

The Missouri Compromise.

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In the beginning of the nineteenth century, President Jefferson effected the transfer of Louisiana. The possession of the mouth of the Mississippi River was a commercial necessity, and Jefferson showed wisdom in seizing the opportunity presented by a fortunate combination of circumstances to secure the purchase of this magnificent domain from the French government. The acquisition of Louisiana brought incalculable wealth, power and prestige to the union, and must always be regarded as the master-stroke of policy which advanced the United States from a comparatively feeble nation, lying between the Atlantic and the Mississippi, to a continental power of assured strength and boundless promise.

The state of Louisiana having been formed from the southern part of

this great tract in 1812, that portion of the purchase north of the thirty-ninth parallel took the name of Missouri Territory.

Eastern Missouri is among the oldest settled parts of the Mississippi valley. The French founded a station here in 1720 and in 1775 St. Louis had a population of eight hundred people. Around this station immigrants, mainly from Kentucky, gathered after the cession of Louisiana to the United States.

During the negotiations and the ratification of the treaty the question of slavery did not arise. The notion that this territory would be an accession of strength to the slave power seemed not to occur to Jefferson, to his advisors or to the advocates of slavery; and although opposition to the purchase was made by the Federalists, it was not on the grounds that it would lead to an extension of slavery. This institution being found in the domain at the purchase, it had never been

hindered in its growth. It had taken firm root and was popular.

The application, early in 1818, of the densest settled part of Missouri Territory for admission into the union as a slave state, called attention to this threatening status of slavery beyond the Mississippi and caused a violent agitation of this subject which continued for over two years and was finally allayed by the famous compromise of 1820.

The Missouri question was considered by Jefferson to be the most portentous which had ever threatened the union. The parliamentary struggle which it occasioned was bitter beyond precedent; threats of dissolving the union were frequent; and apprehensions of an impending calamity were felt throughout the country. The most remarkable fact connected with the excitement which engrossed the country for more than two years was the absence of any premonition of its coming. Suddenly, without warning, the North and the

South, the free states and the slave states found themselves arrayed against each other in violent and absorbing conflict.

To see the bearing of the tremendous question raised by the desire of Missouri for statehood, we have need of a retrospect.

Property in man is older than history and has been nearly universal. Negro slavery originated in Africa, spread to Spain before the discovery of America, to America soon after, and from the Spanish colonies to the English. The Revolution found slavery in all the colonies, north as well as south, although in both sections there were conscientious convictions against the morality of the institution which in many instances were strengthened by considerations having reference to the policy of the English government.

At an early date it was ascertained that slave labor in New England was unprofitable and the number of slaves there was, at the most,

insignificant. Antislavery ideas were not, as is often affirmed, the offspring of Puritanism; on the contrary they forced their way in spite of it. The New England Puritan, deceived by his erroneous interpretation of the Scriptures, saw nothing wrong in the exportation of Indian prisoners of war, the buying of Africans and the retention in slavery of American-born children of color. In New England as in Great Britain and France, it was not by ecclesiastics, as perhaps might have been expected, but by men of education and business that the truth was first clearly discerned and a general opposition to slavery established. It is perhaps not incorrectly said that slavery came to its end by imperceptible degrees through "advance of public sentiment" and "the temper of the times".

There can be no doubt that a majority of the framers of the constitution looked upon slavery as an evil to be abated. The various

provisions in its favor eventually in that document were not in it originally, but were grafted upon it as compromises. While it was agreed that the African slave trade should be brought to an end in 1808 and the slave system was recognized as a power in the states, the use of the word slave was carefully avoided.

During the interval between the adoption of the Federal constitution and the admission of Missouri the opinion of the North upon slavery had remained the same; that of the South had retrograded. This change in the southern mind, both as to the moral and economic aspect of slavery had been wrought in large degree by the cotton plant. When the new government was organized it was reckoned only among our experimental products, the annual export not exceeding three hundred bales. But stimulated by the invention of the gin, production increased so rapidly that at the time of Missouri's application for admis-

sion to the union, cotton planting was the most remunerative industry in the country. The annual export now exceeded three hundred thousand bales. As this profitable culture was in regions so warm that outdoor work was irksome to the white race, the immediate effect was a large advance in the value of slaves. This fact had its quick and decisive influence, even in those slave holding states which could not raise cotton. The inevitable and speedy result was a consolidation of the political power necessary to protect an interest at once so vast and so liable to assault.

The South had gained great strength from the acquisition of Louisiana and the free navigation of the Mississippi. There was nothing to stop the slave system from indefinite westward extension, indeed the condition of existence for a slavocracy competing with free labor is boundless expansion. In the progress of civilization westward the

slow movement of the North was due to the fact that much of the diffusive power of the population was converted into local energy which was spent in the establishment of large towns. The southern population though numerically inferior, and settled on an equal geographical surface, surpassed the northern in rapidity of diffusion mainly as a result of plantation life. Hence we find the southern people first settling west of the Mississippi.

The Federalists' ideas of centralization were not in harmony with the times. They had openly opposed the war of 1812 which was sustained with the warmest approval throughout the South. France in her revolution had put herself forth as the representative of liberty. Jefferson who in due time became the recognized head of the Republican party accepted without reserve all her democratic ideas. His opinions were extensively adopted throughout the southern states.

Jefferson took advantage of the unpopularity of the Alien and Sedition Acts not only to throw the Federalists out of power, but even to array the states against the union. The Virginia and Kentucky resolutions, both of which were drafted by him or at his suggestion, asserted the right of individual states to interpose as against the United States.

These incidents show that there was a strong tendency to the formation of geographical parties even early in the history of the republic. Already there was politically a North and a South having the foreign affiliations of England and France respectively. Local ideas dominated over the general good.

It needed but the introduction of the Missouri dispute to band the South together in determined opposition. The political mastery of the slave states was an essential condition of the continued existence of slavery in the union. The South had, then, to pay especial attention

to the Senate, for in this body representation is independent of the population. Besides being able to paralyze every action of the House, it has several especial privileges of important character. Since the organization of the government new states had been admitted from time to time and by tacit agreement had entered in pairs, a free state and a slave state coming in at about the same time. As long as the slave-holders controlled an equal number of states, so long was the equality of power maintained, as far as it could be; and wherever the South had raised the question of slavery in any way it was now practically certain that there the slave holding interest would rule. It had the support of the whole South since self-preservation made it necessary for them to form in solid phalanx in its defense. This gives the key to the stubborn tenacity and passionate energy with which the South

fought out the Missouri struggle and all the later contests in behalf of the extension of slave territory.

On the eighteenth day of December 1818, a memorial from the legislature of Missouri Territory asking to form a constitution and state government was laid before the House. This was the first threatened turn of the scales between slavery and freedom; the first break in the order of alternate admission. When during the winter session of 1819, the bill came to be considered in the House, James Tallmadge of New York offered an amendment providing that the further introduction of slaves be prohibited and that all children born in slavery in that state after its admission should be free at the age of twenty-five.

Missouri had slavery and was determined to keep it; and the supporters of the slave interest in Congress would not for one moment consent to a restriction which

should create bars to the further increase of slaves within her borders. The Tallmadge amendment, therefore, caused an excited debate which had no sooner begun than it made clear the fact that the antislavery sentiment of the revolutionary period had entirely ceased to have any influence upon the current thought in the South. The fierce resistance to the amendment on the part of the South came as a surprise to northern people. They had not observed the progress of the change of sentiment until it was in this manner suddenly revealed to them.

"Such a restriction", said they who opposed it, "is unconstitutional, unwise and impossible to carry out. It is unconstitutional because Congress has no power to lay any restrictions on any state as a condition of its admission into the union; because, by the treaty of purchase, Congress is pledged to form Louisiana into states and admit them into the union on

the same footing with the original states. Missouri will not be on an equal footing with the original states if forced to abolish slavery before coming into the union. It is further unconstitutional because the citizens of each state are entitled to the rights, privileges, and immunities of the citizens of the several states. One of these rights is that of going wherever a man listeth with his property - a right which would be seriously impaired if the citizens of the slave states are forbidden to settle in Missouri with that kind of property which consists of slaves.

Such a restriction would be unwise; because it would shut out the southern emigrants leaving that splendid region to free state men alone. This would lessen the number of purchases of land thus causing a fall in the price of public land and in turn a reduction of the public revenues.

Such a restriction could never

be carried out, for though the people of Missouri did accept the condition and did come into the union as a free state, they could, whenever they pleased, amend their constitution and reestablish slavery — an act no one who knew them could for a moment doubt that they would do."

The other side offered the constitution as argument that negro slavery was not directly recognized by the constitution itself; that the power of the general government to exclude slavery from the territories had always been recognized, and that in admitting a new state, conditions to admission could be imposed upon it; the moral argument that slavery was a great wrong in itself, and that in its effects it demoralized the whites together with the blacks; and the economic argument that wherever it went, it degraded labor, paralyzed enterprise and progress, and greatly injured the general interest.

The discussion was throughout able, excited and even acrimonious. Henry Clay took an active part against the amendment, but his influence was unavailing in the face of the strong antislavery sentiment which so suddenly developed in the North. Both branches of the Tallmadge amendment were adopted and the bill was passed. In the Senate the antislavery amendment encountered a furious opposition and was rejected by a large majority. The House refused to recede; and amid great excitement in the country and no little temper in Congress each branch voted to adhere to its position. When adjournment came March 4, 1819 no agreement had been reached and the Missouri question was no nearer settlement than when first taken under consideration.

Thus far the struggle had been confined to Congress; but, from the moment the fifteenth Congress

expired without deciding the question of freedom or slavery in the territories, the people took it up. The whole North, without distinction of party, was roused for action. In that section no one supposed for a moment that another slave state would ever be added to the union. The once flourishing anti-slavery societies had fallen into decay, not even holding their annual convention of delegates between 1808 and 1814. Their literature had ceased to appear. There was a moral awakening following the war which did arouse the feeling that slavery was wrong but no action resulted from this feeling except the plan to colonize which was confined almost entirely to the South. The sentiment of the northern people had undergone no change. Their apparent indifference was due wholly to the belief that the status of slavery was settled. As soon, therefore, as the Missouri struggle

brought up the question of the further extension of slavery the North was violently excited.

Toward the close of the autumn public excitement which during the summer had been rising higher and higher, began to find vent in meetings and resolutions, all of which declared the true policy of the United States to be not only to prevent the further importation of slaves, but also to promote the abolition of slavery. It was decided that Congress had ample power under the constitution to prohibit the admission of slavery into any new state created beyond the limits of the original Territory of the United States; that it could make prohibition of slavery a condition of admission into the union; and that, in the case of Missouri, it was expedient to do so. Slavery was described as the greatest evil both moral and political of the United States.

South of Pennsylvania and Delaware public sentiment changed and with Maryland began instructions of a very different sort. Her representatives were bidden to use their utmost endeavors to secure for new states not only all the rights and privileges of the old states, but to see to it that the prohibition of slavery was not a condition of admission. Other states asserted that Congress had no power to dictate to the people of Missouri what principles should govern them in the formation of their constitution. Restriction of slavery was said to be an attack upon state rights.

While the people and the states were thus arraying themselves on opposite sides the sixteenth Congress opened its session. The second and most momentous Missouri controversy now began. Already the country had moved one step towards a settlement since the first discussion of the subject. Another

northern free state was now ready to be admitted as an offset to Missouri, thus restoring the old equipoise between freedom and slavery. Maine had been recently separated from Massachusetts and on the day following the reading of the President's message, Maine's memorial was presented to both houses.

The Maine bill, which afforded no point of dispute upon its independent merits, passed the House and went to the Senate. The friends of Missouri had tried in vain to bring the bills for the two states in some way together. But the point they strove for was presently gained in the Senate, for here the antislavery side being weaker, James Barbour procured a commitment of the Maine bill to the judiciary committee, whence it returned with a clause tacked to it for the unrestricted admission of Missouri. A motion to recommit and separate the

Maine and Missouri sections of the bill was lost by eighteen to twenty-five; and now commenced the great debate of the session. For the first time in our history the proceedings of the Senate awakened more interest than those of the House. The oration of William Pinkney of Maryland was the masterpiece of the session. This was replied to by the head of the antislavery party in the Senate, Rufus King.

It was now commonly recognized that as a Territory Missouri was absolutely under the legislative control of Congress. If her admission as a state was made subject to such a condition as that which composed the restriction, then the state of Missouri found itself confronted by a federal law in full force, which might be eventually declared unconstitutional by the supreme court of the United States, but upon which the state could in no way lay

its hand.

Upon this conflict the slave power entered with great incidental advantages. The President though he took no conspicuous part in the strife, was well known to favor that side as did a majority of his cabinet. Ex-Presidents Gasserson and Madison still survived, and gave their powerful influence openly in accordance with their southern sympathies rather than with their antislavery convictions. Clay, though likewise antislavery in principle, was a jealous and most efficient adversary of restriction. The natural fears of the destruction, or at least a temporary prostration, of the Republican ascendancy, through the reformation of parties on geographical lines, also tended to defeat the proposed amendment. It was generally believed that the North, if beaten in the struggle, would quietly submit; while the South, it was very clearly intimat-

ed, would shiver all party bands, and perhaps even the union itself, rather than submit to a defeat on this issue. Moreover the manner in which the question was presented was exceedingly favorable to the southern side. Its advocates, in accordance with their general policy of defending and promoting slavery in the abused name of liberty, fought their battle under the flag of states' sovereignty. The right of the people to form and modify their institutions in accordance with their own judgement, interest, feeling or conviction was the basis of their argument. Alexander Stephens in writing of this debate says, "The Tallmadge amendment presented an issue, mark you, not between the advocates and opponents of slavery, as it then existed in the states; but an issue between the advocates and opponents of principles lying at the founda-

tion of the Federal system. It presented the question of the power of the government to impose the restriction, as well as the question of the power of Congress to violate a treaty stipulation. The conflict, fierce and angry as it was, was a conflict between principles."

The debate continued until January seventeenth with the Senate still stubbornly refusing to uncouple Maine and Missouri in the pending measure. Mr. Thomas of Illinois introduced a bill prohibiting slavery north and west of Missouri. After the decision not to impose an antislavery restriction upon Missouri's admission, Thomas again brought his proposition forward in the shape of an amendment. It was held back however until February sixteenth when it was again offered in substantially the form in which it now stands as the eighth section of the act enabl-

ing the territory of Missouri to form a constitution preparatory to admission into the union. This clause is the Missouri Compromise.

"And be it further enacted, That in all that territory ceded by France to the United States under the name of Louisiana which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude otherwise than for the punishment of crimes whereof the parties shall have been duly convicted, shall be, and is hereby forever prohibited; Provided always - That any persons escaping into the same, from labor or service, is lawfully claimed, in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or services as aforesaid."

It was in this form that, after

having been referred to a committee of conference that the Missouri question was brought to a final vote on the second day of March; the Maine bill having been released by the Senate on condition that the House would accept the Thomas amendment. The President, after discussing with his cabinet the constitutional right of Congress to prohibit slavery in a territory, a right which they unanimously agreed belonged to that body; and the question as to whether the word 'forever' applied only to the territorial condition of the tract referred to, or to the states which might be erected therein, a point upon which there was a diversity of opinions, finally signed the Missouri bill March sixth.

Thus we see that the condition that Missouri prohibit slavery by its constitution, and enter the union virtually a free state, a condition demanded by the previous and present House, and the source of

the whole controversy, was completely abandoned.

The compromise had a northern basis of origin; but as actually proposed it came from those friendly to the admission of Missouri as a pro-slavery state. It was supported by the Southerners as their ultimatum. The responsibility of its final adoption, however, does not wholly rest upon a few weak or weak delegates from the North, for only five northern members voted against it.

The North thus gave its approval by an overwhelming majority to the division of the territories between free labor and slavery. It was indeed only declared that slavery should not be allowed north of thirty-six degrees, thirty minutes, but this was obviously equivalent to saying that south of this line no hindrance would be put in the way of slave holders.

In the whole controversy three constitutional questions had been

involved: the right of Congress to prohibit slavery in the territories; the right to place conditions on the admission of a state; and the right of the citizens of one state to the privileges and immunities of the several states. From a legal point of view only one positive result had been reached, and this was a point concerning which no legal question existed.

"The northern majority had indirectly renounced the right of Congress to forbid slavery as far as the territory lying south of the established line was concerned, and it had agreed to this renunciation, because the southern minority had renounced on its side, its claim to having the questions of law involved decided now in its favor, — provided its concrete demands, which it based upon its interpretation of the constitution, were complied with."

Clay has been widely credited with being the father of the Missouri

Compromise. This credit he does not deserve. He took a prominent part and one, too, which was not in accord with his early antislavery professions, but he had nothing to do with originating the compromise. The speeches he made in the course of the debates have never been reported. It is only by the replies made to him that we can gather some of the things he said. Thus we find that he most strenuously opposed the exclusion of slavery from Missouri, and any interference with it. He asserted that Congress had no right whatever to prescribe conditions to newly organized states in any way restricting their sovereign rights; he excused, in the name of humanity, the extension of slavery as apt to improve the condition of the negro; and he advanced the argument that slavery might be cured by spreading it. His leadership in disposing of the Missouri

question belongs to a later stage of the proceeding. He, as speaker, was careful to appoint, as members of the committee of conference, men who, like himself inclined to peace and a compromise; he, by a clever parliamentary trick, kept back the motion of John Randolph on March third to reconsider the vote of the previous day; and finally, it was he who after resigning the office as speaker in May 1820 returned to Washington the following winter at just the time when his services were most urgently in demand. The formal admission of Missouri was now delayed because of an obnoxious clause concerning slavery in its constitution. It is generally admitted that the final accommodation of this last disturbing element was mainly due to Clay's zeal, perseverance, skill and the moving warmth of his personal appeals. He did not confine himself to speeches addressed to the House, but went

from man to man expostulating, beseeching, persuading in his most winning way. Were these his real sentiments? Even his opponents in debate acknowledged, involuntarily sometimes, the impressive sincerity of his anxious entreaties. What helped him in gaining over the number of votes necessary to form a majority was the growing fear that the ruling party would be broken up by this quarrel, and it thus lead to the forming of new divisions.

Clay's conduct with regard to the slavery question appears singularly inconsistent and can be explained only on the grounds that his anxiety to preserve the union led him to overlook all other interests for the time, and that he was acting in accordance with the standard of statesmanship of the times. Whether he could have been influenced by personal ambition is difficult to judge, but it is certain that he retired

to private life with a larger stock of popularity than he had ever before possessed.

Would it not have been better statesmanship to force the Missouri question to a straight issue at any risk, rather than to compromise it? Viewed from the standpoint of a stern morality, the compromise must be pronounced a surrender to the slave power. It was the cowardly abandonment of a cause and occasion for which northern men might as well have drawn the sword as did their posterity forty years later. It was certain that the final struggle between slavery and free labor would ultimately come, and that slavery would perish in that struggle for it was an institution utterly abhorrent to the spirit of modern civilization and must in time be overcome by that spirit. But the time had not come. If put to the test slavery might at this time, in the struggle for life,

have destroyed the union and free institutions of America. The dissolution of the union was freely discussed among the southern members of Congress but the thought of maintaining the government and preserving the union by means of force hardly occurred to any one. It seemed to be taken for granted on all sides that, if the southern states insisted upon leaving the union, nothing could be done but to let them go. An attempt by the South to dissolve the union at this time would have been likely to succeed. The question, therefore, which at the time had to be considered was, which would be the safer policy, - to resist the demands of the South at any risk, or to tide over the difficulty until it might be fought out under more favorable circumstances? The political evil was inherent in the constitution itself, which brought states

slaveholding and non-slaveholding into indissoluble bonds, providing no radical means for assimilating their condition. The true solution of the problem, as events showed, lay in national emancipation.

In view of all this, impartial historians agree that the Missouri Compromise was a "political necessity in order to preserve the fraternal relations that should subsist between the members of a federal union"; and, that it was better "to adjourn the final struggle on the question of slavery to a time when the union feeling should be strong and determined enough to maintain the integrity of the republic, if necessary, by force of arms."

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