

one which is heartily endorsed by those who bear the burden of taxation.

MATTERS ON WHICH LEGISLATION IS ASKED.

The title to the lands outside of the College farm is taken in the name of the State of Iowa, for the use of the Agricultural College. We recommend the sale of this land at as early a day as practicable, to assist in the improvement of the College Farm, and the passage of a law authorizing the Governor and Register of the State Land Office to grant deeds to parties purchasing any of the lands which are or may be donated to the Iowa State Agricultural College and Farm, upon certificates of purchase signed by the President of the Institution, and countersigned by the Secretary thereof.

We respectfully ask the passage of an act legalizing the issue of the bonds of Story county.

The act of incorporation requires that vacancies in the Board of Trustees, caused by the expiration of terms of service be filled by the Legislature. There are five that will occur on the second Monday of January next; it will therefore, be necessary to elect five at the present session, who shall hold office for four years from that time. The judicial districts in which these vacancies will occur, are the 4th, now filled by G. W. F. Sherman of Cherokee county;—the 7th, now filled by Suel Foster, of Muscatine county;—the 8th, now filled by J. W. Henderson, of Linn county;—the 9th, now filled by Peter Melendy, of Black-hawk county, and the 11th, now filled by E. G. Day, of Story county.

All of which is respectfully submitted, etc.,

WM. DUANE WILSON,
M. W. ROBINSON,
SAMUEL J. KIRKWOOD.

SPEECH

O F

HON. THOS. W. CLAGGETT

OF LEE COUNTY,

Delivered in the House of Representatives of Iowa, in Committee of the Whole, on
Address of Gov. Samuel J. Kirkwood, February 9th, 1860.

DES MOINES:

PRINTED AT THE IOWA STATE JOURNAL OFFICE.

1860.

SPRUCH

HON. THOS. W. CLAGGETT

OF LEE COUNTY.

Delivered in the House of Representatives of Iowa, in Committee of the Whole, on
Address of Gov. Samuel J. Kirkwood, February 21st, 1860.

DES MOINES:

PRINTED AT THE IOWA STATE JOURNAL OFFICE

1860

REMARKS OF MR. CLAGGETT.

The Committee having under consideration the following resolution, offered by Mr. Goodrell, of Polk—

Resolved, That that portion of the Inaugural which relates to John Brown and Harper's Ferry be referred to the Committee on Federal Relations, with instructions to report a series of joint resolutions expressive of the sentiments therein contained—

Mr. CLAGGETT, of Lee, arose and said :

MR. CHAIRMAN :—Entertaining in my own mind the sentiments and views which I do, against the Inaugural of the Governor, as far as my health will permit—having, as you know, Sir, of late, been able to attend to my duties in this House only half the day—I hope to give expression to my sentiments against the dissemination of this document, especially since the murderous incursion of John Brown into Virginia. I deem it a most unfortunate document at this time, which might have been taken as an expression of our opinions, if not of the sentiments of the people of Iowa, if no dissent or protest was made against it. And had I stood quietly by, and not protested against it, though I did feel perfectly indignant, I should have been delinquent in duty to the people I represent on this floor. It becomes me, therefore, to take my stand here. Accordingly, I shall take an extended review of the subject, as have other gentlemen. I shall not engage in personal controversies with any gentleman. But, Sir, some of the gentlemen on this floor took occasion to make a personal attack upon me, a few days since, to which it

has been out of my power to reply, being been confined to my room much the time for the last few days by illness. The gentleman from Hamilton (Mr. Bencrans) made invidious allusions to having been born in a Slave State. E as he has since made me an apology shall let it pass without comment. The gentleman from Van Buren (Mr. Cawell) has again made a personal attack on me, during the debate on this question. He intimated that I had been Know Nothing. Sir, I never was Know Nothing; I never had any sympathy for the political principles of the party; I never voted a Know Nothing ticket. It is true, as I have frequently stated, I was once in a Know Nothing meeting. But I was induced to go into that meeting from a misunderstanding of their political principles. Understanding them, I never had anything to do with that party. And the gentleman from Van Buren knew when he made his speech. The speech of mine to which he alluded was made in opposition to the Know Nothing party; when he made allusion to it I was sitting near him, and arose for the purpose of making an explanation. I refused to give way for that purpose, his course satisfies me that he intended to misrepresent me.

I shall not now take the time of the House in replying to the personal remarks of that gentleman. I have learned that sometimes it is better only to kick a dirty thing out of the way and pass along. I have learned that a skunk cannot be skinned without catching

ent of it. Hence I leave the member from Van Buren, without further notice. Mr. Chairman, in one view of the subject before us, let me say that the Congress of the United States was created under the Constitution for certain expressed purposes, and its powers are defined therein. The third section of the fifth article of the Constitution contains the following provision:—The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States." The Federal Government was created for the purpose, among other things, of repelling foreign invasion, suppressing domestic insurrections, and securing to each State a Republican form of government. The Republican party rely on the fifth article of the Constitution for power to interfere, through Congress, with the subject of Slavery in the Territories. What, Sir, is the sense in which the word "territory" is to be understood, in this provision of the Constitution? I say it means property. Its meaning is controlled by the words immediately following, which carry with them the true interpretation of the preceding word. "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States." The words, when taken together, as clearly express the true meaning of the framers of that instrument, as if they had said, "The Congress shall have power to dispose of all real and personal property belonging to the United States."

I deny that it means that the Congress has power to legislate upon the political rights of the citizens, or to legislate upon the right of private property. And the decision of the Supreme Court of the United States, in the case of *Dred Scott vs. Sandford*, has thus settled the question. The law, as settled in that case by the Supreme Court, is that Congress has no power to legislate, either in the States or Territories, upon the subject of slavery; and that Congress cannot delegate to the Territorial Legislature a power which Congress itself does

not possess. This is all the Court did decide on this question, and I defy the Republican party to prove the contrary. The Constitution further declares that all powers not delegated are secured to the States and to the people; and from this I claim the right of the people in all the organized Territories to legislate on their domestic institutions, slavery included, provided they do not violate the Constitution of the United States. I say this power is not derived through Congress, either directly or otherwise—it is the birthright of every American citizen, to the manor born. It is the right of self-government, the source from which our Republican institutions spring. Is it possible, Sir, that I, an American citizen, with the right of self-government while I remain in the State of my birth, can be deprived of that right by going out of the State and settling in a Territory of the United States? At one moment, I am a citizen of the United States, with the right of self-government, and the next, I am a mere subject of the Central Government at Washington by entering another portion of our common country. Am I, then, a colonist?—to be governed without representation, and compelled to obey and abide by the laws of Congress, in matters wholly relating to my domestic affairs? If Congress has the right to say what kind of property I shall own, it has the same right to say what kind of food I shall eat, when I shall be married, and by whom my children shall be baptised. It appears to me that our fathers gained but little by throwing off the British yoke, if they afterwards established in the Central Government such a power as this over any portion of the American people. It is a tyranny, Sir, worse by far than any exercised by the British Government over the American Colonies. We claim this power of self-government, independent of Congress, or any other earthly government; it is innate to the American people. It never has been surrendered to the National Government, and never can be surrendered, so long as our republican form of government lasts. I hold, Sir, the true theory of our Government to be, that each separately organized political com-

munity has the inalienable right to determine for itself what shall be property within its own territorial limits, and having so determined, they have the right to remove with their property to any other State or Territory within the United States, and there to enjoy the same rights and privileges of that community into which they removed. The citizen of a Slave State has the same right to remove with his slave property, as the citizen of a Free State has with the property recognized under the laws of his State; yet when they do so remove, they and their property are subject to the laws of the community into which they remove. The Southerner has the right to carry his slave property to a Free State; yet, the moment he voluntarily puts his property within that State, it is subject to the State law, and it ceases to be property any longer. He has the same right to remove with his slave property into a Territory, and if there is no law existing in the Territory prohibiting slavery, his right of property in his slaves remain, until the people of such Territory determine, by its own inherent rights, through its Territorial Legislature, to change the relation. Sir, the Constitution of the United States does not make or create property in anything; it only recognizes and protects property, in things made so by the local laws of the several States and organized Territories, through the sovereignty of the people—and the people of the Territories, as well as of the States, have the right to destroy property in slaves, as well as in liquors or vegetables, whenever they believe the public good demands the exercise of such legislative powers. Yet, in all such cases, the owners must either be paid the value of the property destroyed, or they must have a reasonable time to remove the same beyond the Territorial limits of said State or Territory. This plea of the Republican party of the North, and the fire eaters of the South—who equally oppose the great National Democratic party—that Congress has absolute power over the subject of slavery in the Territories, and the people of the Territories have none, is the basest of tyrannies.

What difference would it make to the people of the Territories, whether they live under the tyranny of a George Thompson, or under the tyranny of a Central Government at Washington? Our fathers fought to break down the power of the British Government, for but little purpose, if they established, by the Constitution of the United States, a power in Congress over any portion of the American people who should settle in the Territories of the United States, a worse species of tyranny than any of the American Colonies suffered from the British Government.

Sir, look at it in another light. Will you right have the Republicans of Iowa send Colonel Curtis to Congress to represent the people of Kansas or any other Territory, but that of the State of Iowa? Whose sentiments does he represent? the sentiments of the people of Iowa or Kansas? Our views of slavery may be very different from theirs. We may not want slavery—but have we any right to say to others, they shall not have it? Suppose, Sir, a majority in Congress were composed of men who believed slavery to be a blessing, and the people of a Territory should believe it to be a curse, and yet Congress should enact a law establishing and protecting slavery there against the will and wishes of the people? Suppose that majority should say, "We know what is best for you, and you shall have slavery whether you desire it or not"—would it not be an outrage on that people? Yet, they would have the same right to establish, as the North has through its representatives to prohibit, if a majority should desire it. Southern men are citizens of the United States, well as we, and as such have the same rights and privileges, in every portion of this country.

Yet, there is another view of this subject, which I can only touch upon here. I have no time to argue it in full. I admit that Congress has power, in view of the settlement of the Territories, to extend its laws over it, temporarily, until the people can organize and elect their own Territorial Legislature, through such Legislature make such laws as they may choose to live under.

it inconsistent with the Constitution of the United States. Yet this is a power of necessity, not a power conferred by the institution of the United States. It is necessary to protect life, liberty and property during the transition state of a people, and before they have become organized into a separate political community. And it being a power of necessity, it ought not to be exercised longer than the necessity exists, and only for the purpose which the necessity requires. It is a tyrannical power, and being such, it can never be tolerated longer than absolutely necessary among a free people. Suppose, Sir, that the opposition party in the Democracy, North and South, could get a majority in Congress—suppose, I say, you Republicans should get to power, and should demand the passage of a law by Congress prohibiting slavery in all the Territories of the Union; and the Southern fire eaters—who oppose the real Democracy, like yourselves—should demand that Congress should enact a slave code to *protect* slavery in the Territories. You both intend that Congress has power upon the subject, and ought to exercise it.—Where would arise what I conceive to be an irrepressible conflict, a dead lock. That, then, is to be the consequence? You, having a majority from the North, could pass a law prohibiting slavery, or the heads of your Southern allies, in opposition to the true Democracy of the country. Then the South would withdraw from the Congress, and the Union perhaps be dissolved. Take another view of this subject, Sir. Let the citizens of the North and South go into the Territories, each taking with them the property recognized under the laws of the different States from which they removed; and let the freest votes of the whole people decide for themselves what sort of domestic institutions they will have. Climate and productions will soon settle the question to what kind of labor will be best for the people.

Sir, I hope Republicans do not wish to obtain power in the National Government solely to run their arms into the National Treasury. The whole basis of

their party organization, is the right and duty of Congress to legislate over the persons and property of the citizens in the Territories. This power they can not exercise, even if they have control of the National Government, as will be more clearly seen by reference to the decision of the Supreme Court of the United States, in the case of *Dred Scott vs. Sanford*. I read from that decision:

"The powers over persons and property of which we speak, are not only not granted to Congress, but are in express terms denied, and they are forbidden to exercise them; and this prohibition is not confined to the States, but the words are general, and extend to the whole territory over which the Constitution gives it power to legislate, including those portions of it remaining under territorial government, as well as that covered by States. It is a total absence of power, anywhere within the dominion of the United States, and places the citizens of a Territory, so far as these rights are concerned, on the same footing with the citizens of the States, and guards them as firmly and plainly against any inroad which the General Government might attempt under the plea of implied powers. And if Congress itself cannot do this—if it is beyond the powers conferred on the Federal Government—it will be admitted, we presume, that it could not authorize a Territorial Government to exercise them."

Again, this Court say, in their opinion—

"That the power of Congress over the persons and property of citizens can never be a more discretionary power under our Constitution and form of government. The powers of the government, and the rights and privileges of the citizens, are regulated and plainly defined by the Constitution itself."

The same doctrine is held and declared, in substance, by Chancellor Kent, in his commentaries, when writing on slavery in the United States, and the powers of the General Government, under the Constitution. This learned author says:

"The power to interfere (on the part of Congress) with the internal affairs of a Territory of the United States, is not conferred by the Constitution but is one of necessity, and ought only to be employed while the necessity exists, to protect the people from anarchy during the transition state, and before they have time to enact their own laws to protect themselves."

And here, Sir, is my only objection to the Kansas-Nebraska bill: It does not go far enough. It is the right sort of legislation, and in the right direction.—It should, in my opinion, have gone further, and declared that so soon as the people of the Territories have elected their Territorial Legislatures, and other proper officers, and made laws for their own government, so far as the same related to their own persons and property, then the provisions of the organic act should cease to operate in said Territory. The people should be restored to their original rights of citizenship, and

not remain in a colonial condition to the Central Government, as our Fathers were to the British Government before the Revolution.

Sir, let me tell you, when the Democratic party, in their National Convention in 1856, declared in their platform that the people of the Territories, like the States, had the right to regulate their own affairs in their own way, subject alone to the Constitution of the United States, they enunciated a great principle, yet not a new one. It was recognized in the Revolution, and sacredly guarded by our Fathers in forming the Constitution of the United States. Mr. Buchanan was nominated and elected on that platform; I voted for him cheerfully; in doing so, I but maintained a great principle of free government, against the old Federal doctrine incorporated into the Republican platform adopted by that party the same year, which is, that Congress has sovereign power over the Territories. I deny that absolute sovereignty exists in this government anywhere but *in the people*, the great source of all power. They have never parted with this power of self-government, and they cannot have it wrested from them, except by the destruction of the fundamental doctrine of our Republic. The Republican party of the North, and the extremists of the South, both stand on the same platform; they agree that Congress can legislate on the subject of slavery in the Territories; and they disagree only as to the *manner* how Congress shall legislate. The true National Democratic party of the Union disagree with each and all of them on this question. I do not say that Mr. Buchanan is dishonest; yet, Sir, he is mistaken, and misled by a wrong interpretation of the decision of the Supreme Court, in the case of *Dred Scott vs. Sanford*. Some of the ablest lawyers in the country differ in their interpretations of that decision. Reverdy Johnson, of Maryland, one of the ablest lawyers in the Union, differs with Mr. Buchanan. Mr. Johnson was one of the attorneys who tried the case before the Supreme Court. He said, in his legal argument, published in the *National Intelligencer*,

that the question whether the people have the right to legislate on the subject of slavery in the Territories, by virtue of their own sovereign power, did arise in the case, and consequently the Court did not decide it. He is decided in his own opinion that they can so legislate. This is purely a legal question, and while I admit that Mr. Buchanan is an able statesman, I do not consider him a very great lawyer. Sir, I believe Buchanan is mistaken in his construction of the decision of the Supreme Court of the United States. Hence the change in his opinions as expressed in his letter of acceptance of the nomination for Presidency on the principles of the Cincinnati platform. In that letter he distinctly announced that he believed that the people of the Territories, like the States, had the right to legislate on the question of slavery, as well as on other questions of domestic policy. Such, everybody, North and South, know to be the true intent and meaning of the Cincinnati platform, and this construction was never disputed, until Buchanan's Attorney General, (Blair) and a few extreme men of the South thought they discovered a different doctrine in the decision of the *Dred Scott* case, but which in truth never existed, and has never been countenanced by the great National Democratic party of the Union.

Sir, I intend to prove to this committee, this night, that the great leader of the Old National Whig party also held and maintained the same opinion on this question of slavery which the Democracy of the Union now maintain. I love the principles of that Old Whig party; I belonged to it from my early youth, and I spent my early manhood in its support. I will not abandon its traditional principles on this question because I am living in a Free State, surrounded by Northern Abolitionists. Sir, the great mass of my former personal friends have abandoned their former conservatism, and gone over to that honorable faction of Abolitionists, who both the Whig and Democratic parties formerly denounced as a fanatical, ultra idea party—yet they say they are

me to-day as they were formerly.

Sir, this same question arose, on the admission of the States of Arkansas and Missouri into the Union. What was a course taken by the Old Whig leaders? I now propose to read from a speech delivered on that occasion by the honorable John Quincy Adams. It may be found in the first volume of Benjamin's Thirty Years in the United States Senate, page 630.

I cannot, consistently with the sense of my obligations as a citizen of the United States, and bound by my oath to support their Constitution, I cannot object to the admission of Arkansas into the Union as a Slave State. I do not propose, or agree, to make it a condition of her admission that a convention of her people shall expunge an article, (which prohibits the State Legislature from abolishing slavery in the State), from her Constitution. She is entitled to admission as a Slave State, as Louisiana, Mississippi, and Alabama, and Missouri, have been admitted, by virtue of that article in the treaty for the acquisition of Louisiana, which secures to the inhabitants of the ceded territory all the rights, privileges and immunities of the original citizens of the United States. It stipulates for their admission conformably to that principle into the Union. Louisiana was a territory where slavery was the established law of the land. As Congress has not power in time of peace to abolish slavery in the original States of the Union, they are equally without the power in those parts of the territory ceded to the United States by the name of Louisiana. Slavery is in this Union the subject of internal legislation in the States, and in peace is cognizable by Congress as it is tacitly tolerated and protected where it exists by the Constitution of the United States, and as it exists in their intercourse with other nations. Arkansas comes, and has the right to come, into the Union, on her slaves and with her slave laws. It is written in the bond, and however I may lament that it ever was so long, I must faithfully perform its obligations. I am not to receive her as one of the Slave States of this Union.

I say, Sir, you Old Whigs, now Republicans, have found a new political path from that of J. Q. Adams; you say, no more Slave States, and you demand that Congress shall prohibit slavery in this very territory of Louisiana, (Kansas and Nebraska.) Mr. Adams declared that he was bound by the bond and his oath to support the Constitution of the United States; you, Sirs, have taken the same oath, and are bound by the same bond—but you seem to care for either, in your hot haste to reach the spoils of public plunder. You say Congress has power to exclude slavery from any and all the Territories of the United States. How do you now stand?

John Quincy Adams, your former leader? He says it is in the bond; says that the inhabitants of the Territory of Louisiana (which includes Kansas and Nebraska,) have the right to come into the Union with their slaves

and their slave laws, just as the original Thirteen States came into the Union. Did not those States come into the Union as Slave States? It is written in the bond, and you are bound by your oaths to abide by the obligation. I appeal to you Republicans on this floor to pause in your mad career; you are violating the principles of the Fathers of the Republic; you are trespassing on the Constitution of your country; you will destroy the Union of these States; and with its destruction, the highest hopes of the great and good, not only of our own country, but of the world.—You say the South will not withdraw—yet I answer you, they will; they must do so, to save their honor and their liberty, if you persist, through your numerical strength, to deny them equality, and their just Constitutional rights. Five noble Free States have been made out of territory voluntarily donated by the State of Virginia to the National Government, and which Daniel Webster said, in 1850, had brought over eighty millions of dollars into the National Treasury. Let me ask you, Sirs, and the whole people of the Free States, to do unto your Southern brethren as you would have them do unto you.

You say the South has governed us from the foundation of the Republic.—This is not so. But, Sir, as I remarked a few days since in a debate on this question, if the South shall govern the country as she has governed, in such men as Washington, Jefferson, Madison, Monroe and Jackson, let her govern forever. I care not to get hold of the purse strings of the nation; I care not for office—but I do care to defend our free institutions, and the Constitution of my country, which our Fathers gave to us, and which I desire to leave unimpaired to my children, when I am gone. And, Sir, I will defend them with my latest breath.—[Applause.]

Sir, let me call your attention to your opposition to slavery. It has always existed: treat it as did Webster and Adams, and Clay; treat it as the Fathers did—let it bide its time. Sir, what are you to do with the slaves if you free them? The value of the slave property

in the United States is estimated to be two thousand millions of dollars. Sir, on the principle alone of dollars and cents, can you blot out of existence that amount of property without bankrupting the country? Sir, if the half of this amount of property in the Free States was suddenly burnt up, what would become of this people? It would bankrupt them all. What will you do with Louisiana, where five or six slaves exist to one white? Sir, would not there be an "irrepressible conflict" between the races?—would not one subject the other? Either the white would subject the black race to slavery again, or the black subdue the white. Is not the Negro a man?—though the lowest order of the human race. The European is the superior of the Negro in every attribute that assimilates man to his God. Will you turn the ignorant Negro loose, with his brutish nature, upon the white women of the South?—the blood-thirsty negro, to murder the white women and children of the South. Look at the history of St. Domingo, where women and children were indiscriminately murdered by brutal Negroes. Are you prepared to let them loose from their bondage, and to witness like scenes in the fairest portion of our Union?

Another thing, Sir. You say we don't want them here; keep the Negroes there in the Slave States. In the name of humanity, open your doors and take them in. Would you thus debauch that noble people, and degrade that beautiful country—as beautiful as the sun ever rose upon—by keeping them there? The Negroes will either master the whites, or the whites the Negroes. When you pass through an ocean of blood, then you will see the full result of your course.

Go back, Sir, to the Colonial history of America. Who planted slavery here? Did the South, who, when the whole country was opened to slavery, did not own a ship? Every civilized nation on the globe trafficked in the Negro race. It was considered a lawful traffic. Go and consult the books. Well, after they came, who traded in them?—Massachusetts; and her ships brought them here.

When the voice of abolition of the slave trade arose in Virginia, Massachusetts and South Carolina were the most strenuous opposers. That proposition came from the South, but by your Northern shipping and traffic in Negroes you made your money, and put it into your own pockets, and to your own use. And now, that the South is involved in this matter, well may they say to you, return us our money, with interest, before you require of us to give up the property we hold.

Sir, to illustrate this matter—suppose a man sells you a horse, and you have taken care of it; the claim is preferred that the mother of the horse was stolen. Now, must you give up the horse, because the mother of it, in the hands of another, was stolen? (Applause.) What should pay back the purchase money?—the man who bought the horse, or the man who had stolen the dam? Surely not the man who bought the horse.

But, Sir, I must call your attention to what has been said by much greater men than myself. I read from the speech of Daniel Webster, the same the gentleman (Mr. Gurley) read from the other day.

"Slavery has existed in the world from time immemorial. There was slavery in the earliest period of history among the oriental nations. There was slavery among the Jew; the theocratic government of that people issued no injunction against it. At the introduction of Christianity the Roman world was full of slaves, and I suppose there is to be found no injunction against that relation between man and man in the teachings of the Gospel of Jesus Christ, or of any of his Apostles. There are thousands of religious men in the South, with consciences as tender as any of their brethren in the North, who do not see any unlawfulness in slavery—and candor obliges me to say that I believe they are just as conscientious, as of them, and the religious people all of them, as they are at the North who hold different opinions.

"There are men who, with clear perceptions, as they think, of their own duty, do not see how to escape a pursuit of one duty may involve them in the violation of others, or how too warm an embrace of one truth may lead to a disregard of other truths equally important. They have therefore none too much charity for others.

"But we must view things as they are. Slavery does exist in the United States; it did exist in the States before the adoption of the Constitution of the United States, and at that time—let us, therefore, consider for a moment what was the state of sentiment North and South in regard to slavery, at the time the Constitution was adopted.

"But I will allude to other complaints of the South, and especially to one which has, in my opinion, its foundation; and that is, that there has been found in the North, among individuals and among legislatures, a disinclination to perform fully their constitutional obligation in regard to the return of persons bound to service who have escaped into the Free States. No man fulfills his duty in any Legislature, who sets himself to find excuses, evasions, escapes from this Constitutional obligation. I desire to call the attention of all sober-minded men at the North, of all conscientious men, of all men who are not carried away by some fanatical idea or some false impression, to their constitutional obligations. I put it to all

the sober and sound minds of the North, as a question of morals and a question of conscience, what right have they, in their legislative capacity, or in any other capacity, to endeavor to get around this Constitution, or to embarrass the free exercise of the rights secured by the Constitution to the persons whose slaves escape from them?—one at all. Neither in the face of conscience, nor before the face of the Constitution, are they, in my opinion, justified in such an attempt. I repeat therefore, Sir, there is here a well grounded complaint of the South against the North. Then, Sir, there are the Abolition Societies, of which I am unwilling to speak, but in regard to which I have my clear notions and opinions. I do not think them useful: I think their operations, for the last twenty years, have produced nothing good or useful."—Speech of Daniel Webster, delivered in the U. S. Senate on 7th of March, 1850.

Sir, I have taken the time of this Committee, in reading extensively from this speech of Daniel Webster.

You will see, Sir, that instead of passing liberty bills, it is the duty of the States to do all they can to return fugitives from service. You are bound to do it, and to pass laws for it. Here I stand with Webster. It is the doctrine of the Old Whig party, and of Jefferson. Sir, *somebody has changed*. I have not. I turn to the Executive of this State. I do him no injustice, and show him no disrespect. Samuel J. Kirkwood, in the late canvass, all over this State, declared that he would not do his duty, under the Constitution and the laws of Congress, but would favor the fugitives. You have changed, Governor Kirkwood, if you were ever a Democrat. I was born in the neighborhood with him. He says he was a Democrat, but all his relatives were Whigs. I will not say he was a Whig, but his brother was, who lived and died in my county, and after his death his slaves were sold upon the block. He (Gov. Kirkwood) should have some regard for the honor of his relatives! [Loud applause.]

At that time—when Webster spoke—there were three parties: Whigs, Democrats, and Abolitionists, or Free Soil party, as they called themselves. What has become of the Abolition party? Is it, that the Whigs swallowed up the Abolitionists?—or did the Abolitionists swallow up the Whigs? I am sorry to say that the little, insignificant Abolition party swallowed up the Old Whig party, to which I belonged, head and breeches. I recollect my old friend from Louisa, (Mr. Williamson,) when only one or two Abolitionists were to be found in his county. Wasn't it so?

MR. WILLIAMSON—About a tea-party of them. [Laughter.]

MR. CLAGGETT—Now, my friend is on this floor as a Representative. Did that tea-party elect him? [Applause.]

Our party got rid of the Abolitionists. But now Governor Kirkwood has become the leader of the Republicans, I do not class them with such men as Garrison, nor with the Fire Eaters of the South. The Republican party is composed of some Democrats and many Old Whigs. I am sorry to see my old Whig friends in such company.

I read again from the same speech of Daniel Webster to which I have heretofore referred:

"As has been said by the Honorable member from South Carolina, these Abolition Societies commenced their crusade in 1835. It is said I do not know how true it may be that they sent incendiary publications into the Slave States. At any rate, they attempted to arouse, and did arouse, a very strong feeling; in other words, they created great agitation in the North against Southern slavery. Well, what was the result? The bonds of the slaves were bound more firmly than before, their rivets were more strongly fastened; public opinion, which, in Virginia, had begun to be exhibited against slavery, and was opening out for the discussion of the question, drew back and shut itself up in its castle."

Is not the same thing being done now? What is Helper's book? By whom was it written? An Abolitionist—a Republican. Why, Sir, who endorsed that book? Col. Curtis, the Representative in Congress from Iowa; Mr. Sherman, of Ohio, who has kept the United States House of Representatives seven weeks without organization. I appeal to you, Republicans, as fellow-citizens, to desist from this incendiary course towards the South.

I will now read from remarks of Mr. Clay:

"They will tell you that the Supreme Court of the United States knows nothing about the Constitution; that Congress has been violating it from 1793 down to this day. The Honorable Senator from South Carolina, (Mr. Calhoun,) who I believe holds extreme doctrines upon the subject of slavery, and considers that institution a blessing, and the Honorable Senator from Ohio, (Mr. Chase,) who holds directly opposite opinions, both unite in expressing the opinion that there is no power in the Congress of the United States to pass the fugitive slave law, and that Washington, and all of us, from the commencement of the government down to this time, have been wrong; that the Supreme Court has been wrong; and that the Congress of 1793 were wrong."—[Speech of Henry Clay, delivered in the United States Senate the 21st and 24th of February, 1851, on violations of the fugitive slave law.]

That is the doctrine of the Republican party now. Don't they tell you that the Supreme Court's decisions are worth nothing. Sir, are you not treading on

dangerous ground? I tell you that the Republican party is now more Abolitionized, than was the Abolition party of that day. I will prove it from the men from whose words I shall read before I get through.

I now propose to show whom Henry Clay considered Abolitionists—yea, ultra Abolitionists. I now read from a speech of that great Whig Senator and patriot, delivered in the United States Senate, on the 14th of January, 1839:

"It is well known that the subject of slavery interposed one of the greatest difficulties in the formation of the Constitution. According to that compromise, no power was granted to the General Government in respect to domestic slavery, but that which relates to taxation and representation, and the power to restore fugitive slaves to their rightful owners. All other power in regard to the institution of slavery, was retained exclusively by the States, to be exercised by them severally, according to their respective views of their own peculiar interest. The Constitution of the United States never could have been formed upon the principle of investing the General Government with authority to abolish the institution at its pleasure. It never can be continued for a single day, if the exercise of such a power be assumed, or usurped. There are three classes of persons opposed, or apparently opposed, to the continued existence of slavery in the United States.

The third class are the real ultra Abolitionists, who are resolved to persevere in the pursuit of their object at all hazards, and without regard to any consequences, however calamitous they may be. With them the rights of property are nothing; the deficiency of the powers of the General Government is nothing; the acknowledged and incontestible powers of the States are nothing; civil war, a dissolution of the Union, and the overthrow of a government on which are concentrated the fondest hopes of a civilized world, are nothing. A single idea has taken possession of their minds, and onward they pursue it, overlooking all barriers, reckless and regardless of all consequences. With this class, the immediate abolition of slavery in the District of Columbia, and in the Territory of Florida, the prohibition of the removal of the slaves from State to State, and the refusal to admit any new State comprising within its limits the institution of domestic slavery, are but so many means conducing to the accomplishment of the ultimate but perilous end at which they avowedly and boldly aim, are but so many short stages in the long and bloody road to the distant goal at which they would finally arrive. Their prayer is abolition, universal abolition, peaceably if it can, forcibly if it must. I have said that immediate abolition of slavery in the District of Columbia, and the Territory of Florida, and the exclusion of new States, are only means towards the attainment of a much more important end. Unfortunately they are not the only means. Another and much more lamentable one, is that which this class is endeavoring to employ, of arraying one portion against another portion of the Union. With that view, in all their leading prints and publications the alleged horrors of slavery are depicted in the most glowing and extravagant colors, to excite the imagination and stimulate the rage of the people in the Free States against the people of the Slave States. Why are the Slave States wantonly and cruelly assailed? Why do the Abolition presses teem with publications tending to excite hatred and animosity on the part of the inhabitants of the Free States against those of the Slave States. The slavery which exists among us is our affair, not theirs; and they have no more concern with it than they have with slavery as it exists throughout the world. Why not leave it with us, as the Constitution of our country has left it, to be dealt with under the guidance of Providence as best we may, or can. I know that there is a visionary dogma, which holds that negro slaves cannot be the subject of property. I shall not dwell long on this speculative abstraction. That is property which the law declares to be property. Abolition should no longer be regarded as an imaginary danger. The Abolitionists, let me suppose, succeed in

their present aim of uniting the inhabitants of the Free States against the inhabitants of the Slave States; and on the one hand will beget union on the other. A virtual dissolution of the Union will have taken place while the forms of its existence remains. The most valuable element of Union, mutual kindness, the feelings sympathy, the fraternal bonds which now happily unite us, will have been estranged forever. One section will stand in hostile array against the other, the collision opinion will be followed by the clash of arms."

Mr. Chairman, can you not see, Sir, the doctrines and sentiments of the ultra Abolitionists, as the great Clay depicted them in his day, now being fully verified in the course and conduct of the present Republican party. If the great Orator was here to-day, to speak on the subject, would he not use the word, "Republican party," instead of "Abolition party"? I would to God he was here, to counsel back to a sense of their duty to the country, those erring Whigs who have forsaken his teachings and gone astray after strange gods; who have taken for their leaders the fanatics against whose political heresies he so eloquently and solemnly warned them.

I desire, Mr. Chairman, to call attention to another point raised in this discussion. It has been argued by some who have spoken on this floor, that if the Missouri Compromise of 1820 had not been repealed, it would have caused agitation to cease. But recur to the period of 1819, when it was solemnly agreed in Congress to admit Missouri, with a clause in her Constitution excluding free Negroes from the State. Did you admit Missouri under this compact in 1820? You did not. Mr. Clay got a committee raised, who reported to strike out the clause relating to free Negroes. Did the Northern Representatives then vote to admit Missouri, with that clause stricken out, and with the line of 36-30 as a compromise? No, she was admitted with only a few Northern votes, and by the votes of Southern men. Sir, you have refused to stand up to your agreements with the South. The South always have. When we acquired New Mexico, did you not refuse to extend the line of 36-30 to the Pacific? Mr. Douglas proposed it, and you would not agree to it. When Mr. Douglas found out that you would not, he came back to the true principles of the Constitution. What further use was there of the com-

promise of 1820? Congress then repealed the act of which you have always complained, and established in its stead the principles of the Kansas-Nebraska act, which permits the citizens of all sections of the Union to enter the Territories of the United States, with the property recognized by the laws of the State from whence they remove, and to pass such local laws in the Territories, through *their own Legislature*,—not inconsistent with the Constitution of the United States—as may seem best for them, in the management of their own domestic affairs.

But a solitary representative of all the free States who voted for the Missouri Compromise, was even again returned to Congress. Such was the opposition of the free States to that measure, let me say here to my Republican friends that your object was then, and is now agitation, and your design, political power. The same party who violated their agreement with the South in 1820, are now clamoring on account of its repeal.

Now Mr. Chairman, I will call your attention to another fact, have we fulfilled our constitutional obligations to the South in the rendition of fugitive slaves.

In the City of Boston, in the year 1851, a notorious mob arose and seized a fugitive slave, and rescued him from his lawful owner in defiance of the law, and the public officers.

Henry Clay in a speech delivered in the U. S. Senate, on the 24, of February 1851, in relation to this case used the following language:

"It has been said this is an isolated case, do you ever see the papers from Boston. I mean the Abolition papers from that city, and not only from that city, but from other portions of the country. Do you not see this Union denounced? Do you not see a declaration that within the limits of Massachusetts the fugitive slave law can never be executed? Do you not see advice given to the blacks to arm themselves, and kill the first person that attempts to arrest them, and take them back to the service from which they fled. A mob of an atrocious mob obstructed the execution of the laws in one of the most important cities in the Union."

This, Sir, is the evidence of the great Clay against your unfaithfulness to your constitutional obligations.

Again, Sir, in the case of the fugitive slave Burns, did the North fulfill their obligation and abide by the compromise

of 1850, when commissioner Loring decided that Burns was a fugitive slave.—Did not the citizens of Boston attempt to rescue him from the officers; did they not, and in doing so, murder the United States Deputy Marshal?

And year after year did the Massachusetts legislature try to turn Judge Loring out of his office as judge, for doing his duty. Twice did Gov. Gardner veto the act of the Legislature. But finally they succeeded in removing him.

On the other hand, the South have never failed to fulfill their duty under the compromises, until the North had rendered them a mere nullity on their part.

Did not Massachusetts and New York pass a law to nullify the fugitive slave law? Has not, Sir, a bill been introduced in the other branch of this Assembly for such a purpose? Sir, I give you notice, so help me God, you may pass your liberty bill, but I will put it at defiance; I will do my duty; I will go to the courts; I will resist it in all proper ways. It is wrong Sir. In Wisconsin they have passed such a law, and when the case went up to the Supreme Court under it, after the party had been released by writ of Habeas Corpus and the records of the Clerk of the court withheld, the Supreme Court tried the case on the notes of the Attorney General, deciding against the State Court, the Supreme Court refusing to be ousted in that illegal way. They decided that the writ of Habeas Corpus was wrongly issued.

Mr. Clay declared those who were opposed to admitting in the Union any more Slave States, and who were in favor of prohibiting slavery in the Territories, and making their cause political to be ultra abolitionists. Mr. Chairman, is not this position assumed by the present Republican party? Do they not make their cause political? Do they not seek to divide the North from the South, on geographical lines, on the right to prevent any more slave States being admitted into the Union and to prohibit (through Congress) slavery in the Territories.

And here let me call your attention to the Farewell Address of the great and

good Washington. He has in this paper depicted with a prophetic pen the present position of the Republican party, and warned us against the danger of such a party. He said in this address, in contemplating the causes which may disturb our Union, it occurs as a matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations, Northern and Southern, Atlantic and Western where designing men may endeavor to excite a belief that there is a real difference of local interest and views—one of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and views of other districts, *you cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations, they tend to alienate from each other those who ought to be bound together by fraternal affection.* All obstructions to the executions of the laws, all combinations and associations under *whatever plausible character* with the real design to divert, control, counteract or arrest the regular deliberations and actions of the *constituted authorities* are destructive to these fundamental principles and of *fatal tendency*.

Thus spoke the patriotic Washington, this is his language addressed to us today. I beseech the Republicans to take heed to his warning councils.

I desire, Sir, in a few words to draw the attention of the Committee to this Inaugural of Gov. Kirkwood. What says Governor Kirkwood? He says emphatically and expressly that the Democratic party falsify the position of the Republican party for a purpose. Was he justified in coming before the Legislature here, and in saying to the people of this State—the half of them at least—that they falsify for a purpose. If I falsify for a purpose, then I lie deliberately. It is as if he had said to the Democratic party, that they have deliberately lied. Is that proper language to use to one half of the people of this State? Sir, look at it, I intend to analyze this inaugural. Is it not an insult to the Democratic party? Did he not deliberately

write it? Did he not deliberately say that the Democratic party falsify for a purpose. Because we honestly differed with him. Is this the language to be used to the people's representatives?—Sir, I treat it as an insult. Had it been offered in the streets, where I could have repelled it, I would have done so in a different manner. (Applause.) If we had access to the courts, we could answer in a different manner. It was wrong to come into this Hall, and attack us here. It was not the time and place to speak on this subject, if it was true he should have thrown over us the mantle of charity. As Henry Clay said when Mr. Hale of New Hampshire charged that the North was bought up, I will not believe it.

When Gov. Kirkwood referred to John Brown, why did he not say that the people of Iowa were opposed to his course, and there leave the matter? Why say one word against John Brown and five for him? Why did he send thus abroad his misrepresentations of our people?—We don't believe John Brown was right in going down into Virginia and killing her citizens. What was his purpose in going there? "Disinterested" means without reward. What was the purpose of John Brown? To run off slaves—he said that was his purpose—and to put arms into their hands to kill their masters, as the means of their rescue from slavery. Was not that the purpose of Brown's raid into Virginia? which purpose at least the Democratic party of Iowa oppose. Gov. Kirkwood has published it abroad that a large proportion of our people do not oppose running off slaves and putting arms into their hands to kill their masters. Hence I feared that we should be misrepresented before the country.—And as the representatives of the Democratic party on this floor, we have put our protest on record against this inaugural. That was not the time for such defence of John Brown; no defence or excuse can be rightfully made for him. There is a portion of the Republican party who sympathize with Brown, and Gov. Kirkwood is the leader of this class. It is a fair presumption that he is one of them. I say he does not even fairly represent

is own party. In my own county these fanatics are wild and violent in their opposition to slavery. They draped their churches in mourning, and had prayers against Virginia, and applauded John Brown. But I should not blame the majority of the Republicans for the acts of these men, if they had not been approved of by the party.

But we have history on this point. Mr. Chairman, there has been a Republican convention held here, lately, for the election of Republican delegates to their National Convention at Chicago, and W. Penn Clarke is chairman of the delegation to represent the Republican party of this State in that body. I have known Mr. Clarke for ten years. Sir, he was an abolitionist, and prominent in that party for ten years before the formation of the Republican party. There was a meeting at Iowa City, in 1850—a mass meeting of all parties—to sustain Senators Dodge and Jones for their course on the passage of the fugitive slave law. Penn Clarke was there, and divulged his abolition doctrines till he was thrust out of the meeting by Whigs and Democrats. Now, here, on this floor, I heard my friend, Mr. Rush Clark, a leading Republican, quote from a speech of Penn Clarke in support of Republicanism. He has more brains in two inches of his head than Penn Clarke has in all his cranium; yet he quotes Penn Clarke. But, as I said at that meeting in Iowa City, Penn Clarke was thrust out of doors, and I alone defended him, that he might express his opinions. I had no sympathy with him on his principles, but I thought he had a right to be heard in a mass meeting.

Mr. EDWARDS—(from Lucas)—Will the gentleman allow me to ask him a question?

Mr. CLAGGETT—Certainly, Sir.

Mr. EDWARDS—It is said that the gentleman, (Mr. Claggett,) in speeches made during the Scott & Pierce canvass, in several places, advocated the Wilmot Proviso. Does he advocate it now?

Mr. CLAGGETT—Never, Sir! never, at any time or place. Penn Clarke was refused a hearing in mass meeting at Iowa City, in 1850, on account of his aboli-

tionism. And when, at Chicago, there was a convention gotten up by the abolitionists for John Brown, who were there as delegates from Iowa? Wm. Penn Clarke, of Iowa City, and Jacob Butler, from Muscatine. When you, therefore, make Mr. Clarke chairman of the delegation to your National Convention, I must say you are abolitionized.—Sir, I would not say this, if I did not think you had swerved from the old landmarks of the Whig and Democratic parties.

Mr. BOWDOIN—Allow me to ask who approved the Wilmot Proviso to Oregon?

Mr. CLAGGETT—James K. Polk.

Mr. BOWDOIN—The Democratic party, then, has not changed, has it?

Mr. CLAGGETT—No, Sir, it was the same then as now. The Wilmot Proviso to that bill was a nullity. I meant to have spoken of this Wilmot Proviso, but, Mr. Chairman, I have not time to speak of it at length. Mr. Polk signed the act, though this excrement of your party was attached to it. [Applause.]

When the abolitionists in Congress proposed to attach the Wilmot Proviso to the New Mexico Bill, Daniel Webster said it was like an attempt to reenact the Law of God; that slavery would be governed by the laws of climate and productions. This, Sir, all reasonable and sensible men know. But abolitionists may be said to have neither reason or common sense.

When James K. Polk signed the bill for the organization of the territory of Oregon, he publicly declared he was opposed to the Proviso. But as it was a nullity when applied to such a territory, he would not jeopardize the passage of the act, which might defeat the organization of the territory, (it being near the close of the session of Congress). Those were the reasons, Sir, why President Polk signed the Oregon Bill, with that abolition excrement (the Wilmot Proviso) attached to it.

Sir, much has been said in this House, lately, in relation to this Wilmot Proviso, the power of Congress to prohibit slavery in the territories of the United States, and the constitutionality of the compromise of 1819-20, by which Mis-

souri was admitted as a slave State, and slavery forever prohibited in all of that country lying north of 36-30; (embracing the present Kansas territory) and Madison and Jefferson have been frequently referred to in support of the constitutionality of that restriction. I will here read from a letter, written by Mr. Madison, to Mr. Monroe, in 1820, on that question:

"The question to be decided seems to be, 1st, whether territorial restrictions be an assumption of illegitimate power. 2nd, a misuse of legitimate power; and if the latter only, whether the injury threatened to the Nation from an acquiescence in the misuse or from a prostration of it be the greater? On the first point there is certainly room for some difference of opinion, though for myself I must own that I have always leaned to the belief that the restriction was not within the true scope of the Constitution."

In 1819, when the North (for the first time in the history of this country) refused to admit a State into the Union on account of her slave constitution, Mr. Jefferson, in his now published letters, (written at the time) declared that the news came upon him like the ringing of a fire bell in the night, and filled him with alarm for the preservation of the Union. Now, Sir, with all this evidence before the country, as to the opinions of Mr. Madison and Mr. Jefferson, on this question, we find headlong Republicans falsifying history, and declaring that these great statesmen and

patriots sustain them in their treason against the Constitution and the Union.

Sir, that was the opinion of Mr. Madison, who had so much to do with the Constitution—more, perhaps, than any other man.

I will now conclude what I have to say. I will not quote Gov. Kirkwood, nor the words of General Jackson, although Jackson was a great and good man. I will quote the words of another most distinguished man, (Mr. Webster)—

"Liberty and Union—now and forever—one and inseparable."

Mr. BOWDOIN—Let me ask the gentleman, (Mr. Claggett,) before he takes his seat, whether, in case Mr. Seward or Mr. Chase is elected President of the United States, he would go for dissolving the Union, or what he would do?

Mr. CLAGGETT—Hang the Disunionists who raise the standard of Disunion, and you too, Sir! [Loud applause.]

Mr. BOWDOIN—What will become of the Democrats, if all the Disunionists are hung?

Mr. CLAGGETT—All true Democrats would remain, and you Republicans all be hung! [Uproarious applause, amidst which Mr. Claggett took his seat.]