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SPEECH OF COL. BENTON
ON THE
NEBRASKA BILL,

Delivered in the House of Representatives, Tuesday, the 25th day of April, 1854.

The House being in Committee of the Whole, Mr. Chandler *in* the Chair:

The Chairman—The question before the Committee is on the Senate amendments to the deficiency *bill*; and on that question the member from Mississippi [Mr. Harris] has still the floor.

Mr. Harris not availing himself of his right,

Col. Benton rose and addressed the Committee.

THE BILL COMES FROM A FREE STATE.

If any bill to impair the Missouri Compromise line of 1820 had been brought into this House by a member from a slave state, or under the administration of a President elected from a slave state, I should have deemed it my duty to have met it at the threshold, and to have made the motion which the parliamentary law prescribes for the repulse of subjects which are not fit to be considered; I should have moved its rejection at the first reading. But the bill before us, for the two may be considered as one, does not come from that quarter. It comes from a free state, and under the administration of a President elected from a free state; and under that aspect of its origin, I deemed it right to wait, and hear what the members of the free states had to say to it.

It was a proposition from their own ranks, to give up their half of the slavery compromise of 1820; and if they chose to do so, I do not see how southern members could refuse to accept it. It was a free state question; and the members from the free states were the majority and could do as they pleased. So I stood aloof, waiting to see their lead, but without the slightest intention of being governed by it. I had my own convictions of right and duty, and meant to act upon them. I had come into political life upon that compromise. I had stood upon it above thirty years, and intended to stand upon it to the end, "solitary and alone, it need be; (*applause and laughter*) but preferring company to solitude, and not doubting for an instant what the result was to be.

I have said that this bill comes into Congress under the administration of a free state President; but I do not mean to say, or insinuate by that remark, that the President favors the bill:—I know nothing of his disposition towards it; and if I did, I should not disclose it here. It would be unparliamentary, and a breach of the privileges of this House to do so. The President's opinions can only be made known to us by himself, in a message in writing. In that way it is his right, and often his duty, to communicate with us. And in that way there is no room for mistake in citing his opinions; no room for the imputation of contradictory opinions to him; and in that way he becomes responsible to the American people for the opinions he may deliver.

All other modes of communication are forbid to him, as tending to an undue and unconstitutional interference with the freedom of legislation. It is not bribery alone, attempted upon a member, which constitutes a breach of the privileges of this House. It is any attempt to operate upon a member's vote by any consideration of hope or fear, favor or affection, prospect of reward, or dread of punishment. This is parliamentary law, as old as English parliaments, constantly maintained by the British House of Commons, and lately declared in a most signal manner. It was during the reign of our old master, George the Third, and in the famous case of Mr. Fox's East India bill, a report was spread in parliament by one of the lords of the bedchamber, that the king was opposed to the bill—that he wished it defeated, and had said that he should consider any member his enemy who should vote for it.—The House of Commons took fire at this report, and immediately resolved:

"That to report any opinion, or pretended opinion of his Majesty, upon any bill depending in either House of Parliament, is a high crime and misdemeanor, derogatory to the honor of the crown, a breach of the fundamental privileges of Parliament, and subversive of the constitution of the country."

This resolve was adopted in a full House, by a majority of seventy-three votes; and was only declaratory of existing parliamentary law—such as had existed from the time that English counties and boroughs first sent knights of the shire and burgesses to represent them in the Parliament House. It is an old English parliamentary law, and is so recorded by Hatsell, and all the writers on that law. It is also American law, as old as our Congress, and, as such, recorded in Jefferson's Manual. It is honest law, and, as such, existent in every honest heart. Sir, the President of the United States can send us no opinions except in written messages, and no one can report his opinions to influence the conduct of members upon a bill, without being obnoxious to the censure which the House of Commons pronounced upon the lord of the bedchamber, in the case of the king and the Fox East India bill.

MINISTERIAL INTERFERENCE.

Nor can the President's Secretaries—his head clerks, as Mr. Randolph used to call them—send us their opinions on any subject of legislation depending before us. They can only report, and that in writing, on the subjects referred to them by law or by a vote of the Houses. Non-intervention is their duty in relation to our legislation; and if they attempt to intervene in any of our business, I must be allowed, for one, to repulse the attempt, and to profess for it no higher degree of respect than that Mr. Burke expressed for the opinions of a British Lord Chancellor, delivered to the House of Commons, in a case in which he had no concern. Sir, I suppose I can be allowed to repeat on this floor any degree of comparison, or figure of speech which Mr. Burke could use on the floor of the British House of Commons. He was a classic speaker, and, besides that, author of a treatise on the Sublime and Beautiful; though I do not consider the particular figure which I have to repeat, although just and picturesque in itself, to be a perfect illustration of either branch of his admired treatise. It was in reference to Lord Thurlow, who had intervened in some legislative business, contrary to the orator's sense of right and decency. Mr. Burke repulsed the intrusive opinion, and declared that he did not care three jumps of a louse for it. Sir, I say the same of any opinion which may be reported here from our Secretaries on any bill depending before us, and that in any form in which it may come from them—whether as a unit, or as integers. (Roars of laughter.)

PUBLIC PRINTER'S INTERFERENCE.

Still less do I admit the right of intervention in our legislative duties in another class of intermeddlers and who might not be able to meddle at all with our business, were it not for the ministration of our bounty. I speak of the public printers, who get their daily bread (and that buttered on both sides) by our daily printing, and who require the democratic members of this House, under the instant penalty of political damnation, to give in their adhesion to every bill which they call administration: and that in every change it may undergo—although more changeable than the moon. For that class of intermeddlers I have no parliamentary law to administer, nor any quotation from Burke to apply—nothing but a little fable to read; the value of which, as in all good fables, lies in its moral. It is in French, and is entitled, "*L'ane et son maitre*," which, being done in English, signifies, "*The ass and his master*," and runs thus:

"An ass took it into his head to scare his master, and put on a lion's skin, and went and stood in the path. And when he saw his master coming, he commenced roaring, as he thought; but he only brayed, and the master knew it was his ass: so he went up to him with a cudgel, and beat him nearly to death."

That is the end of the fable, and the moral of it is, "a caution to all asses to take care how they undertake to scare their masters." (*Prolonged applause, cries of good, good.*)

Mr. Chairman, this House will have fallen far below its constitutional mission, if it suffers itself to be governed by authority, or dragooned by its own hirelings. I am a man of no bargains, but act openly with any man that acts for the public good; and in this spirit, I offer the right hand of political friendship to every member of this body that will stand together to vindicate its privileges, protect its respectability, and maintain it in the high place for which it was intended—the master branch of the American government.

MISSOURI COMPROMISE NOT MERELY A STATUTE.

The question before us is, to get rid of the Missouri Compromise line: and, to a lawyer, that is an easy question. That compromise is in the form of a statute, and one statute is repealable by another. That short view is enough for a lawyer. To a statesman it is something different, and refers the question of its repeal, not to law books, but to reasons of state policy—to the circumstances under which it was enacted, and the consequences which are to flow from its abrogation. This compromise of 1820 is not a mere statute, to last for a day; it was intended for perpetuity, and so declared itself. It is an enactment to settle a controversy—and did settle it—and cannot be abrogated without reviving that controversy.

It has given the country peace for above thirty years: how many years of disturbance will its abrogation bring? That is the statesman's question; and without assuming to be much of a statesman, I claim to be enough so to consider the consequences of breaking a settlement which pacified a continent. I remember the Missouri controversy, and how it destroyed all social feeling, and all capacity for beneficial legislation: and merged all political principle in an angry contest about slavery—dividing the Union into two parts, and drawing up the two halves into opposite and confronting lines, like enemies on the field of battle. I do not wish to see such times again; and, therefore, am against reviving them by breaking up the settlement which quieted them.

THE THREE SLAVERY COMPROMISES.

The Missouri Compromise of 1820 was the partitioning between the free and slave states, of a great province, taking the character of a perpetual settlement; and classing with the two great compromises which gave us the ordinance of July 13, 1787, and the federal constitution of September 17, of the same year. There are three slavery compromises in our history, which connect themselves with the foundation and preservation of this Union. First, the territorial partition ordinance of 1787, with its clause for the recovery of fugitive slaves; secondly, the contemporaneous constitutional recognition of slavery in the states which chose to have it, with the fugitive slave recovery clause in the same instrument; thirdly, the Missouri partition line of 1820, with the same clause annexed for the recovery of fugitive slaves.

All three of these compromises are part and parcel of the same policy; and neither of them could have been formed without the other, nor either of them without the fugitive slave recovery clause incorporated in it. The anti-slavery clause in the ordinance of 1787 could not there have been adopted (as was proved by its three years, rejection) without the fugitive slave recovery clause added to it; the constitution could not have been formed without the recognition of slavery in the states which chose it, and the guaranty of the right to recover slaves fleeing into the free states; the Missouri controversy could not have been settled without a partition of Louisiana between free and slave soil; and that partition could not have been made without the addition of the same clause for the recovery of fugitive slaves. Thus, all three compromises are settlements of existing questions, and intended to be perpetual. They are all three of equal and moral validity. The constitutional compromise is guarded by a higher obligation in consequence of its incorporation in that instrument; but it in no way differs from the other two in the circumstances which induced it, the policy which guards it, or the consequences which would flow from its abrogation. A proposition to destroy the slavery compromises in the constitution would be an open proposition to break up the Union; the attempt to abrogate the compromises of 1787 and 1820 would be virtual attempts to destroy the harmony of the Union, and prepare it for dissolution, by destroying the confidence and affection in which it is founded.

The Missouri Compromise of 1820 is a constitution of the ordinance of 1787—its extension to the since acquired territory West of the Mississippi, and no way differing from it either in principal or detail. The ordinance of 1787 divided the then territory of the United States about equally between the free and slave states: the Missouri Compromise line did the same by the additional territory of the United States as it stood in 1820; and in both cases it was done by act of Congress, and was the settlement of the whole difficulty which was to last forever. I consider them both, with their fugitive slave recovery clauses, and the similar clause in the constitution, as part and parcel of the same transaction—different articles in the same general settlement.

The anti-slavery clause in the ordinance of 1787 could not have been put in (as was proved by its three years' rejection) without the fugitive slave recovery clause added to it. The constitution could not have been formed without the recognition of slavery in the states which chose it, and the right of recovering slaves fleeing to the free states. The Missouri Compromise could not have been settled except by the prohibition of slavery in the upper half of the territory of Louisiana; and that prohibition could not have been obtained without the right to recover fugitive slaves from the part made free.

Thus, the three measures are one, and the ordinance of 1787 father to the other two. It led to the adoption of the fugitive slave clause in the constitution, and we may say, to the formation of the constitution itself, which could not have been adopted without that clause, and the recognition of slave property in which it was founded. This vital fact results of itself from the history of the case. In March of the year 1784, the Virginia delegation in the then Congress of the confederation, headed by Mr. Jefferson and Mr. Monroe, conveyed the northwestern territory to the thirteen United States. In the month of April ensuing, the organizing mind of Mr. Jefferson, always bent upon systems and administration, brought in an ordinance for the government of the territory so conveyed, with the anti-slavery clause as a part of it, to take effect in the year 1800; but without a clause for the recovery of fugitive slaves. For the want of this provision the anti-slavery clause was opposed by the slave-holding states, and rejected; and the ordinance was passed without it. In July of the year 1787, the ordinance was remodeled, the anti-slave clause, with the fugitive slave recovery clause, as they now stand, were inserted in it; and in that shape the ordinance had the unanimous vote of every state present—eight in the whole—and an equal number of slave and free states present.—Thus, it is clear that the anti-slavery clause in the ordinance of 1787 could not have passed without the fugitive slave recovery clause annexed. They were inseparable in their birth, and must be so in their life; and those who love one must accept the other.

This was done in the month of July, in the city of New York, where the Congress of the confederation then sat. The National Convention was sitting at the time in the city of Philadelphia, at work upon the federal constitution. Two bodies were in constant communication with each other, and some leading members (as Mr. Madison and General Hamilton) were members of each, and attending by turns in each. The constitution was finished in September, and received the fugitive slave recovery clause immediately after its insertion in the ordinance. It was the work of the same hands, and at the same time, in both instruments; and it is well known that the constitution could not have been formed without that clause.

Thus the compromise clause in the ordinance is father to the compromise clause in the constitution; and the Missouri Compromise results from both; and all three stand before me as founded in the same circumstances, induced by the same considerations, and directed by the same policy—that of the peace, harmony and perpetuity of this Union. In point of moral obligation I consider them equal, and resulting from conditions which render them indispensable.—Two of them have all the qualities of a compromise—those of the ordinance and of the constitution. They are founded in agreement—in consent—in compact—and are as sacred and inviolable as human agreements can be. The third one—that of the Missouri anti-slavery line—was not made upon agreement.

MISSOURI COMPROMISE IMPOSED BY SOUTHERN VOTES.

It was imposed by votes—by the South upon the North—resisted by the North at the time—acquiesced in afterwards; and by that acquiescence became a binding covenant between both parties; and the more so on the South because she imposed. I repeat: it was an imposition, and not a compact. The South divided, and took choice; and now it will not do to claim the other half on the ground of the original dissatisfaction of the other party. Brothers cannot divide an estate in that way—one make the division, and take choice, and afterwards claim the other half. The South has her half. She gave it away once—gave it to Spain; and the North helped her to get it back, even at the expense of war—without suspecting that she was strengthening the South to enable it to take the other half. But this attempt does not come from the South, and finds resistance there.

THE RESULT OF AN ATTEMPT TO REPEAL THE COMPROMISE OF 1787.

This brings us to the question of repeal or abrogation of these compromises. The one in the constitution cannot be got rid of without an amendment to that instrument, and is, therefore, beyond the reach of Congress.—The other two, being in the form of statutes, are subjects of legislation, and legally repealable by Congress. Efforts were made to impair one, that of 1787, some fifty years ago. An effort is now made to repeal the other; and the history and fate of the first attempt may be advantageous in the consideration of the second. It was in the year 1803. The then territory of Indiana had been slave territory under the French government, and continued so under the American until 1787. It extended to the Mississippi, and contained many slaves. Vincennes, Cahokia, Prairie de Rocher, Kaskaskia, were all slaveholding towns. The inhabitants were attached to that property, and wished to retain it, at least temporarily; and also to invite a slaveholding emigration, until an increase of population should form an adequate supply of free labor; and they petitioned Congress accordingly. The petition came from a convention of the people, presided over by Governor Harrison, and only asked for the suspension of the anti-slavery part of the ordinance for ten years, and limited in its application to their own territory. The petition was referred to a select committee of the House; Mr. Randolph was chairman, and received its answer in a report, in these words:

"That the rapid population of the State of Ohio sufficiently evinces, in the opinion of your committee, that the labor of slaves is not necessary to support the growth and settlement of colonies in that region. That this labor, demonstrably the dearest of any, can only be employed to advantage in the cultivation of products more valuable than any known in that quarter of the United States, that the committee deem it highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the northwestern country, and give strength and security to that extensive frontier. In the salutary operation of this sagacious and benevolent restraint, it is believed that the inhabitants of Indiana will, at no very distant day, find ample remuneration for a temporary privation of labor and emigration."

This was the answer of the select committee; and it became the answer of the House—of this House just fifty years ago—when the South was about as ably represented here as it ever has been since, and when its relative strength was greater than it has ever been since. The answer is a peremptory refusal to yield to the petition of the people of Indiana, even for a ten years' local suspension of this anti-slavery clause: "Highly dangerous and inexpedient to repair that provision." Yes, to impair! that is the word; and it is a refusal to weaken or lessen, in the smallest degree, an act which the committee calls a "benevolent and sagacious act," and which they recommend to maintain unimpaired, because it is "calculated to increase the happiness and prosperity of the northwest, and to give strength and security to the frontier."—That Congress—and that without division between North and South—would not impair an act of so much future good to posterity, not even upon the mistaken application of a few present inhabitants.

But this was not the end of the petitions. The people of Indiana were not satisfied with one repulse. They returned to the charge; and four times more, in the course of as many years, renewed their application for the ten years' suspension ordinance. It was rejected each time, and, once in the Senate, where the North Carolina Senator (Mr. Jesse Franklin) was chairman of the committee which made the report against it. Five times, in as many years, rejected by Congress; and the rejection the more emphatic in some instances because it was the reversal by the House of a favorable report from a committee. And now, what inhabitant of Indiana does not rejoice at the deliverance which the firmness of Congress then gave them, in spite of the request of its inhabitants fifty years ago?

Thus, five times in the beginning of this century—five different times, and without any distinction between northern and southern members—did Congress refuse to "impair" the slavery compromise of 1787, notwithstanding five times asked for by the people of the territory. Oh, squatter sovereignty! where were you then? It was a case for you to have shown your head—to have arisen in your might—and established your supremacy forever. It was a case of a convention of the sovereigns themselves; and neither this convention nor the Congress had a dream of their sovereignty. The convention petitioned Congress as a ward would its guardian, or children under age would petition their father, and Congress answered like a good guardian, or a good father, that it would not give them an evil, although they begged for it. Benighted times these, and infinitely behind the present age. The mare's nest had not been found in which has been laid the marvelous egg out of which has been hatched the nondescript fowl, ycleept "squatter sovereignty." (*Laughter.*) The illustrious principle of non-intervention had not then been invented. The ignoramuses of that day had never heard of it, though now to be learned in every horn-book; and, I believe, nowhere else but in the horn books. (*Renewed merriment.*

HOW IT IS PROPOSED TO DISTURB THE COMPROMISE.

Five times in the beginning of this century did Congress refuse to impair the slavery compromise of '87; and now, in the middle of the century, and after thirty years of peace under the Missouri Compromise—the offspring and continuation of that of '87—we are called upon, not merely to impair for a season, but to destroy for ever, a far greater compromise—extending to far more territory, and growing out of necessities far more pressing. And how called upon? Not by the inhabitants—not by any one human being living, or expecting to live on the territory to be affected—but upon a motion in Congress—a silent, secret, limping, halting, creeping, squinting, pinish motion—conceived in the dark—midwifed in a committee room, and sprung upon Congress and the country in the style in which Guy Fawkes intended to blow up the Parliament house, with his five hundred barrels of gunpowder hid in the cellar, under the wool.—(*Laughter.*)

My answer to such a motion is to be found in the whole volume of my political life. I have stood upon the Missouri Compromise for above thirty years, and mean to stand upon it to the end of my life; and, in doing so, shall act, not only according to my own cherished convictions of duty, but according to the often-declared convictions of the General Assembly of my state. The inviolability of that compromise line has often been declared by that General Assembly; and, as late as 1847, in these words:

"Resolved, That the peace, permanency, and welfare of our national Union depend upon a strict adherence to the letter and spirit of the eighth section of the act of Congress of the United States, entitled, 'An act to authorize the people of the Missouri territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and to prohibit slavery in certain territories,' approved March 6, 1820."—with an instruction to the Senators, and a request to the representatives in Congress, to vote accordingly.

"The peace, permanency and welfare of the Union depend upon a strict adherence to the Missouri Compromise of 1820." So resolved the General Assembly of Missouri as late as 1847. I believed the Assembly was right then; I believe it now—and so believing, shall "adhere" to the compromise now, as then, "in spirit and in letter."

I should oppose any movement to impair that compromise, made in an open, direct, manly manner: much more shall I oppose it made in a covert, indirect, and unmanly way. The bill or bills before us undertake to accomplish their object without professing it—upon reasons which are contradictory and unfounded—in terms which are ambiguous and inconsistent—and by throwing on others the responsibility of its own act.

NEBRASKA CHARACTER OF THE NEBRASKA BILL.

It professes not to interfere with the sovereign right of the people to legislate for themselves; and the very first line of this solemn profession throws upon them a hard load of law, which they have no right to refuse, or time to read, or money to purchase, or ability to understand. It throws upon them all the laws of the United States which are not locally inapplicable; and that comprehends all that are not specially made for other places; also, it gives them the constitution of the United States, but without the privilege of voting at presidential or congressional elections, or of making their own judiciary.—This is non-interference with a vengeance.—A community to be hurried under a mountain of strange law, and covered with a constitution under which they are not to have one single political right.

Why this circumlocution? this extension of a mountain of irrelevant law, with the exception of the only one relevant and applicable? Sir, it is the crooked, insidious and pusillanimous way of effecting the repeal of the Missouri Compromise line. It includes all law for the sake of leaving out one law; and effects a repeal by an omission, and legislates by an exception. It is a new way of repealing a law, and a bungling attempt to smuggle slavery into the territory, and all the country out to the Canada line and up the Rocky mountains. The crooked line of this smuggling process is this: "Abolish the compromise line, and, extend the constitution over the country: the constitution recognizes slavery: therefore, slavery is established as soon as the line is abolished, and the constitution extended; and being put there by the constitution, it cannot be legislated out."—This is the English of this smuggling process; and certainly nothing more unworthy of legislation—more derogatory to a legislative body—was ever attempted to be made for territories, but for states. Its provisions are applicable to states, and cannot be put in operation in territories. They cannot vote for President, or Vice President, or members of Congress, nor elect their own officers, or prescribe the qualifications of voters, or administer their own laws by their own judges, sheriffs, and attorneys; and the clause extending the constitution to them is a cheat and an illusion, and a trick to smuggle slavery into the territory. Nor is it intended that they shall have any legislative right under the constitution, even in relation to slavery. They may admit it because it is to be there by the constitution; they cannot exclude it, because the constitution puts it there. That is the argument; and it is a juggle worthy of the trick of one egg under three hats at the same time—and under neither at any time. Besides, the constitution is an organic, not an administrative act. It is a code of principles, not of laws. Not a clause in it can be executed except by virtue of a law made under it—not even the clause for recovering fugitive slaves.

NEBRASKA AN ASYLUM FOR RUNAWAY SLAVES.

But I am not done yet with the beauties of this mode of repealing a law by an exception. There is a further consequence to be detected in it. The Missouri Compromise consists of two distinct parts: first, an abolition of slavery in all the ancient Louisiana north and west of Missouri; secondly, a provision for the recovery of fugitive slaves in the territory made free. By the omitted extension of this section, both these parts are repealed. A tract of country larger than the old thirteen Atlantic states, and bordering a thousand miles on the British dominions, is made an asylum for fugitive slaves. There will be no law to recover a slave from all that vast region.

The constitutional provision is limited to states; the provision in the act of 1787 is limited to the Northwest territory; the second part of the Missouri Compromise extended this right to all territory north and west of Missouri—the state to be most injured by covering all the territory north and west of her, quite out to the British line, into an asylum for runaway slaves. The blunder cannot be corrected (at least in the opinion of those who deny the constitutional power of Congress to legislate on slavery in territories) by an act of Congress.

Then comes the reason for excepting the Missouri Compromise from the extension which is given to a mass of laws which are not there, and denied to itself which is there. If the reason had been because it was already there, it would have been a logical and comprehensible reason; but that is not the cause assigned; and those which are assigned are actually numerous and curious, and worthy of examination. First, because it was superseded by certain acts of 1850; next, that it is inconsistent with those acts; then, that it is inoperative; and finally, that it never was there, being dead in its birth under the constitution, and void from the beginning.

THE COMPROMISE OF 1850 DID NOT SUPERSEDE THAT OF 1820.

Let us look into these reasons, *seriatim*, as the lawyers say: and first of supersession. It is said that the measures of 1850 superseded this compromise of 1820. If so, why treat it now as still existing, and therefore to be repealed by an exception in order to get rid of it? If it was repealed in 1850, why do it over again in 1854? Why kill the dead? But it was not superseded; but acknowledged and confirmed by every speaker in 1850 that referred to the subject, and by every act that mentioned it. This being matter of fact, and proven by all sorts of testimony—parol, written, and record—it had to be given up, [through a test of political orthodoxy as long as it stood,] and something else put in its place. Thereupon supersession was itself superseded by "inconsistent." Out of the frying-pan into the fire! [*Laughter.*]

Inconsistent signifies inability to stand together—two things which cannot stand together—from *con* and *sisto*. Now, what is the fact with respect to the compromise of 1820 and 1850? Can they not stand together? And if not, why knock the one down that is already down? It is now four years since this inability to stand together took effect; and how do the two sets of measures make out together at the end of this time? Perfectly well. They are both on their feet—standing both upright—and will stand so forever, unless Congress knocks one or the other of them down. This is a fact, known to everybody, and admitted by the bill itself; for if the first is inconsistent with the second, and unable to stand, why all this trouble to put it down? Why trip up the heels of the man already flat on his back on the ground? Then comes another reason—that this compromise of 1820 is inoperative and void. If so, those who are against its operation should be content. It is in the very condition they wish it—unless, powerless, inactive, dead—and no bar to the progress of slavery to the North. Void is vacant, empty, nothing of it. Now, if the line of 36 deg. 30 min. is inoperative and void, it is in the condition of a fence pulled down, and the rails carried away, and the gold left open for the stock to enter.—But the fence is not pulled down yet. The line is not yet inoperative and void. It is an existing substantive line, alive and operating; and operating effectually to bar the progress of slavery to the north; and will so continue to operate until Congress shall stop its operation.

Then comes the final reason, that there never was any such line in the world—that it was unconstitutional and void—that it had no existence from the beginning; and that it must not be repealed by a direct act, for that would be to acknowledge its previous existence, and to nullify the constitutional agreement; and, what is more terrible, involve the authors of the doctrine in an inconsistency of their own; and thereby make themselves inoperative and void. And this is the analysis of the reasons for the Nebraska bill—that part of it which is to get rid of the compromise of 1820; untrue, contradictory, sudicial and preposterous. And why such a farrago of nullities, incongruities, and inconsistencies?

Purely and simply to throw upon others—upon the Congress of 1850 and the innocent constitution—the blame of what the bill itself is doing; the blame of destroying the compromise of 1820; and with it destroying all confidence between the North and the South, and arraying one half the Union against the other in deadly hostility. It is to be able to throw blame upon the innocent that this farrago is served up to us.

TERRITORIAL SOVEREIGNTY, NONSENSE.

And what is all this hotch-potch for? It is to establish a principle of non-intervention of squatter sovereignty. Sir, there is no such principle. The territories are the children of the states. They are minors, under twenty-one years of age; and it is the business of the states, through their delegations in Congress, to take care of these minors until they are of age—until they are ripe for state government—then give them that government, and admit them to an equality with their fathers. That is the law and the sense of the case; and has been so acknowledged, since the first ordinance in 1784, by all authorities, federal and state, legislative, judicial and executive.

The states in Congress are the guardians of the territories, and are bound to exercise the guardianship; and cannot abdicate it without a breach of trust and a dereliction of duty. Territorial sovereignty is a monstrosity, born of timidity and ambition, hatched into existence in the hot incubation of a presidential canvass, and revolting to the holders when first presented. Well do I remember that day when it was first shown in the Senate. Mr. Antony did not better remember the day when Cæsar first put on that mantle through which he was afterwards pierced with three-and-twenty "envious stabs." It was in the Senate in 1848, and was received as nonsense—as the essence of nonsense—as the quintessence of nonsense—as the five-times distilled essence of political nonsensicality.

THE STUMP SPEECH IN THE BILL.

Why, sir, the territory itself is the property of the states, and they do what they please with it—permit it to be settled or not, as they please; cut it up by lines, as they please; sell it, or give it away, as they please; chase white people from it, as they please.—After this farrago—*olla podrida*—comes a little stump-speech, injected in the belly of the bill, and which must have a prodigious effect when recited in the prairies, and out towards the frontiers, and up towards the heads of the creeks. (*Laughter and sensation.*) I will read it, and I hope without fatiguing the House; for it is both brief and beautiful, and runs thus:

"It being the true intent and meaning of this act not to legislate slavery into any state or territory, 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."

This is the speech, and pretty little thing itself, and very proper to be spoken from a stump in the prairie. It has intent, and a true intent; which is neither to legislate at all? Why all this disturbance if no effect is produced, and things to remain just as they were? Let well enough alone, was the old doctrine of progress; and that in spite of the Italian epitaph, which says: "I was well, and would be better; took physic, and here I am." But the states must be greatly delighted at the politeness and forbearance of this bill. It puts states and territories upon the same equality with respect to the power of Congress over them. Congress does not mean to put slavery in or out of any state or territory. To all that polite abnegations I have to say that, in respect of the states, it is the supererogation of modesty and humility, as Congress happens to have no power to put slavery in them, or out of them; and in respect of the territories, it is an abdication of a constitutional power and duty; it being the right of Congress to legislate upon slavery in the territories, and its duty to do so when there is occasion for it—as in 1787 and 1820.

I object to this shilla-shally—willy-won'ty—don,ty-can'ty—style of legislation. (*Roars of laughter.*) It is not legislative. It is not manly. It is not womanly. No woman would talk that way. No shilly-shally in a woman. Nothing of the female gender was ever born young enough or lived long enough, to get befogged in such a quandary as this. (*Renewed laughter.*) It is one thing or the other with them: and what they say stick to. No breaking bargains with them. But the end of this stump speech is the best of the whole. Different from good milk, in which the cream rises to the top it here settles to the bottom, and is in these words:

"Leave it to the people thereof that is to say of the states and of the territories, to regulate slavery for themselves as they please, only subject to the constitution of the United States."

Certainly this is a new subjection for the states. Heretofore they have been free to regulate slavery for themselves—admit it, or reject it; and that not by virtue of any grant of power in the constitution, but by virtue of an unsurrendered part of their old sovereignty. It is also new of the territories. Heretofore they have been held to be wards of Congress, and entitled to nothing, under the constitution, but that which Congress extended to them. But this clause is not accidentally here; it is to keep up the dogma of the constitution in territories; but only there in relation to slavery, and that for its admission—not rejection.

Three dogmas now afflict the land: *videlicet* squatter sovereignty, non-intervention, and no power in Congress to legislate upon slavery in territories. And this bill asserts the whole three, and beautifully illustrates the whole three, by knocking each one on the head with the other, and trampling each under foot in its turn. Sir, the bill does deny squatter sovereignty, and it does intervene, and it does legislate upon territories, and for a proof of that, see the bill; and see it as the lawyers say *passim*; that is to say, here, and there, and everywhere.

It is a bill of assumptions and contradictions—assuming what is unfounded, and contradicting what it assumes—and balancing every affirmation by a negation. It is a see-saw bill; but not the innocent see-saw which children play on a plank stuck through a fence; but the up-and-down game of politicians, played at the expense of the peace and harmony of the Union, and to the sacrifice of all business in Congress. It is an amphibiological bill, stuffed with monstrosities, hobbled with contradictions and badgered with a proviso. (*Laughter.*)

EXPIRATION OF THE HOUR—SPEAKER ALLOWED TO PROCEED.

At this point Mr. Benton's hour expired, and the chairman's hammer fell. There was a brisk contest for the floor.

The chairman (Mr. Chandler) assigned it to Mr. Wentworth of Illinois.

Mr. Wentworth—Mr. Chairman, I understand that the gentleman from Missouri (Mr. Benton) wishes to speak but a few minutes longer, and I am therefore desirous, with the consent of the committee, to yield him a portion of my time for that purpose.

Mr. Seward (Dem. of Georgia) and others objected.

Mr. Bayly (dem. of Virginia).—If the gentleman from Mississippi, who is entitled to the floor, (Mr. Harris,) does not desire to avail himself of his right, I wish to address the committee.

The Chairman—The Chair recognizes the gentleman from Illinois, (Mr. Wentworth) as having the floor.

Mr. Wentworth—Certainly, sir; and, I repeat, that if the gentleman from Missouri desires to keep the floor until he finishes his speech, I have no objection to allowing him to do so out of my time.

Mr. Bayly—I have no objection, Mr. Chairman, to the gentleman from Missouri being permitted to go on and conclude his speech; but if the gentleman from Illinois does not want the floor, I will want it.

Mr. Hunt—I hope the gentleman from Missouri will be allowed to proceed.

Mr. Wentworth—I believe, Mr. Chairman, that I have the control of the floor.

Mr. Cullom—I hope that the courtesy of the committee will be extended to the gentleman from Missouri, and that he will be permitted to occupy such further time as will enable him to conclude his speech. This privilege has been frequently granted heretofore.

Mr. Clingman—It has been again and again decided out of order.

The Chairman—The rules of the House must be observed. The gentleman from Illinois has the floor, and expresses his desire to yield it to the gentleman from Missouri for explanation. But this cannot be done unless by the general consent of the committee.

Mr. Wentworth—I ask the Chair if I have the floor.

The Chairman—The gentleman is entitled to the floor; and the committee will preserve order, so that the gentleman can proceed.

Mr. Perkins of New York—I move that the committee rise, for the purpose of submitting a motion to alter rules.

[Cries of "No! No!"—

Mr. Perkins—I withdraw the motion.

Many members—Mr. Chairman! Mr. Chairman!

The Chairman—The gentleman from Illinois has the floor, and gentlemen will take their seats and forbear conversation.

In the midst of much noise and confusion,

Mr. Wentworth proceeded: I wish, at the outset of my remarks, to know if at any time during this Congress, when any member of this House has obtained the floor, and another gentleman has requested a short portion of his time to finish his speech, that request has ever been denied by the House?

Many members—Never, never.

Mr. Wentworth—I suppose, Mr. Chairman, that I have an hour, and I can talk it out if necessary; but, nevertheless, if the gentleman from Missouri has not finished his speech, as this is an important question—as the eye of the whole country is turned to this debate, and to the course which is to be taken in the determination of this question—*I want the whole country to understand that the oldest man living in Congress*, the man who was here at the time when the Missouri Compromise was adopted, and the only man in the whole Congress, *is now refused a courtesy which has been refused to no other living man.* Let it go out to the country.

Mr. Cobb—The gentleman's statement is not true in point of fact.

Mr. Orr—He is mistaken.

Mr. Keitt—As the gentleman wants the fact to go to the country, it would be well enough for him to state them as they are.

[Cries of "Order!" "Order!" all over the House.]

The Chairman—The gentleman from Illinois is upon the floor, and gentlemen will preserve order.

After order was restored,

Mr. Wentworth continued—I once more ask that the gentleman from Missouri may be allowed to proceed.

Mr. Cullom—Will the gentleman from Illinois allow me a word?

Mr. Wentworth—I yield to the gentleman for a moment.

Mr. Cullom—I understand that the gentleman from Missouri would desire but a few minutes of time longer; and I do hope, in view of the importance of the question, and in view of the great age and experience in legislation of the gentleman, he will be allowed to proceed.

Mr. Clingman—I rise to a point of order. The gentleman cannot make a speech inside of the gentleman from Illinois.

Mr. Cullom—I am proceeding by the permission of the gentleman from Illinois, (Mr. Wentworth,) and not by the courtesy of the gentleman from North Carolina, (Mr. Clingman,) for I never appeal to his courtesy.

(Cries of "Good!" "Good!"

Mr. Cullom—I say here, in the face of this committee, that I have seen this courtesy extended over and over again during my short probation in Congress, and I ask if there is anything peculiar in the case of the gentleman from Missouri why a discrimination should be made against him?

Mr. Clingman—I insist upon my point of order, that the gentleman is not in order.

Mr. Cullom—I appeal to the committee to extend to the gentleman a few minutes, and I hope they will do it.

Mr. Wentworth—It is evidently within the power of any one member of the committee to object to the gentleman from Missouri proceeding. I am too well acquainted with the rules of this House to trespass upon its courtesy, if it is the determination, even of one individual, to object. But, if I understand the rules, a majority may allow the gentleman to proceed, if it is taken out of my time.

Mr. Clingman—Not at all.

Mr. Peckham—What is the decision of the Chair upon the question?

Mr. Washburn, of Maine—Will the gentleman from Illinois allow me a word?

[Cries of "Order!" "Order!"

Mr. Washburn—I wish to state the question.

Mr. Bayly, (Va.)—I call the gentleman to order. He is not addressing the Chair.

The Chairman—That is not a point of order.

Mr. Washburn—In the last Congress, a case precisely similar to this occurred. A gentleman from Kentucky was occupying the floor for a certain time; his time expired, and I obtained the floor. I yielded to him for further remarks, and, upon the motion of some gentleman, the committee gave him an extension of time.

Mr. Orr—That was by unanimous consent, not by a vote of the committee.

Mr. Washburn—It was by a vote of the committee. The gentleman is mistaken.

Mr. Orr—I ask the gentleman to produce the record. I do not think such a case has ever occurred.

The Chairman—The gentleman from Illinois is entitled to the floor, and cannot yield it but for the purpose of explanation, except by the unanimous consent of the committee.

Mr. Peckham—From that decision I respectfully appeal.

The Chairman—The question will be: "Shall the decision of the chair stand as a the judgment of the committee?"

Mr. Peckham—I understand there is no objection to the gentleman from Missouri proceeding with his remarks in my time, if he had been allowed to go on.

Several gentlemen here arose at the same time and addressed the chair.

Mr. Smith, of Virginia—I rise to a question of order. I want to know who is entitled to the floor.

The Chairman—The gentleman from Illinois is entitled to the floor.

Mr. Smith—Then I hope the gentleman from Illinois will proceed.

The Chairman—The Chair understands that an appeal has been taken from the decision of the chair, and the gentleman from Missouri cannot proceed in the time of the gentleman from Illinois without the unani-