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SPEECH OF
SENATOR CLINGMAN,
OF NORTH CAROLINA,
On the subject of the proposed doctrine of the intervention to protect Slavery in the Territories.

The Senate having under consideration the resolutions offered by Mr. DAVIS, of Mississippi —Mr. CLINGMAN said:

Mr. PRESIDENT: Most of the speech of the Senator from Miss. (Mr. DAVIS,) I cordially approve. There are one or two points however, in which I differ with him; and, notwithstanding the lateness of the hour, if Senators will indulge me, I shall endeavor to state them. If I understand his resolutions aright, they contemplate intervention by Congress for the protection, in the Territories, of property in slaves. For some years past, we have stood on the docrine of non-intervention, and there is no middle ground which we can take.

The Senator from Mississippi says that he does not approve of a slave code. Well, sir, what are we to understand by a slave code? I take it to be a legislation to protect, or to regulate property in slaves. If you depart from the principle of non-intervention, and legislate to protect property in slaves, you necessarily make some sort of a slave code, and it may be either a short one or a long one.

I am opposed to departing, at this time, from the policy of non-intervention. I was not one of the original advocates of that measure. On the contrary, twelve or fifteen years ago, in common with the great body of the South, I maintained the opinion that the Federal Government had complete jurisdiction over the Territories; and I voted for the extension of the Missouri compromise line to the Pacific. That necessarily implied two things: first, that Congress had power to prohibit slavery in the territories; second, that it had power to establish or protect it; because the original Missouri compromise line declared, in the exact terms of the Wilmot proviso, that north of the line of 36 deg. 30 min. slavery or involuntary servitude never should exist, while it was allowed to remain south of it. Every one of us who voted for the extension of that line thereby necessarily admitted that this Government had authority to establish or protect the Constitution; and if we had denied the power, we could not have given the vote. I am free to say, that I, subsequently changed my opinion; and prior to the decision in the Dred Scott case I published my views in accordance with the doctrine laid down in that decision, as I understand it. That however, is merely personal to myself, and cannot affect the Senate.

But, sir, in 1847, General Cass brought forward the non-intervention doctrine. He was sustained by Daniel S. Dickinson and by John C. Calhoun, and other distinguished statesmen; and though I was then an opponent of it, I am free to say that I believe its advocates were perhaps nearer right than I was. So remarkable was the statement of Mr. Calhoun at that time that I shall ask the indulgence of the Senate for a single moment while I read a few extracts from his speech. Some of his remarks were almost prophetic, and anything from him has great weight with gentlemen of the school to which the Senator from Mississippi and myself belong. In his opening remarks in his speech of June 27th, 1848, he said:

"There is a very striking difference between the position in which the slaveholding and non-slaveholding States stand in reference to the subject under consideration. The former desire no action of the Government; demand no law to give them any advantage in the Territory about to be established; are willing to leave it, and other Territories belonging to the United States, open to all their citizens, so long as they continue to be Territories, and when they cease to be so, to leave it to their inhabitants to form such governments as may suit them, without restriction or condition, except that imposed by the Constitution as a pre-requisite for admission into the Union. In short, they are willing to leave the whole subject where the Constitution and the great and fundamental principles of self-government place it."

What further did he say?

"Nor should the North fear that, by leaving it where justice and the Constitution leave it, she would be excluded from her full share of the Territories. In my opinion, if it be left there, climate, soil, and other circumstances, would fix the line between the slaveholding and non-slaveholding States in about 36 deg. 30 min. It may zig-zag a little, to accomodate itself to circumstances; sometimes passing to the north and at others to the south of it; but that would matter little, and would be more satisfactory to all, and tend less to alienation between the two great sections than a rigid, straight, artificial line, prescribed by an act of Congress."

* * * * * * * * * *

"But I go further, and hold that justice and the Constitution are the easiest and safest guard on which the question can be settled, regarded in reference to party. It may be settled on that ground simply by non-action—by leaving the Territories free and open to the emigration of all the world, so long as they continue so; and when they become States, to adopt whatever constitution they please, with the single restriction to be republican, in order to their admission into the Union. If a party cannot safely take this broad and solid position, and maintain it, what other can it take and maintain?"

Remember this was an earnest exhortation to the Democratic party, prior to the assemblage of its national convention in that year.

"If it cannot maintain itself by an appeal to the great principles of justice, the Constitution, and self-government, to what other, sufficiently strong to uphold them in public opinion, can they appeal? I greatly mistake the character of the people of this Union, if such an appeal would not prove successful if either party should have the magnimity to step forward and boldly make it. It would, in my opinion, be received with shouts of approbation by the patriotic and intelligent in every quarter.—There is a deep feeling pervading the country that the Union and our political institutions are in danger, which such a course would dispel."—*Appendix to Congressional Globe*, first session Thirtieth Congress, p. 892.

That position was taken by him and others, and maintained, and gradually obtained strength until, in 1850, it received a majority of the votes of the southern members and of the Democratic party, and became a part of the public law of the country. I hold, sir, that this was emphatically a compromise between the sections; and I propose now to give several reasons why I am for maintaining it, although at the time it was adopted I was opposed to it. I place this view in the foreground; northern gentlemen, be it recollected, insisted on the Wilmot proviso, to prohibit slavery in the Territories, and we of the South claimed protection. When the Wilmot proviso was brought up, there were only seven or eight Democrats in the House of Representatives who resisted it. Among them I recollect the Senator from Illinois (Mr. DOUGLAS) and his colleague at that time, who is now a member of the other House, and who was voted for at an early day of the session for Speaker, (Mr. MCCLERNAND.) Excepting those gentleman, I believe, there is no one else now in the public councils from the North who opposed it. Many men of the North said, "if we are to legislate, to fix the *status* of the Territories, as we represent free communities, we will carry out their views; but it you think proper to turn over the whole question to the people, under the Constitution, we will join you in that, and vote down the Wilmot proviso." That was subsequently accomplished; and in 1852, when the national conventions adopted it, it became the settled policy of the country and those in the South who had opposed it, acquiesced and adopted it.

Now Mr. President, the Senator from Mississippi argues that the policy of non-intervention did not mean to deny the right to protect; that it merely pledged Congress not to establish or to prohibit slavery, but did not deny protection to it. I might, by adverting to the discussions of that day, show that a different construction was then put upon it by gentlemen generally; but I have some authority here which binds the whole party to which that Senator and myself belong, and which, I think, ought to be conclusive—I mean the last clause of the thirty-second section of the Kansas-Nebraska bill, which the Administration of that day, of which he was a member, made an Administration measure, and which received the support of the Democratic members of the two houses; and I ask the particular attention of the Senate to the language:

"That the Constitution, and all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Kansas as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union approved March the 7th, 1820, which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

The Missouri line was repealed; and why? Because it was unconstitutional or wrong in itself? No, sir; but because it was "inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories."

I admit, if the act had stopped there, there might have been some plausibility in the argument, but what is the conclusion?

"PROVIDED, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of 6th March, 1820, either protecting, establishing, prohibiting, or abolishing slavery."

That is, Congress would not only not interfere itself; would not only not allow its own statutes to stand in the way, but would not revive any old law which might have been in force by which slavery was protected in that Territory. Is it not perfectly clear that the whole purpose of the act, and of the party at that day, was to free Congress from all legislation over the subject of slavery in the Territories, whether by way of protection, or establishment, or prohibition, and leave the Territory free to act, as the Constitution permitted it? I remember well how that clause came to be inserted in the bill. During the discussion, it was said, by gentlemen who opposed the bill, that if Congress simply repealed the restriction, the result would be that the old Louisiaana law, establishing and protecting slavery, would be revived. To meet that argument this clause was introduced, became a part of the bill, and received the support of every friend of the bill who voted for it in both Houses of Congress.

I submit, therefore, that, upon a fair construction of that act, you can come to no other conclusion except that Congress intended to abnegate the exercise of any power over this question in the Territories, and to deny its purpose to legislate, whether to establish or prohibit, or to restrict or protect slavery in the Territories; and in 1856, in our platform, we expressly declared the doctrine of "non-intervention with slavery in State or Territory, and in the District of Columbia." Where did that leave it? Congress left it, of course, in the States, to the States; in the Territories—there being no law of Congress left, for that repeal removed the last act of Congress which bore upon them—it left it unaffected in any way by congressional legislation; and in the District of Columbia slavery had already been established, and was protected by law, so that it left it there untouched. I say this declaration received the unanimous assent of all the States represented in the Cincinnati convention. I happened to be a member of that convention—the only convention of the kind which I believe I ever had the honor of being in; and I may have a little personal pride in that matter; but I am very sure I am not mistaken when I say it was unanimously adopted by all the delegates there assembled, alike from the North and the South. We also, out of abundance of caution to meet the views of our opponents, voted that every new State should be admitted with or without slavery, as it pleased.

Then, Mr. President, where do we stand? The Democracy of the North and the South agreed upon this principle of non-intervention. If there ever was a compromise made under this Government, that was one. Eeach side surrendered something. We surrendered our claim to protection; our northern friends abandoned the Wilmot proviso, and everything looking to it, and met us on common ground. Though I was not an original party to the agreement, I am bound to it by my acquiescence; and I hold that neither section can honorably depart from it without some great pressing necessity, which does not now exist.

I know it is said that the Dred Scott decision has modified the question. I confess I do not think so. I fully agree to the decision in the sense in which the Senator from Mississippi explains it; but let us test it for a moment in this way: in that decision the court say the Missouri compromise line, or the Wilmot proviso, is unconstitutional. Granted; but suppose they had decided the other way, and said it was constitutional, would the northern men have had a right to come forward and say, "this question being settled in our favor, the Supreme Court having admitted that the Wilmot proviso is constitutional, we now want to go in for intervention against slavery? I am sure every Democrat in the South would have said at once; "though you have this power, you are not bound to exercise it." Well, suppose the court decided that Congress have the right to protect, and not to prohibit, can we honorably and fairly, without a great pressing necessity, abandon the policy of non-intervention? I think not.

Now, is there any such necessity? The Senator himself admits that there is not. His colleague (Mr. BROWN) insists that we ought to have a slave code or congressional legislation on the subject; but the Senator from Mississippi to whom I am replying, says that there is no such necessity at this time. Then why depart from the principle of non-intervention? I am free to admit that if, in an unwise moment, a man makes a compromise that is ruinous to him, he may, under great necessity, avoid it, perhaps; but I deny that any such necessity exists in this case; and the highest evidence of it is that the Senator from Mississippi, who sits behind me, (Mr. BROWN,) has been striving for the last three or four months to get a positive act passed to protect slavery in Kansas, and he has never yet found a second for it. If any one Senator upon this floor, notwithstanding the urgent and eloquent appeals of that gentleman, has declared his willingness to vote for it, I have not heard him say so, and I do not believe there is such a one. And yet everybody knows that Kansas has lately refused all protection to slave property. If gentlemen, therefore, intend to stand up for all their rights to the fullest extent, why not at once come up and pass a law to protect slaves in Kansas? They show, by their conduct, that they do not believe that any real necessity exists in fact for departing from non-intervention.

I say, then, Mr. President, that in my judgment no necessity exists for an abandonment of the compromise; but the Senator proposes to make a declaration that we shall do it in a future contingency. I have no doubt of the power of the Government, but why make that declaration? A declaration of the Senate binds nobody. These are naked resolutions; they are not laws; they carry no force to the country except what may be derived from the soundness of the opinions advanced in them. They will not control the action of the courts. They will not, perhaps, change the opinion of a single man in this country. Why pass them? I think I shall show, before I take my seat, some very valid and strong reasons why we should not do so.

My first objection, then, is, that the system of non-intervention is a compromise, and that no necessity exists to abandon it, as I have already stated. I come now to my second objection. During the discussion of 1850, the advocates of non-intervention said, if you adopt it, if you leave the question to the Territorial Legislature, they may pass laws to protect slave property. I resisted it. I made speech after speech to show that the Mexicans were hostile to us; that they were not accustomed to slavery, and might legislate against it but what has been the result? New Mexico has passed the most stringent slave code. There is, perhaps, not a State in the Union that has, by law, protected slave property more securely than the Territory of New Mexico, which reaches from Texas to the Gulf of Calafornia, and extends up to the thirty-eight degree of north latitude. We were content with the line of 36 deg. 30 min. we were willing to run the Missouri line to the Pacific, and abolish slavery absolutely north of 36 deg. 30 min. and take a mere implication without an express protection south of it. Sir, practically by non-intervention, we have got more than we asked for; we have got a larger amount of territory than we should have obtained under the Missouri compromise line. Gentlemen may say, perhaps, that Kansas has legislated against us. I grant it; but we should not have got Kansas at all under the Missouri compromise. Kansas only comes down to the thirty-seventh parallel, the whole Territory being north of the Missouri compromise line. Besides, while New Mexico has legislated in our favor, and the same thing, I believe, is true of Utah——

ator in a matter of fact. Utah has not passed any law protecting slavery. They have an apprentice system, which expires in a very short time.

Mr. CLINGMAN. I am obliged to the gentleman for the suggestion; but I consider the fact with reference to Utah immaterial, because it lies on a table land several thousand feet above the sea, very far north, reaching up to the forty-second parallel, and having a very cold climate. Surely, the Senator does not deny the fact that, as far as New Mexico is concerned, we have got everything we desire, and that it covers more territory than we claimed in 1850. I was about to say, though, that even in Kansas slave property was protected by the Territorial Legislature for several years, but lately they have legislated against it. I believe that, but for the extraordinary excitement which grew up out of the repeal of the Missouri restriction, the Territory of Kansas never would have legislated adversely to us, but we all know that a great crowd were sent in there from the North, with extreme anti-slavery views, and the result of the excitement there has been legislation against us; but we are no worse off in that respect than if we had never repealed the restriction, and we are much better off as far as the Territory of New Mexico is concerned, by adopting non-intervention.

Mr. CRITTENDEN. Will the gentleman give way to a motion to adjourn.

Mr. CLINGMAN. As it is late, if there is no objection to the question going over until tomorrow, it will be more agreeable to me.

Mr. CRITTENDEN. I move that the Senate adjourn.

The motion was agreed to and the Senate adjourned.

TUESDAY, MAY 8, 1860.

* * * * * * * * * * * *

I yesterday alluded to the opinions of Mr. Calhoun. It is perhaps right that I should say, in the very same speech from which I read, he expressed the opinion that a Territorial Legislature hah no right to exclude slavery, or to legislate against it. I concur with him in that. He also, I think almost uniformly, perhaps invariably, held that Congress had a right and ought to protect all property in the Territories subject to its jurisdiction; but he waived that right in his speech, to which I referred, and in his support of the Clayton compromise bill, which passed at the same session of Congress, and only a few weeks aterwards, he again waived it. By the provisions of that bill, Congress did not legislate at all in relation to slavery in the Territories, but transferred the subject to the Territorial Legislature, with an inhibition that they should have no power to abolish or establish slavery—those were the terms—but saying nothing as to how far they might legislate. It turned over the whole subject to them, and let them to legislate, subject, of course, to the control of the courts. That was the prominent idea of that bill.

Now, sir, one other remark in connection with the first point which I made. During the discussion of 1850, I insisted that if the gentlemen would come forward and repeal the restriction, and throw open all the territority, I would agree to take it; and in fact, in a speech in the House of Representatives, I agreed to vote for this principle if they would remove the restriction up to the fortieth parallel, from 36 d. 30 m. considering that sufficient compensation. It was not done, however, and I opposed the scheme. But, in 1854, the northern portion of the Democratic party, with great magnanimity and with great risk to themselves, came up and repealed this old restriction. In doing that they had to encounter prejudices at home; they had to take upon their shoulders the responsibility of repealing a line which had been regarded as sanctified by thirt-four years' existence, and which was called a compromise. They had the manliness, in carrying out this principle of non-intervention, to come forward and repeal that line. Why? It was in order that all the territory might be placed upon the same footing; and I hold that after that sacrifice upon their part; that willingness to carry out this compromise, begun in 1850, indorsed in 1852, by the Democratic and also by the Opposition convention, we of the South are under the highest obligation to stand to it. Now, sir, I make no reflection on any honorable Senator who who differs from me on this question. I do them all the justice to say that, if they looked upon it as I do, as a compromise, I am very sure they would not seek to disturb it. Taking the view of it I do, believing that the two parties settled down upon non-intervention, I feel it to be my duty to adhere to it in the absence of any great pressing necessity which would justify its abandonment.

Mr. President, what are the points of difference between the two parties? The Senator from Mississippi, if I read his resolution aright, does not propose to favor intervention by Congress to protect slavery in the Territories at this time, but he declares if it should turn out hereafter that the existing laws are not sufficient to protect it under the Constitution, he is then for legislation. What do those who oppose his resolution say? The Senator from Ohio (Mr. PUGH) and the Senator from Illinois (Mr. DOUGLAS) say that if, hereafter, the courts shall make decisions which cannot be carried out without legislation, they will legislate to carry them out. The Senator from Mississippi says that the Dred Scott decision has settled the question, and he wants a declaration that we mean to legislate in future. These gentlemen, admitting, as they must, that the judges have, in the Dred Scott case, expressed their opinion that a Territorial Legislature cannot legislate adversely to slavery, say, however, that point in fact was not presented in the case; but that, if such was the settled opinion of the court, when a proper case is directly presented it will so decide; and they stand ready to carry out that decision of the court when it shall be made.

Then, do we not all come together on the same point? The Senator from Mississippi says that if the courts make decisions which cannot be enforced without legislation, he is for legislation. These gentlemen say that when the court does make decisions, they will submit to them and carry them out. It seems, therefore, that they are traveling in lines that will converge and come together at a certain point. Then, why dispute now in advance?

This may be readily illustrated. Suppose I have a controversy with a neighbor about the title to a piece of land. Neither of us is in a hurry to have possession. We are willing to await the decision of the court. He comes to me, however, and says: "I find that the court, in expressing an opinion in another case, which I admit is not like ours, and does not present the same facts, has declared, nevertheless, that in a case like yours and mine my title would be good, and therefore I wish you to give me a deed acknowledging my title to be good, though I do not want possession now, and am willing to wait for it until the case decided." I reply to him, "I admit that the court may have expressed such an opinion, but the point between us did not arise in that case, was not argued by my counsel or any other counsel; all I can say to you is, if that be the opinion of the court, of course, when they decide our case, they will decide in your favor, and I shall then surrender to you; but I am not willing to assume beforehand that the court will so decide." It seems to me, then, Mr. President, that in the present condition of the case there is no necessity for ill-feeling on either side, or for declarations in advance.

My second point was, that New Mexico had already established a slave code and given us more territory than we should have gotten under the Missouri line, if carried out. I come now to the third point, and that is, what has grown out of the decision of the court in the Dred Scott case. When this subject was under debate in 1850, we of the South objected to non-intervention on the ground that it would leave the Mexican law in force; and inasmuch as the Supreme Court had maintained the opinion in a case from Florida, and perhaps in some other decisions, that where territory was acquired the local law might remain in force, we were disinclined to take non-intervention without a repeal of the Mexican law. During the interesting controversy, we a caucus of southern members, consisting of Senators and Representatives, and on that occasion the Senator from Georgia, who usually sits behind me, (Mr. TOOMBS,) introduced a proposition into our caucus that we would support the compromise measures if they would repeal the Mexican laws and substitute the British colonial laws which prevailed in our colonies prior to the Revolution. That was adopted, and that gentleman moved it in the House of Representatives as an amendment, but it was defeated. I am free to say that if at that time we had been satisfied that the court would hold that under the Constitution slave property could exist and be protected in the territories, without reference to local laws, I am very sure we should all have voted for the compromise of 1850.

If it be true, as the Senator from Mississippi contends, that the Dred Scott decision settles the question and supports the right of slaveholder in a territory, then there is another strong reason why we should acquiesce in non-intervention at this time. This, therefore, is a third reason; and I now propose to give one or two others why a person like myself, who originally did not adopt it, may now be for it.

It has been adopted as the policy of the country for ten years. Can we now pass through resolutions or bills to establish or protect slavery in the territories? That is the question. Recollect, it is only in a case where the people of a territory are hostile to our rights; it is only where they are so hostile that they refuse to protect us, or even legislate against us that we have been called upon to exercise this power. Nobody pretends that there is any necessity for our going into New Mexico, or other territories that are favorable to us, with this legislation.—Therefore, the question presented is simply this: suppose a territory is hostile to us, and its Legislature will not protect slave property, or even legislate against it, will Congress intervene? First, is there any political possibility that we can pass such a law through the two Houses? We have had a test on the question already. Here is the territory of Kansas, which not only does not give us any protection, but which, I am informed has legislated adversely. One Senator from Mississippi (Mr. BROWN) has brought forward a proposition to interfere for the protection of slavery in that Territory, and yet he has not got one southern man to break him; and if you were to submit the question to a body of southern Senators I have very great doubt whether you would get them to agree to such legislation. Why is it? If we of the South are willing to impose the institution—that is the common phrase—on a territory against the wish of a majority, why is it that gentlemen do not come up and support the proposition of the Senator from Mississippi? Is it because that it is politically and morally wrong to interfere in this way? Is that it, or is it because gentlemen know that such legislation would be unavailing? I ask why we have not induced southern Senators yet to come up and vote for the establishment or protection of slavery in Kansas, notwithstanding the adverse legislation of the territorial authorities I leave every gentleman to give his own reasons. But suppose every southern Senator went for it, we could not pass it; and how many norther men are there who are ready to vote for it? How many northern members are there in the other House for it? It will take thirty northern Representatives to pass through such a bill. We all know what a clamor was raised two or three years ago by the Abolitionists—falsely raised—when it was alleged that Congress intended to force slavery upon the territory of Kansas, whether it wished it or not. Now, if we undertake to protect or maintain slavery in a territory against the wish of the inhabitants, I ask you how northern men are likely to sustain us in it? At present we have no southern men for it that I know of except one.—There may be others; but they have not thought proper after a debate of three months, to state the fact. But suppose they come up and do it how many men will you get from the North? I hold that it is a political impossibility that we should pass such a measure; and, as I shall presently endeavor to show, nothing but mischief will result from the attempt.

But suppose there were nothing in this fourth objection of mine, and that Congress should actually pass a law of that sort, how much would it be worth in a Territory where the people are thoroughly adverse to it and unwilling that the institution should exist or be protected. If you are going to enforce the law, you must send either an army, or an immense number of officials and scatter them all over the Territory. Gentlemen know how difficult it is to recover a runaway negro from the free States. From some of these States you can only get him by the help of an army. It was stated the other day, in a speech by a member of the Republican party, who, I suppose, knows—I mean Mr. RAYMOND, who was once Lieutenant Governor of New York—that of the runaways who went to the North, not one in five hundred ever was recovered; and yet it is much easier to send a posse or a body of troops there to get a single negro at one point and return him, than it would be to support an army and protect it over a whole Territory. But, nevertheless, suppose you could maintain it there, what then? Everybody on our side of the House admits that when such a people made a State constitution they would make it anti-slavery? Any community on earth who had forced upon them a system to which they were adverse would inevitably throw it off when they could. What would be the result? Every State brought into the Union under these circumstances would not only be a free State, but would probably be abolitionized; probably strong anti-slavery features would be thrown into its constitution.—What advantage is that to us of the South, I ask gentlemen? We would like to have slave States; they would give us additional strength in the two houses of Congress; but slave Territories are worth nothing to us—they give us no strength. We should like to have slave Territories that might be formed into slave States; but if we can only give them under a system which is almost sure to make them germinate into free and hostile States, they are of no advantage to us.

I have now, Mr. President, given some five reasons why, in my judgment, even if non-intervention had not been right originally, it would be the true policy now; but gentlemen say, if it is our right to have protection, let us insist upon it. I take it for granted that every man believes he has rights which he cannot insist on at all times. No man will insist on an abstract, remote sort of right which he can turn to no practical advantage, and thereby merely incur very great losses. If a man believed that he had a certain valuable property in the moon nobody would expect him to attempt to get at it there, either by baloons or otherwise. Everybody would regard it as impossibility, and any expenditure of time and money that he made to effect it would be regarded as thrown away. I am free to say that, in my jdgment, there is about as much probability of effecting a thing of that sort as there is of getting through Congress and maintaining a system of legislation to protect slavery in Territories that are so utterly hostile to it that they make their Legislature act against it, and then to bring them in as slaveholding States. One is a political, the other a pysical impossibility. I think we shall lose by the operation; and this brings me to another class of objections.

If we take this system of congressional invention for the protection of slavery, we must act in opposstion to the settled policy of the Democratic party for the last ten years. Then you necessarily divide the party. The movement will not divide our opponents; they will all stand as they now do, firmly united against us; but we shall divide our own party into two sections, and I beg leave to call the attention of Senators to the fact that, on looking over the resolutions adopted in the Democratic conventions of the free States—and I have examined all of them but one—every single one of them, as far as I know or believe, has declared in favor of the Cincinnati platform, and non-intervention. So have many of the southern States likewise. If we adopt a different policy all these gentlemen must change their ground at once, or be driven out of the party. I ask you, Mr. President, can they maintain themselves before their opponents under this disadvantage? Suppose, for example, the delegation from Pennsylvania go home from a convention where the policy of intervention has been adopted: how will their opponents meet them? Their Republican opponents will say to them: you have all been fighting for ten years upon the principle of non-intervention and at your State Convention last March, you passed resolutions, without division, unanimously declaring that Congress had no power to legislate on the subject of slavery in the Territories; and that it would not be expedient for them to exercise it, if they had it; you went to the national convention, and the slave power have imposed on you an intervention plank—a plank by which you will have to legislate slavery into and maintain it in the Territories." They will call it, of course, a slave code. Will our friends be able to maintain themselves advantageously under these circumstance? I put it to the common sense of everybody if that can be expected. I will not say, as a southern gentleman said to me the other day, who was in favor of a southern candidate at Charleston, that if the angel Gabriel was put upon a slave-code plank he would be defeated all through the North. I do not know anything about what sort of a run angels would make, but I am clearly of the opinion that it would weaken