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## Landmark of Freedom.

SPEECH OF HON. CHAS. SUMNER Against the report of the Missouri Compromise in the United States Senate, February 21, 1854.

Ma. PRESIDENT:— I approach this discussion with awe. The mighty question with untold issues, which it involves, oppresses me. Like a portentous cloud, surcharged with irresistible storm and rain, it seems to fill the whole heavens, making me painfully conscious how unequal I am to the occasion—how unequal, also, is all that I can say to all that I feel.

In delivering my sentiments here to-day, I shall speak frankly—according to my convictions, without concealment or reserve. But if anything fell from the Senator from Illinois [Mr. DOUGLASS], in opening this discussion, which might seem to me an unjust personal attack, I desire that I may not inter upon it. Let not a word or a tone pass my lips to direct attention, for a moment, from the transcendent theme, by the side of which Senators and Presidents are but dwarfs. I would not forget those amenities which belong to this place, and are so well calculated to temper the antagonism of debate; nor can I cease to remember and to feel that, amidst all diversities of opinion, we are the representatives of thirty-one sister republics, knit together by individual and national ties, which constitute this Union, and which are the ensign of our common destiny. The question presented for your consideration is not surpassed in grandeur by any which has occurred in our national history since the Declaration of Independence. In every aspect it assumes gigantic proportions; whether we simply consider the extent of territory it concerns, or the public faith, or national policy which it affects, or that higher question—*that Question of Questions*, which above others exalts Liberty; above the common things of life—which it opens anew for judgment.

It concerns an immense region; larger than the original thirteen States, vying in extent with all the existing Free States, stretching over prairie, field, and forest—interlaced by silver streams, skirted by protecting mountains, and constituting the heart of the North American continent. Only a few smaller territories add, than three Great European countries combined—Italy, Spain, and France—to which, in succession, has dominated over the world. This territory has already been likened, on this floor, to the Garden of God.—The similitude is found, not merely in its present pure and virgin character, but in its actual geographical situation, occupying a strategic space in this sphere, which, in its general relations, may well compare with that early Asiatic home. We are told that

Southward through Eden went a river large; so here we have a stream which is larger than the Euphrates. And here too, amid all the smiling products of nature, lavished by the hand of God, is the goodly tree of Liberty, planted by our fathers, which, without exaggeration, or even imagination, may be likened to

The tree of life. High eminent, blooming ambrosial fruit, Of vegetable gold.

It is with regard to this territory, that you are now called to exercise the highest functions of the lawgiver, by establishing those rules of policy which will determine its future character. As the twig is bent the tree's inclination; and the influences impressed upon the early days of an empire—like those upon a child—*are of inconceivable importance to its future weal of woe.* The bill now before us, proposes to organize and equip two new territorial establishments, with governors, secretaries, legislative councils, legislators, judges, marshals, and the whole machinery of a civil society. Such a measure, any citizen would deserve the most careful attention.—But at the present moment, it justly excites peculiar interest, from the effort made, on pretences unsustained by facts—in violation of solemn covenant, and of the early principles of our fathers—to open this immense region to Slavery.

According to existing law, this Territory is now guarded against Slavery by a positive prohibition, embodied in the Act of Congress, approved March 6th, 1820, preparatory to the admission of Missouri into the Union as a sister State, and in the following explicit words:—   
"SEC. 8. Be it further enacted, That in all Territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes of north latitude, not included within the limits of the State contemplated by this act, Slavery, and the trade in slaves, shall be, and is hereby, forever prohibited."

It is now proposed to set aside this prohibition; but there seems to be a singular indecision as to the way in which the deed shall be done. From the time of its first introduction, in the year 1820, the Missouri restriction, the proposition has assumed different shapes; and it promises to assume as many as Proteus; now one thing in form, and now another; now, like a river, and then like a flame; but, in every form and shape, identical in substance; with but one end and aim—its be-all and end—all—the overthrow of the Prohibition of Slavery.

At first, it proposed simply to declare that the States formed out of this Territory should be admitted into the Union, "with or without Slavery"; and it did not directly assume to touch this prohibition. For some reason this was not satisfactory, and then it was proposed to propose to declare, that the prohibition in the Missouri act, "was superseded by the principles of the legislation of 1850, commonly called the Compromise Measures, and is hereby declared inoperative." But this is a clear case of fraud; and it is now proposed to do what the prohibition, "being inconsistent with the principles of non-intervention, 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."

All this is to be done on pretences founded upon the Slavery enactments of 1850, seeking, with mingled audacity and cunning, by indirection to find direction out. Now, I am not here to speak in behalf of those measures, or to lean in any way upon their names. Relating to different subject-matters, contained in different acts, which have

valued successively, at different times, and by different votes—some persons voting for one measure, and some voting for another, and very few voting for all, they cannot be regarded as one unit, embodying conditions of compact, or compromise, if you please, adopted equally by all parties, and therefore, obligatory upon all parties. But since this broken series of measures has been addressed as an apology for the proposition now before me, I desire to say, that such is they are, they cannot, by any effort of interpretation, by any distorting wand of power, by any perverse alchemy, be transmuted into a repeal of that original prohibition of Slavery.

On this head there are several points to which I would: merely call attention, and then pass on. First, The Slavery enactments of 1850 did not pretend, in terms, to touch, much less to change, the condition of the Louisiana Territory, which was already, which directly concerns a Territory during its Territorial existence. Thirdly, During all the discussion of these measures in Congress, and afterwards before the people, and through the public press, at the North and South alike, no person was heard to intimate that the prohibition of Slavery in the Missouri Act was in any way disturbed. And, fourthly, The acts themselves contain a formal provision, that "nothing herein contained shall be construed to impair or qualify anything in a certain article of the resolutions annexed to the Missouri bill, which is expressly declared, that in territory north of the Missouri Compromise line, "Slavery, or involuntary servitude, except for crime, shall be prohibited."

But I do not dwell on these things. These pretences have been already refuted by Senators who have preceded me. It is clear, beyond all contradiction, that the prohibition of Slavery in this territory has not been superseded or in any way contravened by the Slavery Acts of 1850. This proposition before us, however, original in its character, and it must, accordingly, be judged by its merits, as an original proposition.

Here let it be remembered, that the friends of Freedom are not open to any charge of aggression. They are now standing on the defensive, guarding the early intrenchments thrown up by our fathers. No proposition to abolish Slavery anywhere, is now before you; but, on the contrary, a proposition to abolish Freedom. The term Abolitionist, which is so often applied in reproach, justly belongs, on this occasion, to him who would overthrow this well-established landmark. He is, indeed, no Abolitionist of Slavery; let him be called, in an Abolitionist of Freedom. For myself, whether with many or few, my place is taken. Even if alone, my feeble arm shall not be wanting as a bar against this outrage.

On two distinct grounds, "both strong against the deed," I now arraign it: First, in the name of Public Faith, as an infraction of the solemn obligations assumed beyond recall by the South on the admission of Missouri into the Union as a Slave State; Secondly, I arraign it in the name of Freedom, as an unjustifiable departure from the original Anti-Slavery policy of our fathers. These two heads I propose to consider in their order, glancing under the latter at the objections to the prohibition of Slavery in the Territories.

And here, Sir, before I approach the argument, indulge me with a few preliminary words on the character of this proposition.—Slavery is the forcible subjection of one human being, in person, labor, or property, to the will of another. In this simple statement is involved its whole injustice. There is no offense against religion, against morals, against humanity, which may not stalk, in the living form of Slavery, into the midst of a nation. For the husband and wife there, is no marriage; for the mother there is no assurance that her infant child will not be ravished from her breast; for all who bear the name of Slave, there is nothing that they can call, their own. Without a father, without a mother, almost without a God, the slave has nothing but a master. It would be contrary to that Rule of Right, which is ordained by God, if such a system, though mitigated often by a patriarchal kindness, and by a plausible physical comfort, could be otherwise. This is the living moment. My distinguished colleague, [Mr. EVERETT], in his eloquent speech, hearkened up the prohibition, to disperse its importance in a manner, from which I feel constrained to dissent. I repeat myself, while upholding the prohibition, to disperse its importance in a manner, from which I feel constrained to dissent. Sir, the census shows that it is of vital consequence. There is Missouri at this moment, with Illinois on the east and Nebraska on the west, all covering nearly the same spaces of latitude, and resembling each other in soil, climate, and productions. Mark, now, the contrast! By the late patent efficacy of the ordinance of the Northwest Territory, Illinois is now a free State, while Missouri has 87,422 slaves; and the simple question which challenges an answer is, whether Nebraska shall be preserved in the condition of Illinois, or surrender to that of Missouri? Surely this cannot be treated lightly. But for myself, I am unwilling to measure the exigency of the prohibition by the number of persons, whether many or few, whom it may protect. Human rights, whether in a solitary individual, or a vast multitude, are entitled to an equal and unhesitating support. In this spirit, I am constrained to declare, that there is no place acceptable to human avarice, or human lust, or human force, whether in the lowest valley, or on the loftiest mountain-top, where the prohibition of Slavery, like the commandments of the Decalogue, should not go.

But leaving these things behind, I press at once to the argument. Aid now, Sir, in the name of that public faith, which is the very ligament of civil society, and which the great Roman orator tells us, it is detestable to break even with an enemy. I press, in this scheme, and appeal to the calm judgment of all who hear me.—There is an early Italian story of an experienced citizen, who, when his nephew told him he had been studying at the university of Bologna the science of right, said in reply,

"You have spent your time to little purpose. It would have been better had you learned the science of might for that is worth two of the other; and the bystanders of that day all agreed that the veteran spoke the truth. I begin, Sir, by assuming that honorable Senators will not act in this spirit—that they will not substitute might for right—that they will not wantonly and flagitiously discard any obligation, pledge, or covenant, because they change to possess the power; but that, as honest men, desirous to do right, they will confront this question."

Sir, the proposition before you involves not merely the repeal of an existing law, but the infraction of solemn obligations originally protracted and assumed by the South, after a protracted and embittered contest, as a covenant of peace—with regard to certain specified territory therein described, namely: All that Territory ceded by France to the United States, under the name of Louisiana; according to which, in consideration of the admission into the Union of Missouri, as a Slave State, Slavery was forever prohibited in all the remaining part of this territory which lies north of 36 deg. 30 min. This arrangement between different sections of the Union—the Slave States of the first part and the Free States of the second part—though usually known as the Missouri Compromise, was at the time styled a compact. In its stipulations for Slavery, it was justly repugnant to the conscience of the North, and ought never to have been made; but it has on that side been performed. And now the unperformed obligations to Freedom originally proposed and assumed by the South, are resisted.

Years have passed since these obligations were embodied in the legislation of Congress, and accepted by the country. Meanwhile the Statesmen by whom they were framed and vindicated have, one by one, dropped from this earthly sphere. Their living voices cannot now be heard, to plead for the preservation of that Public Faith to which they were pledged. But this extraordinary lapse of time, with the complete fruition by one party of all the benefits belonging to it, under the compact, gives to the transaction an added and most sacred strength. Prescription steps in with new bonds, to confirm the original work; to the end that while men are mortal, controversies shall not be immortal. Death with inexorable scythe, has moved down the authors of this compact; but with high conservative glass, it has looked on the Missouri compromise, and decried the simple statement of facts, derived from the journals of Congress and contemporary records, will show the origin and nature of this compact, the influence by which it was established, and the obligations which it imposed.

As early as 1818, at the first session of the fifteenth Congress a bill was reported to the House of Representatives, authorizing the People of the Missouri Territory to form a Constitution and State Government for the admission of such State into the Union; but at that session, no final action was had thereon. At the next session, in February 1819, the bill was again brought forward, when an eminent Representative of New York, whose life has been spared till this last summer, Mr. JAMES TALLEMANT, moved a clause prohibiting any further introduction of slaves into the proposed State, and securing freedom to the children born within the State after its admission into the Union, on attaining twenty-five years of age. This important proposition, which assumed a power not only to prohibit the bringing of slaves into the State itself, but also to abolish it there, was passed in the affirmative, after a vehement debate of three days. On a division of the question, the first part prohibiting the further introduction of slaves, was adopted by 87 yeas to 70 nays; the second part, providing for the emancipation of children, was adopted by 82 yeas to 73 nays. Other propositions to thwart the operation of these amendments were voted down on the 17th of February the bill was read a third time, and passed, with these important restrictions.

In the Senate, after debate, the provision for the emancipation of children was struck out by 23 yeas to 7 nays; the other provision against the further introduction of Slavery, was struck out by 22 yeas to 16 nays. Thus, as we have seen, the bill was returned to the House, which on March 24, by a vote of 73 yeas to 70 nays, refused its concurrence. The Senate adhered to its amendments, and the House, on the 21st of March, adhered to their disagreements; and so at this session the Missouri bill was lost; and here was a temporary triumph of Freedom. Meanwhile the same controversy was renewed on the bill pending at the same time for the organization of the Territory of Arkansas, then known as the southern part of the Territory of Missouri. The restrictions already adopted in the Missouri bill were moved by Mr. TAYLOR, of New York, subsequently speaker; but after at least six votes, the House was equally divided, 88 yeas to 88 nays. At this same session, another proposition by Mr. TAYLOR, simpler in form, that Slavery should not hereafter be introduced into this Territory, was lost by 90 yeas to 86 nays; and the Arkansas bill on February 25th was read the third time and passed. In the Senate Mr. BURNETT, of Rhode Island, moved an amendment the prohibition of the further introduction of Slavery into this territory, which was lost by 19 yeas to 14 nays. And thus, without any provision for freedom, Arkansas was organized as a territory; and here was a triumph of Slavery.

At the same session Alabama was admitted as a Slave State, without any restriction or objection.

It was in the discussion on the Arkansas bill, at this session, that we find the earliest suggestion of a Compromise. Defeated in his efforts to prohibit Slavery in the territory, Mr. Taylor stated that "he thought it important that some line should be designated beyond which Slavery should not be permitted," and he moved its prohibition hereafter in all territories of the United States north of 36 deg. 30 min. north latitude, without any exception of Missouri which was withdrawn after debate, but was subsequently welcomed by Mr. LITTON, of New Hampshire, "as made in the true spirit of compromise." It was opposed by Mr. RHOES, of Tennessee, on behalf of Slavery, who advocated himself against every restriction; and also by Mr. OGLE, of Pennsylvania, on behalf of Freedom, who was "against any compromise by which Slavery in any of the Territories should be recognized or sanctioned by Congress." In this spirit it was opposed and supported by others among whom was Gen. Harrison, afterwards President of the United States, who assented to the expediency of establishing some such line of discrimination; but proposed a line due west from the mouth of the Des Moines, thus constituting the northern and not the southern boundary of Missouri, the partition line between Freedom and Slavery.

But this idea of Compromise, though suggested by Taylor was thus early adopted and vindicated in this very debate, by an eminent character, Mr. LOUIS CLARK, of Delaware, who has since held high office in the country, and enjoyed no common measure of public confidence. Of all the leading actors in these early scenes, he and Mr. MEXASER alone are yet spared. On this occasion he said:—"The fixing of a line on the west of the Mississippi, north of which Slavery should not be tolerated, and the west of which it should be, and he hoped the day was not distant when on principles of fair compromise, it might constitutionally be effected. The present attempt he regarded as premature."

After opposing the restriction on Missouri, he concluded by declaring:—"At the same time, I do not mean to abandon the policy to which I alluded in the commencement of my remarks. I think it but fair that both sections of the Union should be accommodated on this subject, with regard to which so much feeling has been manifested. The same great matter of policy which reconciled and united the jarring and discordant elements of our system originally, and which enabled the framers of our happy Constitution to compromise the different interests, which then prevailed on this and other subjects, if properly cherished by us, will enable us to achieve similar objects. If we meet upon principles of reciprocity, we cannot fail to do justice to all. It has already been avowed, by gentlemen on this floor from the South, that they will agree upon a line which shall divide the slaveholding from the non-slaveholding States. It is this proposition I am anxious to effect; but I wish to effect it by some compact which shall be binding upon all parties and all subsequent Legislatures; which shall be clear and definite, and which shall be the diversity of feeling and of sentiment to which this empire, in its march, must be destined.—There is a vast and immense tract of country west of the Missouri, yet to be settled, and intimately connected with the Northern section of the Union, upon which this Compromise can be effected."

The suggestions of Compromise were at this time vain; each party was determined. Resolutions, claimed all for Freedom; the South, by its potential command of the Senate, claimed all for Slavery.

The report of this debate aroused the country. For the first time in our history, Freedom after that struggle, and to this day, had been kept in check by Slavery.—The original policy of our Fathers in the restriction of Slavery was suspended, and this giant wrong threatened to stalk into all the broad national domain. Men at the North were humbled and amazed. The imperious demands of Slavery seemed incredible. Meanwhile, the whole subject was adjourned from Congress to the people. Through the press and at public meetings, an earnest voice was raised against the admission of Missouri into the Union without the restriction of Slavery. Judges left the bench and clergymen the pulpit, to swell the indignant protest which arose from good men, without distinction of party or pursuit.

The movement was not confined to a few persons, nor to a few States. A public meeting, at Trenton, in New Jersey, was followed by others in New York and Philadelphia, and finally at Worcester, Salem, and Boston. Resolutions were passed and sent to rally the country. The citizens of Baltimore, convened at the court-house with the Mayor in the chair, resolved that the future admission of slaves into the States heretofore formed west of the Missouri, ought to be prohibited by Congress. Villages, towns, and cities, by memorial, petition, and prayer, called upon Congress to maintain the great principle of the prohibition of Slavery. The same principle was also commended by the resolutions of State Legislatures; and Pennsylvania, inspired by the teachings of Franklin and the convictions of the noblest of our countrymen, Friends, unanimously asserted at once the right and the duty of Congress to prohibit Slavery west of the Mississippi, and solemnly appealed to her sister States "to refuse to covenant with crime." New Jersey and Ohio followed, both also unanimously. Ohio asserted the same principle; so did also Indiana. The latter State, not content with providing for the future, severely censured one of its Senators for his vote to organize Arkansas without the prohibition of Slavery. The resolutions of New York were reinforced by the recommendation of De Witt Clinton.

Amidst this excitement, Congress came together in December, 1819, taking possession of these Halls of the Capitol for the first time since their desolation by the British. On the day after the receipt of the President's Message, two several committees of the House were constituted, one to consider the application of Maine, and the other of Missouri, to enter the Union as separate and independent States. With only the delay of a single day, the bill for the admission of Missouri was reported to the House without the restriction of Slavery; but as yet at this stage as at every other, a Southern Statesman intervened. Mr. SMITH, of Maryland, for many years an eminent Senator of that State, but at this time a Representative, while opposing the restriction on Missouri, vindicated the prohibition of slavery in the Territories:—"Mr. S. Smith said, that he rose principally with a view to state his understanding of the proposed amendment, viz: that it retained the boundaries of Missouri, as delineated in the bill; that it prohibited the admission of slaves west of the west line of Missouri, and north of the north line; that it did not interfere with the Territory of Arkansas, or the unhatched and unoccupied lands of New York, to inquire into the expediency of prohibiting the introduction of Slavery into the Territories west of the Mississippi. This committee, at the end of a fortnight, was discharged from further consideration of the subject, which was understood, would enter into the postponed debate on the Missouri bill. This early effort to interdict Slavery in the Territories by a special law is worthy of notice, on account of its force of the expressions of opinion which it drew forth. In the course of his remarks Mr. Taylor declared, that

"He presumed there were no members here, who would doubt the constitutional power of Congress to impose such a restriction on the Territories."

A generous voice from Virginia recognized at once the right and duty of Congress, that was from Charles Fenton Mercer, who declared:—"When the question proposed should come fairly before the House, he should support the proposition. He should record his vote against suffering the dark director of humanity, the restriction now darkened his country, from rolling on beyond the peaceful shores of the Mississippi."

At length on the 26th of January, the House resolved itself into Committee of the Whole on the Missouri bill, and proceeded with its discussion day by day, till the 28th of February, when it was reported back with amendments. But meanwhile the same question was presented to the Senate, where a conclusion was reached earlier than in the House. The clause for the admission of Missouri was taken to the Maine bill. To this an amendment was moved by Mr. ROBERTS, of Pennsylvania, prohibiting the further introduction of Slavery into the State, which, after a fortnight's debate, was defeated by 27 yeas to 16 nays.

The debate in the Senate was of unusual interest and splendor. It was especially illustrated by an effort of transcendent power from that great lawyer and orator, WILLIAM EVERETT. Recently returned from a succession of missions to foreign courts, and at this time the acknowledged chief of the American bar, particularly skilled in questions of constitutional law, his course as a Senator from Maryland was calculated to produce a profound impression. In a speech he drew to this chamber an admiring throng for two days, and which at the time was fondly compared with the best example of Greece and Rome, he first authoritatively proposed and developed the Missouri Compromise. His mastery of effort was mainly confined to the restriction on Missouri; but he began and ended with the idea of compromise. "Notwithstanding," he says, "occasional appearances of rather an unfavorable description, I have long since persuaded myself that the Missouri question, as it is called might be laid to rest, with innocence and safety, by some conciliatory compromise at least, by which as is our duty, we reconcile the extremes of conflicting views and feelings, without any sacrifice of Constitutional principle." And he closed with these words: "The restriction on Missouri would not be passed, but that the whole question 'might be disposed of in a manner satisfactory to all by a prospective prohibition of Slavery in the Territory to the north and west of the Missouri.'" The powerful advocate of the unconditional admission of Missouri, was made in the Senate January 21st. From various indications, it seems to have found its way to the attention of Mr. MEXASER, on the 17th of February, the Union of Missouri and Missouri in one bill prevailed in the Senate by 23 yeas to 21 nays. On the next day Mr. Thomas of Illinois, who had already voted with the South against any restriction upon Missouri, introduced the famous clause proposing Slavery north of 36 degrees 30 minutes, which now constitutes the eighth section of the Missouri act. An effort was made to include the Arkansas Territory within this prohibition; but the South united against this extension of the area of Freedom, and it was defeated by 24 yeas to 20 nays. The prohibition, as moved by Mr. THOMAS, was prevailed by 34 yeas to only 10 nays. Among those in the affirmative were both of the Senators from each of the slave States, Louisiana, Tennessee, Kentucky, Delaware, Maryland and Alabama, and also one of the Senators from each of the slave States, Mississippi and North Carolina, including in the honorable list the familiar names of William Pickens, James Brown and William Buford King.

This bill, as thus amended, is the first legislative embodiment of the Missouri Compromise, or Compromise, the essential condition of which were, the admission of Missouri as a State without any restriction of Slavery in all the remaining Territory of Louisiana south of 36 deg. 30 min. This bill, thus composed, containing these two propositions—"this double measure"—finally passed the Senate by a vote of 24 yeas to 20 nays. The yeas embraced every Southern Senator except Nathan Bacon of North Carolina and William Smith, of South Carolina. Mr. BUTLER, (interrupting.) Mr. Gaillard voted with Mr. Smith. Mr. SENEXER. No sir. The name of John Gaillard, Senator from South Carolina, is found in favor of the Compromise. I speak with the Journal in my hand, and now repeat that the yeas embraced every Southern Senator, except Mr. Bacon and Mr. Smith.—The yeas embraced every Northern Senator, except the two Senators from Illinois and one from the Rhode Island, and one from New Hampshire. And this Sir, is the record of the first stage in the adoption of the Missouri Compromise. First openly announced and vindicated on the floor of the Senate, by a distinguished Southern Statesman, it was forced on the North by an almost unanimous Southern vote. While things had thus culminated in the Senate, discussion was still proceeding in the other House on the original Missouri bill. This was for a moment arrested by the interception of the Senate of the Maine bill, embodying the Missouri Compromise. Upon this the debate was brief and the decision prompt. But here even at this stage as at every other, a Southern Statesman intervened. Mr. SMITH, of Maryland, for many years an eminent Senator of that State, but at this time a Representative, while opposing the restriction on Missouri, vindicated the prohibition of slavery in the Territories:—"Mr. S. Smith said, that he rose principally with a view to state his understanding of the proposed amendment, viz: that it retained the boundaries of Missouri, as delineated in the bill; that it prohibited the admission of slaves west of the west line of Missouri, and north of the north line; that it did not interfere with the Territory of Arkansas, or the unhatched and unoccupied lands of New York, to inquire into the expediency of prohibiting the introduction of Slavery into the Territories west of the Mississippi. This committee, at the end of a fortnight, was discharged from further consideration of the subject, which was understood, would enter into the postponed debate on the Missouri bill. This early effort to interdict Slavery in the Territories by a special law is worthy of notice, on account of its force of the expressions of opinion which it drew forth. In the course of his remarks Mr. Taylor declared, that

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