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REMARKS

OF

HON. WILLIAM D. KELLEY,

OF PENNSYLVANIA,

IN OPPOSITION TO THE EMPLOYMENT OF SLAVES IN NAVY-YARDS, ARSENALS,
DOCK-YARDS, ETC.,

The bill to secure freedom to all persons within the exclusive jurisdiction of the Federal Government being under consideration in the House, May 9th—

Mr. KELLEY said:

Mr. SPEAKER: The gentleman from Maryland, [Mr. CRISFIELD,] who has just taken his seat, asks whether we believe the people of fifteen States will stand such legislation. Sir, if the Union is to stand, if the Constitution is to be the supreme law of the land, the people of fifteen States, and of thirty-four States, will stand such and all other legislation until it can be tested before the Supreme Court of the United States; and if sustained as constitutional law by that court, the people of all the States will be made to stand it by the power that is now crushing out the great rebellion that was to have overthrown the Constitution and put the advancing civilization of the age on the countermarch towards barbarism.

The time of settling what legislation the people will stand by trial of arms is about drawing to a close, and that line of argument which has been used here for the last thirty years to frighten doughfaces should, in my judgment, disappear from this Hall. I voted against laying this bill upon the table; also against the demand for the previous question. I neither wished to avoid the issue it tenders nor force the bill through with undue haste. It is an important bill, and contains provisions of great importance to the country, and of special import to the people of the States to which it more peculiarly applies. I felt, therefore, that it should be discussed deliberately and thoroughly, that gentlemen might vote on it under conscientious and enlightened conviction, but do not think it should

be disposed of under the influence of threats that certain people will not stand it.

Sir, the Constitution of the United States, as I understand it, does not involve the power to create slavery anywhere, nor to abolish it in any State; the doctrine taught me by the founders of the Republic—they who framed our institutions and gave us our early laws, and who administered them so wisely as to furnish precedents for which all good and just men are grateful—is that slavery is a local institution, belonging to the State and under the supreme control of the people of the State; but that as to territory it is otherwise. Article four of the Constitution gives express power to Congress—

“To dispose of and make all needful rules and regulations respecting the Territories and other property belonging to the United States.”

The precedents and precepts of the fathers are uniform to the point that if we acquire territory of which freedom is the law at the time of the acquisition, Congress cannot, nor can the people of the Territory while it continues in a territorial condition, establish slavery therein. To this doctrine there is no single exceptional precedent.

But to the converse of the rule there are exceptions. They, perhaps, serve only to illustrate the general rule. The case I now remember is that of the Territory of Orleans, to be found in the Statutes at Large for 1803-4, if my memory is accurate. But, as I was saying, the rule is that where slavery is the law of territory when we acquire it, Congress may not abolish it; but it shall be left to the people of the Territory, not as citizens of the Territory, but when they come to frame a State government, to decide for themselves whether slavery shall be continued in such State, or abolished. Such I understand to have been the unquestioned law of the land till 1847,

or thereabouts; and under the administration of that law our country enjoyed peace and a measure of prosperity unexampled in the history of nations. And, sir, the disturbance which has been the bane of the country for the last fifteen years, and has at length culminated in rebellion, had its origin, not in anti-slavery agitation, but in a system of unholy agitation for the overthrow of these well-settled and beneficent principles of constitutional law.

I adhere to-day to these doctrines. To defend them I abandoned the quiet and dignified duties in which I was engaged. My love of them brought me into the excitement of political life, and they will guide me safely through. Mr. Speaker, a new question, on which my judgment is not yet well settled, has been forced upon our consideration by the people of the South. It is, whether State rebellion is not State suicide. It is not clear to my mind that when the sovereign people of a State have, in convention assembled, solemnly proclaimed not only their want of fidelity, but their actual hostility to the Constitution; suppressed the courts of the United States, closed its custom-houses and post offices, and seized its forts, arsenals, navy-yards, &c.; established a system of laws independent of, and unknown to, our Government, and by force of arms removed from their territory every insignia of its power; whether, I repeat, under these circumstances, the State government has not been so completely destroyed that we should look upon the land it embraced as territory over which the power of the United States extends, I am not prepared to say; and until I come to a more definite conclusion on this question, I am willing to act upon the principle that we cannot interfere with slavery in the several States as we have known them.

But does that prevent us from legislating over land ceded to us by any one of those States, and over which, by the express terms of the Constitution of the United States, Congress has exclusive jurisdiction? I do not see that the two questions are at all connected. And I understand that this bill addresses itself only to those portions of the States over which the United States is given exclusive legislative power by section eight of article one of the Constitution:

“Congress shall have power to exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.”

Mr. CRADLEBAUGH. I rise to a question of

order. Yesterday and to-day were set apart for the consideration of territorial business. The people of the Territory which I have the honor to represent are interested in several of the bills which have been reported. They are and have been suffering for the want of necessary legislation on the part of this House. I have been waiting patiently for these bills to be taken up and acted on, but I find that until this very moment they are kept out of the way by discussions of propositions in reference to the “irrepressible nigger.”

The SPEAKER. The gentleman is himself out of order. He will state his point of order.

Mr. CRADLEBAUGH. My point of order is, that these discussions in reference to slavery are not in order on this day, which is set apart for the consideration of territorial business. This discussion of the nigger has nothing to do with the Territories. Certainly it ought not to be permitted to the prejudice of the people of my Territory.

The SPEAKER. The Chair overrules the point of order.

Mr. WICKLIFFE. With the permission of the gentleman from Pennsylvania, I will make a brief statement. Since I made a remark some time ago, I have received a communication from a gentleman who is well informed on the subject. I will read what he says:

“DEAR SIR: You are right in regard to the repeal by military authority of the fugitive slave law in the District of Columbia. There are eight hundred slaves from Maryland now. Military authority arrests and detains those who attempt to recover them. Wise and Kimball, two police officers so attempting, were arrested, and after being detained three weeks, were released without explanation.”

This is what we get from the military authority here.

Mr. KELLEY. The gentleman's remarks and the communication he has thrust upon the House are alike irrelevant to my subject and the argument by which I am endeavoring to illustrate it. But, wanting as they are in pertinence, I will be glad, when I shall have finished, to hear the name of the author of the anonymous communication. The announcement will hardly add much to its value, if, indeed, it have any.

Now, Mr. Speaker, the question is whether, having exclusive legislative power over the places enumerated in the bill, we shall prohibit slavery therein. To do so is, as I have shown, clearly within our constitutional power, and I believe it to be required by the best interests of the country. I believe that the immediate passage of this law will secure future peace by excluding discussions of this subject from Congress when our flag shall

again float over every inch of our territory, and the subdued and chastened, if not subjugated people of the rebellious States shall have Representatives upon this floor.

What is this institution of slavery that it should claim our special regard and care? How has it blessed us, and what measure of gratitude do we owe it? Sir, it is saturating every acre of Southern land with the best blood of the North. It is filling our villages and towns with widows and orphans. The names of the marshes and barren fields of the slave States are sanctified to tens of thousands of northern mothers and wives as the places of the rude burial of the torn and mangled remains of their loved ones. Tens of thousands of those who, approaching manhood, were warmed by generous hope and just ambition, and upon whom widowed mothers or aged fathers hoped to lean in their declining years, will move through our streets the mutilated victims of the system of slavery. The scars and wounds of these brave youth will bear honorable testimony to their devotion to constitutional law, and proclaim to the coming generation the character and the cause of the war in which they were received. The rebellion is the result of slavery, and follows naturally enough a defeated attempt to overthrow by enigmatical legislation and judicial chicanery the well and long-settled laws, principles, and habits of the land.

The gentleman from Illinois [Mr. ARNOLD] spoke of the barbarities which the actors in the rebellion have perpetrated—how they have turned the skulls of our dead soldiers into drinking cups and their bones into drum-sticks and trinkets for ladies' girdles. Sir, such barbarities are legitimate consequences of the system of human slavery. Nature is ever true to her own types and processes; she never departs from them. The same circumstances given, she will from a cause produce the same effect in every age and country. These barbarities are, I repeat, but the legitimate fruit of an institution which makes man the owner of man, and regards the spirit of God incarnated in His earthly image as a chattel for the market. The scenes of violence of to-day are only novel in their grandeur and not in their character. We have become used to hearing of men hung or shot or otherwise murdered; of men barreled alive, and put afloat upon the swollen and swift-rolling river; of men scourged and driven from their homes and the land they had inherited from their fathers, because they did not approve of slavery, and have blushed to

think these acts peculiar to our countrymen; but they are not peculiar to this country or this day.

Look at the history of slavery in the British West Indies. Freedom of opinion was suppressed there by similar acts of barbarism. Discussion was only conducted with safety in the mother country, and it required the power of the imperial Government to make it always safe, even in England. On the islands, England's power could not give safety to him who doubted the divinity of slavery and dared utter his doubt in prayer to God or exhortation to man.

I have been reminded of all this while glancing over the pages of a recent book—Steven's History of Methodism—a book of rare interest and power, containing vivid, rapid, condensed sketches of men and incidents not often excelled in the English language. Its pages contain extracts from the journals of Wesley and his early co-laborers, so like the statements which fugitives from the South of to-day and the few last years have given, that we feel doubtful as to the correctness of their date. It is not peculiarities of the men of to-day, but the unhappy and unvarying influence of an unholy and barbarous institution from which we suffer.

I remember, sir, one who slavery murdered more than twenty years ago, for inviting the people to consider the very question involved in this bill. He was a dear friend of my early manhood, a child of genius—Melzar Gardner—a native of Massachusetts, a printer, who had started a little newspaper called the Sunbeam, in the interest of the free working men of the country. He was invited by a number of mechanics to Norfolk or Portsmouth to establish a paper there in their interest, and he moved his little all, the result of years of labor, the contents of his printing office, to one or the other of these towns. He was a mild, gentle enthusiast, a lover of his kind and of freedom, and though inured from early childhood to daily toil, he yet ranked in thought and culture with the men of learning and genius of the land. On his way to his new field of labor, in the spring of 1840, he was my guest. He issued his paper, and had published two numbers of it, when the news came that, because he had opposed the employment of slave labor in the Norfolk navy-yard to the exclusion of free laborers and mechanics, he had been barbarously murdered at the doors of that yard. The deed was said to have been done by a man of wealth and respectability; and to this day a coroner's inquest has not been called to ascertain how, when, or why that beau-

tiful and gentle spirit was so wickedly hurried to its final account.

Sir, to maintain slavery in these navy-yards and arsenals, and for the Government to give the owners of human chattles wages for their labor, is to patronize and sustain the institution—to patronize and sustain it at the cost and by the degradation of the free mechanics and laboring men of the country. All just men will agree that every laborer for the Government should receive, in his own right, a fair day's wages for every fair day's work. No one will say that southern slaves, whom it is a violation of law to teach to read, are superior mechanics to educated white men, or that the white mechanic should be forced to work and associate with the brutalized negro slave. No one will say that slaves have greater power of endurance, or that there is any reason why they should be employed to the exclusion, from navy-yards, dock-yards, arsenals, mints, &c., of white laboring men, or even of free black men, who, having earned and received wages,

would spend them for the support and education of their families. I say, therefore, that, in the interest of future peace, and in the interest of freedom and justice, we are called upon to pass this bill.

Sir, let me say here that while I am unwilling to cast a vote that shall impair the sanctity of the Constitution of the country, I am no less unwilling to cast one that shall favor slavery in any degree or direction. The Constitution does not create it; the Constitution does not in terms recognise it; it only tolerates it, and this law does not propose to interfere with that toleration. It does not propose to abolish slavery anywhere. It only proposes to say to the slave owner, "keep your slaves out of these places as employes; do not interfere with the system of free labor and attempt to force the free mechanic into companionship with your ignorant and degraded slaves, or we will protect his dignity and interests by making freemen of your instruments."

WASHINGTON, D. C.

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