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POLITICAL.

SPEECH OF THE

HON. H. WINTER DAVIS,

OF MARYLAND,

In the House of Representatives, January 6, 1857.

The question of referring the President's Message to the Committee of the Whole on the State of the Union being under consideration—

Mr. Davis, of Maryland, said:

Mr. Speaker: Grave perplexities have arisen in interpreting the teachings of the late election. A singular diversity of views has been revealed. Gentlemen of the same party have differed as widely as those of opposite parties. The gradually widening circle of debate has drawn in great numbers on every side. As Democrat and Republican have been crippled in the conflict, fresh friends have poured in to the rescue; and the result of every addition has been that doubt has been piled upon doubt, confusion has been worse confounded, until he who attempts to read the recent election by the recent debates in this House will find himself with authorities for any opinion, with testimony for any fact, with views confounded and unintelligible, in endless mazes lost.

The gentlemen of the Administration have exhibited some sensitiveness on the question who opened the debate. Wherever the responsibility rests, the great differences of opinion that it has elicited more than justify me, now that the debate has raged for weeks, in reviewing the field, summing up the results, and pointing the attention of the people to the great diversity with which the question they have decided, and the judgment they are supposed to have pronounced, has been interpreted. Sir, this discussion was not opened neither by the gentleman from Ohio—Mr. Campbell—or by another gentleman in the other wing of the Capitol, now not distant—Senator Wilson—. It originated neither in this House nor in the Senate. *Its first word is found in the President's Message.* He was justly fearful that the people might mistake their approval for a rebuke; that their unaided vision might not discover the comfort under the castigation, nor be quite beware that behind a frowning Providence they hid a smiling face; and therefore he wisely availed himself of his constitutional privilege to lead their tottering steps in the way he would have them go. So witless the fling, that the vanquished have reopened a closed controversy!

Far be it from me to imitate the spirit which breathes through that extraordinary document. They only can fitly apologize for it who can estimate the bitterness of a spirit broken by such a fall! I do not care to open any controversy either with its statements, its reasonings, or its scoldings, but I may be allowed to use it for instruction, and the country to profit by its teachings. It reveals some facts of sinister import. The President first teaches us:

"That as Senators represent their *respective* States, and members of the House of Representatives their *respective* constituents in each of the States, *so the President represents the aggregate population of the United States!*"

Napoleon Bonaparte said to an insubordinate Assembly, "You are only the deputies of single provinces—*I represent the nation!*" Thus, to compare small things with great, our President respectfully assigns us our lower sphere, wherein we should behave not unseemly. Be it so, Mr. Speaker. Amid all the diversities, there is one fact which no one has controverted. It was fairly stated by the gentleman from Tennessee; and is apparent on every return of the aggregate vote Mr. Buchanan ascends the chair of State against the will of a majority of about four hundred thousand of the people of the United States. If, therefore, the President represents the aggregate population of the Union, Mr. Buchanan does not represent, but misrepresents, the people of the United States.

The President further instructs us in what the people have decided in the election of Mr. Buchanan. "They have asserted," he says, "the constitutional equality of each and all of the States of the Union, *as States.*" He means that they who by their votes elected Mr. Buchanan, voted for that principle contested by their opponents, or he means nothing. If it has settled that principle, it proves *that a majority of the people of the United States are opposed to the equality of the States!*

"They have affirmed," says the President, "the constitutional equality of each and all of the citizens of the U. States as citizens, whatever their religion, wherever their birth or their residence." If so, then it proves that a great majority of the people of the United States *deny the equality of the citizens of the United States—deny their equality by reason of their religion*—deny their equality by reason of their residence—deny their equality by reason of their birth!

"They have asserted," says the President, "the inviolability of the constitutional rights of the different sections of the Union." Then a majority of the people of the United States have in the late contest been inimical to the constitutional rights of the States, and have been endeavoring to break them down!

The President further informs us that "they have proclaimed their devoted and unalterable attachment to the Union and to the Constitution, as objects of interest superior to all subjects of local or sectional controversy, as the safeguard of the rights of all, as the spirit and the essence of the liberty, peace and greatness of the Republic."

If so, then a majority of the people of the United States have declared against those great principles; they are inimical to the existence of this Constitution; they are inimical to the rights of some great sections of the country; they are bent on war and not on peace; for a great majority of the people have voted against the man who, the President says, is the symbol of this decision. Sir, if the President's opinion is right, that those great and vital principles were in contest, then the vote of the people is more full of awful potent than any they have ever cast; and the day of our dissolution draws nigh. If they were not in contest, then that message is the most ungracious sarcasm ever flung by a President on the people who lifted him above his fellows.

It is of evil example for the President to have departed, in the language of his message, from the severe courtesy, the respectful reserve, the passionless dignity observed by his predecessors in alluding to the conduct of sovereign State, or the motives of great bodies of the people in the highest function of their sovereignty. It is of all things most deplorable that, elevated above the turbulent atmosphere of a popular canvass, the President should have stooped to the region of the storm—been swayed by the passions of the strife whose excesses it was his high duty to have restrained, and that, stung by the great condemnation of the vote of the people, should have poured out the bitterness of his heart in sharp vituperation of his judges, forgotten the President in the partisan, and inflamed the passions already consuming the vitals of the Republic.

But, Mr. Speaker, the people have taught some lessons worthy of being learned—not those the President would inculcate, nor such as are grateful to Democratic hearts—yet fruitful of warning and admonition, and quite visible to the dullest eye.

It proves that a minority of the people desired to see Mr. Buchanan President of the U. States. Nobody ever doubted that.

It proves that a minority of the people were in favor of the Kansas-Nebraska act. Nobody ever questioned that.

It proves that a minority of the people approve of President Pierce's administration. Nobody ever doubted that; but nobody knows how small that minority is.

It proves that a minority of the people are content that his system of misrule may be prolonged for another four years. Nobody ever doubted that.

It proves that the minority which preferred Mr. Buchanan was so located in various States, that under the Constitution it could cast a majority of the votes of the electoral college; *and this is the only point touching that minority about which there was ever much doubt.*

It proves further, Mr. Speaker, that a majority of the people have condemned the Democratic party.

It proves that a majority of the people are opposed to the administration of Mr. Pierce which a minority propose to continue for four years.

It proves that a majority of the people of the country think it time that the misgovernment of Kansas should cease.

It proves that no diversity of interpretation can extort anything but condemnation of the principles and the purposes of the Kansas-Nebraska act from a majority of the people of the country.

It proves that Mr. Buchanan comes into power with a decided majority of the people against him; with every proposed principle of his administration condemned beforehand; with the great Democratic majority in the Senate narrowed to the very verge of a bare working majority; with the House of Representatives, so far as any experience teaches, against him; with only about one third of the Representatives from the North in his favor, and they chiefly representing minorities, and chosen by the division of their opponents; and thus that, for all his cherished purposes of mischief, his administration is paralyzed before its birth.

Still more, sir, it dissipates the sweet delusion of the dead heroes of the Nebraska act, that there was a day of resurrection for them. It demonstrates that the blast which prostrated its friends in the North was no passing squall; that no sober second thought has changed their first thought, but that a settled and unchangeable hostility through all the North condemns them to a hopeless and pitiable minority. The death wound, I rather think, has been dealt to that party which insolently boasted itself a perpetual plague to the Republic, but now—worse than the scotched snake—staggers to its grave, like a wounded gladiator, whose fall even in the hands of victory, wins for him neither pity nor a crown.

These are some of the lessons about which I think there can be very little difference of opinion. They need only the teaching of numbers. They need only to count the results of the ballot-box. They depend on no adjustment of the difference of principle between the different portions of the party. They are irrespective of the question whether the approval of President Pierce's administration was made or evaded north of Mason and Dixon's line. They still stand, no matter what meaning was assigned to the Kansas-Nebraska act anywhere. On a single count of the voices of the judges—even admitting a Northern and a Southern Democrat to mean the same thing—it appears that the great majority of the country are tired of its men, are hostile to its principles, condemn its measures, mock at its blunders, are weary of its agitations abhor its sectional warfare, and have ordered hue and cry to be made against everything bearing the name of Democrat as a disrurber of the public peace. Instead of repentance and reform under the discipline administered two years ago, the majority of the people of the country have held with alarm every element of electioneering torture applied to wring from the terrors of the country an approval, real or apparant, of the conduct of the Administration, and they have by this great vote indicated their abiding hostility to a policy which has brought the Republic to the verge of ruin. This, I take it, is the judgement of the American people—only *they were so unfortunate as to differ as to the measures of redress; and the penalty of this blunder is the continuance of that domination in the Executive chair for four years more.*

Thus condemned by the popular vote, these gentlemen of the minority are ingenious in extracting an approval of their policy and principles; but in the vain effort they revealed that the minority itself is divided as much with itself as from its opponents. While claiming an approval of their principles by the country the minority is itself wrangling as to what these principles are.

The world has long known that they were divided on every question of domestic policy—that their harmonious ranks included protectionists and anti-protectionists. The last session exhibited great internal improvement bills passed over the veto by Democratic votes. But still they boasted that on the slavery question—the shiboleth of their faith—Democrats were everywhere the same faithful friends of the southern and northern rights—alone at the North worthy of trust. *They* passed the Kansas act to vindicate the right of the South to enter Territories with their slaves: *they*, therefore, alone, are worthy of southern countenance!—*They* have wrung from the country the approval of the principles of that act; *they* have vindicated the equality of the States; *they* have asserted the right of the people of a Territory to frame their own domestic institutions; and for these things the country has conferred power on *them!*

Sir, the Kansas act was an enigma till read by the light of the late election.—What my opinions of it are is immaterial. I desire now to deal with it historically—to deduce some conclusions from the discussion that has relled around me for so long.

The Kansas-Nebraska bill was introduced, it is said, to vindicate the equality of the States, and the right of the South to carry their slaves into the Territories. That act conferred on the Territorial Legislature power "over all proper subjects of legislation;" and its framers for fear that there might be one subject of legislation that was withdrawn from their consideration, in extending over them the laws of the United States, said: "Excepting the law of 1820, which, being inconsistent with the principles of the legislation of 1850, is hereby declared inoperative and void, it being the true intent and meaning of this act"—as if there might have been doubt in the mind of the country as to what that act intended to confer on the people—"it being the intent of this act to leave the people of the Territory [ay, sir, 'of the Territory'] perfectly free to form their own institutions to suit themselves."

Early in the last session of Congress it became apparent that there was a diversity as to the object and effect of that act. As the session progressed that diversity grew wider. Those same words were carried into the Democratic platforms; they were carried into the discussions before the people; and I now desire to ask in the face of gentlemen, how far there is any conformity of views between the two wings of the Democratic party? I aver at the outset that they are as widely divided as is the Republican party from the Democratic party, and upon exactly the same question of constitutional power that rests at the bottom of the words of the Kansas-Nebraska act.

There can be no controversy, I presume, among gentlemen here as to this great fact, that the language of the Kansas-Nebraska act confers by *grant*, as the gentleman from Georgia [Mr. Stephens] so accurately described it this morning, upon the people of the Territories all the legislative powers that Congress can confer; and as the Constitution says that "all legislative power herein granted is vested in the Congress, which shall consist of a Senate and House of Representatives," it is plain that, unless the doctrine of squatter sovereignty as expounded by the gentleman from Georgia be accurate, then this Congress has conferred all the power upon the people of the Territories which can exist under the Constitution, and that they have, and can have, no power from any other source. Now the pinch arises. One set of gentlemen say, "Oh, that bill does not authorize the people to exclude slavery." Then we have explanations from the southern wing of the party that it authorizes them to exclude it only when they come to form their State Constitution. "No," say Democratic gentlemen from the North, "the language is univeral; it authorizes the people of the Territories to exercise all legislative power consistent with the Constitution, and we say that they can exercise it *now, in their territorial condition.* As a mere question of legal interpretation there can be no dispute as to the meaning of the words. There may arise a question whether Congress have power to confer that authority; but if Congress have it, then unquestionably it has been conferred.

There is, therefor, a difference between the two wings of the Democratic party. It is not, Mr. Speaker, a mere difference of interpretation. It is not a mere dispute about the legal meaning of the words they have used. It is not a mere accident of legislation, which a scratch of the pen could change. It is not something which has been sprung upon them by accident, of which they had no notice before its arrival. But upon that most delicate of all questions—that one on which the minority boast themselves the special defenders of the South, and in reference to which they say their Northern brethren are more faithful than other gentlemen at the North—on that question, and not upon the interpretation of the language of the Kansas-Nebraska bill, there is a radical, inherent, profound difference, splitting them from top to bottom, as irreconcilable as any other diversity of party views that can be exhibited in the history of the Republic. It cannot be pushed aside as a mere diversity of opinion on the Kansas-Nebraska act, because it is carried back to the very foundation of the Constitution. And then we can understand what, otherwise, perhaps we might not so well be able to understand, how it is that the Northern gentlemen of the Democratic party have supported the principles of the Kansas Nebraska act, and have united in the election of a President. Why, Mr. Speaker, the propriety of that act was not submitted to the people now at this election. That question was passed upon in the election of this Congress; and this side of the House gives the answer of the whole North as to whether it ought or ought not to have been passed. No one proposed its repeal, and the restoration of the compromise, but Mr. Dunn, and that was made a ground of attack by Northern Democrats on the Republicans. The question at the North was one of reprisal and retaliation, revenge and conquest—not defence and restoration; and Democrats and Republicans only argued the question, which of the two best represented the North in that contest for the Territories.

But then another question arose, whether there could not have been an interpretation put upon that act as would enable gentlemen at the North still to stand with the Democratic party, and cast their votes for the same man, although differing in principle, and pursuing a policy not merely differing from, but hostile to the purpose of the Southern Democrats. Therefore it is, that while at the South we have heard a universal interpretation that that act does not confer upon—that there is no power in the people of a Territory to exclude slavery—and to speak now in the face of a great majority of Southern gentlemen who were active in the canvass, and who can correct me if wrong—I say there was a unanimous interpretation by Democratic gentlemen throughout the South as to the purpose, meaning and effect of the Kansas Nebraska act—we can understand how it was that, while throughout the whole South that law was claimed as a great Southern triumph, not merely in point of principle, but in point of policy and fact, as opening a hitherto barred territory to slavery, and giving a chance for another slave State to restore the disturbed equilibrium of the Union—as something to bind the South to the Democratic party forever, for the great boon conferred upon them, the Democrats of the North could say, "We will accept with them that measure, not that we would have dared to have voted for it—not that we would have dared to have advocated it; but now that the thing is done and cannot be undone, preferring the Democratic party to any other party, and seeing their strength at the South, we are willing to aid that party at the South, and are willing to adopt the principles of the Kansas Nebraska act—*with a gloss*, yielding none of our principles, not admitting, for a single instant, that Congress has not the power to legislate upon the subject of slavery in the Territories—not breathing such a suggestion; yet we are willing to abide by the principles of the Kansas-Nebraska act, *as we shall interpret it.*" How interpret it? "It is the best measure for freedom—it breaks down all the compromises—it leaves the question open—it confers legislative power upon the people of the Territory. We will agree that the people of a Territory have power over the question of slavery. You will never hear of another slave State; we will make Kansas a free State; and therefore we are willing to abide by the principles of the Kansas-Nebraska act because, although it ought not to have been passed, it perhaps will do no harm. While our southern brethren say it is a southern triumph, we will claim it as a northern one. That will enable us to maintain our position at the North in the party, and give us the full advantage of our overwhelming power to vote slavery from the Territories." "Why," sir, in more than one handbill, and in more than one newspaper, how many it best not to inquire, it has been seen—yea, I have seen it with my own eyes, in Pennsylvania and New York, Republicans taunted by Democrats with being opposed to freedom for having voted for Dunn's bill. I saw in more than one place—in more than one handbill, proclaimed "Buchanan, Breckinridge and Free Kansas!" and the result of the colloquy which took place upon this floor between two gentlemen from Illinois the other day, shows how far authorities can agree as to what position was assumed by the Democratic party in that State.

I have nowhere here heard it asserted that it was anywhere maintained as an accepted dogma of that party at the North, that Congress had no power over the question of slavery in the Territories; that the people had no power over it in Territories; that the people ought not to exclude slavery from the territory of Kansas; that they were opposed to the people doing it; and unless there be gentlemen who can reconcile and justify all those things, then there is as great and wide a gulf in point of policy, as there is in point of constitutional principle, between the Democrats of the North and the democrats of the South. For what matters it to the South that Congress shall not interfere if another instrument is substituted which will interfere.

Is it more humiliting to the South to have a line of fair division, like that of 1820, giving part to the South and a part to the North—a line and boundary of peace forever established here by the Congress of the United States—than to be rudely expelled by a congress of Kansas squatters?—here, where she is represented by her eloquent sons; in the Senate, where she is protected by her equal vote; by the President, armed with the veto against all oppression—rather than there where she is not represented, has no voice and no veto? Or are her interests more likely to be tenderly dealt with by the rude backwoodsman or the European red republican? Or, if she may be excluded, is it not so much more to her taste, or does it comport with her dignity that a few rambling emigrants get together in a log cabin by our authority——ay, under that bulwark of southern rights, the Kansas act—and to improve the price of land proclaim that slavery shall not exist—that at the line a man in a hunting shirt, with a rifle on his shoulder and a bowie knife at his belt, shall flaunt a blotched copy of the Wilmot proviso in the face of the southern emigrant and bid him back in the name of the squatter kings—than that here, on solemn consultation, such partition be made that peace, and not war, may reign in the Republic? Does that mode of settling the matter touch the dignity of the South less; or rather does it not touch it more? Or is justice more or less likely to be done?

"Oh, but it's no consequence at all," say the gentlemen from Tennessee and South Carolina, "for if the people are opposed to slavery they won't protect it!" Indeed! then it is only more apparent that the only point of agreement between the northern and southern Democrats is in the fact that directly or indirectly, by law, or without law, they both admit slavery may be excluded. One would suppose the South had small favor to be grateful for. A right without a remedy is the lawyer's absurdity; yet for *this* the country has been brought to the verge of civil war!

Prostrated in one effort, they try their limping logic on another. Their merit and unity consist in their assertion of the equality of the States and the right of the people of a Territory to form their own domestic institutions—the principles of acts of 1850 violated by that of 1820, and restored and reinaugurated by the Kansas Nebraska act, its vivifying principle.

Sir, the President libeled the living, and his friends rob the dead to cover his nakedness. The very purpose and principle of the act of 1820 were to vindicate the equality of the States, and the right of the people to form their own constitution without control; it was signed by Mr. Monroe for that very reason; and they doubly blunder in law and history when under pretense of those principles they repeal it.

The acts of 1850 inaugurated no new principle. They were acts of compromise—giving and taking, like that of 1820—wisely suited to the *present necessity*, leaving unrepealed the laws of the central Government of Mexico, and if Congress could pass them, in full force as laws of Congress—just as the French and Spanish laws were left in full force in Florida and Louisiana, when repealed north of 35° 30' by the act of 1820.

If the acts of 1850 provided for the admission of States with or without slavery as the people might prefer, then that was the very principle consecrated forever as the law of the Republic, by the act of 1820; for the one purpose of the law of 1820 was to divide the territory between the North and the South, and by the same authority to make one part slave and the other part free territory, while a Territory; and the other thing settled in that law—and from that day down to the Kansas Nebraska act never assailed or controverted by any party known to the history of the Republic, and remaining now the accepted and conceded law of the Constitution everywhere, except among a few wild Abolitionists of the Garrison and Beecher school—was, that the people of the Territory could, and alone could, frame their own constitution when they come to form their own constitution; and that Congress could neither impose a condition precedent, nor bind by a compact their absolute sovereignty over the matter. The effort in the Missouri contest was to place an inhibition on the State of Missouri—to cause the people of that Territory to provide specially in their constitution against the existence of slavery.

It was that which was voted down—voted down as I have said before, on the immortal argument of William Pinckney, of Maryland, who then stood as Maryland would always have her sons to stand, defending the constitutional rights of the weaker against the aggressions of the stronger; whose words of glory, vindicating the absolute equality of the States against the usurpation of the United States form the fit preclude to that equal argument of the man of Massachusetts, who, ten years after, maintained the supremacy of the United States against the encroachments of States. On those cyclopean foundations have ever rested, and still unshaken rest, those two pillars of the Constitution, the absolute and inalienable equality of the States in their sovereign functions, and the equally absolute supremacy of the United States within the sphere of their conceded powers; the one unquestioned, except by the Democrats of the State-rights and secession school, the other never violated, except—by whom?—by the Democratic party in their Texas resolutions—which imposed, carelessly or deliberately, but expressly, upon future States—yes, States by name and not by implication—the very inhibition which Pinckney and Clay excluded from the statute book by the act of 1820—the gentlemen of that party who now impeach that great act, and its great authors, of violating the equality of the States, and invading the right of the people to form their own constitutions, for unless the act of 1820 *did those things*, the Kansas act is *defenceless and senseless.* Sir, are they content to have pulled down the monument, and decorate themselves with its rifled trophies, without staining the memory of the great dead with the reproach of the very thing they prevented others from doing?

But, they say, if there be differences, yet we agree in this—not to agitate the question *in Congress*—forsooth where their divisions are inconveniently visible and bring scandal at the South—but to refer it to the Territories, where the two wings can privately fight it out! How will the two wings of the minority silence the majority? Or is the President's message an illustration of their silence? or do they expect the North to keep silence before it? or are they ignorant that they would die of silence in a year?

These were not the purposes of the Kansas act, Mr. Speaker, in my opinion. I think it was an electioneering manouvre. That has been, at least its effect, and its only effect. To the South it has secured neither a Territory nor a State, nor a constitutional principle, nor peace. Its authors tear each other about its meaning, and pursue diametrically opposite purposes under its cover. They have accomplished nothing but to reopen a dangerous agitation—to bring themselves into hopeless minority, crippled by internal divisions.

There is another lesson taught by this election. The Democratic party has ceased to be a homogenous body. It is bound together by no unity of principle. It is a conglomerate of incongruous material—Whigs, and State-rights men, and Secessionists, and Democrats, and Anti-Nebraska Democrats, and Free-Kansas Democrats, and Free Soilers, and Union men—not a Mosaic, for that is a work of art—but huddled together by the confusion of the conflict. The Irish brigade stood firm and saved them from annihilation; and the foreign recruits in Pennsylvania turned the fate of the day. They have elected, by these foreigners, by a minority of the American people, a President to represent their divisions!

The first levee of President Buchanan will be a curious scene. He is a quiet, simple, fair-spoken gentleman, versed in the by-paths and indirect crooked ways whereby he met this crown, and he will soon know how uneasy it sits upon his head. Some future Walpole may detail the curious greetings, the unexpected meetings, the cross purposes and shocked prejudices of the gentlemen who cross that threshold. Some honest Democrat of the South will thank God for the Union preserved.

A gentleman of the disunionist school will congratulate the President on the defeat of Mr. Fillmore, whose quiet administration might have postponed the inevitable day. The slavery propagandist will vaunt his triumph over the su-