on record where they remain, and will continue in all coming time.

Mr. Cox, of Ohio, replied to Mr. Corwin, and quoted a speech delivered some eleven years previously, by the writer, while a member of the House of Representatives, in reply to threats then thrown out in favor of a dissolution of the Union, wherein he said: "When that contest shall come; when the thunder shall roll and the lightnings flash; when the slaves of the South shall rise in the spirit of freedom, actuated by the soul-stirring emotion that they are *men*, destined to immortality, entitled to the rights which God bestowed upon them: When the masters shall turn pale and tremble; when their dwellings shall smoke and dismay sit on each countenance; then, sir, I do not say we will laugh at your calamity, and mock when your fear cometh: But I do say, *the lovers of our race will then stand forth and exert the legitimate powers of this Government for freedom*. We shall then have constitutional power to *act for the good of our country and to do justice to the slave*: WE WILL THEN STRIKE OFF THE SHACKLES FROM HIS LIMBS. The Government will then have power to *act between slavery and freedom*, AND IT CAN THEN MAKE PEACE BY GIVING LIBERTY TO THE SLAVES: And let me tell you, Mr. Speaker, *that time hastens: The President is exerting a power that will hurry it on*; and I shall hail it as the approaching dawn of that millennium which *I know must come upon the earth*."\*

Mr. Cox, apparently believing that he was rendering the slave power a service by such exhibitions of truth, next called on the Hon. John A. Bingham, of Ohio, to state whether he agreed with Mr. Corwin in regard to the fugitive slave act? That gentleman had served some four years in Congress, and had attained the reputation of an able legis-

\* This language, which now appears so prophetic, was uttered eleven years before the commencement of the rebellion, and thirteen years prior to the President's proclamation of emancipation. Time has demonstrated its perfect accuracy.

lator and an accomplished scholar. He was also a man of high moral character, distinguished for his probity and candor, and now, in reply to Mr. Cox, he very frankly declared that he dissented from Mr. Corwin's views in relation to the fugitive slave act, said that he utterly repudiated it as entirely *unconstitutional*.

Mr. Cox next turned to Mr. Sherman, the candidate for Speaker, and commenced interrogating him. That gentleman refused to answer, although he must have known that Mr. Banks, four years previously, had by his open, frank and undisguised answers when thus interrogated secured his election as Speaker.

1859.] The debate continued with occasional ballots until the 23d

December, when Mr. Farnsworth, of Illinois, varied the scene somewhat. He was a lawyer by profession and had attained a fair standing at the bar, was an early friend of the slave, and accustomed to think and act for himself. He commenced his address by assuring the House that he should not deliver a speech in regard to Helper's book. He stated that his constituents *read such books as they pleased, and recommended such as they thought proper, and sold them to those who wanted to buy*. He declared that he held such right, and now gave southern gentlemen due notice that he should exercise it without asking permission of them or of anybody else. He then read extracts from a democratic paper, which purported to have been taken from an essay in favor of the African slave trade, and inquired of southern gentlemen whether they were in favor of restoring that traffic.

Mr. Miles, of South Carolina, declared that under favorable circumstances he would vote to restore it.\* Other gentlemen declared their wish to repeal the law prohibiting the slave trade, saying it was unconstitutional.

At this point, Mr. Stanton, of Ohio, interrupted Mr. Farnsworth to say that so far as Helper's book justified slaves in rising in insurrection he utterly *abhorred and detested* it. Mr. Stanton did not explain whether he denied the primal rights of all men to liberty, or whether he intended to say that when a man is once enslaved it is his duty to *remain* a slave rather than assert his own liberty. But this faltering of northern members ; this anxiety to gain southern favor by representing slaves as morally bound to remain in bondage when they could escape by insurrection, had the effect to strengthen the slaveholders in their opinions regarding secession, while it paralyzed the influence of the republican organization.

Mr. English, of Indiana, a Democrat, sought to render assistance to

\* At the time of writing this work (1863) Mr. Miles was acting as a brigadier-general in the Confederate service.



the South by exhibiting the proceedings of a religious meeting held in Chicago, in which slavery was declared to be a sin against God and a crime against mankind, and churches were advised to hold no fellowship with persons guilty of those iniquities.

The solemn truths on which the Government was founded were now regarded by Democrats as *endangering the Union*. No one seemed to hold those who threatened its dissolution responsible for the crime which they proposed to perpetrate: On the contrary, the democratic party asserted the flagrant falsehood, that the men who sustained the Constitution, the rights of the States and of the people, were responsible for the action of southern traitors who were daily threatening to secede from the Union.

For the apparent purpose of intimidating northern members, [1859. a preamble and resolution adopted by the Legislature of South Carolina was read, as follows:—

“ *Whereas, The fraternal relations are dissolved between the North and the South, the slaveholding States demand a dissolution of the Union to be consummated: Therefore, be it resolved that \$200,000 be placed at the disposal of the Governor, to be used at his discretion according to the exigencies of the times.*”

Amid these incidents the republican candidate for Speaker remained silent, apparently wanting the moral courage to avow the doctrines on which the Government had been founded, and which now should have constituted the watchword, the rallying cry of the party to whom he looked for support. But in doing this he merely followed the practice of the former whig party.

While Republicans were thus contending against the common foe without any apparent reference to the great truths which our fathers declared to be “self-evident,” they were saved from defeat by difficulties equally great in the democratic party: One portion of that organization had declared themselves in favor of restoring the African slave trade, while another portion regarded that policy as destructive to the party.

The debate, with occasional ballotings, continued. On the 23d December Mr. Smith, of Virginia, delivered an elaborate speech in support of the doctrines of the Supreme Court proclaimed in the case of Dred Scott, that the Declaration of Independence did not refer to colored men. He spoke of the doctrines avowed by John Quincy Adams, and of the effort to censure him, saying he (Smith) was not then a member,\*

\* Smith was a member, as shown by the journal and report of debates, and received a most withering rebuke at the hands of the venerable Ex-President, which one would suppose he would not have forgotten.

but that he understood Mr. Adams agreed to vex the South no more with petitions if the resolution of censure were laid on the table.\*

On the 30th December a general debate upon northern rights and southern aggression arose, when Mr. Hickman, of Pennsylvania, a Democrat, spoke plainly and strongly in favor of justice and liberty, as claimed by the people of the free States.

Mr. Boyce, of South Carolina, a man of candor and boldness, frankly met the doctrines of the republican party as enunciated in their platform at Philadelphia.

Mr. Stanton, of Ohio, instead of maintaining the moral, religious and philosophical truth that all men hold from the Creator equal rights to live, acquire knowledge and prepare for heaven, insisted there was no denial of the legality of slavery in the States, apparently admitting the authority of State Legislatures to modify, repeal or reverse the Will of God as manifested in the laws of nature.

The doctrine of secession was again discussed, the physical power of the North and South compared, with the apparent expectation that their relative strength would be tested at no distant day. Mr. Boyce, declaring that the first campaign would cost the North *a hundred million dollars*, asserted that the free States *could not raise that amount of money*.

At length, many Republicans who had been elected upon well-defined principles, which every member was expected to maintain, now faltered and pusillanimously submitted to hear them assailed and ridiculed without reply. Indeed, during this contest it became evident that a strong influence in Congress was exerted in favor of the doctrine that no party could be sustained upon principles of immutable truth and justice. Hence it followed that some were determined to vote for no man who had rendered himself obnoxious to the slave power by recommending Helper's book ; and Mr. Sherman, regarding himself shut out from avowing truth and justice as the basis on which he stood, and finding it impossible to unite the party in his support, very properly withdrew : And although the slave power had lost its ability to elect a Speaker, it dictated to the friends of liberty *whom they should NOT elect*.

1860.] The Republicans in the House of Representatives now returned to the ancient whig policy of selecting a candidate not for his

\* Mr. Smith is not only unsustained in this respect by the record, but is palpably contradicted by it. The report of the debate shows that Mr. Gilmer, who presented the resolution, *publicly proposed to withdraw the resolution of censure if Mr. Adams would withdraw the petition*. Mr. Adams *publicly and solemnly refused*, and the trial proceeded, and was continued until the slaveholders abandoned it.



well-known qualifications, nor on account of his attachment to principle, but for the reason that his doctrines were *unknown*, and his qualifications had not been tested.

The choice fell on Mr. Pennington, of New Jersey, a gentlemanly, good man, unknown to the public outside of his State ; a man who was believed never to have expressed his devotion to the primal truths on which the republican party was based.

On the first day of February, upon the 34th ballot, Mr. Pennington was elected. This result was purchased, however, by the surrender of the doctrines and policy adopted in the election of Mr. Banks in 1856, when, standing upon principle, with only ninety-two members, they constrained their opponents to yield ; and elected the candidate of all others the most obnoxious to the slave power, while the present Congress, with at least one hundred and seventeen professedly republican members, were compelled to give up their candidate and take one less objectionable to the South.

While the contest was progressing in the House of Representatives, Mr. Douglas, of Illinois, presented to the consideration of the Senate a resolution, directing the Committee on the Judiciary to report a bill for the protection of States against invasion by authority or by the inhabitants of other States.

On debating this resolution, Mr. Douglas insisted that the doctrines of the republican party tended directly to create invasion and civil war. To this Mr. Fessenden, of Maine, responded that, as slave labor and free labor were antagonisms, the promotion of one must necessarily tend to the destruction of the other, and the idea that the Federal Government should pass a law to prevent discussion among the people, would not enhance the prospect of Mr. Douglas' election to the Presidency.

Mr. Toombs, of Georgia, charged the Legislatures of republican States with unconstitutional legislation for the protection of their free colored citizens. Those laws were denounced as *treasonable*. The republican platform, doctrines and policy were denounced by Mr. Toombs as *destructive of slavery*. But that Senator, nor any other member of either House, appeared conscious that when the people of the free States had petitioned Congress for laws to protect free colored persons, that body, under slaveholding influence, had returned for answer that *each State was bound to enact its own laws for that purpose*.\*

These assaults upon the essential doctrines of the Government were

\* Mr. Toombs did not appear conscious that those laws for the protection of free colored citizens had been enacted at the suggestion and by recommendation of Congress, as appears in former chapters.



made in the presence of republican Senators, several of whom were regarded as candidates for the Presidency. Yet not one of them attempted a vindication of those "self-evident truths," which were held so sacred by Jefferson, and Adams, and Franklin, and their associates. But Mr. Davis, of Mississippi, met the proposition of Mr. Douglas more fully and emphatically than even Mr. Fessenden had done. He denied the authority of Congress to pass laws for the punishment of unlawful combinations, declaring that the States held the only power over that subject, while the Federal Government possessed authority to suppress insurrections.

Mr. Hunter, of Virginia, took occasion very kindly to remind the eastern States of their dependence upon the West, and of the difficulties which those sections must encounter in case of separation. He admitted slavery to be a relic of former ages, characteristic of a crude state of society, which would disappear before the progress of Christian civilization; but denied that the North could do anything with the slaves if emancipated, and he then proceeded to discuss the approaching rebellion. And as northern members continued to hesitate and falter and remain silent, slaveholders became arrogant and overbearing.

Mr. Brown, of Mississippi, offered resolutions declaring it the duty of territorial governments to provide for the protection of *all kinds of property*, recognized by the Constitution and held under the laws of the United States. He also introduced a bill declaring *slaves to be property*.

But Mr. Wilson, of Massachusetts, met the threats of dissolving the Union put forth by southern Senators, deliberately inquiring if there were any other explanations of these attempts at intimidation than the plain import of the language used? Southern men were silent, and he proceeded to state the condition of the North and the South, and closed by saying, the "*Union must and shall be preserved.*"

But this declaration merely provoked further threats from southern Senators, who declared that the election of Mr. Sherman to the office of Speaker of the House of Representatives would be good and sufficient cause for southern Senators and members of the House of Representatives *to leave Congress and return to their constituents.*

The language of Mr. Davis, of Mississippi, used in a public address in that State, was now explained by that gentleman as intending to assert the duty of the people of Mississippi to withdraw from the Union whenever the *enemies of slavery should obtain possession of the Federal Government*. In these supercilious threats the Democrats of the North seemed to concur; not one of that party objected to, or uttered a protest against them. Indeed, they appeared anxious to convince the slave-

holders that, whenever their party should come into power, these demands should be complied with. Mr. Pugh, of Ohio, had, early in the session, introduced resolutions directing the Committee on the Judiciary to report a bill repealing so much of the laws organizing territorial governments in Utah and New Mexico as required the acts passed by those territorial Legislatures to be submitted to Congress for approval. But this movement of Mr. Pugh called out from southern members severe rebuke. He was told, in the most explicit language, that the South would never hold political fellowship with any man who denied to Congress the power or duty to sustain slavery in the Territories. And Mr. Douglas and his friends were given clearly to understand that no advocate of the Kansas-Nebraska bill could receive the support of the slave States.

In February, Mr. Davis, of Mississippi, introduced resolutions <sup>[1860]</sup> declaring the rights of the States, asserting that negro slavery formed a part of the political institutions of various States; that the Union of the States rested upon the equality of rights; that it was the duty of Congress to provide for the protection of slave property in the Territories, as it was to protect other property of the citizens; that the inhabitants of a territory, when forming a State constitution, may provide for the continuance or the abolition of slavery, and that the fugitive slave act ought to be enforced.

These resolutions were discussed and amended, and finally adopted, most of the republican Senators refusing to vote for them.

Early in the session Mr. Mason, of Virginia, introduced a resolution for appointing a committee, to investigate and report to the Senate the facts connected with the invasion of Virginia by John Brown and his followers. They summoned before them many witnesses, whom they examined; but they now made report that John Brown, Jr., of Ashtabula County, Ohio, and James Redpath, of Malden, in the State of Massachusetts, refused to appear before the committee. They also reported a resolution that warrants be issued to the Sergeant-at-Arms, to take the witnesses and bring them before the Senate, to answer for contempt of its authority.

This assumption of judicial authority by the Senate was voted for by Messrs. Bigler and Cameron, of Pennsylvania; Collamer and Foot, of Vermont; Dixon and Foster, of Connecticut; Grimes and Harlan, of Iowa; Doolittle, of Wisconsin; King and Seward, of New York; Pugh and Wade, of Ohio; Ten Eyck and Thompson, of New Jersey; while only Messrs. Sumner, of Massachusetts; Hale, of New Hampshire; Bingham, of Michigan, and Toombs, of Georgia, voted against the proceeding.



It is certain, the Constitution had given the Senate no other judicial powers than such as were necessary to *protect its own body*. If these men had committed crime or offence, they should have been indicted in the district where such offence was committed ; and the Senate had no authority to bring them from Ohio or from Massachusetts to answer in Washington City. If they had committed no crime, surely neither the Senate, nor any other branch of Government, had authority to take them from their homes to Washington. But the slave power demanded it, and northern Senators voted for it.

1860.] On the 21st February, Mr. Mason reported that Thaddeus

Hyatt, of Massachusetts, had refused to appear before the committee and give testimony, and he presented a resolution requiring the Vice-President to issue his warrant to the Sergeant-at-Arms, commanding him to take said Hyatt into custody and bring him to the bar of the Senate. Mr. Hale now stated his reasons for voting against the resolution, showing that the duties of the Senate under the Constitution were purely legislative, with no other judicial authority than to preserve order in its own body and protect itself against intruders.

Mr. Pugh, of Ohio, stated that he had investigated the subject since the former vote, and had come to the conclusion that no such powers vested in the Senate ; and Mr. Chesnut, of South Carolina ; Clark, of New Hampshire ; Durkee, of Wisconsin ; Hamlin, of Maine ; Wade, of Ohio, now changed positions, and voted with Mr. Pugh against this usurpation of undelegated powers. But the motion prevailed.

This usurpation by the Senate brought about the most important conflict between the State and National Governments that has occurred ; but, being done at the instance of the slave power, it occasioned but little agitation among the people.

1860.] On the 10th April, Mr. Sumner presented the memorial of F.

B. Sanborn, of Concord, Massachusetts, setting forth that on the 3d April, certain persons who had been prowling about his neighborhood, under shelter of night, by a fraudulent pretence, drew him to his door, seized, handcuffed, and, by force, attempted to convey him to a carriage ; that by the efforts of a refined lady the neighbors were aroused, the bells rung, and the kidnappers were delayed until a writ of *habeas corpus* was obtained : that he was then taken before Chief Justice Shaw, of that Commonwealth, who, without going into the question of jurisdiction, decided that the Sergeant-at-Arms could not delegate his authority to any other person : and the memorialist asked redress for the outrage to which he had been subjected.



Mr. Mason said that Sanborn had been *rescued by a mob*.

On presenting the memorial, Mr. Sumner remarked that Mr. Sanborn was a teacher, of high respectability, and as the Senate had caused his rights to be outraged, it was proper that suitable redress should be awarded him. The petition was finally laid on the table.

On the 13th April, Mr. Sumner presented authenticated documents in the case of Mr. Sanborn, showing the writ of *habeas corpus*, the return thereon, and the entire record; which, being read, he referred to the remark of Mr. Mason, made on the 10th, saying Sanborn had been rescued by a mob, and characterized the remark in appropriate terms, and moved a reference of the papers to the proper committee.

Mr. Mason moved to reject them, and in the course of debate, it was made to appear that Governor Wise, of Virginia, had stated in a letter to the Senate, that he had satisfactory evidence that a plan existed in Ohio, Pennsylvania, and other States, to invade Virginia, and northern Senators were anxious to summon him before them to learn the source from whence the evidence was derived. Southern Senators refused to call him before the Senate, and it was more than intimated that the refusal was dictated by a wish to save Mr. Wise from the disgrace which must attend the exposure of his attempt to alarm the public.

Senators began to understand that men of intelligence intended to test the constitutionality of their proceedings before the bar of the people; and they became more deliberate in their movements, and Mr. Mason withdrew his motion to reject, and the papers were referred. But as the committee had been selected by slaveholders, they retained the papers in perpetual silence.

The Sergeant-at-Arms made report that, in pursuance of the warrant of the Speaker, he had arrested Thaddeus Hyatt, and now held him in custody.

Mr. Mason moved a resolution that the Speaker inquire of Hyatt—1st. What excuse have you for not appearing before the committee, to give testimony? 2d. Are you now ready to testify? The resolution was adopted; and Hyatt, saying he was not prepared to answer, was remanded to prison.

On the 9th March, he was again brought up, and the President of the Senate inquired with great formality—"Mr. Hyatt, are you now ready to answer the questions propounded by order of the Senate?"

Mr. Hyatt answered—"Yes, sir, I am. I have my answer here, but am not able to read it. I hope the Clerk will read it for me."

Mr. Mason said he had read the answer, which denied the authority

of the Senate of the United States, by process, to invade the domicile or arrest peaceful citizens charged with no crime.

2d. That the Senate were bound to legislate upon matters which they deemed necessary ; but had no authority to compel citizens from distant States to appear before them to give information as to their duties on any subject.

The answer was read at length, and the question of disposing of the prisoner was next presented. He was, however, remanded to the custody of the Sergeant-at-Arms, and the next morning Mr. Mason presented a resolution, committing Hyatt to the jail of Washington for contempt of the Senate, until he should express a willingness to testify.

The subject of jurisdiction was fully discussed, and Hyatt was committed by a vote of 44 to 10—Messrs. Bingham, Dixon, Hale, Hamlin, Sumner, Harlan, Simmons, Toombs, and Wade, voting against the commitment. The jailer, being governed by law, could not recognize the commitment as coming from any legalized source ; but he received Hyatt, gave him a comfortable room, which was supplied with good parlor furniture ; and, the prisoner being a man of wealth, obtained the most recent publications, and occupied his time agreeably as he could under the circumstances.

1860.] The Senate now found itself powerless to carry out their designs by imprisoning Hyatt. They had turned aside from their constitutional duties to compel the witness to testify what he knew of Brown's invasion of Virginia ; and while in conversation he declared that he knew nothing, yet he determined to refuse saying so—under senatorial process. The Senate could not torture him—they could not fine him—nor could they induce him to testify.

On the 25th June, the committee appointed to inquire into the circumstances connected with the raid of John Brown made their report. But Hyatt was yet in prison. Mr. Sumner had previously presented a petition numerously signed by colored men, asking his release. The petition was referred, and the committee reported it back, with a recommendation that the Secretary *hand it to the Senator who presented it*. But a majority of the Senate were not prepared to sustain the proposed insult, and the report was laid on the table, and Mr. Hyatt was discharged.

The committee, in reporting upon the subject for which it had been raised, frankly admitted that they could trace no knowledge of the invasion to any other persons than to Brown and his followers.

But this invasion of Virginia struck the entire slaveholding population



with horror. It brought the subject of slavery and the horrors of slave insurrections before the people of the country in a practical point of view, and gave slaveholders to understand that they were not free from danger, when their enemies were provoked too far.

Mr. Brown, of Mississippi, introduced a bill in the Senate for punishing offences against slave property in the Territories ; but it was not debated, and attracted but little attention.

Bills were introduced for the more effectual suppression of the African slave trade ; and petitions were presented praying Congress to abolish slavery and the slave trade in the District of Columbia and in the Territories of the United States ; against the admission of any more slave States ; and against the employment of slaves by government. Most of these were laid upon the table without debate.

The constitution of Kansas, recently adopted by the people of that territory, was now presented to both Houses of Congress, with an application for admission to the Union as a State. The subject was referred, and a bill for the admission reported, debated, passed the House of Representatives, and was sent to the Senate for concurrence.

In the Senate there was great resistance to the admission, as it would increase the number of free States ; and so determined was the opposition, that the bill was yet pending before the Senate at the adjournment.

Mr. Bingham, of Ohio, introduced a bill early in the session declaring all laws of New Mexico establishing, authorizing, or protecting involuntary servitude *void*. All southern members voted against this bill, together with Messrs. Thayer, of Massachusetts ; John Cochrane, Haskin, and Reynolds, of New York ; Adrian and Riggs, of New Jersey ; Burch and Scott, of California ; Cooper, of Michigan ; Florence, Montgomery, and Schwartz, of Pennsylvania ; Howard, Martin, Pendleton, and Vollandigham, of Ohio ; Davis, Holman, and Niblack, of Indiana ; Larrabee, of Wisconsin ; Logan, Morris, and Robinson, of Illinois ; and Stout, of Oregon. These twenty-four northern members were unwilling to give liberty to the slaves of that territory. But the bill passed the House of Representatives by a majority of seven votes.

A bill from the Senate to prohibit the African slave trade was subjected to a protracted debate in the House. That provision of the bill which authorized the support of the recaptured victims of that commerce for a certain time after being rescued from the slavedealers was objected to as *unconstitutional* ; but it passed the House by 122 votes to 56 against it.

On all questions touching slavery, slaveholders appeared to graduate



their moral principles by the latitude in which they lived. Thus, in Maryland, Kentucky, and Missouri most slaveholding members voted to abolish the African slave trade, while those from South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Texas, usually voted against every attempt to put down that piratical traffic.

1800.] A bill providing for the general organization of territorial governments, excluding slavery therefrom, was debated for some time in the House of Representatives; but Mr. Thayer, of Massachusetts, elected as a Republican, united with Mr. Douglas and his followers to prevent any action on this subject, and by the assistance of those called Conservatives defeated the bill.

The perseverance with which the slave power always pressed the claims of southern men for the loss of slaves was well illustrated during this session. In 1814, General Jackson entered west Florida with his army. He was followed by a class of desperadoes who stole negroes from the inhabitants; but no one then pretended that Government was in any way responsible for these acts.

In 1818, General Jackson, in prosecuting the first Seminole war again invaded Florida, and in order to support his army, took possession of all provisions which fell in his way.

By the ninth article of our treaty with Spain, in 1820, the American Government agreed to indemnify the Spanish officers and inhabitants of Florida for such injuries as they had sustained by the late American army. There was at that time no doubt entertained in regard to this stipulation. All appear to have understood it as applying to the *late* army, or the army of 1818.

But the people who had lost slaves and property in 1814 soon after applied for indemnity, and their claims were rejected. They then petitioned Congress, but obtained no relief. They next called on the Treasury Department, and Mr. Woodbury, Secretary of the Treasury, was said to have decided favorably upon this class of claims, and that some ten thousand dollars were paid on them before he learned that they had been previously rejected.

The claimants again called on Congress, and the memorials were referred to the Committee on "Indian Affairs," who made an elaborate report, with a bill for their payment. But when it came up for investigation, in 1843, Mr. Adams gave such an exposé of its demerits that only thirty-three members voted for it.

After the lapse of a few years they were presented to the Court of Claims, where they were again rejected. But now, after forty-six years had gone by, they were presented to the Senate, and a very elaborate

report was made in favor of paying them. There was, however, strong opposition to the bill, which was postponed to the next session.\*

Mr. Blake, of Ohio, presented to the House a preamble and resolution, in the following words :

*" Whereas, The chattelizing of humanity, and holding of persons as property, is contrary to national justice and the fundamental principles of our political system, and is notoriously a reproach to our country throughout the civilized world, and a serious hindrance to the progress of republican liberty among the nations of the earth ; therefore*

*" Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of reporting a bill giving freedom to every human being, and interdicting slavery wherever Congress has the constitutional power to legislate on that subject."*

This resolution was resisted by every member from the slave States, and by Messrs. French, of Maine ; Thayer, of Massachusetts ; Barr, Briggs, John Cochrane, and Kenyon, of New York ; Campbell, Florence, Hickman, Montgomery, Morris, McKnight, McPherson, Millward, Schwartz, and Scranton, of Pennsylvania ; Riggs and Nixon, of New Jersey ; Allen, Cox, Martin, Trimble, and Vallandigham, of Ohio ; Davis, Dunn, Hughes, and Niblack, of Indiana ; Fouke, Logan, Morris, and Robinson, of Illinois.

The resolution was in exact accordance with the platform to which every true Republican was committed ; yet out of the one hundred and seventeen Republicans who voted for the Speaker only sixty, or little more than half the real number, voted for this resolution ; and it was defeated by one hundred and nine votes in the negative.

This want of harmony among the Republicans grew out of the different opinions entertained by the members. Men who had long acted with the whig party, under the conviction that its policy and principles were correct, found themselves abandoned by their associates with whom they had long acted, and were constrained to unite with Republicans or remain isolated from political society. Coming into the republican organization, they sought to change the party with whom they united rather than admit that they had been wrong in former times.

Another class were office seekers. They had opposed the republican organization until they saw its success was inevitable. They then joined it ; but this occurred as it were at the eleventh hour, and they could not assume a leading position while admitting themselves to be follow-

\* Probably the secession of the slave States saved the Treasury from the eventual payment of these claims.



ers. These men were desirous of adopting some *other* policy, in order that they might lead in its support.

1860.] They sought to draw off public attention from the great issue which had been formed between the Republicans and Democrats, upon the primal truths of the Declaration of Independence; not because those doctrines were wrong, but for the reason that *they had not led in their avowal*. All these men believed the people too ignorant and too depraved to maintain a *free* and *just* government. They asserted and constantly maintained that wrong, injustice, corruption, and crime were necessary to support any form of government. This theory characterized the democratic party. They held it was necessary to maintain slavery and the slave trade in the District of Columbia in order to support the Union. Mr. Clay and Mr. Webster, Mr. Fillmore and his Cabinet, all held that it was necessary for northern men to seize and return to slavery those who were fleeing to a land of liberty. This outrage upon human nature was perhaps the most revolting crime which men could commit against their fellow-men; yet leading Whigs and leading Democrats asserted that it was necessary that the people of the free States should commit it in order *to save the Union*.

The friends of liberty saw clearly that their *danger* arose from malcontents *within the republican organization*. They had no fears of the democratic party. They were open and frank in the avowal of political crimes, and reflecting men knew that all honest, patriotic adherents of truth and justice must oppose them so long as the then existing issue was adhered to.

The author was then in private life, but he saw clearly the efforts making to modify the issue between the Democrats and Republicans in order to render it less distinct. To meet those efforts he sought the appointment of delegate to the Chicago Convention for nominating President and Vice-President. He said publicly that his object was to induce the republican party to adhere to its doctrines, to stand firmly upon the issue which had been formed. On reaching Chicago, he found a large hall where thousands were convened. Other speakers argued in favor of their respective candidates, but the writer at once avowed that the *maintenance of principle should constitute the object of the convention*. That parties were a deception when they ceased to represent principles. That all ought to support the doctrines enunciated in the Declaration of Independence, and repeated by the Republicans at the Philadelphia Convention. He also made known to the delegates of his State that he wished to serve on the Committee of Resolutions, as he had done at Philadelphia when the party was formed,



and that his object was to *induce the committee and the convention to adhere to republican principles.*

But the delegation appointed another gentleman who had not been known to the public as an adherent of these principles. The committee reported a series of resolutions declamatory in their character, assailing the democratic party, and disapproving the extension of slavery into free territory, but entirely omitting all reference to the elementary truths enunciated in 1856.

The report being read, the author proposed an amendment, reasserting the "self-evident truths" of the Declaration of Independence. Its adoption was opposed by Mr. Carter, of Ohio; Mr. Thayer, of Massachusetts; and a gentleman from Indiana. But no other member rose to sustain the amendment, and it was rejected.

Unwilling to sit in a convention that hesitated to reassert the primal truths on which the Government was founded, the author left the hall. As he went to his lodgings, gentlemen from different States accompanied him, wishing to have another convention called of men who would *abide by the doctrines of the Government.* But while conversing on the subject, Mr. Curtiss, of New York, offered, substantially, the same amendment, and sustained it by an able speech. Mr. Nye, of that State, also supported it, and it was adopted; and, on being informed of this fact, the author and his friends resumed their seats in the convention.

As these movements stand connected with important historic events, it is deemed proper to place them in detail before the reader. [1860.]

Among all the candidates for President, only one had been numbered among the advocates of freedom previous to the convention at Philadelphia in 1856. Mr. Chase, of Ohio, had been an early advocate of human rights.

As it was evident that the Republicans must succeed, the friends of the various candidates urged the claims of their favorites, and all were anxious to pledge themselves and their candidates to stand by the doctrines of the party. But men had arrayed themselves so strongly in favor of *one* and *against* the others, that it was found necessary to select one against whom there was comparatively little prejudice. Mr. Lincoln, of Illinois, was nominated. He was literally a self-made man, a native of Kentucky, possessing an intellect of unusual astuteness, and of unimpeachable integrity. He had served one term in Congress, but was evidently destitute of that experience in public life which was necessary to qualify a man for the Presidential office. His early training and habits of thought had led him to believe the slaveholder had some moral

or legal right to the services of his slave ; and although an eloquent advocate of liberty, it appeared difficult for him to believe that the right to life and liberty had been bestowed on black men *equally* with the white race. But from his candor, his frankness, and integrity, the anti-slavery men had confidence that he would respect their principles in due time.

In all former presidential elections, members of Congress had given direction to the public mind in regard to candidates. But Mr. Lincoln had very little congressional support, and his nomination was received in Washington with wonder and surprise. But the members generally supported him.

The importance of this election did not consist so much in the devotion of the republican party to the great doctrines of liberty, as in the fact that the nomination and election resulted from the independent action of men who refused to be controlled by the slave power. Probably hundreds of thousands voted with the republican party under the expectation of success, *caring little for the slave*.

The democratic party, as had been foreseen, could not effectually resist the power of moral principle. Southern members of the party were anxious that the slaveholding constitution of Kansas should be received by Congress, and the State admitted without submitting the adoption of it to the people of the territory.

Northern leaders saw clearly that such policy must result in the overthrow of their organization. Southern statesmen demanded that Congress should legislate for the protection of slavery in the Territories. The northern members refused to adopt that doctrine, urging that the people of the territory may either admit or reject slavery, as they pleased.

Thus was the party divided, and when their delegates assembled at Charleston for the purpose of nominating candidates for President and Vice-President, they were unable to agree upon a platform of principles, and separated into different conventions, and nominated different candidates. The northern portion of the party united on Mr. Douglas, and those of the South on Mr. Breckinridge. This division of the democratic organization left no doubt of their defeat, and the election of Mr. Lincoln was rather a matter of form than the solution of a doubtful question.

1860.] The slave power, by the exercise of its influence, had elected

Mr. Jefferson in 1800, and had dictated the election of every subsequent President up to that of Mr. Lincoln, in 1860, except that of Mr. Adams, in 1824. And in the election of Mr. Adams the question

of slavery was not distinctly involved, nor was he elected in opposition to the slave power.

But now the victory was obtained by the force of truth operating upon the popular mind. During the canvass there was no political strategy, no disguising of principles, no subterfuge, no metaphysical theories to deceive or mislead the people. It was achieved by the open avowal and undisguised maintenance of "self-evident truths." The result constituted an era in Christian statesmanship. The old theory of politicians had been discarded. The dictation of the slave power had been repudiated. The Government was to be regenerated and redeemed, when the existing Administration should close its constitutional term of service.



## CHAPTER XXX.

STATE OF FEELING AFTER THE ELECTION—OFFICIAL MENDACITY OF PRESIDENT BUCHANAN—FEELING IN CONGRESS—PROPOSITIONS OF MR. CRITTENDEN—WITHDRAWAL OF SOUTH CAROLINA—HER DECLARATION OF CAUSES—SHE SENDS DELEGATES TO WASHINGTON—A CONVENTION OF DELEGATES FROM THE FREE AND BORDER STATES—INAUGURATION OF THE REBELLION AND CLOSE OF THE DEMOCRATIC ADMINISTRATION.

1860.] THE expectation that the Republicans would elect their candidate to the Presidency, had led several of the southern States to take preparatory measures for inaugurating the rebellion; but when the result was known, the pending storm appeared to gather more rapidly. Congress was about to assemble, and in order that South Carolina should not be misunderstood, her two Senators resigned their positions, and refused to take seats in the body of which they had been members. Governor Letcher, of Virginia, in his message to the Legislature, declared that the administration of Mr. Lincoln could not and *would* not be submitted to. Mississippi, Alabama, Georgia and Florida also began to make public demonstrations in favor of rebellion.

At the reassembling of the twenty-sixth Congress, the members found themselves surrounded by novel and interesting circumstances. The voice of the people had been uttered in favor of equal rights, and equal justice to all men. They had emphatically repudiated the heathenish dogma that "black men have no rights that white men are bound to respect." Nor was this vote of the people less a repudiation of the men who held such barbarous doctrines. It was quite obvious that the policy of sustaining slavery could no longer control the Government. Statesmen of experience, looking through the vista of coming events, read the doom of oppression, which now appeared to be written upon the moral world around us.

But a hallucination appeared to have seized upon the southern mind. The advocates of slavery constituted the only persons in existence who believed that slavery could survive a civil war: yet they appeared to think that insurrection alone would sustain the institution. They insisted, however, that the free States had always yielded to the demands of the South, and that the people of the North would give up the administration of government to southern hands rather than see the

Union dissolved. No southern man appeared to have the least idea that the people of the free States would ever meet them in armed hostility, rather than surrender the Government and their liberties to the keeping of slaveholders. Indeed, northern Democrats and some northern presses proposed that the Republicans should give up the administration of government to southern oligarchs, and that the President elect should quietly retire to private life.

Old men who had long served in the whig and democratic parties were astonished at the change. They had never dreamed that there was an inherent, immutable power in truth and justice. They felt that Messrs. Clay, and Webster, and Cass, and Calhoun, and Fillmore, and their associates, were truly the greatest men, and the ablest statesmen of the world : That under their influence, the interests of slavery had controlled the Government, in its days of apparent prosperity : they saw no evils in the fugitive slave act, nor in the slave trade, or in slavery on the high seas, in the District of Columbia, or in our Territories. They believed it necessary to sustain the slave trade to pay the debts of Texas, to wage a war with Mexico and butcher her people, in order that we might prosper ; and they were overwhelmed with surprise that the people should desire a change of policy. Nor was this feeling uncommon. It pervaded all classes to a greater or less extent ; even professed Republicans were unconscious of the responsibility now thrown upon their party.

President Buchanan was an old man. He had served during his political life in the democratic party, and was supposed to truly represent the voice of those who continued to act with him.

In his annual message, he called attention to the disaffection of the South. With mendacious effrontery he asserted that the hostility of the South had arisen from " the long continued and intemperate *interference* of the northern people with the question of slavery in the *southern States.*" This assertion had been so often put forth by irresponsible politicians and members of Congress that the President, although conscious of its falsity, did not probably think it would be exposed : but he as well as the writer had long moved in public life, and must have known that no member of Congress, or public man, or man of character, had ever offered or presented a resolution, or bill, or memorial, or speech, or proposition to interfere with slavery in the States. The author speaks with some earnestness on this subject : conscious that for many years he was regarded as the most radical, the most ultra-republican and anti-slavery man who served in Congress, he appeals to the records of that body as showing conclusively that at all times, under all circum-

stances, he denied for himself and friends the constitutional power to interfere in time of peace with the institution in the States. But this declaration of the President greatly encouraged southern rebels, as it led them to cherish the expectation that the democratic party would unite with them in carrying out the rebellion.

Soon as the message had been read in the House, Mr. Boteler, a slaveholder of Virginia, moved to refer so much of it as related to the perilous condition of the country to a committee of one member from each State. The motion prevailed by a vote of 145 in the affirmative to 38 in the negative.

Unfortunately the Speaker, through timidity, or from not knowing the character of the members, appointed at the head of this important committee Mr. Corwin, of Ohio, who had served in Mr. Fillmore's Cabinet; and had ever approved and advocated the fugitive slave act, and all those measures of Congress in favor of slavery, which were so offensive to the lovers of liberty; and a large majority of the committee were either slaveholders or supporters of the slaveholding policy. They made several reports, one of which was in favor of a more stringent fugitive slave enactment, and for the adoption of further compromises on the part of the free States, which, although rejected by the House, served to increase the confidence of southern men that the northern people would surrender to the demands of the South.

The Representatives and Senators of Virginia, with an air of importance, now proposed to act as *mediators* between the North and South, in order "*to save the Union.*" But every suggestion coming from them, merely indicated that the people of the free States should make further surrenders, and give further guarantees to slavery.

To these suggestions northern Democrats generally assented, while Republicans listened to them in silence.

Various propositions were offered to the consideration of the Senate and of the House for amending the Constitution. Some proposed to divide the territory, and make it the duty of Congress to support liberty north of a certain line, and slavery south of it. Some proposed to amend the Constitution, so that the United States should pay the owners of fugitive slaves the value of those who should escape, thus taxing the people of the free States to support slavery. Others proposed to pay the master from the funds of the State to which the slave might flee. But every proposition for amending the Constitution or laws, had for its object further surrender of northern rights. That which attracted most attention and commanded most influence, was presented to the Senate by Hon. John J. Crittenden, of Kentucky. He proposed



such an amendment of the Constitution as would establish slavery south of 36 deg. 30 min. north latitude, and maintain freedom north of that line.

2d. That Congress should have no power to abolish slavery in any place under its exclusive jurisdiction ; should not interfere with slavery or the slave trade in the District of Columbia while the State of Maryland should continue the institution : And that the owners of slaves might transport them from one State to another by *land or water*. This would give them the right of transit through the free States, and in fact would render every State a slaveholding government.

3d. That payment of the value of fugitive slaves should be made from the public treasury whenever they should be rescued or assisted to escape.

These propositions were in most singular contrast with the President's message, in which he asserted that all which the slave States demanded was "*to be let alone.*" While these false assertions of the President were before the two Houses of Congress, every proposition from members representing slave States or from northern Democrats, demanded further concession, further yielding of northern rights, further support of slavery from the northern people : Every proposition was in direct antagonism with the essential principles of liberty and justice set forth in the Declaration of Independence ; and not one of them could be adopted and carried into effect without overthrowing the vital doctrines on which the Government had been founded.

On the 21st December, the Representatives of South Carolina, [1860. by a written communication addressed to the Speaker of the House of Representatives, announced that the people of that State had resumed the powers delegated to the Federal Government, and took final leave of Congress.

In professing to withdraw from the Union, South Carolina, through her convention, asserted that by the compact expressed in the fourth article of the Constitution, the several States stipulated to return fugitive slaves ; that fourteen of those States had failed to perform their several covenants in this respect : Yet every Senator and Representative of that State had voted in favor of exercising the ungracious task of capturing and returning fugitive slaves *by the Federal Government*. Indeed, the then existing fugitive act was reported by Senator Butler, of that State, and the Supreme Court, in accordance with southern views, had decided that all State laws on the subject were void.

This failure to capture and return fugitive slaves by northern citi-

zens now constituted the leading and principal cause avowed by South Carolina for dissolving the Union which her people had sworn to support.

The next cause assigned was, that the people of the free States denied the right of property in human flesh : and the assertion of this principle, taught by Christianity, enforced by our Declaration of Independence, and emphatically asserted by the Constitution, was proclaimed by the people of South Carolina as sufficient cause for separating from the Government instituted by our fathers.

The next cause assigned was the agitation of the slave question by the people of the free States. Perhaps nothing better illustrates the feeling of despotism which ruled our slave States, than this idea of denying to northern people the right to speak their sentiments on all moral and political questions. The right had been most solemnly guaranteed by the Constitution, while its exercise furnished South Carolina with a supposed vindication for separating from the Union.

The next and last cause of complaint was, that some of the northern States had elevated to citizenship persons (blacks) whom the people of South Carolina declared were incapable of becoming such under the Constitution. This assertion, however, was sustained alone by the dicta of slave States, for surely the Constitution of the United States had made no distinction on account of complexion. Not a word, or sentence, or thought in this declaration of causes which impelled South Carolina to the separation, has allusion to any subject but *slavery*. No other subject was alluded to as furnishing any cause of complaint : And it is believed that this constituted the first instance in the history of the world where *a people have revolted against a government on account of its devotion to liberty*. None of the other seceding States based their vindication upon any other than this general charge : that the people of the free States had been and were opposed to the despotism of slavery.

Representatives and Senators from all the cotton-growing States, now held towards the Government the language of defiance and in frequent instances that of contempt. Northern Representatives appeared paralyzed under these insane demonstrations : While northern Democrats and members calling themselves Conservatives, were active in their efforts to adopt such measures as the advocates of slavery demanded.

In perfect keeping with the doctrine that frauds and crime are necessary to support governments, it was at this time ascertained that the Indian Trust Fund had been robbed by the action of the Secretary of War and the Secretary of the Interior, of some eight hundred thousand dollars ; but this gigantic peculation seemed to have no

influence in attaching those who committed it to the support of the Government.

Several individuals now appeared in Washington, claiming to be a delegation from South Carolina, openly proposing to treat with the President for the surrender of forts and arsenals belonging to the Federal Government situated upon the coast of that State. Instead of imprisoning these traitors, the President entered into a written correspondence with them, surrendered up to the people of South Carolina forts, arsenals, custom-houses, and post-offices situated within the jurisdiction of that State. He also permitted the Secretary of War to transport arms, ammunition, and the paraphernalia of war, from northern arsenals to those of the South, and they were delivered to the custody of men known to be engaged in treasonable designs against the Government.

These acts were so flagrant that Secretary Cass, finding his own reputation in danger by his association with the Executive, resigned the Treasury Department, refusing longer to be identified with an Administration which he had assisted to elect, and with which he had been associated from its inauguration.

An order from the Secretary of War for the removal of some seventy pieces of ordnance from Pittsburg, Pennsylvania, to Mississippi, was resisted by a popular demonstration in that city. This constituted the first manifestation of force in resisting the progress of rebellion. But in consequence of this display of the popular feeling the order was revoked, and the guns remained in Pennsylvania.

While these scenes were being enacted, Mr. Bingham, of Ohio, faithful to his Government as well as to his own reputation, introduced a resolution instructing the select committee of thirty-three, appointed under Mr. Boteler's resolution, to report to the House such additional legislation as they might deem necessary to *put down the rebellion*.

Mr. Morris, a Democrat, of Illinois, offered a proposition that the members unite in a solemn assertion of their devotion to the Government : And Mr. Hutchins, of Ohio, offered a resolution for protecting the free blacks of northern States from being enslaved by the people of the South. But none of these propositions were debated or voted upon. Indeed, the House appeared unwilling to debate or vote upon any proposition that did not contemplate further surrender of northern honor and northern interests.

Nor was the Senate either idle or silent. Soon as the message of the President had been read, Mr. Clingman, of North Carolina, responded



that its tone was *eminently patriotic* : But he asserted that the President elect was a *dangerous* man, and declared that he had been elected *because* he was dangerous. He spoke of the inevitable rule to which the republican organization was destined, and asserted that the South could not endure the administration of any man elected upon the principles enunciated by that party.

He made no complaint of the past ; but assured the Senate that unless the people of the North should give further guarantees in favor of slavery, several slave States would be out of the Union in ninety days. He was a bold man, and usually stated the position of the Republicans candidly, and made no scruple in demanding *further guarantees* of the North for the slavery of the South. Indeed, most southern members were frank and apparently honest in demanding that the North should sustain their institutions, while to the President and other northern men they left the unenviable task of misrepresentation on this subject.

1860.] On the following morning, Senator Green, of Missouri, offered a resolution proposing an armed police to be stationed along the line separating the slave and free States, for the efficient execution of the fugitive slave act, and to preserve the peace. In debating this resolution, Senator Green boldly maintained that the proximate cause of the rebellion consisted in consecrating the soil of California to freedom, after it had been acquired for the purpose of extending slavery. He asserted the opinion that the platform on which the incoming President had been elected was in direct conflict with the Constitution, and read a letter from Senator Doolittle to a friend, saying, " the election of Mr. Lincoln was indeed a great triumph ;" that we should " have no more congressional slave codes, no more slave territory, no more slave States," and the honorable Senator regarded these expressions with peculiar horror and bitterness.

Mr. Hale insisted, that when analyzed, the President's message was found to contain three propositions. 1st. South Carolina has just cause to secede. 2d. She has no right to secede. 3d. The Government has no right to prevent secession. He declared, however, that the movements of the South meant *war*, and that the Senate ought to look the subject full in the face, and prepare to meet it. He characterized as *traitors* those northern editors who were sustaining southern secession, and asserted with great force that all pretence that the North had furnished any cause for secession was *false and slanderous*, thus exposing the mendacity of the annual message ; and, with becoming dignity, he

hoped that the incoming President would maintain the doctrines on which he had been elected.\*

Mr. Brown, of Mississippi, asserted that if there was to be war, the North must make it, as the South would not.†

Senator Iverson, of Georgia, regarded the general hostility to slavery which existed among the people of the North as utterly prohibiting all attempts to preserve the Union; and declared that the repeal of "personal liberty bills" by northern Legislatures, or other concessions, would not induce the South to remain longer in the Union. But he asserted there would be *no war*, and alluded in offensive language to northern cowardice.‡

Mr. Powell, of Virginia, as well as Mr. Crittenden, appeared to think that the Union could only be preserved by so amending the Constitution as to change the essential character of the Government, making it a slave-sustaining confederation, instead of adapting its energies to *securing liberty*; and he proposed an amendment that would secure the right of *property in slaves*; believing such amendment necessary to save the Union.

To this Mr. Iverson, of Georgia, replied that Virginia was deeply interested in preventing secession; for if the cotton States seceded, Virginia would find no *market for her slaves*, without which that State would be ruined. To these remarks neither Mr. Powell nor his colleague took exception.§

The arrogance and self-importance of Senators representing cotton-growing States increased in proportion as northern members expressed an anxiety to save the Union. Their supercilious bearing was well illustrated by Mr. Wigfall, of Texas, who, alluding to the contemplated rebellion, spoke in the Senate as follows: "*I say Cotton is King*, and that he waves his sceptre not only over these thirty-three States, but over the island of Great Britain, and over Continental Europe. And there is

\* This is believed to be the first assertion in the Senate, after the election, of a determination to sustain the doctrines on which Mr. Lincoln had been elected.

† This was said to have been the agreement between northern and southern Democrats; that the South would not *commence* hostilities, and that northern Democrats would prevent Republicans from shedding blood. And the northern democracy subsequently complained that by commencing a cannonade on Fort Sumter, the South violated their compact.

‡ General Cass was, perhaps, better acquainted with the views and feelings of southern Democrats than any other northern man. After the rebellion broke out, he declared to the writer his conviction that the South would never have rebelled if they had entertained the belief that the northern people would have met them in arms.

§ Virginia at that time was receiving a greater income from the rearing and selling of slaves than from any other object of industry; indeed, many Virginians computed the income from the sale of slaves greater than that derived from *all other sources*. (*Vide* Debates in her Convention of 1832.)



not a crowned head upon that island, or upon the Continent that does not bend in fealty and acknowledge allegiance to that monarch."

This was an earnest expression of the real feeling of both Senators and Representatives of the cotton-growing States. They really felt that France and England were dependent on them for the important article which constituted their staple product. This feeling had risen from the yielding of Great Britain to the demands of the slave power, and compensating our slave merchants for their human chattels lost by being shipwrecked on British islands. France, too, had stood with folded arms and witnessed the annexation of Texas; and when officially informed that it was done *to extend slavery*, she did not even utter a protest in behalf of our common humanity.

The past policy of the Government was now rapidly approaching its culmination. Since 1793, northern politicians and statesmen had yielded their interests, their rights, their honor, their constitution, to the demands of the slave power. The feeling of southern superiority had been fostered, flattered, strengthened, and confirmed, until it was now developing itself in open rebellion.

Senator Wade, of Ohio, coolly and firmly met the threats and supercilious declamation of Messrs. Wigfall and Iverson, saying that the contest would be nothing more than the world had often witnessed; it would be merely a trial of strength between the loyal and the rebellious States; that one party would be victorious, and the other would suffer defeat. As to the doctrines of the republican party, which had been denounced as unconstitutional, and under which it had been said the South could not live, he would merely say they were the doctrines of Washington and Jefferson, and their associates, in founding the Government, which was organized upon these principles; and he desired to understand definitely the acts of which the South complained.

To this call of Mr. Wade, Mr. Powell, of Virginia, responded that Governor Dennison, of Ohio, had refused to deliver up to the Executive of Kentucky a man charged with *stealing negroes*. This language was understood to mean nothing more and nothing less than assisting slaves to escape from bondage, which was regarded by the Christian world as an act of humanity, and no crime. Yet Mr. Powell, and slaveholders generally, believed that whatever the Legislature of a slave State should see fit to declare "*crime*," the Federal Government was bound to regard as coming within the constitutional provision concerning "*felony*." Nor did Mr. Powell stand alone in thus basing his vindication of the rebellion upon gross errors of constitutional law, as all action of Congress involving the people of the free States in the expense and dis-



grace of sustaining slavery was obviously unauthorized and unconstitutional.

The northern mind was not prepared for the bold attempt now making to destroy the Union. From the adoption of the Constitution, complaints had been made that slave-catchers from southern States had kidnapped free colored persons in the northern portions of the Union. These complaints were for many years presented to Congress, but the memorialists received in answer directions to apply to their several State legislatures, whose duties required them to *protect their own people*. Accordingly, several northern States enacted laws for the protection of their free colored citizens. These enactments were now assailed by the successors of those members of Congress who had advised their enactment ; and several of the free States, in consequence of denunciations of southern men, changed their position, and in derogation of their own dignity, repealed the laws which protected the rights and liberties of colored citizens born among them.

These acts of northern Legislatures strengthened the advocates of slavery in the conviction that the entire North would surrender every point which the South demanded. Southern agents in England and France assured the people of those governments that there would be *no war* in the United States ; and this opinion was very generally entertained by public men in England, who could not believe that after such long forbearance the people of the free States would make resistance to the demands of the slave power.\*

Men now saw that every argument and every effort in favor of yielding up northern interests, northern independence, and northern honor, to the demands of the slave power, under the specious plea of saving the Union, had contributed to its dissolution, by leading southern men to believe the northern States were entirely subservient to the interests of the South.

On the 12th January, the Representatives from Mississippi, by [1861. a written communication addressed to the Speaker of the House, informed the country that their State had withdrawn from the confederacy ; but on the 14th, Mr. Brown, of that State, informed the Senate that he and his colleague had not received official notice of the withdrawal of their State ; but they would no longer participate in the business of the Senate.

Georgia, Alabama, Florida, and Louisiana, now followed these examples of secession which were rapidly precipitating the nation into civil war.

\* This remark is made upon the authority of intelligent Englishmen, with whom the author met in the years 1861-2.

On the 28th January, the President communicated to the two Houses of Congress resolutions of the State of Virginia, proposing a convention of delegates from the various States to meet in Washington City "for the purpose of agreeing upon such compromises as were consistent with the Constitution, so as to *afford the people of the slaveholding States adequate guarantees for security of their rights.*"

This suggestion of a convention unknown to the Constitution was itself revolutionary. But the call upon the free States to give security for their abiding by the Constitution was regarded by men of spirit as insulting to their dignity. Yet some of the executive officers of free States were so anxious to exert every instrumentality to save the Union, that they appointed delegates, and finally all the free States yielded to this supercilious call of Virginia to appear in national convention to consult on such further guarantees for the support of slavery as would satisfy those States who had already proclaimed their departure from the Union. And while South Carolina was actually gathering and disciplining her army, erecting fortifications, and preparing for hostilities, delegates from the free States gravely met in convention at Washington City, to consult on such further humiliation as would satisfy the demands of the slave power. The character of a majority of the delegates to this convention was well illustrated by the choice of John Tyler, of Virginia, to preside over their deliberations. His name had become odious to the lovers of liberty from his efforts to obtain compensation for the slavedealers who lost their bondmen on board the "Creole," in 1840, his approval of the gag-rules, his apostacy from the party who elected him, his labors in favor of the annexation of Texas, and his uniform devotion to slavery.

By the selection of such a man to preside over its proceedings, the convention lost all prestige, and after several weeks a majority of its members advised the regularly constituted Congress to recommend the State Legislatures to agree to such amendments of the Federal Constitution as would secure the master a compensation for his fugitive slave when assisted to escape, or when rescued : To establish slavery in all our Territories south of 36 deg. 30 min., north latitude : To secure the admission of any slave State that may apply to become a member of the Union : To prohibit Congress from abolishing slavery in the District of Columbia, or the coastwise slave trade.

These propositions were transmitted to the two Houses of Congress for approval, but were rejected unceremoniously by the Senate ; nor were they treated with greater respect by the House of Representatives.

Senator Seward had been a candidate for nomination of President



before the convention at Chicago, and received the highest vote of any candidate except the President elect. From this circumstance it was generally expected that he would be selected as Secretary of State under the incoming Administration. He was regarded as possessing a high order of talents. During the Presidential campaign he had spoken boldly in favor of freedom; and the advocates of liberty generally believed him a firm supporter of the doctrines which all regarded as vital to the support of a free government. Under these circumstances he was expected to foreshadow the policy of the incoming President; and great interest was manifested to hear him. On the 12th January, while speaking on the President's Message, he referred to various expedients for saving the Union, which had failed. He next referred to the advantages resulting from the "Union," by which term he appeared to refer to the association of States and of the power of their concentrated influence: But he seemed to avoid all reference to the "essential truths," on which the States confederated; which constituted the moral entity called the "Union;" without which the association would not have been formed and could not have existed. Nor did he speak of the primal objects and ulterior designs of those who founded the Government. He manifested a strong desire that the States should maintain their alliance with each other; but he expressed no wish to maintain the essential truths on which the association had been formed. He said, somewhat oracularly, "Republicanism is not Union; Democracy is not Union—*Republicanism is subordinate to Union as everything else is and ought to be. Republicanism, Democracy, every other political name and thing—all are subordinate, and they ought to disappear in the presence of the great question of Union, and so FAR AS I AM CONCERNED, IT SHALL BE SO.*"

For seventy years the slave power had endeavored to exclude all democratic, all republican principles from the administration of government, in order to render it a slaveholding oligarchy. For twenty-five years the advocates of reform had labored to restore the Government to those republican and democratic principles on which the fathers founded it. A party distinctly avowing these doctrines had been formed; had grown up; had elected a majority of the Senate and of the House of Representatives. They had elevated the President elect to the highest office of the nation, with the full expectation that he would support the principles avowed by them; but Mr. Seward now declared, that so far as he was concerned, these doctrines should be discarded in order to save the Union, which had already been transformed to an insupportable despotism under slaveholding influence. Republicans would not believe



that he spoke the views and feelings of the President elect, nor would they admit that he intended the ordinary import of his own language. Others were uncharitable. They quoted the language of Mr. Iverson, who had openly declared that *there would be no war*; that "the far-reaching statesmanship of the Senator from New York would prevent a war," and suggested that the two Senators were acting in concert. It is certain that many republican Senators entirely dissented from the policy enunciated by Mr. Seward; and this difference of opinion continued and became still more distinct after that gentleman assumed the duties of Secretary of State. Another point in this address was quite unsatisfactory to Republicans. That party had laid it down as a universal principle that every human being holds from the Creator an inalienable right to live and enjoy liberty. The Supreme Court, on behalf of the democratic party, denied this doctrine, saying, "Black men have no rights that white men are bound to respect." This constituted the issue. And Mr. Seward now tacitly espoused the doctrine of the Court instead of the republican principle, saying that the fugitive act was constitutional and *ought to be enforced*. He further asserted that all State laws which interfered with it ought to be repealed.

But these pledges of subserviency to the slave power appeared to have no favorable effect upon southern rebels. Alabama, Georgia, Florida, Mississippi, and Louisiana, proceeded to declare their separation from the Union; while South Carolina steadily continued to raise troops, erect fortifications, discipline her army, and make every possible preparation for the coming conflict. Early in January hostilities commenced. The steamer "Star of the West," carrying supplies to Fort Sumter, entered Charleston harbor under the flag of the United States. The rebel batteries on Morris Island opened fire upon her and compelled her to return without landing. But while the rebels were thus firing upon our flag, the "Peace Congress" was engaged in deliberating upon further surrenders and further guarantees to slavery: Indeed, while that body was thus engaged, a convention of delegates from the seceding States were actively laboring to form a constitution for the new Confederacy, and organizing a government so as to combine all their forces against the loyal States.

This Convention was sitting at Montgomery, Alabama. The support of slavery constituted the first and most prominent feature of the constitution of the "Southern Confederacy." It was the first instance in which a people had associated under a written constitution, pledging their powers to the support of oppression.

Mr. Floyd, the Secretary of War, had sent to Texas ordnance, arms,

ammunition and vast military supplies, under pretence of furnishing the army stationed upon the frontier of that State. As yet Texas had passed no ordinance of secession ; but fearing that these stores would be reclaimed by the Federal Government, her authorities demanded of General Twiggs, then in command of the troops, the delivery of this vast amount of public property to them.

General Twiggs was a citizen of Mississippi and a secessionist. He at once surrendered some two thousand troops and four millions dollars worth of military supplies to the commander of a few hundred militia of Texas.

During the month of February, the Senators and Representatives of Georgia, Alabama, Mississippi, Louisiana and Florida vacated their seats in Congress, having received official notice that those States had severed their connection with the Federal Government.

The constitution of the Southern Confederacy was adopted, and six of the thirty-three States were acting under a separate confederacy, and had their army in the field ; four other States were rapidly perfecting their acts of secession : and the two hostile governments were in full operation before the close of the democratic administration. For more than half a century the slave power had ruled the nation under the disguise of Democracy. That organization had devoted its energies to the encouragement and support of slavery. Its members had identified themselves with the institution to such an extent that, when the regime of slavery ceased, the democratic party could no longer maintain its former prestige. Yet its leaders, in their blindness, seized upon the pillars of the political temple, and disappeared amid the moral and political ruins which they had brought upon the country, leaving to the Republicans a dismembered Government and civil war.

The rebellion had progressed thus far at the close of the thirty-sixth Congress. Yet the Republicans of that body made no movement—passed no law, provided no means for suppressing hostilities. The reasons assigned were that it was hoped that the rebellious States would return to their loyalty ; if the northern States would repeal their personal liberty laws, enforce the fugitive slave act, give further guarantees to slavery, abandon the doctrines of Republicanism and disband that organization, as had been proposed.

## CHAPTER XXXI.

INAUGURATION OF PRESIDENT LINCOLN—HIS POSITION REGARDING SLAVERY—  
ACTION OF CONGRESS—HIS PROCLAMATION OF FREEDOM—RAISING OF NEGRO  
TROOPS, AND A WAR FOR FREEDOM.

THE 4th March, A.D. 1861, will long mark an incident in the history of the United States. A republican President was then inaugurated, and the Government passed into the hands of the party who elected him. Many, very many electors who voted for the incoming President had, since the speech of Mr. Seward, entertained gloomy apprehensions that they were once more to be deceived ; that the new Administration would surrender the doctrines of the party and become subservient to the slave power. Opponents also boasted that a republican Administration could not guide the Government amid the storms and strifes of civil war, which now appeared imminent. Yet the President's most intimate friends entertained a perfect confidence in his integrity. That was the only pledge he had given. His experience in public life had been limited ; he had never enjoyed the opportunity of giving to the nation evidence of his capacity for the high position to which he had been elected ; yet, the eyes of thirty millions of people were upon him, watching every word and every act.

In his inaugural he simply reasserted the doctrines of those who elected him in regard to slavery *in the States and in the Territories*. With them he also discarded the doctrine that the Supreme Court were to construe the Constitution for other departments of government.

In relation to the rebellion he was conciliatory but firm. This was looked upon as the great point in his inaugural address. It was regarded as the seminal thought from which all other questions of policy must spring. He showed no disposition to surrender any legitimate interest for the purpose of inducing the seceding States to return to their loyalty ; while he stood forth boldly in advance of all his predecessors, demanding legal protection for northern colored citizens while travelling in the South.

But he had not studied the philosophy of human governments, nor analyzed their powers, so far as to see clearly that neither human laws, nor human constitutions, nor human power, could give to one man, or to



any set of men, rightful authority over the lives or the liberties of an innocent and unoffending people. On the contrary, he asserted that the Constitution had provided for the surrender of fugitive slaves, either by the States or by the Federal Government, and he seemed to acknowledge that the framers of the Constitution possessed the legitimate power to impose upon their descendants some sort of obligation to seize their fellow-men while fleeing from oppression and return them to bondage.

- On this point it was evident that his mind had not been led to analyze the transcendent crime of enslaving or of re-enslaving innocent persons.

Yet the writer would do injustice to Mr. Lincoln were he to omit saying that his inaugural was just what his friends who were best acquainted with him expected. They understood his positions, and in public and in private insisted that the logic of events would bring his mind to the full appreciation of the crimes of slavery.

Nor would the writer do justice to the reformers of that day were he to omit saying they did not expect Mr. Lincoln to make up his Cabinet from those who had long been prominent in the advocacy of Republicanism. They only demanded three of the seven Cabinet officers. To that request the President cordially responded: and in compliance appointed Messrs. Seward, Chase and Wells as members of his Cabinet; while Messrs. Cameron, Bates, Smith and Blair were regarded as more conservative in character. To them no objection was made by the advocates of liberty, as all believed they, too, would come up to the support of truth and justice, as events should constrain them to meet the responsibilities of their several positions. With this Cabinet, and under these circumstances, President Lincoln entered upon that mighty conflict between freedom and slavery, between justice and crime, which has attracted the attention of the Christian world. [1861.]

The cannonade of Fort Sumter, and the attempted massacre of the Massachusetts troops while marching through Baltimore to the relief of Washington City, aroused the people of the free States to a realization of the fact that they were already precipitated upon a momentous *civil war*.

The President issued his proclamation calling for seventy-five thousand troops, under the law of 1795, in order to suppress the rebellion.

In all parts of the free States volunteers were called for; companies and regiments were formed, and hurried to the field. The attention of all was directed to our armies, and the subject of slavery was apparently forgotten in the all-absorbing interest of existing hostilities.

The battles fought and the victories lost and won during that war will long mark an important era in the progress of Christian

civilization ; of them it is not the intention of the writer to speak. That duty must devolve upon some younger, some more ambitious historian ; but the writer stands pledged to lay before the reader a careful narrative of the efforts of the Federal Government to support, extend, and perpetuate slavery, and of its final separation from that institution.

1861.] For more than sixty years Congress had legislated for the benefit of oppression, in direct and unequivocal hostility to the doctrines laid down as the basis of our Government. At the time of which we are now writing, however, a large majority of our statesmen, politicians, and people entertained the opinion that there was some vague, some undefined moral or political obligation resting upon the Government and people of the free States to uphold and encourage slavery. It is certain that a majority of the politicians of the free States, forgetting that our Government had been established for the purpose of securing life and liberty to every human soul, really believed that they were bound to seize the fugitive slave as he fled from bondage and carry him back to chains and suffering. In short, they now felt and urged that patriotism consisted in depriving a portion of mankind of those prerogatives which the government had been instituted to secure.

This feeling was cherished by adhering Democrats, and by all that class of men who, having once belonged to the whig party, now refused to unite with the radical Republicans.

Advocates of oppression were found in all the States and in all departments of the Government. Many were holding nominal relation to the republican party, and were among the most clamorous applicants for office. They held seats in both Houses of Congress; and much of the patronage of each House was bestowed on men whose influence was exerted for the support of slavery. In the executive departments and in the army were men whose sympathies were in favor of that institution. Their latent influence was at all times exerted in favor of it, paralyzing the efforts of the President, and of those who were striving to suppress the rebellion. Indeed, General Butler, while marching the troops of Massachusetts to the defence of Washington, took occasion to assure the Governor of Maryland that the army under his command would put down any slave insurrection that might arise in that State, and that any call of the Governor of Maryland for troops to be used for such purpose would be promptly complied with by the officers and men of Massachusetts.

But this voluntary prostitution of the military power of Massachusetts to uphold slavery in Maryland attracted the attention of Governor



Andrews, chief magistrate of that first commonwealth of New England, who remonstrated with General Butler ; and that officer, acting before the public under such responsibility, saw his error, discarded the claims of slavery, and soon became one of the most distinguished supporters of republican doctrines employed in the military service of the Government.

Major-General McClellan, placed in command of the Ohio troops, on entering Western Virginia issued his proclamation informing the rebels of that region that he and his troops would not only abstain from assisting slaves to obtain their freedom, but they would *crush* any insurrection of slaves against those who were employed in shooting down our troops : Nor are we informed that General McClellan at any time changed his mind on this subject. Indeed, officers in command of our troops often employed them in guarding the property of rebels serving in the Confederate army. It was charged, through the public press, that the dwelling and property of General Lee, in Eastern Virginia, was carefully guarded by order of General McClellan, while our sick soldiers were subjected to the inclemency of the weather, and died without shelter in sight of that princely residence, preserved from occupation by loyal bayonets.

During the vacation of Congress, Virginia, Texas, Arkansas, Tennessee, and North Carolina passed ordinances of secession, and united their arms with those of the States which had previously rebelled.

On the 4th July the thirty-seventh Congress met, in pursuance of the President's proclamation, in order to provide the necessary means for suppressing hostilities. On calling the roll of members, eleven States did not appear. The withdrawal of so many slave States left the republican party in undisputed control of both branches of Congress as well as of the Executive Departments. No party had ever been in possession of such undisputed control of our Federal Government. Their doctrines commended themselves to the judgment and conscience of the Christian world : Indeed, no Democrat, no slaveholder could be induced publicly to take issue upon the principles inscribed upon the republican banners. To deny their doctrines would have been a denial of the essential truths on which the Union had been founded ; and no northern man dared utter an argument in favor of the rebellion, although many secretly favored it.

A strange hallucination now appeared to come over the minds of members of Congress. Mr. Seward had declared that " Republicanism ought to disappear in the presence of questions touching the Union ;" and so far as he was concerned, he declared it should be so. With



these avowals he had assumed the office of Premier of the republican Administration. As Secretary of State he instructed our representative at the Court of St. James to assure the Ministers of her Britannic Majesty that the President intended to bring back the rebel States with their institutions unchanged ; indeed, he insisted that they were to be reinstated in all their former relations to the Government and to the people of the free States.

Upon these official avowals of our own statesmen, European ministers asserted that neither the cause of justice nor of liberty entered into or constituted any part of the objects or motives for suppressing the rebellion : That as these objects were discarded by our Executive, there could be no other design than merely to hold the southern States in subjection to the free States, contrary to the doctrine of our revolutionary fathers.

Mr. Seward was regarded as one of the most profound politicians of the age. His suggestion for an abandonment of the republican doctrines, the enforcement of the fugitive slave act, and repeal of all State laws enacted for protecting northern freemen was in precise accordance with the desire of those who adhered to the democratic party, and of all who were in favor of sustaining slavery. Members of Congress, instead of boldly asserting the doctrines on which they could only hope for vindication—doctrines on which they had themselves been elected to office—and at once providing ample means for suppressing the rebellion, proceeded to advise the people to surrender those doctrines and to unite cordially with men who had ever favored the prostitution of the Federal power to the support of slavery.

1861.] On this as on other subjects the writer would do no injustice to any of the public men of that important period of our history.

He can only speak with positive assurance of the Republican Senators and Representatives of Ohio. It is certain that they united, in a letter addressed to the republican committee of that State, advising them to call a convention of all men, *without distinction of party*, who were in favor of the Union and of suppressing the rebellion, without asserting any principles as the basis of their action. It is also certain that the three large and commanding States of Ohio, Pennsylvania, and New York, no longer adhered to the doctrines proclaimed at Philadelphia. New England, Michigan, and one or two other States, adhered to their integrity, promptly refusing to unite in this political suicide : But in Ohio, Pennsylvania, and New York, men were nominated and elected to office by Republicans who had ever sustained the institution of slavery, and persistently opposed the vital principles of republicanism. They

were, however, loudest in their protestations for restoring the Union, and anxious to put down the rebellion by rendering the people of the free States still more subservient to the slave interest.

Northern Democrats were now inspired with the hope that Republicans would surrender the political power which they had obtained after years of toil, and consent that the democratic party should resume control of the Government.

Messrs. Cobden and Bright, and other members of the British Parliament, known to be decided advocates of republican principles, no longer spoke in favor of our efforts in the cause of civilization. The reformers of England and of Europe generally became silent in regard to the doctrines for which the reformers of our own country had so long and so steadily contended.

But while the friends of Christian progress in Europe became silent on the subject of American freedom, the supporters of aristocracy assumed to speak of American statesmen and the American Government in terms offensive and arrogant. An extraordinary instance of supercilious impertinence deserves a place among recorded events of that day.

General Butler was in military command of New Orleans, [1861. having driven the enemies' troops from that city. Many female residents, sympathizing with the rebels, so far unsexed themselves as to insult our soldiers while on the public streets. These insults became common, and in order to prevent their recurrence, the commanding general issued an order that females who should publicly insult soldiers upon the streets, should be arrested and punished as "*women of the town.*"

This attempt of a military officer to maintain order, and command the respect of the people, was complained of by secessionists, and the subject became a matter of grave debate in the British Parliament. Noble lords, standing before the civilized world, gravely debated the propriety of this order of a military officer *concerning the lewd women* of a rebel city, complaining that such treatment of rebel females of doubtful character, was inhuman and barbarous, a fit subject for criticism in the legislative councils of a friendly nation.

The efforts of our military officers to capture and return fugitive slaves to their rebel masters became so common as to reflect disgrace upon the army. They could not plead either the laws of any State or of Congress in extenuation of the crime which thus degraded American soldiers. Their action was purely voluntary; and Mr. Lovejoy, of Illinois, feeling indignant at the disgrace thus brought upon our arms,

presented a resolution declaring that "the capture and return of fugitive slaves constituted no part of the duty of American soldiers." Yet this resolution was opposed by adhering Democrats and pro-slavery members generally. The vote of the several States was as follows, to wit :

MAINE.	Yeas—Messrs. Walton, Fessenden, Rice, and Pike, . . .	4
NEW HAMPSHIRE.	Yeas—Messrs. Rollins and Edwards, . . .	2
VERMONT.	Yeas—Messrs. Walton, Morrill, and Baxter, . . .	3
MASSACHUSETTS.	Yeas—Messrs. Eliot, Buffinton, Thomas, Rice, Alley, Gooch, Train, Delano, Dawes, and Bailey, . . .	10
CONNECTICUT.	Yea—Mr. Loomis, . . .	1
	Nay—Messrs. English and Woodruff, . . .	2
NEW YORK.	Yeas—Messrs. Wall, F. A. Concklin, Van Wyck, Baker, Olin, McKean, Wheeler, Sherman, Franchot, R. Concklin, Duell, Lansing, Clark, Sedgwick, Pomeroy, Chamberlain, Diven, Van Volkenburg, Ely, Frank, Van Horn, Spaulding, and Fenton, . . .	28
	Nays—Messrs. Smith, Odell, Wood, Haight, Ward, and Steele, . . .	6
NEW JERSEY.	Yea—Mr. Stratton, . . .	1
	Nays—Messrs. Nixon, Steele, and Cobb, . . .	3
PENNSYLVANIA.	Yeas—Messrs. Verree, Kelley, Davis, Hickman, Stevens, Killinger, Campbell, Hale, McPherson, Blair, Covode, Morehead, Wallace, Patton, Babbitt, . . .	15
	Nays—Messrs. Cooper, Ancona, Wright, Johnson, Bailey, Lazear . . .	6
OHIO.	Yeas—Messrs. Gurley, Ashley, Shellabarger, Trimble, Worcester, Blake, Outler, Edgerton, Riddle, Hutchins, and Bingham, . . .	11
	Nays—Messrs. Pendleton, Vallandigham, Allen, White, Noble, Horton, Cox, and Nugen, . . .	8
INDIANA.	Yeas—Messrs. Dunn, Julian, Porter, White, Colfax, Mitchell, Shanks, . . .	7
	Nays—Messrs. Cravens and Holman, . . .	2
ILLINOIS.	Yeas—Messrs. Washburne, Arnold, and Lovejoy, . . .	3
	Nays—Messrs. Kellogg, Richardson, McOlernand, Robinson, Fouke, and Logan, . . .	6
MISSOURI.	Yeas—Messrs. Blair and Rollins, . . .	2
	Nay—Mr. Noell, . . .	1
MICHIGAN.	Yeas—Messrs. Granger, Beaman, Kellogg, and Trowbridge, . . .	4



IOWA.	Yea—Mr. Vandever,	1
WISCONSIN.	Yeas—Messrs. Potter and Sloan,	2
MINNESOTA.	Yeas—Messrs. Aldrich and Windom,	2
KANSAS.	Yea—Mr. Conway	1
RHODE ISLAND.	Nay—Mr. Sheffield,	1
DELAWARE.	Nay—Mr. Fisher,	1
MARYLAND.	Nays—Messrs. Crisfield, Webster, Thomas, and Calvert,	4
VIRGINIA.	Nays—Messrs. Whaley, Carlisle, and Upton,	3
KENTUCKY.	Nays—Messrs. Burnet, Jackson, Grider, Harding, Wickliffe, Dunlap, Mallory, Menzies, Crittenden, and Wadsworth,	10

A bill confiscating the property of rebels was debated at great length in both Houses, and was so amended as to give freedom to all slaves who should be employed in aiding the rebellion by erecting batteries, forts, or in digging rifle-pits. This bill met with strong opposition, but upon its final passage, members from the various States voted as follows: From Maine, Messrs. Walton and Fessenden; from New Hampshire, Rollins and Edwards; from Vermont, Walton, Morrill, and Baxter; from Massachusetts, Eliot, Buffinton, Thomas, Rice, Alley and Train voted in the affirmative; from Connecticut, Mr. Loomis voted aye, and Mr. English no; from Rhode Island, Mr. Sheffield voted aye, and Mr. Browne no; from New York, Messrs. R. Concklin, Olin, McKean, Wheeler, Sherman, Franchot, Duell, Lansing, Clark, Sedgwick, Chamberlain, Frank, Van Horn, Spaulding and Fenton voted for the bill, while Messrs. Diven, Smith, Odell, Haight and Steele voted against it; from Pennsylvania, Messrs. Verree, Kelley, Stevens, Blair, Covode, Wallace and Babbitt voted in the affirmative, and Messrs. McPherson, Ancona, Hale, Johnson and Bailey voted in the negative; from Ohio, Messrs. Gurley, Hutchins, Ashley, Shellabarger and Bingham voted for the bill, and Messrs. Morris, Pendleton, Vallandigham, Allen, Noble, Horton and Cox voted against it; from Indiana, Messrs. Julian, White, Colfax and Mitchell voted in favor of the bill, and Messrs. Dunn, Holman, Porter, Cravens, Law and Voorhees voted against it; from Illinois, Messrs. Arnold, Lovejoy and Kellogg voted for the bill, and Messrs. Robinson, McClernand and Fouke voted against it; from Missouri, Mr. Blair voted in favor of the bill, and Messrs. Rollins, Norton and Reid voted against its passage; from Michigan, Messrs. Granger, Beaman and Kellogg; from Wisconsin, Messrs. Potter and Sloan; from Minnesota, Messrs. Aldrich and Windom voted for the bill; from Maryland, Messrs. May, Calvert, Webster,

Thomas and Crisfield ; from Kentucky, Messrs. Burnot, Jackson, Gridler, Harding, Wickliffe, Dunlap, Mallory, Menzies, Crittendon and Wadsworth opposed its passage ; and Mr. Shiel, of Oregon, united with them. The bill passed the House by a vote of 57 to 48.

1861.] This enactment became memorable as the first law of Congress, enacted subsequent to 1787, that gave liberty to any portion of the enslaved population of these United States. The legislation of Congress had been in favor of continuing and extending the institution since 1793, thereby increasing and strengthening the very crime which now struck at the nation's life. Men saw that Messrs. Clay, and Webster, and Fillmore, and Jackson, and Van Buren, and Polk, and Pierce, and Buchanan, had contributed to the existing rebellion just so far as they had lent their influence to strengthen slavery : it was equally obvious that Mr. Adams and those who acted with him in striving to separate the Federal Government from all support of that institution, had exerted their influence to preserve our Government, and to prevent rebellion. Indeed, members of Congress who a few weeks previously advised the abandonment of the republican principles and party, now voted for this bill, finding themselves constrained to vote for the very doctrines which they had so recently repudiated. Nor did the President hesitate to sign the bill : and Mr. Seward, constituting one of the Cabinet, is supposed to have yielded his approval, as there is no evidence of his having dissented from his associates. The old men of the nation who had long felt the necessity of purifying our Government from the crimes of slavery, now felt that Congress and the Executive had taken a step in the right direction ; for they saw clearly that the institution had throttled the Government ; that slavery and the Union were in a death-struggle ; that one only could survive, while the other must perish. It had been in the power of Congress to withdraw its influence from slavery, and thereby save bloodshed, until within the last five years ; but that policy was not adopted, and now it was too late, and the life of the nation could only be preserved by the death of slavery.

But this was an extraordinary session of Congress, called to provide ways and means for prosecuting the war ; and no further action was had directly affecting slavery until the reassembling of that body in December following.

General Fremont, placed in command of the Western Department, issued a proclamation, emancipating the slaves within his military district. It was a policy which appeared not only just, but necessary. Yet there was such a strong feeling in favor of slavery among men who

adhered to the democratic party, and those Whigs who cherished their ancient prejudices, and among military officers; and such were the remonstrances presented to the President, that he issued a counter order, setting aside that of General Fremont, declaring that he had reserved to himself the question of emancipation, by military authority, and would act upon it at the dictates of his own judgment. General Fremont was soon recalled, and General Halleck was appointed to command that department. Aware of the dissatisfaction with General Fremont's attempt to give liberty and do justice to the enslaved people of his department, General Halleck issued an order excluding fugitive slaves from the lines of his army, under pretense that those who thus sought liberty, were in the habit of giving their rebel masters information of his military movements. This excuse was not satisfactory to the friends of liberty, and this order NUMBER THREE of General Halleck became somewhat notorious, and seemed greatly to impair the confidence which loyal men had reposed in him.

During the summer of 1861, most of our commanding officers occasionally employed their soldiers in sending back fugitive slaves to be subsequently used by their masters in raising provisions for the support of the rebel army, or of rebel masters and their families. They also employed the soldiers in protecting the property of rebels. The wives of officers serving in the Confederate army were in the practice of boldly demanding of Federal commanders a guard to protect them and their property while the Federal army was encamped in the vicinity of their residences; but General Hunter, commanding the military district of South Carolina, Georgia, and Florida, issued a general order, declaring all slaves within those States to be free. This order was said to have created great alarm among the secessionists, who hastily fled from that region; and it was believed if General Hunter had been permitted to follow up his order by enlisting negroes, he would have suppressed the rebellion in his district without calling another white soldier to his assistance; but this order was also set aside by higher authority, because it was offensive to slaveholders and those who sustained the institution. It was hoped that this undignified respect for the prejudices and the long-cherished crimes of pro-slavery men, would attach them to the standard of liberty; and it is believed that while the President refused to permit our military officers to strike the death-blow to the institution, many joined the ranks of freedom, while a far greater number were led to believe that he wanted the firmness to give the fatal stroke which would lustrate the nation from the contagion of oppression.



The Executive embraced an early opportunity of uniting with Great Britain in a solemn treaty for suppressing the African slave trade.

The treaty recognized the principles so long contended for by the British ministry and the American reformers : but the democratic party had been vociferous in opposing every proposition having in view a combined effort of independent nations for the destruction of that scourge of the human race.

That influence having ceased to control the Government, measures were soon adopted for placing the United States in an attitude towards the slave trade which became a Christian nation.

1861.] The thirty-seventh Congress convened on the 2d December for its first *regular* session. The vacation had given members an opportunity of witnessing the operations of the rebels, and of meditating upon the most efficient means for suppressing the widely-extended insurrection which lay before them. European statesmen were charging the attempted revolution to the democratic character of our institutions : But every impartial observer saw most clearly that it was the *despotism of slavery* which now involved our people in all the horrors of civil war. Men of experience understood that the only mode of restoring peace was to resume and carry out those republican and democratic doctrines which the Secretary of State, and so many members of Congress, had recently advised the people to *abandon*.

At the solicitation of the slave power, Congress, in 1793, had assumed undelegated authority over slavery, in order to uphold and sustain it : and now, after sixty-eight years of experience, the law of self-preservation compelled that body to exert its powers for the destruction of the institution which it had so long cherished.

On the first day of this session, Mr. Eliot, of Massachusetts, offered a resolution declaring the right of the President, and of all military officers commanding departments or districts, to emancipate all slaves within their several jurisdictions.

Mr. Campbell, of Pennsylvania, presented a proposition for confiscating all slaves of rebels : and Mr. Stevens, of the same State, presented a joint resolution, requesting the President to emancipate by proclamation the slaves of all rebels, and to direct all military officers to carry out such proclamation within their several jurisdictions.

All these propositions were more radical than those brought forward by Mr. Adams or by the writer, or by their associates in the earlier days of the reformation. They merely proposed to separate the Federal Government and the people of the free States from all support of

slavery, leaving the institution entirely with the States in which it existed : But the propositions now made had in view the destruction of that relation which existed between master and slave, wherever the master was engaged in efforts to overthrow the Government which had protected him. This destruction of slavery had been rendered necessary by the rebellion.

Mr. Bingham, of Ohio, now among the most experienced and ablest members of the House, gave notice of his intention to offer a bill emancipating the slaves of all rebel masters, and confiscating their property.

There is a pride of opinion among men in public and in private life, which renders them generally unwilling to admit having cherished political or moral errors : Thus many who had long advocated the support of slavery by Congress, now, from mere pride of opinion, opposed the exercise of legislative powers for its destruction. They also insisted that in dealing with the rebels, Government was bound to act entirely within the Constitution, and guarantee to the armed foes of the nation the same security which was extended to its most devoted supporters : They contended that neither the President nor Congress possessed any right to abolish slavery, even to save the nation's life : And although driven by argument to admit that rebels may be shot, or hanged, with perfect propriety, they denied, with unyielding pertinacity, that their slaves could be emancipated by the just exercise of governmental power.

In the Senate, Mr. Trumbull, of Illinois, gave notice of his intention to introduce a bill to emancipate the slaves of rebels and to confiscate their property. These several propositions called forth much debate, and constituted the principal subjects of discussion during the session. Those persons who held slaves were, in fact, as friendly to *free* governments now as they had been in former times. They had not changed their views. They had ever sought the overthrow of those doctrines which recognize the *equal rights of all men to life and liberty*. Indeed, Congress and the Executive had long practically denied the existence of these rights, and had legislated for depriving fugitive slaves, and slaves in the District of Columbia, and on the high seas, of those prerogatives which the Creator had vouchsafed to them : and when northern statesmen changed their views and determined no longer to violate those rights, southern men seized the sword, in order to maintain and continue the crimes which the people of the free States refused longer to encourage.

On the third day of the session, Senator Wilson, of Massachusetts, offered a joint resolution, instructing the marshal of the District of



Columbia to discharge all persons confined in the common jail of the District, against whom no charge of crime or misdemeanor had been preferred : and the Senator showed from official documents that some sixty persons were then held in prison by the marshal, upon "*suspicion of being fugitive slaves.*" Many of these were freemen, born in the northern States, but had engaged in our military service as teamsters, officers' servants and nurses for the sick. Of course they were attached to the troops, and under the military protection of the United States ; but they were seized without ceremony by the minions of slavery as soon as they reached the nation's capital, and thrown into prison, where they were detained until the marshal's fees for arrest and imprisonment were paid, thus aiding the rebellion by taking efficient men from the service of our army.

Others had fled from Virginia, seeking an asylum from bondage within our nation's capital. These were seized and held until an opportunity presented for sending them back to the service of their rebel masters, where they were employed in furnishing provisions for the rebels or in laboring upon rebel fortifications, batteries, rifle-pits, &c. Others were committed by rebel masters to the jail for safe keeping until a sale could be made ; and when the slaves were thus committed, the masters usually left for the rebel army, and contributed their influence and efforts to overthrow the Government, *whose marshal had their negroes in safe keeping.*

1861.] Members of the Senate exposed these facts, and called on the marshal to state by what authority he thus outraged the Constitution and the common dictates of humanity.

On the same day, Mr. Hutchins, of Ohio, moved a similar resolution in the House of Representatives, and the attention of that body was called to the subject. The marshal was unable to refer to any law for his proceeding ; but asserted that the practice had long existed : Indeed, the reader will recollect that the practice had been eloquently exposed in 1816 by Hon. John Randolph, of Virginia, and more recently by different members of Congress.

But the marshal, instead of abandoning this moral piracy, gave orders to the jailer to admit no persons to the jail, unless they should present a written permit from himself, thus excluding Senators and members of the House from inspecting the public prison : and such was the state of feeling in Washington City in favor of the marshal and of his piratical course, that the President appeared unwilling to remove him either for his treason or his insolence.

But this conduct of the marshal exhibited the barbarism of the



metropolis, and aroused a very general indignation among all members of Congress who really desired to suppress the rebellion, and bills were introduced into both Houses providing for the entire abolition of slavery in the District of Columbia. These bills were debated, and their passage opposed, and resisted by adhering Democrats and by some professed Republicans; but the final passage of the bill through the House of Representatives was effected on the 11th April, when each member recorded his vote according to his judgment, and as he wished to be judged by posterity. Messrs. Walton, Fessenden, Morrill, Rice, and Pike, of Maine; Rollins and Edwards, of New Hampshire; Walton, Morrill, and Baxter, of Vermont; Eliot, Buffinton, Thomas, Rice, Alley, Gooch, Train, Delano, and Bailey, of Massachusetts, and Loomis, of Connecticut, voted for the bill; but Messrs. English and Woodruff, of the latter State, voted against it. From New York, Messrs. F. A. Concklin, R. Concklin, Van Wyck, Baker, Olin, McKean, Wheeler, Sherman, Franchot, Duell, Lansing, Clark, Sedgwick, Pomeroy, Chamberlain, Diven, Van Volkenburg, Ely, Frank, Van Horn, Spaulding, and Fenton voted for the bill; while Messrs. Smith, Odell, Wood, Ward, Haight, and Steele voted against it. From Pennsylvania, Messrs. Verree, Kelloy, Davis, Killinger, Hickman, Stevens, Campbell, Hale, McPherson, Blair, Covode, Morehead, Wallace, Patton, and Babbitt voted for the bill, and Messrs. Wright, Johnson, Bailey, and Lazear opposed its passage. From Ohio, Messrs. Gurley, Ashley, Shollabarger, Trimble, Worcester, Blake, Egerton, Bingham, Hutchins, and Riddle sustained it, and Messrs. Pendleton, Vallandigham, Allen, White, Noble, Morris, and Nugen voted against it. From Indiana, Messrs. Dunn, Julian, Porter, White, Colfax, Mitchell, and Shanks voted for the bill, and Messrs. Law and Holman voted against it. From Illinois, Messrs. Washburne, Arnold, and Lovejoy sustained the bill, as did also Messrs. Aldrich and Windom, of Minnesota. Potter and Sloan, of Wisconsin, Granger, Beaman, Trowbridge, and Kellogg, of Michigan, and Blair and Rollins, of Missouri, voted for the bill; while Messrs. Steele, of New Jersey, Thomas, of Maryland, Crittenden, Grider, Harding, Wickliffe, Dunlap, Menzies, and Mallory, of Kentucky, voted against it. It passed by a vote of 93 to 28. The Senate concurred by a proportionate majority. The bill was approved by the President, and it became a law. The institution had been established in the District in 1801, and the struggle for its abolition commenced in 1805. The contest had continued for fifty-six years. During that period slavery and the slave trade had been sustained in our national metropolis by the influence and votes of northern as well as southern Senators and Repre-

representatives : And should the record of crimes perpetrated in that District under the sanction of Congress ever be made up and exposed to public examination, it must reflect discredit upon all the States.

1862.] The old men of the nation who had labored long and steadily to redeem our Government from the accursed traffic in the bodies of men and women, now rejoiced, thanked God, and took courage. The devotees of despotism in the city of Washington no longer controlled the action of Congress. The advocates of liberty, gathering courage from success, no longer waited to be assailed by the minions of slavery ; they assumed the offensive, and without scruple exposed the conduct of our military officers who aided the rebels by capturing and sending back fugitive slaves to aid in carrying forward the rebellion in which most of the slave States had engaged.

Early in the session Mr. Sumner called attention to the order of General Halleck prohibiting fugitive slaves from entering the lines of the army under his command. He exposed the pretence of that officer in representing those men and women who had fled from bondage as informing their traitorous masters in regard to the movements and intentions of those who afforded them an asylum.

On the same day a similar investigation was going on in the House of Representatives. Mr. Lovejoy, of Illinois, proposed a resolution requesting the President to direct General Halleck to withdraw his general order number three.

In debating this resolution, Mr. Stevens, of Pennsylvania, a man of a high order of talents, of great experience and influence, declared his belief that General Halleck had issued his order "number three," now become notorious, more for the purpose of affecting the character of General Fremont than from any feelings of barbarism. He declared the practice of seizing and returning slaves had risen from the proclamation of General McClellan, in Western Virginia ; said that the example thus set had been followed by General Dix and other commanding officers of districts. He also described a case in Western Virginia, where two wounded soldiers, having hidden in the woods after a battle, were discovered by two fugitive slaves, who kindly supplied them with food and water, and nursed them until able to travel with assistance, when they conducted them to the nearest American camp. But General Tyler, learning these facts, ordered the negroes arrested and sent back to their rebel masters. Indeed, if the published accounts of that day are to be credited, military officers sent back fugitive slaves to inhuman rebel masters, who, in frequent instances, scourged the returned fugitive until death brought relief to the victims of their fiendish rage ;



and hundreds were said to have been shot down by their masters for no other cause than the tardiness of their flight from Federal troops.

Various resolutions and bills were presented both in the Senate [1862] and in the House of Representatives relative to this undisguised support given the rebellion by officers and troops in Federal employment. The aid and comfort given the enemy would, in any impartial tribunal, have subjected every military officer thus employed to the punishment allotted to traitors: Yet the President felt constrained to await the tardy movements of the public mind. The discussions arising upon the various propositions were protracted. The officers who thus violated both law and humanity had, most of them, belonged to the democratic party, and were carrying out in practice the views and theory of that organization; and they looked upon it as a matter of partisan policy rather than of treason to the Government. Under these circumstances the President and Cabinet appeared to feel it necessary to await the logic of events, to show these officers their error rather than attempt to convince them by striking their names from the rolls of the army.

But their conduct had so far disgraced the army, both at home and abroad, that Congress passed a law directing the dismissal in disgrace of every officer who should longer indulge in that barbarous practice.

The President readily approved the bill. The law was promulgated, and those who continued to offend against its provisions were dismissed in disgrace from the public service.

The various bills and resolutions touching slavery and its connection with the Federal Government were debated, referred to appropriate committees, reports were made upon them, and they were again discussed. Members of Congress were now constrained to look at facts and to examine principles. They could no longer refuse serious investigation. They saw clearly that by consenting to legislate for the benefit of slavery the Government had departed from the purposes for which it was founded. That every step in favor of upholding, extending, and strengthening that institution had restricted the liberty, not merely of the blacks, but of our white citizens, and hastened the rebellion which now threatened the nation's life.

The leaders of the rebellion officially announced to the world that the intended revolution had for its object the establishment of a government to be based on human bondage. This intention to reverse the onward march of civilization and return to the barbarism of



slavery, had been proclaimed with all that apparent confidence which characterized our separation from Great Britain, in order to establish a government based upon that revealed will of the Creator, which gives to every human soul a right to live, to attain knowledge, happiness, and heaven.

1862.] Under the circumstances, philanthropists and Christians in all lands felt that our duty bade us plunge the dagger of justice through the very heart of slavery ; to strike down an institution which had waged war upon Christianity, and raised its puny arm against the clearly revealed will of the Creator. To destroy slavery it was only necessary to carry out the doctrines, and maintain the principles on which our Government had been founded, by giving liberty to all persons under the legitimate jurisdiction of Congress and the Executive. In short, it had become obvious that we, as a nation, must do *justice* to the slaves of the South in order to maintain the liberties of our own people, and after months spent in debate and examination the various propositions before Congress on this subject were consolidated into one bill, providing : 1st. For the emancipation of all slaves of persons convicted of treason. 2d. For the emancipation of all who were held by persons engaged in the rebellion. 3d. For the emancipation of all who were held by persons who aided or in any way assisted those engaged in the rebellion. 4th. That no slave should be returned to any master until the loyalty of the master be proven. 5th. The bill authorized the President to employ any number of Africans which he might regard as necessary in the service of the United States.

1862.] All history had taught that slavery could only live and thrive when and where silence in regard to liberty, truth and justice was imposed upon the people ; yet many did not appear to comprehend the consequences of the contemplated law. In terms, it proposed to give freedom only to the slaves of disloyal citizens ; but statesmen could not fail to comprehend that the enactment of this bill would be followed by a total demoralization and final disappearance of the institution ; indeed, it was at this time constantly asserted that the cannonade of Fort Sumter had, in its effects and legitimate consequences, rang out the death-knell of the institution.

This bill was also calculated to draw the line of demarkation between the friends of government and the advocates of slavery. It had become obvious to the public mind that no supporter of oppression could be a friend of *free* governments. Surrounded with considerations thus important, on the 11th July the House of Representatives proceeded to vote on this bill, than which no act of Congress was ever more important.

Those members of the House of Representatives who on that historic occasion recorded their names for and against this curse of our country were as follows : Mr. Loomis, of Connecticut, voted for the bill ; and Messrs. English, Burnham, and Woodruff, of that State, *failed to vote*. Messrs. Phelps and Sargeant, of California, Mr. Fisher, of Delaware, and Messrs. Dunn, Julian, Porter, White, Colfax, Mitchel, and Shanks, of Indiana, voted for it ; while Messrs. Law and Holman, of the latter State, voted against it ; and Messrs. Cravens and Voorhees refrained from voting. Messrs. Arnold, Kellogg, Lovejoy, and Washburne, of Illinois, sustained the bill ; and Messrs. Knapp and Fouke, of that State, opposed it ; while Messrs. Richardson and Robinson did not vote. Messrs. Wilson and Vandever, of Iowa, and Conway, of Kansas, refused to vote. Messrs. Crittenden, Gridler, Harding, Dunlap, Mallory, and Menzies, of Kentucky, voted against the bill ; and Messrs. Jackson, Powell, and Wadsworth did not vote. Messrs. Goodwin, Walton, Fessenden, Morrill, Rice, and Pike, of Maine ; Elliot, Buffinton, Rice, Hooper, Alley, Gooch, Bailey, and Dawes, of Massachusetts, voted for the bill ; and Mr. Thomas, of the last mentioned State, voted against it ; while Mr. Train did not vote. Messrs. Crisfield, Thomas, and Webster, of Maryland, voted against the bill ; while Messrs. Leary, Calvert, and May refrained from voting. Messrs. Beaman, Kellogg, and Trowbridge, of Michigan ; Aldrich and Windom, of Minnesota ; Rollins and Edwards, of New Hampshire, supported the bill ; and Mr. Marston, of the latter State, did not vote. Mr. Rollins, of Missouri, opposed the bill ; and Messrs. Blair, Norton, Phelps, and Noel, of that State, did not vote. Messrs. Nixon and Stratton, of New Jersey, voted for the bill ; Mr. Cobb, of that State, voted against it ; and Messrs. Steele and Perry expressed no opinion. Messrs. Wall, F. A. Concklin, Roscoe Concklin, Ely, Sedgwick, Wheeler, Sherman, Duell, Lansing, Frank, Van Horn, and Fenton, of New York, recorded their votes in favor of the bill ; and Messrs. Odell, Wood, Kerrigan, Ward, and Haight voted against it ; while Messrs. Delaplaine, Van Wyok, Steele, Baker, Olin, Corning, McKean, Wheeler, Vibbard, Franchot, Clark, Pomeroy, Chamberlain, Diven, and Van Volkenburg did not record their names on either side of the question. From Ohio, Messrs. Ashley, Bingham, Blake, Cutler, Gurley, Hutchins, Biddle, Shellabarger, and Worcester voted for the bill ; and Messrs. Pendleton, Vallandigham, Allen, Cox, Nugen, and Morris voted against it ; while Messrs. White, Harrison, Noble, Horton, and Edgerton did not vote. Mr. Shiel, of Oregon, voted against the bill. From Pennsylvania, Messrs. Kelley, Davis, Stevens, Campbell,



Hale, McPherson, Blair, Covode, McKnight, Patton, Babbitt, Morehead, and Wallace voted for the bill ; while Messrs. Lehman, Biddle, Ancona, and Lazear voted against it ; and Messrs. Vance, Hickman, Cooper, Wright, Johnson, and Morehead did not vote. Mr. Brown, of Rhode Island, voted against the bill ; and his colleague, Mr. Sheffield, did not vote. Messrs. Maynard, of Tennessee, Baxter and Morrill, of Vermont, voted for the bill ; and Mr. Walton was detained at his residence by ill health. Messrs. Upton, Brown, and Whaley, of Virginia, did not vote ; while Mr. Blair voted in the affirmative. Mr. Potter, of Wisconsin, voted for the bill, while Messrs. Sloan and Hanchett did not vote.

The bill passed the House of Representatives by a vote of 82 in the affirmative to 42 in the negative.

On the following day it passed the Senate, Mr. Foster, of Connecticut, voting for it, and Mr. Dixon not voting. Mr. McDougal, of California, voted against it ; and Mr. Latham, of that State, failed to vote. Messrs. Bayard and Saulsbury, of Delaware, recorded their names in opposition to the bill. Mr. Bright, of Indiana, had been expelled ; and Mr. Lane, of that State, voted in favor of the bill. Mr. Trumbull, of Illinois, sustained the bill ; and his colleague, Mr. Browning, opposed it. Messrs. Grimes and Harlan, of Iowa ; Lane and Pomeroy, of Kansas ; Morrill and Fessenden, of Maine ; Sumner and Wilson, of Massachusetts ; and Chandler, of Michigan, voted for the bill. Mr. Powell, of Kentucky, and Kennedy, of Maryland, voted against it ; while Mr. Pearce, of the latter State, did not vote. Messrs. Polk and Johnson, of Missouri, did not vote. Messrs. Clark and Hale, of New Hampshire ; Harris and King, of New York ; Wade and Sherman, of Ohio ; Foote and Collamer, of Vermont ; Simmons and Anthony, of Rhode Island ; and Wilmot, of Pennsylvania, voted in the affirmative ; and Mr. Cowen, of the latter State, voted against it. Mr. Nesmith, of Oregon ; Johnson, of Tennessee ; and Carlisle, of Virginia, did not vote. Mr. Doolittle, of Wisconsin, voted for the bill, and Mr. Howe, of that State, did not vote. The bill passed the Senate by a vote of 27 to 12. The President approved it, and it became a law.

The passage of this bill marks an important era in the legislative history of the country. Although in terms it did not abolish the coast-wise slave trade, nor the fugitive slave law, yet its passage demonstrated such progress of public sentiment as to indicate that Congress would soon entirely instrate the free States and the Federal Government from all support of slavery. Indeed, they had already waged a war against the very existence of the institution in consequence of the rebellion.



The supporters of oppression became irritable, advancing arguments in opposition to the progress of freedom which were not only absurd, but ludicrous. Politicians of the present and future time will do well to study the debates on this and the bill establishing freedom to all persons within the Territories of the United States.

The last mentioned bill was originally introduced to the House of Representatives by Mr. Arnold, of Illinois, and when reported by the appropriate committee, it not only proclaimed freedom to all persons within the Territories belonging to the United States, or which should thereafter be purchased by them, but also to persons on board American vessels sailing upon the "high seas;" thus striking a fatal blow at the coastwise slave trade, which had been sustained and cherished by Congress since the year 1808.

Members who adhered to the democratic party now gave unmistakable evidence of the desperation to which they were driven. With the frenzied grasp of drowning men in shipwreck, who seize upon the anchor in order to float ashore, these men seized upon oppression, and with it sunk beneath the waters of political forgetfulness and were seen no more. The passage of this bill was resisted by nearly the same members who opposed the one last noticed; but it was carried through both Houses by about the same majority; was also approved by the President, and became a law.

The resistance offered to the passage of these acts by men from the border States was somewhat remarkable. Messrs. Crittenden and Wickliffe, of Kentucky, had long been regarded as among the able men of the West. They had served in public life with Mr. Clay, and, on important constitutional questions, were supposed to entertain the doctrines of that distinguished statesman. These gentlemen, with the entire democratic party, denied the constitutional power of the Executive and of Congress to interfere with slavery *in the States* IN TIMES OF REBELLION, even to save the nation. Mr. Wickliffe introduced resolutions in the House of Representatives to that effect; and the supporters of slavery, with all who adhered to the democratic party, now acted with him. Indeed, some professed Republicans hesitated, and appeared to be in doubt on the subject. Few members referred to those plain elementary principles which teach us that, in time of hostilities, every citizen is at war with every citizen of the belligerent government, and is bound to contribute his property and life to save the government to which he has sworn allegiance; that a state of war necessarily throws upon the Executive of every nation and of every form of government despotic

powers, to be exercised under control of the executive judgment, restrained and upheld by the intelligence of the people.

1862.] The statesmen then ruling the nation had however been born and educated in times of peace. They had studied neither the necessities nor the laws of war, and now spoke and acted without that examination and thought which should ever characterize the conduct of men in high position. Indeed, this subject had been discussed in Congress *only* by Mr. Adams, who was acknowledged by all to have been one of the most learned and patriotic, as well as the most experienced men of the nation.\*

\* On the 14th April, 1842, Mr. Adams, referring to the resolutions presented to the House of Representatives by the author, and for which he was censured, remarked:

"I said, that as far as I could understand the resolutions proposed by the gentleman from Ohio (Mr. Giddings), there were some of them for which I was ready to vote, and some which I must vote against; and I will now tell this House, my constituents, and the world of mankind, that the resolution against which I would have voted was that in which he declares that what are called the slave States have the exclusive right of consultation on the subject of slavery. For that resolution I never would vote, because I believe that it is not just and does not contain constitutional doctrine. I believe that so long as the slave States are able to sustain their institution without going abroad, or calling upon other parts of the Union to aid them or to act on the subject, so long I will consent never to interfere.

"But if they come to the free States and say to them, you must help us to keep down our slaves, you must aid us in an insurrection and a civil war, then, I say, that with that call comes a full and plenary power to this House and to the Senate over the whole subject. It is a war power. I say it is a war power; and when your country is actually in war, whether it be a war of invasion or a war of insurrection, Congress has power to carry on the war, and must carry it on according to the laws of war; and by the laws of war an invaded country has all its laws and municipal institutions swept by the board, and martial law takes the place of them. This power in Congress has perhaps never been called into exercise under the present Constitution of the United States. But when the laws of war are in force, what, I ask, is one of those laws? It is this: that when a country is invaded, and two hostile armies are set in martial array, *the commanders of both armies have power to emancipate all the slaves in the invaded territory.*

"Nor is this a mere theoretic statement. The history of South America shows that the doctrine has been carried into execution within the last thirty years. Slavery was abolished in Columbia, first by the Spanish General Morillo, and secondly by the American General Bolivar. It was abolished by virtue of a military command given at the head of the army, and its abolition continues to be law to this day. It was abolished by the laws of war, and not by municipal enactments. The power was exercised by military commanders, under instructions, of course, from their respective governments. Congress is now about passing a grant to refund to General Jackson the amount of a certain fine imposed upon him by a judge under the laws of the State of Louisiana. You are going to refund him the money, with interest; and this you are going to do because the imposition of the fine was unjust. And why unjust? Because General Jackson was acting under the laws of war, and because the moment you place a military commander in a district which is the theatre of war, the laws of war apply to that district. I have a correspondence between General Jackson and the Governor of Georgia, during the Seminole campaign, in which General Jackson asserts the principle that he, as Governor of a State within his (General Jackson's) military division, had no right to give a military order while he (General Jackson) was in the field. The Governor contested the power of General Jackson, and said all he could for State rights; but General Jackson had given an order, and that order was carried into effect, while the order of the Governor was suppressed. General Jackson had the right of the question.

"I might furnish a thousand proofs to show that the pretensions of gentlemen to the sanctity of their municipal institutions, under a state of actual invasion and of actual war, whether servile, civil, or foreign, are wholly unfounded; and that the laws of war do, in all such cases, take the

He had, however, been unpopular from his inflexible adherence to the Constitution. He, and those who acted with him, had spurned the policy of Messrs. Clay, Webster, Fillmore, Calhoun, Cass, Van Buren, and Polk; and now the ardent followers of those distinguished men were slow to relinquish the policy in which they had been educated, and adopt the doctrines of men whom they had ever regarded as misguided opponents of slavery.

Mr. Seward, the Secretary of State, had avowed his intention to surrender republicanism and democracy; and it was believed that the Executive would maintain the policy which had guided the administrations of Messrs. Harrison, Tyler, Taylor, and Fillmore. Ohio, Pennsylvania, and New York had already abandoned *republicanism*.

But against all these influences, members of Congress were now impelled by that natural law, that will of the Creator, which underlies all human action, constraining them to carry out the doctrines enunciated by the reformers and avowed by the Republicans at Philadelphia; although they had been so recently renounced by Senators, Representatives, people and States. [1862.]

As the rebellion expanded in its proportions, the danger to which the Government was exposed became more apparent. It was perceived that all support of slavery contributed to strengthen the rebellion; while the liberty of a single slave subtracted so much from the power now seeking the overthrow of the Government.

precedence. I lay this down as the law of nations. I say that the military authority takes, for the time, the place of all municipal institutions, *slavery among the rest*. Under that state of things, so far from its being true that the States where slavery exists have the exclusive management of the subject, *not only the President of the United States, but the commander of the army, has power to order the universal emancipation of the slaves*.

"I have given more in detail a principle which I have asserted on this floor before now, and of which I have no more doubt than that you, sir, occupy that chair. I give it in its development, in order that any gentleman, from any part of the Union, may deny the truth of this position, if he thinks proper, and may maintain his denial, not by indignation, not by passion and fury, but by sound and sober reasoning from the laws of nations and the laws of war. If my position can be answered and refuted, I shall receive the refutation with pleasure. I shall be glad to listen to reason, aside, as I say, from indignation and passion. If by the force of reasoning, my understanding can be convinced, I here pledge myself to recant what I have asserted.

"Let my position be answered; let me be told, let my constituents be told, let the people of my State be told (a State whose soil tolerates not the foot of a slave), that they are bound by the Constitution to a long and toilsome march, under burning summer suns and a deadly southern clime, for the suppression of a servile war. That they are bound to leave their bodies to rot upon the sands of Carolina; to leave their wives widows, and their children orphans; that those who cannot march are bound to pour out their treasures, while their sons and brothers are pouring out their blood, to suppress a servile war, combined with a civil or foreign war; and yet that there exists no power (beyond the limits of the slave State where such war is raging) to emancipate the slaves. Let this be proved, I say. I am open to conviction; but till that conviction comes, I put it forth, not as a dictate of feeling, but as a settled maxim of the laws of nations, that in such a case the military power supersedes the civil power."



It became quite obvious that the colored people of the nation must soon be united with the whites of the free States, in defence of those rights which God had bestowed equally on all races of men. The acts of Congress to which we have just directed the reader's attention, constituted important steps towards the consummation of this purpose.

Strong efforts were made to induce the President to authorize the raising of negro troops. It was urged that in the Revolution and in the war of 1812, colored men had made the best soldiers in the service. It was further urged that to admit them to bear arms would inspire them with ambition, and thus prepare them for that liberty which it was foreseen they would at no distant day enjoy. It was urged that the service of negroes would save the lives of white men, particularly in the southern portions of the Union, where the negroes alone were prepared to meet the dangers of the climate. To these propositions the entire democratic party were hostile. Officers serving in the army proclaimed their intentions to resign if negroes were admitted to bear arms. The President refused to grant authority for raising colored troops, evidently regarding that policy as somewhat in advance of the popular mind.

When General Butler captured New Orleans, he found the white population almost unanimously in favor of secession, while the colored people were all anxious for suppressing the rebellion. He also found an existing law of the State, authorizing the enlistment of colored troops. He immediately ordered a regiment of black men to be enlisted; but whether he then had authority from the War Department to employ them in the service of the United States was not understood by the public.\*

It was also said that authority had been given to raise a regiment of colored men at Hilton Head, South Carolina, during the summer of 1862, but it was not brought into service until late in the autumn of that year.

The rebels appearing in force in Kentucky, apparently intending the capture of Cincinnati, a brigade of colored men were called to act as laborers in digging rifle-pits, erecting batteries and fortifications. They readily volunteered, faithfully performed the service, received the public thanks of the commanding general, and retired to their homes.

\* One regiment of colored troops was actually mustered into the service of the United States early in the month of September.

Transpiring events constrained the President to action. On the 22d September he issued his proclamation, setting forth that "all persons held as slaves in any State, or in the designated part of any State, which should be in rebellion against the United States on the first day of January, following the date of said proclamation, *should be thenceforth and FOREVER FREE, and the Executive Government, including the military and naval authorities, will recognize and MAINTAIN the freedom of such persons.*"

This proclamation was read with the most thrilling interest throughout all the States. The advocates of liberty rejoiced in the conviction that our Government had not only ceased to uphold slavery, but had now pledged its influence and powers for liberty and justice, to maintain the primal truths for which it was instituted.

The great and good of other lands now responded in deep sympathy for the cause in which our Government and the people of the free States were contending. Philanthropists in England and France, in Russia and Austria, expressed their gratitude to Him who sways the destinies of men and of nations for having guided our statesmen to the support of those rights which He has bestowed on men in all ages and all nations; and Christianity uttered her invocation for our success.

Even before the proclamation was issued, colored men were enlisted into the military service in South Carolina and Louisiana, and during the autumn four regiments of Louisiana native guards were mustered into the service of the United States at New Orleans.\*

The news of the President's proclamation reached the slaves throughout the States. All felt they were to be free on the 1st January. None believed they were to be excepted; while thousands in Missouri, Kentucky, Maryland and Delaware, and in the vicinity of New Orleans, refused to wait for the new year to announce their freedom; but availed themselves of their powers of locomotion to seek their own happiness. In those States the institution became demoralized, and it was obvious that the emancipation of those in the rebel States would constitute substantially an emancipation throughout all the States.

On the first day of January, A.D. 1863, the President issued his supplemental proclamation, declaring Eastern Virginia, North and South Carolina, Georgia, Florida, Alabama, Arkansas, Texas, and parts of

\* The writer having contended for the humanity of the colored race for more than thirty years, had the pleasure to learn that his youngest son mustered into service these four regiments of Louisiana guards, and subsequently the still further pleasure to learn that these and other regiments of colored men had exhibited unusual courage and gallantry, more than vindicating all the author had said in favor of the African race.

Tennessee and Louisiana, to be in rebellion against the United States, and the slaves therein to be *thenceforth and forever free*: Their liberty became thus identified with the existence of the Government; which thenceforth ceased to maintain slavery: And the rights of all men to live, to that liberty which is necessary to support and protect life, acquire knowledge, enjoy happiness, and prepare for heaven, constituted the prize for which the existing war was subsequently maintained.

The history of that war, with its incidents and results, must be consigned to the pen of some younger, some abler historian.

THE END.



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