THE THREE COMPROMISE PLANS
1860-61

by

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Chapter I
INTRODUCTION

When the bitter first session of the 36th Congress adjourned June 25, 1860, the country was in the midst of a great political campaign. When the next session of this Congress assembled on December 3d, the nation was in the throes of the great secession movement. Lincoln had triumphed upon a platform, whose cardinal issue had been a promise to end the further extension of slavery into the territories. The Republican victory over an opposition hopelessly split three ways was no surprise to the country at large. The effect of Lincoln's election upon the South had been quite accurately foretold by Ex-President Tyler in a letter to his son, Robert, on July 22, 1860 in which he declared that the election of Lincoln would not cause the secession of the Border States but that he feared that South Carolina and others of the cotton states would secede on such a pretext. Furthermore, any attempt on the part of the Federal Government to coerce these latter states, should they secede, would result in a united resistance upon the part of the South.¹

Just prior to the state elections in October, Governor Gist of South Carolina sent a confidential letter to each of the governors of the cotton states, except Houston of Texas, informing them that South Carolina would consider her future

¹ Tyler, L. G.: Letters and Times of the Tylers: V. 2, p. 559
course in convention in case of Lincoln's election. October 12th Gist made the usual call for the legislature to meet to appoint presidential electors, and he also intimated that "... some action might be necessary 'for the safety and protection of the State.'"\(^1\) The legislature met on November 5th and the next day appointed electors for Breckenridge and Lane; but it did not, as was customary, then adjourn, but remained in session. As soon as Lincoln's election was assured, the legislature authorized the election of delegates to a state convention to be held on December 17th at the state capital. The convention assembled at Columbia on the day set, but adjourned to Charleston on account of an epidemic of smallpox in the capital city. Three days later South Carolina declared her connection with the Union severed.

South Carolina was not to stand alone and unsupported this time as in 1833. Sentiment in all the Gulf States favored a similar course now. The press in these states was unanimous in demanding immediate secession and in hurling invectives at the Black Republicans.\(^2\) In Florida, Alabama, Louisiana, and Mississippi secession was only a matter of time; but in Georgia the secession movement hit a snag for a time due to the strenuous opposition of men like Herschel V. Johnson and Alexander H. Stephens. The latter in a letter to a friend on December 31st declared that he thought that the only remedies the South needed were enforce-

\(^1\) Rhodes: *History of the U. S.*; V. 3, p. 2
\(^2\) McMaster: *History of People of U. S.*; V. 8, pp. 478-81
ment of present constitutional guarantees and a repeal by
the northern states of their Personal Liberty Laws. In
contrast to this attitude in Georgia, however, was that of
Howell Cobb; and Toombs. The latter in a telegram to
L. M. Keitt of Charleston on November 14th said, "I will
sustain South Carolina in secession .... We have bright
prospects here." The South felt that the triumph of the
Republicans meant the end of all further extension of
slavery and in that they saw or professed to see them-
selves gradually surrounded and overpowered by a rapidly
increasing free population until, eventually, slavery even
within their borders would be abolished. Little value
could they see in the Dred Scott decision when the future
judicial officers would be appointed by a party which
refused to recognize the validity of that decision. This
condition was to them unbearable; and hence, secession was
unavoidable.

In the Border Slave States opinion was seriously divid-
ed as to the correct policy to pursue. Their interests in a
material way were more closely allied with those of their
Northern brethren, and they were warmly attached to the
Union. On the other hand they were closely linked with the
Gulf States in their theories as to the powers of the
Federal government and the rights of the states. Therefore,
these states hoped for conciliation and compromise; and the
would
realization that their land become the battle ground in case

1. "Toombs, Stephens, Cobb Correspondence" in
of civil strife was an additional motive for this attitude.

In the North the widest range of opinion prevailed. The Republicans had persisted in refusing to believe that secession was even remotely possible despite the threats openly made in the last session of Congress and in the heat of the campaign as well as the increasingly ominous mutterings in the South since 1850. Seward, Wilson, and Sherman all expressed this viewpoint in Congress,—Wilson terming these threats as a "BROAD FARCE".¹ This attitude must still have been quite prevalent when Congress assembled; for on December 1st Seward writes his wife, "The Republicans who come here are ignorant of the real design or danger."² The next day he again wrote to her saying, "All in apprehension about the Southern demonstrations. No one has any system, few any courage, or confidemce in the Union in this emergency."³ The abolitionists declared they were happy to see the slave states go and would not put any obstacles in their path.⁴ However, there was a large body, undoubtedly a great majority, who hoped for a compromise of the difficulties. Part of this number, if all conciliation efforts failed, were for peaceable secession and denied the right of coercion on the part of the Federal government. But others were in hearty agreement with the sentiment of a resolution proposed in the House by Morris of Illinois on December 4th, "that we have yet seen nothing in the election of Abraham Lincoln to

1. Chadwick: Causes of the Civil War; V. 19 (A.N.S.), pp. 95,124-25
2. Seward, T. W.: Seward at Washington; V. 1, p. 478
3. Ibid: p. 478
4. Moore: The Rebellion Record; V 1, p. 15 Diary of Events.
the Presidency of the United States or from any other source to justify its dissolution, and that we pledge to each other our lives, our fortunes, and our sacred honors to maintain it."

Thus, when the scene opens on the second session of the 36th Congress, these United States consisted of a belligerent group of Gulf States, of the wavering Border States south of the Mason-Dixon line, and a leadly divided North. In the hands of this Congress rested the fate and the hope of the country.

When Congress convened on December 2nd, the Senate was Democratic--38 Democrats, 25 Republicans, 2 Americans, and one vacancy2 (from Oregon and later filled by Baker, Republican)--while in the House of Republicans had a small plurality--113 Republicans, 93 Administration Democrats, 8 Anti-Lecompton Democrats, and 23 Americans.3 Something of the temper of this body may be gleaned from a letter by Senator Hammond to his brother of Charleston in April: "I suppose there will be no crisis here this season. We have perhaps tided over that just now. But, as everybody has a revolver and the South does not intend to be surprised into hearing another Lovejoy speech, a general fight in one or the other Houses with great slaughter is always on the tapis and may occur any day .... There are no relations not absolutely indispensable for the conduct of joint business

1. C. G. 36C 25: Pt. 1, p. 6
2. N. Y. Tribune Almanac for 1860; p. 17
3. Ibid: p. 19
between the North and the South in either House."

In his message to Congress of December 4th, Buchanan said: "Long continued and intemperate interference of the Northern people with the question of slavery has at length produced its natural effects .... This (danger of destruction) does not proceed solely from the claims on the part of Congress or the Territorial Legislatures to exclude slavery from the Territories, nor from the efforts of different states to defeat the execution of the fugitive-slave law .... The immediate peril arises not so much from these causes as from the fact that the incessant and violent agitation of the slavery question throughout the North for the last quarter of a century has at length produced its malign influence on the slaves and inspired them with vague notions of freedom which destroy all feeling of security in the South and cause dread of servile insurrections." Soothingly to the South he pointed out "... the election of any of the fellow citizens to the office of president does not of itself afford just cause for dissolving the Union. This is more especially true if his election has been effected by a mere plurality and not a majority of the people and has resulted from transient and temporary causes which may never occur again .... After all, he is not to make but to execute the laws."
He then argued at considerable length that secession was not justifiable as a constitutional remedy, that the Constitution is the supreme law of the land, and that the Union is a union of perpetuity. "Secession is neither more nor less than Revolution. It may or may not be justifiable revolution, but still it is revolution." But, "Has the Constitution delegated to Congress the power to coerce a State into submission which is attempting to withdraw or has actually withdrawn from the Confederacy? If answered in the affirmative, it must be on the principle that the power has been conferred upon Congress to declare and to make war against a State. After much serious reflection, I have arrived at the conclusion that no such power has been delegated to Congress or to any other department of the Federal Government." 2

In concluding this part of his message the President urged Congress to propose to the states an explanatory amendment to the Constitution on the subject of slavery. "The explanatory amendment might be confined to the final settlement of the true construction of the Constitution on three special points:

1. An express recognition of the right of property in slaves in the states where it now exists or may hereafter exist.

2. The duty of protecting this right in all the common territories through-

1. Ibid: pp. 630-34
2. Richardson: Messages and Papers of the Pres., V. 5, p. 635-6
out their Territorial existence, and until they shall be admitted as states into the Union, with or without slavery as their constitutions may prescribe.

3. A like recognition of the right of the master to have his slave who has escaped from one state to another restored and delivered up to him, and of the validity of the fugitive slave law enacted for this purpose, together with a declaration that all state laws imposing or defeating this right are violations of the Constitution, and are consequently null and void."1

1. Richardson: Messages and Papers of the Pres.; V.5, p. 638
Chapter II
COMMITTEE OF THIRTEEN

Immediately upon the conclusion of the reading of the President's message in the Senate, Clingman of North Carolina arose and made the usual motion to print the message and then set in motion an angry debate which occupied the attention of the Senate for the rest of that day and the following one. Clingman asserted that it was not "... merely that a dangerous man has been elected to the Presidency .... but ... that the President elect has been elected because he was known to be a dangerous man." If the Union was to be saved, adequate guarantees must be given to the slave states at once which would assure them of equality in the Union.¹ Crittenden then appealed to the Senate to forbear from such further untimely remarks, but the very next day Lane of Oregon and Brown of Mississippi continued the debate in the same vein. Hale of New Hampshire replied to them that the South must submit to the election of Lincoln or war would immediately follow.²

In the midst of this debate Powell of Kentucky interposed to give notice that he would on the next day introduce a resolution "to refer so much of the President's message as relates to the present perils of the country to a special committee."³ Accordingly the next day, he introduced a resolution which as finally amended read: "Resolved, That

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1. C. G. 36C 2s: Pt. 1, pp. 3-5
2. C. G. 36C 2s: Pt. 1, pp. 9-10
3. Ibid: p. 8
so much of the President's message as relates to the present agitated and distracted condition of the country, and the grievances between the slaveholding and the non-slaveholding states be referred to a special committee of thirteen members; and that said committee be instructed to inquire into the present condition of the country, and report by bill or otherwise."¹ This was a reversion to the precedent of the committee of Thirteen proposed by Clay in 1850, which prepared the ground for the Compromise of 1850.

After the introduction of this resolution, the Senate adjourned until Monday, the 10th. The proposition was then debated until Thursday when the Senate again adjourned until Monday, the 17th. Debate was again resumed on that day, and the resolution was adopted on Tuesday, December 18th. The way for its adoption was cleared by Andrew Johnson of Tennessee suggesting that some proposed amendments which he had submitted on December 13th be substituted for the Powell resolution as the subject of general debate, in order that the proposed committee might start on its labors.² The debate preceding the adoption of this resolution had been chiefly devoted to charges and counter-charges of bad faith on both sides and to the discussion of the abstract questions of secession and coercion in which Mason, Jefferson Davis, Lane, Wigfall, and Brown for the South and Hale and Wade for the North engaged to the dismay of those working in the interest of compromise.

¹ C. G. 36C 2s: Pt. I, pp. 19, 28
² Ibid: p. 117
On the same day that the resolution to appoint the Committee of 13 was approved, Crittenden introduced a series of six proposed amendments to the Constitution and four legislative resolutions which were ordered referred to the newly authorized committee.¹ Crittenden has usually been given credit for the authorship of these resolutions, but they follow very closely a series of proposals offered by Andrew Johnson of Tennessee in the Senate on December 13th² (five days before Crittenden introduced his resolutions). Crittenden in a letter to Larz Anderson of Cincinnati on March 29, 1861 said that the resolutions "... were the result of the joint labors of, and consultation with friends having the same object in view."³

December 20th, the Vice-president announced the Committee of Thirteen as follows: Powell of Kentucky, Chairman; Hunter of Virginia, Crittenden of Kentucky, Seward of New York, Toombs of Georgia, Douglas of Illinois, Collamer of Vermont, Davis of Mississippi, Wade of Ohio, Bigler of Pennsylvania, Rice of Minnesota, Doolittle of Wisconsin, and Grimes of Iowa.⁴ Davis at once requested the Senate to excuse him from service on the committee on the ground that his own position and that of Mississippi were so well known that he would be of no value in such a position.⁵ The request was granted, but overnight his friends urged that he reconsider his course in order that their opinions

¹ C. G. 36G 2s: Pt. 1, p. 114
² Ibid: p. 83
³ Coleman: Life of John J. Crittenden: V. 2, p. 296
⁴ C. G. 36G 2s: Pt. 1, p. 158
⁵ Ibid: p. 158
might be ably represented. Accordingly the next day, the Senate on motion of Yulee of Florida, reconsidered its vote to excuse Davis; whereupon he withdrew his request to be excused. 1

An analysis of the membership of the Committee of 13 reveals that it was composed of five Republicans (Wade, Seward, Collamer, Grimes, and Doolittle), seven Democrats (Bigler, Rice, Douglas, Hunter, Powell, Davis, and Toombs), and one American (Crittenden--an old time Whig). Perhaps a better classification is one given by Jefferson Davis: "The Committee consisted of men belonging to the three political divisions of the Senate; the States-Rights men of the South; the Radicals of the North; and the Northern Democrats with one member who did not acknowledge himself as belonging to any of the three divisions--Mr. Crittenden, an old time Whig, and the original mover of the Compromise Resolutions." 2

The committee met informally on December 21st with Seward and Davis absent. 3 Seward had left Washington the week before to confer with Thurlow Weed, whom he sent to Springfield, Illinois, to discuss with Lincoln the difficulties in which the country was involved while he proceeded on to his home at Auburn, New York, to await Weed's return. Weed went to Springfield; and after a two day conference with Lincoln (December 19th & 20th), he met Seward at Syracuse and rode with him to Albany. During this

1. C. G. 36C 2s: Pt. 1, p. 182
3. Senate 36C 2s; No. 288, p. 2
Rept's
journey Weed gave Seward the gist of what he had found out at Springfield, and at Albany they separated—Seward going on to Washington where he arrived late Sunday night, December 23d.\textsuperscript{1}

On December 22nd the committee organized and started at its task in earnest. A motion offered by Davis was adopted, "That no proposition shall be reported as adopted, unless sustained by a majority of each of the two classes of the committee; senators of the Republican party to constitute one class and senators of other parties to constitute the other class."\textsuperscript{2} Having adopted this rule, the committee at once took up and considered the Crittenden propositions which had been proposed in the Senate on December 18th. Briefly summarized the proposals were:

A. Amendments to the Constitution:

1. Extension of the Missouri Compromise line of 36° 30' to the eastern boundary of California. States on either side to be admitted with or without slavery as constitutions stated. Applicable to present and future acquisitions of territory.

2. No Abolition by Congress of slavery in places under its exclusive jurisdiction and situated within slave states.

3. No abolition of slavery in the District

\textsuperscript{1} Seward T. W.: Seward at Washington; V. 1, pp. 481-484
\textsuperscript{2} Senate \underline{Representatives}; 36C 2s: No. 288, p. 2.
Rept's:
of Columbia as long as either Virginia or Maryland is a slave state, and not then unless with compensation.

4. No prohibition by Congress of the transportation of slaves from one state to another or to a territory in which slavery is permitted.

5. Compensation for fugitive slaves by U. S. government with right of recourse against offending locality whenever recovery is prevented by violence or intimidation.

6. These five amendments, the present basis of federal representation, and the guarantee of a fugitive slave law to be unalterable.

B. Legislative Resolutions:

1. Declaration that fugitive slave law is constitutional and should be enforced.

2. Recommendation of repeal by states of Personal Liberty Laws.

3. Amendment of fugitive slave law so commissioner would receive same fee regardless of verdict.

4. Rigorous enforcement of laws of suppress African slave trade.¹

¹ Senate \textbf{Representatives} 36C 2s: No. 283, p. 3
Rept's
The resolution settling the territorial question was rejected without the rule by a vote of 6 to 7, Toombs and Davis joining the five Republican members in defeating this proposal. The other five resolutions were all rejected under the rule by an unwavering line-up of 8-5, except the last resolution, which proposed to make the preceding five proposals permanent and unalterable parts of the Constitution and which had been automatically rendered useless by the votes upon the other five resolutions. It was rejected 8-4 as Grimes did not vote. The legislative resolutions were then taken up. The first, declaring that the fugitive slave law was constitutional and should be enforced, was rejected under the rule 8-3, Collamer and Seward not voting. The second, requesting repeal of the personal liberty laws, was also rejected under the rule 7-4, Hunter and Grimes not voting. The other two, calling for an amendment of the fugitive slave law and the vigorous enforcement of the laws to suppress the slave trade, were approved by a unanimous vote. It should be noted that the votes of Seward on these propositions were recorded through the unanimous consent of the committee at its next meeting, December 24th, after his return from his trip to New York and his conference with Weed.

At the next meeting of the committee December 24th, a group of three resolutions prepared by Seward after his conference with Weed were taken up by the committee.

1. Senate Rept's. 36 C 2s: No. 288, pp. 3-7
2. Senate Rept's. 36C 2s: No. 288, p. 8
These were:

1. Amend Constitution to forbid Congress to interfere with the domestic institutions of any state.

2. Amend fugitive slave law to give alleged fugitive a jury trial.

3. Request state legislatures to review all their legislation "... affecting rights of persons recently residents of other States" and to repeal or modify any of such which might be in conflict with the Constitution or the laws of Congress.

The proposition to amend the Constitution was approved 11-2, Toombs and Rice voting in opposition. The proposal for amending the fugitive slave law was altered upon the suggestion of Douglas so the trial would be held "in the State from which he fled" over the opposition of four of the Republicans (Wade not voting) and Toombs. The resolution as amended was then rejected 6-7, Douglas joining the Republican vote in favor. The third resolution, requesting the states to examine their statutes, was then rejected under the rule 7-5, Douglas not voting.¹ At the next meeting of the committee two days later Seward offered a fourth resolution proposing that Congress should pass a law to punish anyone who might engage in combinations to invade a sister state or anyone who might enter into com-

1. House Reports, No. 288; 360 2s: pp. 10-11
plicity to do so upon conviction in the federal courts in the state and district where the act was committed. Amendments by Toombs to apply the law to the inciting of insurrections within a sister state and by Douglas to extend its provisions to the territories were added despite the opposition of the Republicans. Seward then requested and obtained a division of the question on the vote for adoption. As originally proposed, the resolution was approved 9-3; but as amended, it was rejected 7-5, Douglas not voting.¹

At the committee meetings on December 24th and 26th the resolutions proposed by Senator Toombs were taken up, and all were rejected.² These were in the form of declarative clauses to be added to the Constitution as amendments and are summarized here because they ably illustrate the extreme southern view:

1. Equal right of all citizens to emigrate to all present or future territory of the United States with any property, including slaves, and to be protected in the enjoyment of that property.

2. Slave property entitled to same protection as any other property by the federal government in all its departments, although each state was to have the right to determine its own peculiar attitude in regard to slavery.

¹ Senate Rept's, 36C 2s: No. 288, pp. 13-14
3. Persons committing crimes against slave property in any state and fleeing to another were to be delivered up at once. The laws of the state from which they fled were to be the test of criminality.

4. Congress to pass efficient laws to punish those who might aid or abet insurrections in a sister state.

5. Fugitive slave law of 1850 to be enforced without any obstructions.

6. Right of veto of all proposed laws upon the subject of slavery vested in the slave-holding states.¹

Several other propositions and resolutions, which had been proposed by various senators, were taken up by the committee, but none of them seem to have been considered seriously. Neither did they embody any ideas or principles which had not been covered by the three propositions which have been enumerated above. The committee held its final meeting on December 28, agreed to report to the Senate that it had been unable to reach any agreement, and adjourned subject to the future call of the chairman.² It is interesting to note that Seward supported by Bigler, Crittenden, Douglas, and all the Republicans except Wade blocked the efforts of the other six members of the committee to request that the Senate discharge the committee and to adjourn sine die.³

¹ Senate Rep'ts, 36C 2s: No. 288, pp. 2-3
² Senate Rep'ts, 36C 2s: No. 288, p. 18
³ Ibid: p. 18
The Toombs resolutions represented, as has been said above, the extreme views of the southern states-rights men; but these were neither insisted upon nor expected to be accepted in the committee. The Seward proposals represented the limit of concession to which the Republicans were willing to go. The resolutions sponsored by Crittenden had the strong support of the border slave state senators and of the northern Democrats. They also represented the limit of concession to which the southern extremists could be expected to go. In fact, from the very first they were regarded as the necessary basis of settlement. Then, why did the Committee of Thirteen refuse to even report them out for the consideration of the Senate?

It will be recalled that the first article of the Crittenden project, proposing to settle the territorial question on the basis of the old Missouri Compromise line of 36° 30" (this was the very essence of the Crittenden proposition), was rejected, not under the rule as were the other five resolutions of the project, but by a vote of 6-7 in which the solid Republican vote was joined by Davis and Toombs.¹ It has often been contended that, since these two southern senators aided in the defeat of this essential portion of the proposition, they are to be held jointly responsible with the Republicans for its defeat. However, this argument cannot be substantiated, and ample evidence exists to prove the contrary. Neither Davis nor Toombs were the radical, uncompromising secessionists, which northern

¹ Supra: p. 15
partisans have usually pictured them. The most logical explanation of their votes in opposition to this resolution is that they were meant only as protest votes. They knew that the measure would be rejected under the rule even if they voted for it; and there were other propositions which they regarded as more acceptable, although they were willing to accept the Crittenden proposal as a basis of settlement should it command the support of a majority of the Republicans.

At a conference of the Mississippi Senators and Representatives called by Governor Pettus just prior to the opening of Congress, Davis himself declared that he opposed any step looking toward secession on the part of his state on the grounds that it would be inexpedient.¹ O. R. Singleton, member of the House from Mississippi writes of this conference in July 1877, "The debate lasted many hours, and Mr. Davis, with perhaps one other gentleman in that conference, opposed immediate and separate State action, declaring himself opposed to secession as long as the hope of a peaceable remedy remained."² This hope he had evidently continued to cherish until he was convinced after his return to Washington that the Republicans were determined to make no concessions to the South when he joined a large number of other southern Congressmen in an address to the people of the South December 13, advising "...speedy and absolute separation from an unnatural and hostile Union".³ Toombs had changed his

¹ Davis, Jefferson: Short History of the Confederacy; p. 40
² Davis, Jefferson: Rise and Fall of the Confeder, Gov't; V.1, p. 59
³ Phillips: Life of Robert Toombs; p. 205
attitude considerably since his telegram to L. M. Kiett (referred to above) in November promising to support South Carolina in secession; for on December 13, in an open letter he advised the citizens of Danburg, Georgia to adopt a policy of conciliation and caution. He declared that the secession issue should be postponed, if Congress showed any reasonable inclination toward conciliation.¹

Douglas in speaking to the Senate January 3d on the failure of the Committee of Thirteen said, "Every member from the South, including those from the Cotton States, Messrs. Toombs and Davis, expressed their readiness to accept the proposition of my venerable friend from Kentucky as a final settlement of the controversy, if tendered and sustained by the Republican members."² Senator Pugh on March 2nd stated to the Senate that "... before the Senators from the State of Mississippi left this Chamber, I heard one of them who now assumes, at least, to be the president of the southern confederacy, propose to accept it (Crittenden proposal) if that proposition could receive the vote it ought to receive from the other side of the Chamber."³

Finally, "It is reported that at one time while the Crittenden Resolutions as a whole were under discussion in the Committee, Mr. Crittenden said: 'Mr. Toombs, will this compromise, as a remedy for all wrongs and apprehensions, be acceptable to you?' Mr. Toombs with great warmth replied, 'Not by a good deal; but my state will accept it, and I will follow my state.'"⁴

¹ C. G. 36C 2s: Pt. I, p. 204
² C. G. 36C 2s: Pt. 2, Appendix p. 41
³ C. G. 36C 2s: Pt. 2, p. 1390
⁴ Phillips: Life of Robert Toombs; pp. 207-8
Hence, the Republican members of the committee must bear the blame for the rejection of the Crittenden proposals. The question is at once raised as to whether these members of the committee acted entirely on their own responsibility or whether they were partially influenced by Lincoln. It has been contended by at least one writer in this field that the Republican members of the committee would never have agreed to the Crittenden proposals even if Lincoln had have favored them. Furthermore, this writer argues they could not have been influenced by Lincoln because Seward did not arrive in Washington with Wade's verbal resume of Lincoln's attitude until after the committee had voted upon the Crittenden proposals.  

However, the facts of the case do not seem to warrant these conclusions.

Of the five Republicans, only Wade had publicly declared himself on the question of compromise prior to the meeting of the Committee of Thirteen. He had declared in the Senate on December 17th, "... that so far as I am concerned, I will yield to no compromise."  Grimes in a letter written to his wife December 16th said, "There is as you have heard much talk of compromise, but there is not the slightest probability anything will be done." And on January 28th he denounced the Crittenden and all other compromises as well in scourging terms in a letter to Governor Kirkwood of Iowa.  

"Responsibility for Failure of

1. Tilberg: Compromise of 1860", History Outlook; V. 14, p. 9
2. C. G. 36C 2s: Pt. 1, p. 103
3. Salter: Grimes; p. 132
4. Ibid: p. 134
assailed the Crittenden plan and voted for the Clark resolution, refused along with Seward to vote against these resolutions on March 2nd.\textsuperscript{1} Doolittle's relations with Lincoln were such that he would probably have followed the lead of the President elect.\textsuperscript{2} As to Seward, his sending Thurlow Weed to visit Lincoln for the express purpose of obtaining the latter's views on the questions of the hour first hand\textsuperscript{3} points to his willingness and desire to try to carry through the policies of his chief. Summarizing: Wade and Grimes would doubtlessly have opposed the Crittenden compromise proposals under any circumstances. Seward and Doolittle were willing to follow Lincoln's lead; and it is reasonable to believe that Collamer could have been swung over to a favorable attitude had pressure been exerted by the President-elect and his lieutenants. Thus, a majority of the Republican members of the committee would have supported these proposals, and they would have been approved and reported to the Senate had Lincoln waged their adoption.

The other assumption that Lincoln's stand was not known by the Republican members of the committee until Seward's return to Washington when the vote had already been taken is inconceivable. The contents of Lincoln's letters to a few Republican members of Congress during the first part of December must have made known to every Republican the President-elect's attitude. Lincoln had written

\textsuperscript{1} Tilberg: \textit{Compromise of 1860}, \textit{History Outlook}; \textit{V.14}, p. 91
\textsuperscript{2} Buchanan: \textit{Mr. Buchanan's Administration}; p. 143
\textsuperscript{3} Seward, F. W.: \textit{Seward at Washington}; \textit{V.1}, pp. 481-82
on December 11th to William Kellogg, a member of the Committee of Thirty-three for Illinois, as follows: "Entertain no proposition for a compromise in regard to the extension of slavery. The instant you do they have us under again: All our labor is lost, and sooner or later must be done over. Douglas is sure to be again trying to bring in his 'popular sovereignty.' Have none of it. The tug has to come, and better now than later." On December 13th he wrote to E. B. Washburne of the House advising him to "... hold firm, as with a chain of steel" against any extension of slavery. In a similar letter December 17th to Lyman Trumbull, Lincoln declared, "If any of our friends do prove false, and fix up a compromise on the territorial question, I am for fighting again--that is all." That these letters were received in Washington and circulated among the Republicans before the vote on the Crittenden proposals in the Committee of Thirteen is almost certain. Hence, when the Republican members of that committee voted in opposition to these proposals, they must have considered themselves as following the lead of their President-elect; especially is this true of Seward who did not register his votes upon the resolutions until after his conference with Weed. Therefore, the responsibility for the defeat of the Crittenden proportions in the Committee of Thirteen must be check ed up to the Republicans, and the responsibility for the attitude of the latter must be divided among the members of the committee and Lincoln.

1. Nicolay & Hay: Works of Lincoln; V. I, pp. 657-8
2. Ibid: 658
3. Tracy: Uncollected Letters of Lincoln; p. 171
Chapter III
CRITTENDEN PROPOSALS BEFORE THE SENATE

The most immediate effect of the rejection of the Crittenden Resolutions by the Republicans of the Committee of Thirteen was to intensify the agitation for secession in the Gulf States, most of which would be holding their state conventions very shortly. On the night after the committee had rejected these proposals, Toombs, whom it will be remembered advised a policy of conciliation and caution in his letter to the citizens of Danburg, dispatched a public telegram to his constituents, which was published in the Savannah News on December 24th. He blamed the Republicans for the failure of the Crittenden proposals, declared that they would offer no concessions or guarantees, and concluded, "... all further looking to the North for security for your constitutional rights in the Union ought to be instantly abandoned. It is fraught with nothing but ruin to yourselves and your posterity. Secession by the fourth of March next should be thundered from the ballot box by the unanimous vote of Georgia on the second day of January next. Such a voice will be your best guarantee for liberty, security, tranquility, and glory."

But, while Southern Congressmen were advising their constituents to support the secession movement and the Republicans were for the most part playing a game of "watchful, waiting", the earnest proponents of compromise

were seeking another solution of the serious difficulties facing the country. The first move in this direction was a conference of members of Congress from fourteen slave and free border states in Washington on January 3d. About seventy-five senators and representatives from the following states were in attendance: New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, Ohio, Kentucky, Indiana, Illinois, Tennessee, Arkansas, Mississippi, and Iowa.\(^1\)

Senator Crittenden was made chairman of the conference,\(^2\) and a committee to consider all proposals offered and to report a plan of settlement was named consisting of Crittenden, Harris of Maryland, Sherman of Ohio, Nixon of New Jersey, Saulsbury of Delaware, Gilmer of North Carolina, Hatton of Tennessee, Pettit of Indiana, Harris of Virginia, McClernand of Illinois, Barrett of Missouri, Sebastian of Arkansas, Vanderover of Iowa, and Male of Pennsylvania\(^3\)--sectionally; eight from the slave states and six from the free; politically: five Republicans, five Democrats, and four Americans. There now seems to be no record of the deliberations of this committee in existence. The fruits of its labor were presented to the House by Florence of Pennsylvania on January 19th,\(^4\) but they were never voted upon and were not even introduced in the Senate.

On the same day that the Border State Conference was held, Crittenden again introduced his propositions in the Senate in the same form in which he had proposed them on December 18th, except for the addition of a clause forbidding

4. C. G. 360. Es: Part 1, p. 479
the elective franchise to the negro.¹ This addition, as
Senator Crittenden acknowledged to the Senate, was taken
from the propositions offered by Douglas in the Committee
of Thirteen² and rejected there under the rule 8-5.³ But
the preamble to the resolutions as now introduced proposed
that they should be submitted to a direct vote of the people.
The reason for this proposal was stated in the preamble to
be: "... it would be difficult, if not impossible, for
that body (Congress) to concur in both its branches by the
requisite majority so as to enable it either to adopt such
measures of legislation, or to recommend to the States such
amendments to the Constitution, as are deemed necessary
and proper to avert that danger; and whereas in so great an
emergency the opinion and judgment of the people ought to
be heard, and would be the best and surest guide to their
representatives".⁴ On January 12th Bigler introduced a
bill to provide the necessary machinery for carrying out
Crittenden's proposal for taking the sense of the people.⁵
The proposal was unusual in its form, but, probably, its
best justification lies in the fact that the country had
fallen upon unusual times.

January 5th a secret caucus of Southern Democratic
senators was attended by Fitzpatrick and Clay of Alabama,
Johnson and Sebastian of Arkansas, Toombs and Iverson of
Georgia, Benjamin and Slidell of Louisiana, Davis and Brown
of Mississippi, Hemphill and Wigfall of Texas, and Yulee

1. C. G. 36C 2s: Part I, p. 237; Part II, p. 1368
2. Senate Rep't. No. 288, 36C 2s: p. 9
3. Ibid: p. 16
5. Ibid: p. 351
and Mallory of Florida. They drew up a series of resolutions recommending that their states secede at once and that they form a confederacy not later than February 15th. These resolutions were published in the Charleston papers on January 7th. In addition these twelve senators agreed to remain in Washington to look after the interests of the South. As Yulee wrote to a member of the Florida Convention: "It seemed to be the opinion that if we left here, force, loan, and volunteer bills might be passed, which would put Mr. Lincoln in immediate condition for hostilities; whereas, by remaining in our places until the 15th of March, it is thought that we can keep the hands of Mr. Buchanan tied, and disable the Republicans from effecting any legislation which will strengthen the hands of the incoming administration." A similar expression of opinion was contained in a letter written to Governor Pettus of Mississippi by Jefferson Davis the day before the caucus.

The Senate did not immediately take up the Crittenden propositions after their second introduction but continued to debate the issues of secession, compromise, and coercion in general terms. Upon motion of Crittenden the Senate on January 7th agreed to take up these proposals and to continue their consideration in Committee of the Whole until they were finally disposed of. Crittenden then addressed the Senate at some length. He pointed out that the proposed line of 36 30' would not extend slavery one foot, for it

1. American Annual Cyclopaedia, 1861: p. 125
2. American Annual Cyclopaedia, 1861: p. 128
4. C. G. 360 2s: Part I, p. 264
already existed in the territory south of that line by the
terms of the Compromise of 1850 and in all of the territory
by virtue of the Dred Scott decision; hence, the Republicans
could accept this proposal without relinquishing their stand
on the further extension of slavery. Finally, he closed with
an appeal for all parties to forget politics and to unite
in order to save the Union from certain destruction. Toombs
then took the floor to lay down, as the demands of the
South, the same resolutions he had submitted to the Com-
mittee of Thirteen and closed his speech with a bitter
denunciation of Lincoln and the Republican party.

Clark of New Hampshire gave notice on January 9th that
he would later move as a substitute for the Crittenden pro-
position a resolution, declaring "... that the provisions
of the Constitution are ample for the preservation of the
Union, and ... that it needs to be obeyed rather than
amended....That all attempts to dissolve the present Union,
or overthrow or abandon the present Constitution... are
dangerous, a illusory, and destructive." On the same day
a message from President Buchanan was read in the Senate.
He recalled his stand in his December message to Congress;
urged Congress to act immediately, if it desired to save the
Union; recommended "... the question be transferred from
political assemblies to the ballot-box, and the people
themselves would speedily redress the serious grievances
which the South have suffered."; and endorsed the essence

3. C. G. 36C 2s: Part I, pp. 268-69
4. C. G. 36C 2s: Part I, p. 283
of the Crittenden proposals. 1 Also on the same date Powell offered an amendment in the Senate to the article extending the line of 36° 30', which had the force of making this division line permanent for all present or future territory acquired on either side of the line. 2

The resolutions were not again considered by the Senate until January 15th, as every move to bring them up was successfully parried by the radical Republicans with a proposal to postpone. These tactics drew a rebuke from Douglas on the 14th in which he charged the Republicans with being afraid to meet the proposition squarely. 3 During the interval between the 9th and 15th general debate ensued. Jefferson Davis 4 and Hunter 5 of Virginia spoke in defense of the right of secession and against coercion and demanded that certain vague guarantees be placed in the Constitution as the price of the South remaining in the Union. Harlan of Iowa on January 11th replied at length to these speeches denying their charges against the North and the Republican party and demanding that the South acquiesce in the election of Lincoln. 6 Thus the senators spent the days, hurling charges and counter-charges at each other, arguing the abstract rights of secession and coercion, and refusing to consider the only feasible propositions of conciliation thus far offered, while the Union was rapidly crumbling away—on January 9th Mississippi seceded; Alabama, on the 11th; Florida, on the 12th; and Georgia, Louisiana, and Texas had

1. Richardson: Messages and Papers of the Presidents, v. 5, p. 655-56
2. C. G. 36C 2s: Part I, p. 290
3. Ibid: p. 361
4. Ibid: pp. 306-312
5. Ibid: pp. 328-32
6. C. G. 36C 2s: Part II. Appendix, nn. 42-48
joined them by the first of February.

On the same day that Florida passed her ordinance of secession, Seward addressed the Senate concerning the questions which were perplexing the country.¹ This speech was delivered without interruption before an attentive Senate and a packed gallery. A declaration of position by this man, who was looked upon both as the leader of the Republican party and the spokesman of the incoming administration, had been eagerly awaited. He began by avowing his "... adherence to the Union in its integrity and will all its parts, with my friends, with my party, with my state ... in every event, whether of peace or of war, with every consequence of honor or dishonor, of life or death."² He then declared that neither eulogisms, debates, on the power of Congress over slavery in the territories, the constitutionality of secession or coercion, nor congressional compromises could save the Union."³ I think it will be wise to discard two prevalent ideas or prejudices, namely: first, that the Union is to be saved by somebody in particular; and secondly, that it is to be saved by some cunning and insincere compact of pacification."³ "After pointing out the direful results of disunion, he turned to the question of compromise, and he offered now to the Senate what he had proposed in the Committee of Thirteen."⁴ To the South this statement of position was conclusive evidence that no satisfactory redress of grievances was to be had at the hands of the Republicans. In the North it helped to consolidate

1. C. G. 360 2s: Pt. I, pp. 341-44

². Ibid: p. 341
³. J. G. 360 2s: Part I, p. 341
⁴. Ibid: pp. 342-44
the force of public opinion against submission to either
the demands of the South or the plea for a peaceful dis-
solution of the Union. As Henry Adams, then secretary to
his father, Charles Francis Adams (Republican representative
and anti-slavery leader of Massachusetts), put it, "... It cuts
the ground right from under the feet of the agita-
tors in the border states as well as the Northern Democrats
and Whigs."¹

On the same day that Seward made his speech Brown of
Mississippi arose in the Senate and informed that body that
the senators from Mississippi, Florida, and Alabama would
not speak, vote, or take any further active part in the
proceedings of the Senate as they had received unofficial
notice of the secession of their states.² This action had
been agreed upon at a conference of the senators from these
states as Jefferson Davis explained in a letter to Governor
Pickens of South Carolina the next day. "... I was en-
deavoring to secure the defeat of the nomination of a foreign
collector for the port of Charleston, and at that time it
was deemed possible that in the Senate we could arrest all
hostile legislation such as might be designed either for the
immediate or future coercion of the South. It now appears
that we shall lack one or two votes to effect the legislative
object just mentioned, and it was decided last evening, in
a conference which I was not able to attend that the Senators
of the seceded States should promptly withdraw upon the

¹ Adams, Henry: Letters of Henry Adams: p. 79
telegraphic information already received."¹ This letter also offers further proof that the Southern senators had agreed at their caucus on January 5th to remain in Washington in order to obstruct any legislation unfavorable to the program of the seceding states.

The Senate again resumed consideration of the Crittenden proposals on January 15th, and on that day Clark moved his proposed substitute as an amendment to them.² The following day the amendment proposed by Powell to make the line of 36° 30' applicable to future acquisitions of territory as well as to present territory was adopted by a vote of 29-24.³ Only Baker of Oregon deserted the Republican minority to support this amendment demanded by the South. The Clark substitute was then adopted by a strict party vote of 25-23.⁴ This victory of the Republicans was made possible by the failure of twelve Democratic senators, who were present, to vote—Douglas⁵ of Illinois, Iverson of Georgia, Clay and Fitzpatrick of Alabama, Brown of Mississippi, Benjamin and Slidell of Louisiana, Mallory and Yulee of Florida, Hemphill and Wigfall of Texas, and Johnson of Arkansas.⁶ Yulee, Mallory, Clay, Fitzpatrick, and Brown had previously notified the Senate that they would take no further part in the deliberations of that body, but the other seven were still participating and had voted against a motion to postpone consideration of the Crittenden propositions⁷ just a few

¹ Rowland: Letters, Papers, and Public Services of Jefferson Davis: v. 5, p. 36
² C. G. 360 2s: Part I, p. 379
³ Ibid: 404
⁴ Ibid: 409
⁵ Ibid: p. 409
⁶ Summer: Works of Chas. Sumner: V. 5, p. 441
⁷ C. G. 360 2s: Part I, p. 409
minutes before the roll call on the Clark substitute. The *Congressional Globe* shows that the failure of Douglas to vote was due to the fact that he had been called out of the Senate chamber during the roll call and that permission was refused him to record his vote against the Clark substitute when he returned;¹ but the failure of Hemphill, Wigfall, Iverson, R. W. Johnson, Benjamin, and Slidell to vote has been explained as a result of "... a resolve preconcerted with Messrs. Davis, Toombs, etc., to accept no adjustment or concession which did not receive the vote of a majority of the Republicans."²

Immediately upon the announcement of the result of the vote on the Clark substitute, it was laid on the table when the Senate agreed to a motion to that effect offered by Senator Pugh of Ohio.³ Just before the Senate adjourned that day, Cameron of Pennsylvania gave notice he would move a reconsideration of the vote by which the Clark substitute had been adopted,⁴ and three days later a motion to reconsider was offered by him. This motion was made by Cameron to accommodate Senator Cirttenden, and he announced at the time that he intended to vote in the negative. This move came unexpectedly, and Clark vainly attempted to have the vote postponed as two of the Republicans, Durkee and Trumbull, were absent. However, their presence would have made no difference in the result as the motion carried 27-24.⁵ Douglas,

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1. C. G. 36C 2s: Pt. I, p. 410
2. Greeley: *American Conflict*: V. 1, p. 382
3. C. G. 36C 2s: Part I, p. 409
4. Ibid: 410
5. Ibid: 443
Kemphill, and Johnson of Arkansas now voted for reconsideration and Wigfall voted with the Republicans. From then on until March 3d the Crittenden propositions and the Clark substitute remained in the background while the Senate turned to a discussion of the tariff, the Pacific railroad, and a force bill. Every attempt to bring them up for action found the whole Republican strength lined up against consideration.

On the day following the adoption of the Clark substitute, Senator Crittenden sent a telegram to the Raleigh Register placing the responsibility for the rejection of his proposals upon the six Southern senators who had refused to vote, but he added, "There is yet good hope of success." It is true that the failure of these six senators to vote was the immediate cause of the defeat of the Crittenden propositions; but, if all of them or only three had voted against Clark's substitute, the result would only have been temporarily changed. Although the Crittenden propositions could have probably been jammed through the Senate had the Southern Democratic senators given them their united support, they would have been certain to have suffered rejection in the House, which was now under the control of the Republicans due to the withdrawal of several of the southern delegations.

The immediate result of the rejection of the Crittenden measures by the Senate was the final shattering of any hope of conciliation which the South might have cherished up to that time. Senator Mason of Virginia on January 7th wrote

1. Appendix E
to his daughter saying, "All hope of adjustment is gone, and the Senators and Representatives have so announced in a public letter to the people of the state sent yesterday to Richmond for publication."¹

It is always dangerous for the historian to leave the realm of actual fact and embark upon the precarious trail of speculation. So one cannot say with certainty that the Crittenden propositions would have been approved by the people even if Congress had submitted them to a direct vote. Perhaps, the Republican members of Congress were only reflecting the will of their constituents when they refused to approve a plan to submit the settlement of the country's difficulties to the people, after Congress had shown that it was thoroughly incapable of reaching any solution. Yet it seems, "One has but to turn to the scores of petitions from men of all parties, praying the adoption of the Crittenden proposals, and to the files of the Northern press to be convinced that had the question come to a popular vote it would have been carried by a vast majority."²

A far different attitude prevailed in the North than had held sway on November 6th. The following observances by Carl Schurz well illustrate the attitude of the cities and the commercial classes: "Southern trade came to a complete standstill, and Northern merchants and manufacturers stood terrified at the prospect of their Southern customers refusing to pay their debts. Securities went topsy-turvy at the stock

¹ Mason, Virginia: Pub. Life and Dipl. Corres. of J. M. Mason, p. 176
² Chadwick: Causes of the Civil War; (V. 19 Am. M. S.) p. 179
exchange; the banks, feeling the ground shake under their feet, drew in their loans, and money became excessively stringent. General bankruptcy and ruin seemed to be impending. The nervousness of the commercial spirit lashed itself into frenzy. The agitation in favor of 'concessions' to the South assumed a violent form. In the very city of Boston, a meeting of anti-slavery men was broken up by a furious crowd, among whom as the paper reported, several of the 'respectable conservative citizens' were conspicuous. Sumner was told by a Boston newspaper that it was time for him to hold his tongue, and his name was hissed at a meeting of working men in Boston. In Philadelphia, George William Curtis was refused a hall for a lyceum lecture because he was known as an anti-slavery man. In various other Northern cities, grave disturbances of a similar nature occurred. A cry went forth that no public expression of opinion should be permitted that might 'irritate the South.'"

The northern press was divided on the issue of compromise. The Democratic papers were apparently unanimous in their demand that the Crittenden proposals should be adopted by Congress, and some of them went still further and threatened dire consequences of their rejection in the North itself. The "Bangor (Maine) Union of about January 31, 1861 declared that "If the Republican party refuse to go the full length—which is the very least the South can or ought to take—then, here in Maine not a Democrat will be found who will raise an

1. Schurz: Reminiscences of Carl Schurz, v. 2, pp. 208-09
arm against his brethren of the South. And a few days later the belligerent Detroit Free Press expressed itself as follows: "We can tell the Republican Legislature, and the Republican administration of Michigan, and the Republican party everywhere, one thing: that, if the refusal to repeal the Personal Liberty laws shall be persisted in, and if there shall not be a change in the present seeming purpose to yield to no accommodation of the National difficulties, and if troops shall be raised in the North to march against the people of the South, a fire in the rear will be opened upon such troops, which will either stop their march altogether, or wonderfully accelerate it.... When Civil War shall come it will be here in Michigan, and here in Detroit, and in every Northern State." The New York Herald, strongly Democratic and southern in sympathy, denounced any movement looking toward coercion, defended the right of secession, and endorsed the Crittenden proposals. The great importance of its stand lies in the fact that it was accepted abroad as the most reliable American newspaper and was quoted from extensively.

Also there was quite a number of Republican papers which either followed the lead of Horace Greeley in the New York Tribune and demanded peaceable separation or Thurlow Weed, who used the editorial columns of his Albany Journal to endorse the Crittenden resolutions. The stand of the latter was particularly significant since he was a close personal

2. Greeley: The American Conflict, v. 1, p. 392
3. Bleyer: History of Amer. Journalism, pp. 204-05
5. Weed: Life of Thurlow Weed, v. 2, p. 312
and political friend of Seward, but Seward had no connection with this move of his "Colonel House" although this fact was not known at the time.¹

Undoubtedly there was a large wing of the Republican party which desired to see a compromise of some sort agreed upon. August Belmont of Massachusetts in December wrote to John Forsyth of Alabama, "I meet daily now with men who confess the error that they have been led into, and almost with tears in their eyes wish they could undo what they have helped to do."² This attitude was partly demonstrated by six northern governors who recommended to their respective state legislatures the repeal of their Personal Liberty Laws—Banks of Massachusetts, Washburn of Maine, Morgan of New York, Yates of Illinois (Republicans), Sprague of Rhode Island, and Parker of Pennsylvania (Democrats). Rhode Island repealed hers, Massachusetts and Vermont modified theirs, and Wisconsin had taken preliminary steps toward repeal when Lincoln was inaugurated.³ But a more striking proof of this sentiment in the Republican party was the general reduction of Republican majorities in the municipal elections in Massachusetts and New York during December, 1860.⁴ Henry Adams wrote to his brother in Boston on January 24th, "I hardly know what to think of the condition of the North now. There are strong signs of a sweeping reaction there. You see our friend Washburne has lost his senatorial election in Wisconsin to a conservative man, and that in the face of

¹ Weed: Life of Thurlow Weed, V. 2 p. 308.
² Quoted by Rhodes: History of the U. S., V. 3, p. 31
³ Rhodes: History of the U. S., V. 3, p. 140
⁴ Greeley: American Conflict, V. 1, p. 562
his minority report of the Committee of Thirty-Three. Pennsylvania is all gone, headed by Cameron, it is hinted in revenge for having been kicked out of the Cabinet.¹

The memorials and petitions presented to Congress also show the trend of public opinion. Between the opening of Congress in December 1860 and March 4, 1861 the Senate alone received over 600 petitions and memorials, either endorsing the Crittenden or similar propositions or opposing such a program of conciliation. A careful analysis of these petitions reveals that 450 (75%) favored the Crittenden propositions and that only approximately 150 (25%) opposed them. Over 300 of the petitions came from Pennsylvania alone, and the remainder were distributed among the other northern and border states. It was found that the 300 petitions from Pennsylvania ran in the same proportions as the total number; hence, it will be seen that the per centage figures given above were not unduly affected by the great number of Pennsylvania petitions. Only a few of the petitions came from the border slave states, but all of those favored the Crittenden proposals. A large number were presented from the free border states of which those from New Jersey, Pennsylvania, Illinois, and Indiana were overwhelmingly favorable to the propositions of Senator Crittenden. But the amazing discovery was that these propositions were favored two to one in New York and New England. Only in Wisconsin, Michigan, and Minnesota did the petitions opposing compromise have a majority. Several of the petitions favoring the Crittenden proposals were quite

¹ Adams, Henry: Letters of Henry Adams, p. 83
significant due to their character, but not one single petition against them had any qualities which made it outstanding.

Some of the most important of these petitions must not be passed over without a brief comment. From New York came two petitions bearing over 56,000 signatures. One from Missouri came with a large number of German signatures attached—the Germans had supported the Republican ticket in November almost to a man. A petition from New Albany was presented signed by 1500 of the 1900 voters in the last election; one from Cameron with the signatures of 5000 Lincoln voters; another from Jersey City with 345 names attached of whom 300 had voted for Lincoln. Bigler presented a memorial on January 30th drawn up by the Philadelphia Working Men's Committee of Thirty-three, which represented over 50,000 laborers. February 9th Crittenden presented a petition drafted by the railroad presidents while meeting in Philadelphia. Three days later, he offered a petition bearing signatures of over 23,000 Massachusetts voters; and on March 1st another one was brought in signed by 14,000 northern women.

It is safe to assume that the combined vote cast against the Republican ticket at the November election in the twenty-six states still in the Union on March 1, 1861 would have

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1. C. G. 36G 2s: Part I, pp. 500, 657
2. Ibid: p. 554
3. Ibid: p. 719
4. C. G. 36G 2s: Part I p. 781
5. Ibid: Part II, p. 1108
7. Ibid: p. 821
8. Ibid: p. 862
supported the Crittenden propositions had they been submitted to a vote of the people. Without any defection in the Republican strength, they would thus have had a popular majority of over 500,000 and would have carried ten of the twenty-six states—all the slave states, New Jersey, California, and Oregon. But there is no question but that a portion of the Republican strength would also have supported these measures. The extent of this disaffection is highly problematical, but the following is quite significant: A shift in only five per cent of the Republican vote would have carried the Crittenden proposals in Illinois, Indiana, and Ohio; a ten per cent shift would have added New York and Iowa; and a twelve and one-half per cent, Wisconsin, Michigan, and Pennsylvania. A study of the expressions and observations of public opinion of the time would seem to warrant, as conservative, the conclusion that one-eighth (12.5%) of those who voted for Lincoln would have supported the Crittenden resolutions had they been submitted to a popular vote. This change would have piled up a large popular majority and have swept nineteen of the twenty-six states referred to above. Of the remaining seven a change of fifteen per cent would have carried New Hampshire and Connecticut; twenty per cent, Rhode Island and Maine; and twenty-five per cent, Massachusetts and Minnesota—leaving only Vermont.¹

Hence, it seems that the Republican members of Congress deliberately refused to hear the voice of public opinion and to give the people an opportunity to definitely record their

¹ Figures based on Stanwood: History of the Presidency, v. 1, p. 297
desires. They considered themselves justified on the grounds that the verdict of the people in November was a more deliberate, sane opinion (yet it was the opinion of less than 45% of the total number of voters, even if one assumes that every vote cast for Lincoln was a vote against further extension of slavery under any circumstances) than the trend which had developed since the general election. They believed or professed to believe that the present attitude was but temporary and the result of a fear of civil strife, while the judgment of November had been arrived at only after months and years of deliberate consideration of the issues involved. Also a considerable element of the Republican party were insistent that plans of conciliation and compromise should be discussed and a program arranged after the South had demonstrated its good faith by acquiescing in the election of Lincoln.¹

However, the southern members of Congress were just as much to blame for the failure of the proposals to submit the Crittenden resolutions to a direct vote of the people as were the Republicans. Had their senators voted for the proposal on January 16th, when the Clark resolution was substituted, it would have passed the Senate; and, had the same senators remained in their places at Washington, the Senate would have at all times been under the control of a majority favorable to the Crittenden propositions. Likewise in the House, if the representatives from the seceding states had remained in their places, the Crittenden propositions could have been put through that body.

¹ Chittenden: Proceedings of Peace Conference, p. 427
Therefore, the southern members of Congress and the Republicans must each in turn bear the censure or praise for the rejection of the proposal to submit to a direct vote of the people the Crittenden propositions, the only feasible plan of compromise offered in any quarter—censure, if they would have accomplished the intended result and have averted for all time a civil war. Praise, if they would have only temporarily averted an inevitable civil war to determine the supremacy of the national government.
Chapter IV

THE COMMITTEE OF THIRTY-THREE AND ITS PROPOSALS

Immediately after the President's message had been read in the House on December 4th, Sherman of Ohio (Republican) made the customary motion to print. To this motion Boteler of Virginia (American) offered an amendment: "That so much of the President's message as refers to the present perilous condition of the country be referred to a special committee of one from each state."¹ This amendment was adopted 145-38²—the opposition all coming from the more radical Republican representatives. Two days later the Speaker, Pennington of New Jersey (Republican), announced the composition of the committee as follows: fourteen Democrats—Love, Georgia; Houston, Alabama; Taylor, Louisiana; Reuben Davis, Mississippi; Hamilton, Texas; Rust, Arkansas; Winslow, North Carolina; Phelps, Missouri; Boyce, South Carolina; Hawkins, Florida; Millson, Virginia; Whitely, Delaware; Burch, California; and Stout, Oregon. Three South Americans—Bristow, Kentucky; Nelson, Tennessee; and H. Winter Davis, Maryland. Sixteen Republicans—Campbell, Pennsylvania; Stratton, New Jersey; Humphrey, New York; Ferry, Connecticut; Robinson, Rhode Island; Adams, Massachusetts; Morse, Maine; Morrill, Vermont; Tappan, New Hampshire; Corwin, Ohio; Dunn, Indiana; Kellogg, Illinois; Windom, Minnesota; Howard, Michigan; Washburn, Wisconsin; and Curtis, Iowa.

¹ C. G. 36C 2s: Pt. 1, p. 6
² Ibid: p. 7
Corwin was named chairman of the committee by the Speaker.¹

The Speaker in appointing the committee had named a member of the dominant party in each state's delegation in the House. As a result every northern state, except Oregon and California, was represented by a Republican on this grand committee; hence a fairly large proportion of the delegations from Indiana, Ohio, Illinois, and Pennsylvania were without a voice in the committee. This arrangement was bitterly assailed by Hawkins² of Florida, Vallandigham³ of Ohio, and McLernand⁴ of Illinois, all Democrats, who contended that the Democrats of the free states should have been represented. But another Democratic leader, Sickles of New York, defended the composition of the committee on the grounds that the state legislatures of the northern states were under the control of the Republicans and that the majority party of the House was the Republican; hence the responsibility for the nation's welfare rested solely on that party and those who could speak for them should be on the committee.⁵ The result in any case would not have been different. The Committee of Thirteen whose futile efforts have already been traced was made up on the very basis for which Vallandigham argued.

On the same day that the committee appointments were read, Hawkins of Florida and Boyce of South Carolina requested that they be excused from service on the committee. Hawkins assigned as the reasons for his request: (1) Florida

¹ C. G. 36C 2s: Pt. I, p. 22
² Ibid: p. 38
³ Ibid: p. 39
⁴ Ibid: p. 40
⁵ Ibid: p. 40
about to pass on the question of secession and service on
the committee would compromise him; (2) committee would
effect nothing but delay; (3) Democracy of the free states
not represented on the committee; (4) proposition should
have come from the Republicans of the North.\(^1\) Boyce as-
signed as his only reason for desiring an excuse the fact
that his state would soon secede.\(^2\) Both requests were re-
jected after a short debate by close votes upon which party
lines were broken.\(^3\) However, Hawkins never attended any
of the committee's meetings, and Boyce was present at only
one.\(^4\) Reuben Davis of Mississippi attended committee meet-
ings until December 19th but cast no votes. After that
date he never attended, and he ceased to be a member of the
committee ten days later when he resigned from its member-
ship.\(^5\) His attitude as expressed in the House during the
debate on the appointment of the committee was typical of
the southern extremists. He pronounced the proposed com-
mittee as "... a tub thrown out to the whale, to amuse only,
until the 4th of March next, and thus arrest the present
noble and manly movements of the Southern States to pro-
vide by that day for their security and safety out of the
Union. With these views I take my place on the committee,
for the purpose of preventing it being made a means of
deception by which the public mind is to be misled and
misguided."\(^6\)

1. C. G. 36C 2s: Pt. I, pp. 36-38
2. Ibid: p. 60
4. House Rep'ts: 36C 2s, No. 31; p. 3 (Journal)
5. Ibid: p. 20 (Journal)
6. C. G. 36C 2s: Part I, p. 59
The committee was given permission upon request of its chairman, Corwin, to sit during the sessions of the House.\textsuperscript{1} It first met December 11th and organized, and it continued meeting every day until it adjourned on December 21st until after the Christmas holidays in a deadlock. It resumed its sessions December 27th and continued meeting at irregular intervals until it completed its task on January 14th. The committee at once passed a resolution unanimously enjoining a strict rule of secrecy upon all deliberations, resolutions presented, and votes taken in the committee;\textsuperscript{2} but from time to time proceedings were released for publication. A few days later the committee agreed to limit each member to ten minutes in debating any proposition under consideration.\textsuperscript{3}

At the second meeting of the Committee December 12th, Taylor of Louisiana, leader of the ultra-southern members, presented a series of resolutions representative of their views but which were never considered or voted on by the committee. Briefly they proposed:\textsuperscript{4}

1. Federal government to uphold slave property rights in dealing with foreign countries.

2. Slavery to be protected in all the common territories.

3. Territories at time of admission to decide slavery question subject to right to change later.

\begin{flushright}
\textsuperscript{1} C. G. 36C 2s: Pt. I, p. 22
\textsuperscript{2} House Reports, No. 31; 36C 2s: p. 8 (Journal)
\textsuperscript{3} Ibid: p. 8 (Journal)
\textsuperscript{4} Ibid: pp. 4-5 'Journal'
\end{flushright}
4. State in which slave takes refuge to pay his value to owner as set by jury of neighbors of owner plus twenty-five percent.

5. Whites only to enjoy suffrage.

6. Congress not to legislate on slavery in District of Columbia or other territory under its exclusive jurisdiction.

At the same meeting of the committee Nelson of Tennessee offered a series of resolutions for consideration, which were essentially the Crittenden propositions, except that the article dealing with the territorial question had been changed so as to apply only to the present territories of the United States.\(^1\) While these were being discussed by the committee on December 17th, Rust of Arkansas offered an amendment which would have made the settlement apply to future as well as present territories.\(^2\) Debate upon this amendment was prolonged for three days and threatened to break up the committee. Just before adjourning December 20th, the committee agreed to vote on the proposition the following day; but the next morning Henry Winter Davis of Maryland stepped into the breach with his New Mexico Bill to save the committee, "From the first sitting of the Committee of Thirty-three, Mr. Davis took a bold lead in its deliberations. For him everything depended upon the faithfulness of Virginia to the Government,

1. House Reports, No. 31: 360 2s: pp. 3-4 (Journal)
2. Ibid: p. 10 (Journal)
and he fought the disunionists with a desperation warranted by what he had at stake. When it at last became evident that Mr. Crittenden's measure in regard to the Territories was the rock on which they were to split, he did not hesitate to throw over all remaining doubts and hesitation, and declare boldly against it. On the 21st of December, after long discussions and vehement pressure from the South, intended either to drive the Republicans from their position or to break up the Committee, and unite the slave States in the secession movement, and when the scales inclined gradually towards the Southern side, and little hope remained that further discussion would be of use, Mr. Davis arose from his seat with a proposition which gave an electric shock to the whole Committee. It was the since well known measure for the admission of New Mexico. No sooner was it proposed than the Southern members, starting as if a bomb shell had fallen among them, began whispering together, retired into the next chamber and held a long consultation, and finally returned to say that the proposition was inadmissible and not to be thought of.  

The opposition of the Republican members of the committee to the territorial settlement proposed by the Crittenden resolutions had almost driven the cotton and border slave states members of the committee into a coalition. The representatives of the border slave states were gradually coming to view the Republican stand in the same light as did

2. Ibid. p. 677
the more radical southern representatives, who charged that the Republicans would not deal fairly with the South and its interests and, hence, secession was necessary if southern interests were to be protected. If a vote had been taken upon the Rust amendment on December 20th, it would have revealed the Republicans presenting a united front against the further extension of slavery into the territories, thereby confirming the charges of the ultra-southern representatives. The Davis New Mexico Bill postponed an immediate vote on the Rust amendment and a consequent deadlock or disruption of the committee and provided a means of possible agreement between the Republican and slave border state representatives.

The bill proposed that New Mexico, embracing all the territory south of 36° 30', should be admitted as a state. Nothing was said about the status of slavery in the proposed state, but it was to be left to the decision of the inhabitants of the territory for they were authorized to form a constitution.¹ Those from the North and the South who were interested in conciliation looked upon this proposal in the manner set forth by Corwin in his report to the House at the conclusion of the committee's work. "By this course the faith of the nation pledged in the act of 1850 will be preserved, and the territory lying south of 36° 30' will be disposed of and the subject matter of controversy removed from the jurisdiction of the federal government. Thus all claimed by the South will be obtained, while the northern

¹ House Rep'ts. 36th 2s: No. 31, pp. 14-15 (Journal)
portion of our remaining territory will be subject to such law as the Constitution and Congress may furnish for its government."1

The Republicans could support this measure without violating their Chicago platform pledge on the grounds that this proposal was only carrying out a program agreed upon by Congress in 1850; whereas, they could not and would not support either the Crittenden resolutions or the Nelson proposals with the Rust amendment, which amounted to the same thing as the Crittenden resolutions. On the other hand the support of this measure by the Republican members of the committee revived the hopes of the border slave state members for a compromise of the existing difficulties. In fact, this support of the Davis New Mexico Bill came just in time to prevent the withdrawal of Nelson of Tennessee, one of the most zealous advocates from the border states for a peaceful settlement, from the committee "... on the ground that there was no chance of reaching an agreement."2

Finally, the representatives of the cotton states were forced to drop their complain that the Republicans were bent upon excluding them from a just share of the territory already owned by the United States and to openly admit their demand"... that the existence of slavery and rights of slaveholders should be recognized, and in advance affirmed, in all southward territory thereafter to be acquired."3 Thus was the committee saved from dissolution and "... the

1. House Reports, No. 51: 36C 2s: p. 6 (Report)
3. Adams, Charles F., Jr.: Charles F. Adams, p. 138
coalition which was on the brink of forming itself between the border and the cotton States... was cut at once, as with a knife."

The committee then adjourned for a week without taking the promised vote on the Rust amendment. Not only was the committee in danger of a break up, but the Republican leaders, such as Charles Francis Adams, the abolitionist Republican leader of Massachusetts, saw a split in their own party imminent. On December 13th Henry Adams, son and secretary to Charles Francis Adams, wrote to his brother, "I'm afraid however I only speak the exact truth when I tell you to prepare yourself for a complete disorganization of our party. If the South shows any liberal spirit, the reaction will sweep us out dreadfully and then our ranks to a skeleton.... How many there will be faithful to the end, I cannot say, but I fear me much not a third of the House." In the New Mexico Bill proposed by Henry Winter Davis, the Republicans saw an opportunity to avoid a break up of both the committee and the Republican party. The Republican members of the Committee of Thirty-three held a three day caucus December 24th, 25th, and 26th to discuss the proposed measures of conciliation. At one of these sessions Judge John S. Watts, who had been living in New Mexico for nine years, assured the Republicans that slavery could never be a profitable institution in that territory due to its climate and soil. As a result of the caucus the Davis New Mexico proposition

2. House Reports, No. 31: 36C 2s, p. 14 (Journal)
was adopted as a Republican measure and with it a sketch of an amendment to the Constitution to quiet the fears of the South that the North aimed at the abolition of slavery where it then existed was agreed upon. It was also decided that the Republican proposals should be offered by Adams, whom Corwin called the "Archbishop of Anti-slavery".\footnotemark{1}

The question naturally occurs as to why Adams, whom Crittenden considered the greatest block in the way of conciliation,\footnotemark{2} and the wing of the Republican party he represented were willing to go even this far in the way of conciliation. Perhaps the best explanation to be had is contained in the following (although the statement over-emphasizes) the influence of Charles Francis Adams and fails to recognize the important services of Henry Winter Davis):

"... His eye (Adam's) was riveted on the transfer of the government from the hands of those who then held it to its friends; as he twelve years later said, it was manifest that something had to be done 'to keep control of the capital, and bridge over the interval before the 4th of March in peace and quiet'. To this end it was not sufficient to guard carefully against any premature catastrophe, the result of some governmental action, not the less ill-advised, because well meant; but such a catastrophe, if cunningly contrived by the enemies of the government, must if possible be averted. Mr. Adams, therefore, advocated the appointment of committees and the summoning of conferences---

\footnotetext[1]{Adams, Henry: "The Secession Winter of 1860-61" in Massachusetts Historical Society Proceedings, V. 43, pp. 675-76.}
\footnotetext[2]{Adams, Henry: Letters of Henry Adams, p. 71}
the presentation and discussion of schemes, anything, in fact which would consume time and preserve the peace, until the interregnum should end. Finally as an astute politician, he labored to divide his enemies and concentrate the friends of the government by the plausibility and fairness of his proposals. He hoped to the last to hold the border States, fully believing that, if an armed conflict could by judicious caution be averted, the Gulf States would, when the time for sober thought came, find their position untenable, and so be forced ignominiously back into the Union.... the possession of the seat of government when the change of administration should take place--this was the first point in the game, the securing which was essential to the result.... These measures were before the House of Representatives, causing discussion and consuming time to the close of the session.... Walking home that day (Inaugural Day) from the Capitol a member of his family expressed to Mr. Adams regret at the disposition made of his measures. The reply, conveyed with an unmistakable cheerfulness of tone, was, on the contrary expressive of profound satisfaction that they were thus well out of the way, having done the work for which they were designed. Matters for discussion, they had occupied time which might otherwise have been dangerously employed. But the expediency of using every device to bridge over the interregnum did not allow of public expression, and in the North the purpose of Mr. Adams was only in part understood.\(^1\)

\(^1\) Adams, C. F. Jr.,: Charles Francis Adams, pp. 130-33
December 27th the Committee of Thirty-three resumed its task. The Rust amendment was at once rejected by a 13-16 vote—the Republicans and Henry Winter Davis, American, opposing; the Democrats and Bristow and Nelson, the other two Americans, supporting it. Nelson then withdrew his proposals and submitted in their place the Crittenden resolutions in full. These were considered for two more days, when an amendment offered by Corwin of Ohio was adopted which struck out of the article reestablishing the old Missouri Compromise line the portion which made it applicable to territory "hereafter acquired". This was accepted by a 17-10 vote—15 Republicans, Davis, and one Democrat, Stout of Oregon, for the Corwin amendment; 8 Democrats and 2 Americans opposed. Then the article as amended was rejected 8-16—6 Democrats (Winslow, Taylor, and Houston present but not voting) and 2 Americans for; 15 Republicans and Davis against. Thus the Republicans refused to accept the Crittenden proposal for dividing the territories, either applying to future or only to present territory. Immediately after the Corwin amendment had been accepted, Taylor of Louisiana declared that the action of the committee upon this amendment made it clear to his mind that no agreement would be reached by the committee which would be effectual. Hence, he did not intend to further participate in the deliberations of the committee but that he would not resign his membership as he desired to remain in a position to join

1. See Chart for votes—Appendix F
4. See Chart for Votes—Appendix F
in the submission of a minority report.\textsuperscript{1} Evidently Houston of Alabama and Winslow of North Carolina were of the same mind as neither they nor Taylor again were present at a committee meeting until the last two or three sessions.

Adams presented a resolution on the same day in accordance with the decision of the Christmas caucus of the Republicans, declaring that it was expedient to admit New Mexico as a state and that a bill to accomplish this end should be drafted by the committee. The resolution was approved 13-11 with party lines broken.\textsuperscript{2} The preceding day the committee had by a vote of 21-3 (Tappan, Kellogg, and Washburn---Republicans) adopted another resolution offered by Adams and agreed upon in the Christmas caucus, "That it is expedient to propose an amendment to the Constitution of the United States providing that no amendment having for its object any interference within the States with the relations between their citizens and those described in the second article of the Constitution as 'all other persons' shall originate with any state that does not recognize that relation within its own limits, or shall be valid without the assent of every one of the States composing the Union".\textsuperscript{3} The resolution calling for the admission of New Mexico had not been offered at the same time as the resolution calling for the constitutional amendment, because "... the report of the New Mexico proposition, unexpected and misrepresented as it was, created considerable alarm and opposition among the Republican members of Congress.

\textsuperscript{1} House Rep'ts. No. 31: 36C 2s, p. 21 (Journal)
\textsuperscript{2} Ibid: pp. 20-21. (Journal) (For votes see Appendix)
\textsuperscript{3} House Rep'ts. No. 31: 36C 2s, p. 19 (Journal) (See chart for votes)
The Senators objected to it, and even Governor Seward was in doubt whether the time for such a step had yet arrived. But on the same day (December 28th), a similar proportion made by Mr. Rice of Minnesota in the Senate Committee, received the Republican votes; and the last obstacle being thus removed... Mr. Adams introduced the New Mexico proposition..."¹ on the following day.

This move by the Republicans under the leadership of Adams again saved the committee from dissolution as the New Mexico Bill of Henry Winter Davis had done previously.

One more effort was made in the committee to have the old line of 36 30' reestablished when on January 2nd, the Millson resolution, which was essentially the first article of the Crittenden plan, was taken up. As formerly the "hereafter acquired" was struck out, but this time on motion of Nelson of Tennessee and with only four Democrats opposing.

However this attempt to gain Republican support for the Crittenden plan failed, and the resolution was lost 9-15.² The other Crittenden proposals were considered January 2nd and 3d. The proposed constitutional guarantees of those resolutions that Congress should not interfere with slavery in the District of Columbia nor in places under its exclusive jurisdiction within slave states nor with the slave trade between slave states and territories were replaced by a declaratory resolution. The latter, sponsored by Dunn of Indiana, merely declared that there was from no quarter any

² House Reports: No. 31; pp. 23-24 (Journal) See Chart for votes—Appendix F
intent to interfere with these matters and that the committee did not deem it necessary to take any action upon them.\footnote{1} After the adoption of this substitute, which became a part of the committee report, the Crittenden proposals were indefinitely postponed and were never again discussed by the committee. Three other declaratory resolutions, which were embodied in the proposals of the committee were unanimously adopted the same day. These were sponsored by Bristow of Kentucky and declared: (1) no authority to interfere with slavery in the state exists outside of that state; (2) prompt and just execution of the fugitive from labor and justice laws is right and essential; (3) no sufficient cause from any source for a dissolution of the Union. At the next session another of the declaratory resolutions was adopted as proposed by Millson of Virginia and amended by Nelson. It assailed as unconstitutional the attempts of state legislatures to hinder or obstruct recovery of fugitive slaves.\footnote{2}

January 5th Winter Davis reported for the sub-committee of five (this committee had been set up on December 12th for the special consideration of proposals to amend the fugitive slave law. Its membership consisted of Millson, Bristow, Kellogg, Nelson, and Henry Winter Davis, Chairman)\footnote{3} a proposed draft of a bill to amend the fugitive slave law. The draft followed very closely a proposal by Henry Winter Davis offered on December 13th.\footnote{4} At the next session of the committee, two

\begin{footnotes}
\footnote{1}In House Reports, No. 31: 36C 2s; pp. 25-26 (Journal)
\footnote{2}Ibid: p. 27 (Journal)
\footnote{3}Ibid: p. 12
\footnote{4}Ibid: p. 6
\end{footnotes}
days later, the proposed fugitive slave law was considered and approved by a vote of 13-11, after a few minor amendments had been added. In the vote two Americans and eleven Republicans supported the Davis bill, while five Democrats and one American opposed it.¹

Corwin on January 8th appointed a sub-committee of three—Dunn, Henry Winter Davis, and Nelson—to draft the proposed constitutional amendment and the New Mexico bill, which the committee had authorized. On this same day Adams introduced the following resolution: "That peaceful acquiescence in the election of a Chief Magistrate, accomplished in accordance with every legal and constitutional requirement, is the paramount duty of every good citizen of the United States".²

Three days later this resolution was taken up for action by the committee and was adopted 22-0 after the words "a high and imperative" had been substituted for the word "paramount" on motion of Millson.³ Seven members of the committee, Taylor, Phelps, Houston, Love, Rust, Hamilton, and Whitly, were present during the consideration of the Adams resolution but refused to vote. At their request a signed statement of their reasons for not voting was recorded in the journal of the committee. This statement declared that the Adams resolution had no bearing on the solution of the problems before the committee and that it contemplated no action in the form of constitutional amendment or legislative enactment; hence, they would not vote on either the resolution of the Millson amendment to the

¹ House Reports, No. 31: 36C 2s; pp. 28-31 (For votes see Chart—Appendix F)
² Ibid: p. 32 (Journal)
³ Ibid: p. 34 (Journal)
original. The three members from the slave states, Nelson, Bristow, and Millson, who voted for the resolution then had their reasons for favoring it recorded: (1) concur in doctrine therein; (2) to refuse to vote or to vote against might convey the impression that the difficulties before the committee were not adjustable; (3) refusal to vote might cause public to get the impression that the general causes of southern complaint were only a cloak to cover resistance to a constitutional election; and (4) doctrine of peaceable secession implies that a state owes obedience to the Union as long as she is a member thereof.

After this had been disposed of the sub-committee of three reported a constitutional amendment, which was identical in verbiage with the Adams resolution declaring that one should be submitted, and a draft of a bill for the admission of New Mexico, modelled on the draft proposed by Henry Winter Davis on December 21st. The constitutional amendment was adopted 20-5; and then the New Mexico bill was accepted 14-9. Adams refused to support either of these measures, which he had formerly supported, on final roll call. In a minority report to the House, he assigned the refusal of the seven southern members of the committee to vote for his resolution demanding acquiescence in the presidential election as one of the chief reasons for his switch. Curtis of Iowa and Winfield of Minnesota joined Adams in his switch on the New Mexico bill. Curtis said that he voted against the bill "because the

1. House Reports, No. 31: 36C 2s, p. 34 (Journal)
2. Ibid: pp. 34-35 (Journal)
3. Ibid: pp. 35-37 (Journal)
mover, Mr. Adams, himself, votes against it, and I had formerly my deference for his preference in this respect. The Windom assigned no reason for his change.

The committee then proceeded to adopt without a record vote the remaining five declaratory resolutions embodied in the committee report. These had been drafted and were offered by the sub-committee of three. At the final session of the committee on January 14th, Corwin offered a bill to amend the fugitive from justice act, which proposed to transfer the power to act upon a request for rendition of a fugitive from justice from the governor of the state to the federal district court judges. It was adopted 12-11—six Democrats, three Republicans, and three Americans supporting it; ten Republicans and one Democrat opposing it.

The committee had not completed its work and was ready to consider the nature of its report to the House. Corwin read to the committee a report, which he proposed to submit to the House along with the various resolutions adopted. Dunn of Indiana moved "that the chairman be instructed to report to the House the various resolutions and recommendations adopted by the committee with a recommendation that the same be adopted by the House". This was rejected 5-23 by a combination of twelve Republicans, two Americans, and nine Democrats against three Republicans, one Democrat, and one American. Rust of Arkansas then moved that the chairman be instructed to report to the House the journal of the

1. House Reports, No. 31: 36C 2s; p. 37 (Journal)
2. Ibid: p. 37 (Journal)
3. Ibid: p. 38 (Journal)
4. Ibid: p. 32 (Journal)
committee and that the committee was unable to agree and to ask that it be discharged. This motion too was lost 10-19—seven Democrats and three Republicans favoring the resolution; thirteen Republicans, three Americans, and three Democrats opposing.\(^1\) Burch of California offered a resolution proposing that the committee recommend the convening of a constitutional convention, which was also rejected.\(^2\) Then Millason moved "that there is no business before the committee claiming its further attention, the chairman report to the House the results at which the committee have arrived on the several propositions from time to time acted upon, with the journal of the proceedings, and such views as he may thing propoer to submit."\(^3\) One more last desperate effort was made by Rust to get the committee to recommend concurrence by the House in the measures it had singly adopted; but this move was rejected 6-21—ten Republicans, three Americans, and two Democrats favoring; six Republicans and seven Democrats opposing.\(^4\)

Thus, the Committee of Thirty-three, which had been reduced to thirty-two by the resignation of Heuban Davis of Mississippi referred to above, ordered their chairman to report to the House without recommendation the various resolutions which it had from time to time agreed upon. As one of the minority reports ably argued, "according to parliamentary law, the report of a committee implies the request on the part of the committee that the report be

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2. Ibid: p. 39 (Journal)
3. Ibid: p. 39 (Journal)
4. See Chart--Appendix F--for votes
adopted by the House. But a number of gentlemen on the committee expressly declared, before voting for the report, that there were certain propositions contained in it which they would oppose when put on their passage in the House. Thus that which appears to be the report of the committee is really no report at all, not even of those who seem to make it.\footnote{1}

Accompanying the so-called majority report by Corwin, there were seven minority reports signed by an aggregate of fourteen members. Add to these the names of Houston, Hawkins, and Boyce, who would undoubtedly have favored the Taylor minority report; and it is readily seen that the Corwin Report, which was acted upon in the House as if had been a majority report, was in reality a minority report. Hence, the committee should have adopted the resolution offered by Rust (referred to above) that the committee could not agree, as it was the only reasonable and true report possible. The defeat of this resolution was due to the insincere vote of nine of the Republican members of the committee. These same nine members had just previously refused to vote to recommend that the House approve the committee proposals and again refused to vote for another similar resolution immediately thereafter. These members had from the first fought every measure of conciliation of a positive nature; and in this, the last session of the committee, they defeated the very resolution which expressed their attitude from the beginning. But in this act they

\footnote{1. House Rep'ts. No. 31: 36C 2s (Minority Report by Love and Hamilton)}
had an ulterior motive. It was still nearly two months before Lincoln would be inaugurated. If the committee reported that it could not agree, the border states would probably at once join the secession movement, despairing of any adjustment within the Union. It was essential for the success of the Republican program that this break should be averted, at least until March 4th. Hence, by allowing the committee to report these resolutions to the House where they could be debated and considered for weeks and weeks, their end could probably be accomplished. However, they dared not vote to recommend the measures for passage as such a move would stultify them in the eyes of their constituents. Therefore, they adopted this vague, insincere policy.

In accordance with the instructions of the committee, Corwin on the same day reported the journal of the committee and the various proposals agreed upon, along with his views on the questions before the committee. In these "views" he called upon the northern states to repeal their personal liberty laws and to suppress publications which have a "tendency to promote domestic insurrection in any of the states"; and declared that the constitutional amendment proposed should reassure the South, the New Mexico bill should solve the territorial question, the amendments to the fugitive slave law of 1850 should make it more acceptable to the North and South alike, and the transfer of
the right of rendition to the federal courts should reduce friction among the states. In regard to the declaratory resolutions, Corwin said, "The committee have prepared several resolutions, which do not propose action on any specific subject, but which, if adopted and approved by a vote of the House, may serve to announce principles which seem in some quarters to be questioned, while their adoption may tend to correct errors and misrepresentations that have obtained a too general belief in the southern section of the Union". ¹ Then followed the committee proposals which are summarized here in order that they may be viewed together as a whole:

I. Declaratory Resolutions:²

1. Assails all attempts of state legislatures to obstruct or hinder recovery of fugitive slaves.

2. Requests that states repeal personal liberty laws.

3. Declares that the only right to interfere with slavery in a slave state exists in that state.

4. Deprecates violence and intimidation by mobs in preventing the execution of the fugitive slave law.

5. Declares no sufficient cause for dissolution of Union exists from any source.

¹ House Rep'ts/ No. 31; 36C 2s, pp. 1-8 (Major Report)
6. Demands faithful observance on the part of all the states of mutual obligations to each other.

7. Declares it is the duty of the federal government to enforce its laws, protect its property, and preserve the Union.

8. Requests each state to revise its statutes so as to protect within its bounds the persons of other states traveling or sojourning therein.

9. Requests each state to prevent and punish any attempts to set in motion an invasion of another state from within its jurisdiction.

10. Requests the President to transmit these resolutions to the respective states.

11. Declares that there is no intention from any quarter to interfere with slavery in the District of Columbia or other districts under the exclusive jurisdiction of Congress or with the slave trade between slave states and slave territories.

II. Joint Resolution to Amend the Constitution:\footnote{1}{House Rep'ts, No. 31: 360 2s, p. 10 (Major Reports)}

No amendment to the Constitution to interfere with slavery within the states where it now exists to be considered unless proposed by a slave state and approved by all the
others of that class.

III. Bills Proposed: ¹

1. Admission of New Mexico as a state with or without slavery as its constitution might provide in accordance with the Compromise of 1850.

2. Amendment of fugitive slave law to give fugitive a jury trial in federal courts of state from which he fled and to grant the federal court commissioner before whom the fugitive should be taken the same fee regardless of verdict.

3. Amendment of fugitive from justice act to transfer power to act upon a request for rendition from the governor of the state to the federal district court judges.

The credit for these proposals has usually been given to Corwin of Ohio, the chairman of the Committee of Thirty-three, and they are often referred to as the Corwin proposals. He is usually considered to have been the guiding personality in the committee's work. Probably this opinion has come about chiefly as a result of his championship of the committee measures before the House, but a study of the committee proceedings reveals that he did not play the major role there. This misconception is quite comparable to the one which credits Clay with being the author of the

¹. House Reports, No. 31: 36C 2s; pp. 10-13 (Major Report)
Compromise of 1850. Another claimant of the credit for these measures has appeared in the person of the Massachusetts member of the Committee of Thirty-three, Charles Francis Adams. This claim rests chiefly upon the letters, written at the time, of his son and private secretary, Henry Adams, to another son, his namesake in Boston;\(^1\) a review of the second session of the Thirty-sixth Congress\(^2\) written by Henry Adams shortly after its close; and a biography\(^3\) of Charles Francis Adams by the younger Charles Francis Adams. These have attempted to portray Adams as the originator of the chief proposals of the committee and as their leading advocate. Of the propositions reported by the committee, Adams was the originator of only the constitutional amendment. As to his advocacy of the propositions, it is significant enough to recall that he opposed his own proposed amendment to the Constitution and every one of the proposed bills on final roll call in the committee as well as opposing the submission of any report to the House.

The man to whom the greatest credit for the accomplishments of the Committee of Thirty-three belongs is Henry Winter Davis of Maryland. "From the first sitting of the Committee of Thirty-three, Mr. Davis took a bold lead in its deliberations."\(^4\) When the committee was about to break up just before the Christmas holidays, he came forward with his New Mexico bill, which Adams subsequently endorsed as

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4. Supra: p. 49
a result of its adoption by the caucus of the Republican members of the committee during the holidays. And Henry Adams credits him with bearing the brunt of the battle in the committee against the Crittenden proposals as he had come to the conclusion that it was useless to advocate the Crittenden proposals for the North would never accept them.\(^1\) Winter Davis was the author of the fugitive slave bill, which the committee reported and of one of the declaratory resolutions. He was also a member of the sub-committee of three which drafted five of the other declaratory resolutions and reported out the draft of the constitutional amendment proposed. Corwin was the author of the bill to amend the fugitive from justice law, and the other declaratory resolutions were sponsored by Bristow, Millson, and Nelson. Again in the closing sessions, when Adams had turned against the proposals he had formerly supported, Davis took up the burden of carrying the propositions through the committee. The impress of no other man's influence is so clearly stamped upon the proceedings and report of the Committee of Thirty-three as is that of Henry Winter Davis.

Of the seven minority reports filed by members of the committee all but two contained specific recommendations in the form of substitutes for the proposals reported by Corwin. Of these two, one by Ferry of Connecticut merely stated that the author was willing to support some of the measures offered by the committee but not all of them.\(^2\) The other was submitted by Adams and consisted chiefly of

\(^1\) Adams, Henry: *Letters of Henry Adams*, p. 69
\(^2\) House Rep'ts No. 31: 36C 2s; Minority Report by Ferry
a justification of his switch in the committee. He stated that he had supported several of the measures in the committee report at first for he considered them a possible basis of adjustment, which both sides could accept without any sacrifice of principle and that he would have continued to support them if a majority of the southern members on the committee had approved them. Also the refusal of seven members, all from the southern states, to vote for the resolution declaring that it was necessary to acquiesce in the result of the presidential election had convinced him that an honorable compromise was impossible.¹ One other minority report was presented by Republican members of the committee, Tappan of New Hampshire and Washburn of Wisconsin. This report declared that the immediate cause of all the present difficulties in the country was the election of Lincoln and that the committee ought never to have been appointed. If further assailed every recommendation of the committee and proposed, as a substitute, the resolution offered by Senator Clark of New Hampshire as a substitute for the Crittenden proposals.²

From the southern members came three minority reports. One of these was submitted by Nelson of Tennessee and merely proposed the Crittenden resolutions as substitute for the committee report.³ Another by Love of Georgia and Hamilton of Texas denounced the committee report as not being a true report because it was not in reality approved by a majority.

¹ House Reports, No. 31: 36C 2s, Adams Minority Report
² Ibid: Tappan-Washburn Minority Report
of the committee and as "trifling with the House and the country". It also recommended the Crittenden resolutions as the only sound basis of adjustment. The other report represented the ultra-southern view and was prepared by Taylor of Louisiana and signed by the members from Missouri, Alabama, Delaware, and North Carolina. They argued that the Constitution recognizes slavery and that Congress had no right to interfere with its extension in the territories. The New England manufacturing interests were accused of stirring up anti-slavery agitation so that they could win the western and middle states as allies in order to accomplish through this alliance a high protective tariff for their industries. The North was blamed for the break up of the Missouri Compromise and for the passage of the Kansas-Nebraska Bill. It concludes with a bitter denunciation of the "sectional" Republican party and a plea for peaceable separation. The Crittenden propositions were offered as a substitute for the proposals of the committee; and, if they are rejected, the calling of a convention of all the states to arrange an amicable dissolution of the Union was proposed.

The seventh minority report came from the representatives of the Pacific Coast states, Oregon and California, and it was drafted by Burch of California. It recommended that Congress urge the various states to call a constitutional convention. These minority reports have been briefly cited along with Corwin's "views" and the proposals of the committee

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1. House Reports, No. 31: 36C 2s, Love-Hamilton Minority Report
2. Ibid: Taylor Minority Report
3. Ibid: Burch Minority Report
because they furnished the storehouse from which the arguments and propositions made in the House during the next seven weeks were drawn.

After the Committee of Thirty-three had been appointed, the House settled down to its routine tasks of passing appropriation bills, discussing the railroad to the Pacific, etc. All general debate upon the national difficulties of the hour was kept down, and only now and then did a little flurly ruffle the calm deliberations of the House until the day the report of the Committee of Thirty-three was laid before that body on January 14th. Then it was not the work of the committee which started the fireworks for the report was laid on the table, ordered to be printed, and made a special order for Monday, January 21st. The House on January 7th had refused to suspend the rules to permit Ethelridge of Tennessee to introduce a series of resolutions similar to the Crittenden proposals but had suspended the rules immediately thereafter to allow Adrian of New Jersey to present a resolution commending Major Anderson for his action in evacuating Fort Moultrie and occupying Fort Sumter. The bitterness of the southern members over the votes on these two propositions was well summed up by a remark made by Vallandigham of Ohio as he voted against the Adrian resolution: "I voted for peace and adjustment a moment ago; you refused it. I vote now against force." Increasing friction through the week finally resulted in an agreement January 12th to allow general debate

1. C. G. 36C 2s: Pt. I, p. 279
3. C. G. 36C 2s: Pt. I, p. 280
during the next week upon the issues threatening the peace of the country. ¹ This acrimonious debate continued throughout five days and chiefly confined to an argument of the respective rights of secession, coercion, and nullification. Nothing new was presented in these debated nor was anything of merit accomplished, except waste of time, which from the Republican standpoint was desirable.

It was almost a stroke of ironic fate that on the very day, January 21st, upon which the long debate on the report of the Committee of Thirty-three was initiated in the House five southern senators arose in the Senate to deliver farewell addresses, urging a peaceable dissolution of the Union and bidding that body adieu. Corwin inaugurated the debate in the House with an extended statement of the arguments presented in his "views" submitted with the report.² He was followed by Millson of Virginia in a plea for conciliation.³ Until January 31st nothing else was considered in the House; but, beginning on that day and continuing until February 11th, the report was forced to divide time with other business. It was scarcely mentioned between February 11th and 16th, and after that it was debated only at night sessions for ten days at which it had been agreed no votes should be taken. On February 26th the proposals of the committee were again taken up in day session; debate was cut off by the use of the previous question; and they were considered until all of the propositions had been disposed of four days later. During

¹ C. G. 36 C. 2s: Pt. I, p. 350
² Ibid: Pt. II, Appendix, pp. 72-77
³ Ibid: pp. 77-80
the seven weeks that the committee report was before the House, eighty-seven lengthy speeches were delivered in the House upon the proposals of the committee and the issues involved. Fully half of these were delivered to empty benches at night sessions and it is quite safe to say that all of this bombast affected the final vote not one whit. Its chief immediate value lie in the fact that it consumed a great amount of time—the aim of both southerners and northerners who believed that conciliation was impossible. But their value to the historian is that they present fairly well a cross section of the opinion of the various elements making up the personnel of the House.

Twenty-five speeches were made from the Democratic side of the House. Thirteen of these (only two from the North) came from members who saw the Crittenden resolutions as the only possible basis of compromise. Their attitude was well summed up by Harris of Virginia on February 6th: To the South, he said, "Disunion will not execute the fugitive slave bill. On the contrary it will wipe it out. Disunion will not repeal those obnoxious laws (personal liberty laws). Dissolution will not give us any more rights in the Territories than we have now. Dissolution will not stop the mails or the printing of books". And to the North, in discussing the territorial question, "You have got the flesh and the marrow of the Territories, will you not divide the bone? Or will you break up the Government rather than agree to protect slavery

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where it will never be required?"¹ Six Democrats spoke in
behalf of the proposals of the committee report, including
Hamilton of Texas, who expressed himself as willing to accept
that or any similar basis of settlement.² The other six
speeches came from members representing the border states.
They all refused to see any hope for conciliation and pleaded
for a peaceable separation.

Forty-nine Republican members delivered speeches upon
the questions of compromise and conciliation. The radical
wing of the party, far out of proportion to its strength in
the House, was responsible for thirty-nine of these. They
could accept no compromise whatever, as Wilson of Indiana
tersely remarked, "I will compromise no longer with slavery".³
Their position was ably set forth by Pottle of New York at the
beginning of the debate, when he said, "My position, sir,
first and last, is the Constitution as it is, and a just and
impartial enforcement of the laws."⁴ They and most of the
other Republicans took the attitude toward the Crittenden pro-
posals that Ely of New York enunciated on February 18th:
"And what is it in that proposition that commends it to the
secessionists? It is that by an irrecoverable article of the
Constitution, it proposes to recognize, establish, and protect
slavery in all the territory we may ever acquire for all
coming time, in the only direction in which we can expand.
It is that it prospectively establishes slavery in a foreign
territory, which we do not own, and have no right to assume

¹ C. G. 36C 2s: Pt. I, p. 777
² Ibid: p. 695
³ Ibid: p. 698
⁴ Ibid: p. 570
that we ever will own. This fact, that nothing short of a transfer of the slavery question to foreign territory will satisfy seceders, or those inclined to secede, proves that they have no real ground of complaint as to the territory we now possess."¹ The other ten Republican speeches came from the conservative branch of the party and argued for a peaceful compromise along the lines suggested in the committee report. Among those who spoke in this vein was Charles Francis Adams, who now intimated he was willing to support most of the committee proposals. In concluding his remarks, he turned to the Democratic side of the House and exclaimed, "You must make the protection and extension of slavery in the Territories now existing, and hereafter to be acquired, a cardinal doctrine of our great charter. Without that, you are determined to dissolve the Union."²

The other thirteen speeches came from the South Americans. Most of them preferred the Crittenden plan of compromise but were willing to accept the border state proposals or those of the Committee of Thirty-three. They were, for the most part, strong unionists, although in sympathy with southern interests. Some of them would go for secession should the compromise measures fail, as Leach and Smith of North Carolina and Quarles of Tennessee; but most of them were in accord with Ethelridge when he concluded his strong plea for conciliation thus: "I shall vote for the proposition of the venerable Senator from Kentucky, Mr. Crittenden; I shall, as I have before said, vote

¹. C. G. 36 C, 2 s: Pt. I, p. 1011
for the propositions submitted by myself, and if these fail, I shall sustain the measures reported by the gentleman from Ohio, Mr. Corwin. Sir, I will vote for anything which will relieve the public mind from the painful apprehensions under which it now labors.... But, ... if nothing is finally done, I will go home to my people; I will throw myself in the 'imminent deadly breach', and resist the storm of disunion to the last.... Where the flag of my country floats, there will I go.\textsuperscript{1} The untiring endeavors of this small but influential group of Americans from the border states in the interests of conciliation during the last session of the Thirty-sixth Congress has not been duly recognized. Not only were they strong, faithful supporters of conciliation; but Crittenden, the leader of the conciliation movement in the Senate, and Henry Winter Davis, the leading spirit of the Committee of Thirty-three, were both members of that group.

Corwin, as author of the committee report and advocate of its proposals, was the floor leader in the House for the report. February 7th, he gave notice that he would call the previous question upon the proposals of the committee the following week,\textsuperscript{2} but he did not make this move until February 26th. When Corwin called up the report on that day, Grow and Hickman of Pennsylvania and Bingham of Ohio each made an unsuccessful attempt to force postponement of any consideration of the proposals.\textsuperscript{3} After the failure of these dilatory

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1. C. G. 36C 2s: Pt. II, p. 116 (Appendix)  
2. Ibid: Pt. I: p. 794  
3. Ibid: Pt. II: 1233-34
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tactics on the part of the radical Republicans, Corwin called for the previous question on the propositions and requested that the House vote first on the proposed amendment to the Constitution.\(^1\) But, the Speaker ruled that the committee had not given Corwin any authority to suggest any specific order of voting on the various proposals and that the declaratory resolutions for which various substitutes had been offered must be considered first.\(^2\) Corwin then moved to postpone further consideration of the declaratory resolutions.\(^3\) This action precipitated a bitter wrangle on the floor of the House for the supporters of the various substitutes feared that they would never get a vote on their pet measures as they would be postponed along with the declaratory resolutions.\(^4\) Corwin finally called the previous question on his motion to postpone, and the House seconded it; but the motion to postpone was lost 54-91 on a roll call in which sectional and party lines were shattered.\(^5\)

The first substitute to be considered was a series of resolutions proposed by Kellogg of Illinois, whose principal feature was the embodiment of the Crittenden territorial settlement, applicable only to present territory.\(^6\) The House adjourned before a vote could be taken, and the next morning an attempt to obtain a separate vote on the Kellogg and Crittenden propositions was blocked when the Speaker ruled that the adoption of the former would preclude any vote on the latter proposition. Hence, the Kellogg proposition was

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1. C. G. 36C 2s: Pt. II, p. 1234
2. Ibid: p. 1235
3. Ibid: p. 1237
4. Ibid: pp. 1237-42
5. Ibid: pp. 1241-42
6. Ibid: p. 1258
defeated by an overwhelming vote of 33-158.¹ The Crittenden proposals were then rejected 80-113—sixty-one Democrats, and nineteen Americans favored; 109 Republicans, two Americans (Henry Winter Davis and Ethelridge), and two Democrats (Hindman, who was a radical secessionist, and Reynolds, a New York, Anti-Lecompton Democrat) opposed.² The declaratory resolutions were then adopted 136-53. On this final vote the opposition was composed of thirty-four radical Republicans and nineteen Democrats, all of whom, except Reynolds, were from the slave states.³

The proposed amendment to the Constitution was then taken up, and Corwin offered a substitute which had been drafted by Senator Seward.⁴ The substitute made no change in the meaning of the amendment, but it was a more concise statement of the proposition and avoided any specific mention of the institution of slavery. The only opposition to the substitute came from fifty-eight Republicans and three Democrats, who were opposed to it in any form.⁵ The proposed amendment was then put to a vote and was rejected 123-71.⁶

In the midst of the confusion which followed, Kilgore, Republican member from Indiana, moved to reconsider the vote on the proposed amendment and to adjourn. The motion to adjourn carried. The next morning, February 28th, Kilgore took the floor and pleaded for the Republican members to join in support of the amendment, concluding: "Shall we, I again ask, by the votes of a majority of the Republicans

¹ C. G. 36C 2s: Pt. II, pp. 1259-60
² Ibid: pp. 1263-64
³ Ibid: p. 1263
⁴ Ibid: p. 1263
⁵ Ibid: p. 1260
⁶ Ibid: p. 1264
members upon this floor, say to our southern brethren and to the world that the charges thus made against us are true, and that, when the time comes that we possess the power and the numerical force, we will break down the sovereign rights of the States; invade their constitutional privileges, and interfere with their domestic institutions?¹ Kilgore's speech and a night of contemplation had turned the tide. The motion to reconsider carried, and the proposed amendment was then approved 133-65. The victory for the amendment had been accomplished by a change of four Republican votes plus the votes of seven members (five Republicans and two Democrats) who had not voted the day before.² The following day the House proceeded to table the New Mexico bill,³ pass the fugitive slave bill,⁴ and reject the bill to amend the fugitive from justice act.⁵ Party and sectional lines were both disregarded in the votes on each of these measures on final roll call.

The Senate never considered either the declaratory resolutions or the fugitive slave bill, but the proposed constitutional amendment was taken up by that body and read the first time on March 1st,⁶ just two days before expiration of Congress. Douglas assumed the task of steering the proposed amendment through the Senate. The next day an amendment, offered by Pugh of Ohio was accepted, but under pressure from Crittenden and Douglas the Senate reconsidered the vote

1. C. G. 36C 2s: Pt. II, p. 1283
2. C. G. 36C 2s: Pt. II, pp. 1284-85
3. Ibid: p. 1327
4. Ibid: p. 1328
5. Ibid: p. 1330
6. Ibid: p. 1318
adopting the Fugh amendment and then rejected it.\footnote{1} Several other attempts were made to add amendments to the proposition which would cause its rejection in the House, but these were all defeated.\footnote{2} Finally, it was adopted by the Senate 24-12---eight Republicans, fourteen Democrats, and two Americans for; twelve Republicans against.\footnote{3}

Hence, out of the proposals of the Committee of Thirty-three only the proposed constitutional amendment received the sanction of both the House and the Senate. The declaratory resolutions, which were a well-enough meaning series of statements that meant nothing without an agency of enforcement (they supposedly would have relied on the force of public opinion for their execution, but public opinion was not in the necessary state of mind to accomplish this.), and the fugitive slave bill died on the Senate calendar. The proposals to admit New Mexico and to amend the fugitive from justice act were rejected by the House itself. The proposed constitutional amendment was recommended by President Lincoln in his inaugural address\footnote{4} and was ratified by the state legislatures of Ohio and Maryland.\footnote{5} But in the struggle which followed, it was forgotten and never again considered.

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2. Ibid: pp. 1400-1402
3. Ibid: p. 1403 (See chart for votes--Appendix)
4. Richardson: Messages and Papers of the Presidents, V. 6, pp. 10-11
5. McPherson: History of the Rebellion, p. 60
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Chapter V

PEACE--CONVENTION

The state legislature of Virginia on January 19th issued an invitation "... to all such States, whether slaveholding or non-slaveholding, as are willing to unite with Virginia in an earnest effort to adjust the present unhappy controversies, in the spirit in which the Constitution was originally formed, and consistently with its principles, so as to afford to the people of the slaveholding States adequate guarantees for the security of their rights, to appoint commissioners to meet on the fourth day of February next, in the City of Washington, similar commissioners appointed by Virginia, to consider, and if practicable, agree upon some suitable adjustment."\(^1\) The resolutions issuing this call suggested the Crittenden resolutions, modified so as to make them applicable to all future territory acquired by the United States, to protect adequately slavery in the territory, and to secure to slave owners the right of transit through free states and territories with their slaves. They also named the Virginia delegation to the conference at the head of which ex-President Tyler was placed. Tyler was also named as a commissioner to the President of the United States to request Buchanan to pledge the federal government to abstain from any action against the seceded states which might cause a collision of arms and embarrass the work of the convention. Judge John Robertson

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was sent on a similar errand to the South Carolina authorities.

This action by Virginia, no doubt, had its origin in the various proposals of influential citizens everywhere for a national conference or convention of some character. Representative Burch\(^1\) of California, Senator Seward,\(^2\) and others had recommended the calling of a constitutional convention on the floors of Congress; Senator Lane on December 18th had proposed a national convention of representatives of all the states of the Union to discuss the issues troubling the country;\(^3\) and the state legislatures of Tennessee, New Jersey, and Kentucky had petitioned Congress to call either a national conference of the states or a constitutional convention.\(^4\) Ex-President Tyler had been urging a conference of the border states ever since the early part of December; and in a public letter, published in the Richmond Enquirer just two days before the above action of the Virginia legislature was taken, he suggested that the legislature should at once call a convention of the border states.\(^5\)

Following out the instructions of the Virginia legislature, ex-President Tyler proceeded to Washington to confer with President Buchanan.\(^6\) As a result of this conference Buchanan sent a message to Congress on January 28th in which he submitted the Virginia resolutions and requested Congress "to abstain from passing any law calculated to produce a

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1. C. G. 36C 2s: Pt. II, p. 1258
2. Ibid.: Pt. I, p. 658
3. Ibid.: pp. 47-49
4. Ibid.: pp. 599, 618, 773
5. Tyler, Lyon G.: *Letters and Times of the Tylers*; V. 2, p. 579
collision of arms pending the proceedings contemplated by
the action of the general assembly of Virginia."¹ Mason
of Virginia arose in the Senate as soon as the message had
been read and implored the Senate to follow the advice of
the President and do nothing that might embarrass this
attempt to preserve the Union. He was followed by Hale of
New Hampshire, who declared that, although he felt the
Constitution needed not to be amended but enforced, he com-
mended the spirit of Virginia and that he and his colleagues
in Congress had recommended that their state send delegates
for the conference. In the House the message of the Presi-
dent and the Virginia resolutions were read but not dis-
cussed.² Neither the President nor Congress made any posi-
tive guarantee to refrain from any action which might em-
barrass the convention, yet no such action was taken by
either during the time the convention was in session.

Judge Robertson's errand to South Carolina was less
successful than Tyler's had been. Her legislature refused
to participate in the proposed convention or to make any
guarantees binding her future action. She declared that
her separation from the Union had been final and that she
had "no further interest in the Constitution of the United
States."³

When the convention was called to order at noon,
February 4th, representatives from eleven states were pre-
sent—New Hampshire, Rhode Island, New Jersey, Pennsylvania,

¹ Richardson: Messages and Papers of the Presidents, V. 5, pp. 661-63
² C. G. 36C 2s: Pt. I, pp. 600-01
³ Chadwick: Causes of the Civil War (A. N. S. v. 19), pp. 269-70
Delaware, Maryland, Virginia, North Carolina, Kentucky, Ohio, and Indiana.¹ These were later joined by delegations from Maine, Vermont, Massachusetts, Connecticut, New York, Tennessee, Missouri, Illinois, Iowa, and Kansas.² All the border states, the New England states, and the middle states were represented. Lack of time prevented the attendance of representatives from the sympathetic Pacific coast states of Oregon and California. Of the states still in the Union when the convention assembled, only those from the sullen Northwest refused to be represented, although the motives of some of the representatives of those who did attend were of such a character that they might better have stayed away.

Maine and Iowa were represented by their Congressional delegations. The delegations from New Hampshire, Vermont, Connecticut, Maryland, North Carolina, and Kansas were named by their governors. The state legislatures of Tennessee, Kentucky, Delaware, New Jersey, Virginia, New York and Missouri chose their commissioners; and they were subject to their control at all times. And those from Ohio, Indiana, Illinois, Pennsylvania, Massachusetts, and Rhode Island were appointed by their governors under authorization of the state legislatures, but they were at all times subject to the latter.³

The membership of the convention was composed of 131 men of excellent character and standing in their respective states and among them were many who had served as governors,

¹ Chittenden: *Proceedings of Peace Conference*, p. 12
² Ibid: Appendix No. I, p. 453
senators and representatives in Congress, and members of the President's Cabinet under former administrations. Among the more prominent, who enjoyed national as well as state prestige, were: William P. Fessenden and Lot Morrill of Maine; George S. Boutwell and Francis Crowninshield of Massachusetts; David Dudley Field and Francis Granger of New York; Frederick Frelinghuysen of New Jersey; George B. Rodney of Delaware; David Wilmot of Pennsylvania; Reverdy Johnson of Maryland; John Tyler, George Summers, James Seddon, and William Rives of Virginia; James Guthrie and Charles Wickliffe of Kentucky; Salmon P. Chase of Ohio; Caleb B. Smith of Indiana; Stephen T. Logan of Illinois; James W. Grimes and James Harlan of Iowa.\footnote{See Appendix for list of membership of convention. (Appendix G)}

Eleven of the state delegations came with explicit instructions from their state legislatures. The delegates from Virginia, Tennessee, Kentucky, New Jersey, and Missouri were pledged to work for the Crittenden proposals, so altered as to apply to future as well as present territory. Those from Indiana, Illinois, Ohio, and Pennsylvania were instructed not to support the Crittenden propositions. These legislatures believed "... that the Constitution of the United States as it is, if fairly interpreted and obeyed by all sections of our country, contains ample provisions within itself for the correction of all evils complained, yet a disposition to reciprocate the patriotic spirit of a sister State, and a sincere desire to have harmoniously adjusted all differences between us, induce us to favor the appointment of the
Commissioners as requested." (except from Ohio State Legislature resolution appointing commissioners). Also the Indiana delegation was instructed to take no action that might bind its state until at least nineteen states were represented. The Delaware delegates were expected to sacrifice all minor considerations, and those from Rhode Island were to agree to any adjustment "... upon the basis and in the spirit of the Constitution." Governor Andrew of Massachusetts had fulfilled the wishes of Senator Sumner that "... only the finest, in whom there is no possibility of concession or compromise" should be designated. Also Senator Hale was supposed to have "managed" the New Hampshire delegation. Hence, it was under decidedly adverse conditions that the Peace Convention began its deliberations.

The first week of the convention was spent in organization. Judge C. Wright of Ohio was chosen temporary chairman; a committee on rules and organization, composed of one member from each state, was named; and the press was excluded from the conference, on the first day. The next day Ex-President Tyler was elected permanent president of the convention; and Crafts J. Wright of Ohio, son of the temporary chairman, was named secretary. Tyler upon being conducted to the chair made a stirring plea for a sincere effort to find a means of conciliation. The Committee on Rules and Organization at the next session brought in its

2. Sumner, Chas.: Works of Chas. Sumner, V. 5, p. 462
5. Ibid: pp. 13-17
report, and it was adopted, except the rule concerning the secrecy of the deliberations. The rules had been modelled upon and were practically identical with the rules which had governed the Constitutional Convention of 1787. A quorum was to consist of seven states fully represented, and a vote of a majority of those states present was to be sufficient to decide any question. No member was to speak more than twice upon the same subject without special permission and not a second time until all others had had an opportunity to debate the question. Votes were to be taken by states, one vote to each state; and only the decisions of the states to be given or recorded.\(^1\) The secrecy rule was adopted the next day over the protest of Seddon of Virginia. This rule provided, "That nothing spoken in the Convention be printed, or otherwise published or communicated, without leave";\(^2\) and its adoption is rather surprising in view of the fact that thirteen of the delegations were supposed to be responsible at all times to the control of their respective state legislatures.

On the same day that the rules were adopted, the convention agreed to appoint a committee to consider proposals for the settlement of the country's existing difficulties. This Committee on Resolutions was to be composed of one member from each state chosen by the state delegation, and the committee was to have permission to sit during the sessions of the convention. Seddon of Virginia vigorously

\(^{1}\) Chittenden: Proceedings of Peace Conference, pp. 21-25
\(^{2}\) Ibid: p. 27
opposed this action and contended that the convention should consider the propositions outlined in the call by the Virginia legislature.\(^1\) President Tyler announced the membership of this committee, as chosen, to the convention on February 7th. Outstanding among its members were James Guthrie of Kentucky, Caleb B. Smith of Indiana, Stephen T. Logan of Illinois, James A. Seddon of Virginia, Roger Baldwin of Connecticut, David Dudley Field of New York, James Harlan of Iowa, and Reverdy Johnson of Maryland.\(^2\) The committee started its task at once under the chairmanship of Guthrie, but it was not able to comply with the order of the convention to report Friday, February 8th, and had to ask for an extension of time. The convention extended its time to the following Monday, and subsequent extensions were granted until the committee brought in its report on February 15th. In the meantime the convention had done nothing, except visit President Buchanan in a body February 7th, while it patiently awaited the report of its Committee on Resolutions.

The majority report of the Committee on Resolutions was presented by Chairman Guthrie, and it consisted of seven resolutions in the form of proposed amendments to the Constitution:\(^3\)

1. Slavery to be prohibited in all the territory north of 36 30', but in all the territory south of that line "the status of persons owing service or labor, as it now exists, shall not be changed by law while such territory

\(^1\) Chittenden: *Proceedings of Peace Conference*, pp. 21-23
\(^2\) Ibid: pp. 26-27
\(^3\) Ibid: pp. 43-45
shall be under a Territorial government".

2. Acquisition of future territory except by four-fifths vote of all members of the Senate (except posts for naval and commercial stations) to be prohibited.

3. Congress to deny all power to interfere with slavery in any manner in any state or territory where is exists by law; in the District of Columbia without the consent of Maryland and the owners of slaves; in places under the exclusive jurisdiction of the federal government within slave states and territories; and with the inter-state or territory slave trade.

4. Constitution not to be construed in such a manner as to prevent the states from cooperating in enforcing the fugitive slave law.

5. Foreign slave trade to be prohibited.

6. The above six articles and the provision of the Constitution concerning fugitive slaves to be perpetuated.

7. United States government to make compensation for fugitive slaves whose recovery should be prevented by violence or intimidation.
The majority report was accompanied by two minority reports, both of which were subsequently moved as substitutes for the report of the majority. One of these was offered by Baldwin of Connecticut in which he recommended the calling of a national constitutional convention and submitted a resolution requesting the various states to join in such a call.\(^1\) The other minority report was presented by Seddon of Virginia. He recalled that Virginia in issuing the call for the convention had proposed the Crittenden resolutions modified so as to apply to future acquired as well as present territory as a basis of settlement. Both the convention and the Committee on Resolutions had refused to heed the demands of Virginia; hence, he had been forced to submit these proposals along with some additional suggestions of his own. Of the latter, the most important was the third, which recognized secession as a constitutional right and set up machinery for severing the relations between a state and the Federal Union.\(^2\) Crowinshield of Massachusetts and Field of New York dissented from the majority report but did not care to file minority reports.\(^3\) It was afterwards stated during the debate on the majority proposals that the committee was nearly unanimous in its conclusions on all points, except the territorial question.\(^4\) The whole report was actually agreed to in the committee by a majority of five.\(^5\)

Ex-President Tyler in writing of the action of the Committee on Resolutions said, "The committee of the Peace

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4. Ibid: p. 307
5. Ibid: Appendix V, p. 615
Convention, which was to report on the 8th of February, were... prevented from doing so until the 15th. Every argument was used by members from the Border States to impress upon the Republicans the importance of a conciliatory spirit; and at length some of them whose patriotic feelings could not be entirely suppressed by party, yielded to the solemn calls of the hour, and united in an attempt at compromise. But even they could not divest themselves of all their fetters, so when at length, Mr. Guthrie, chairman of the committee, reported the propositions of Mr. Crittenden, they were so stripped of their spirit as to be a mere mockery of their former selves.... In the Crittenden propositions the language was plain and clear; in the report of the committee everything was wrapped up and disguised."¹

The propositions of the Peace Convention have usually been considered as quite analogous to the Crittenden propositions, but a careful analysis of both reveals too plainly the justice of Tyler's condemnation. In a succeeding chapter this analysis will be considered in detail and the striking dissimilarities of the two sets of propositions pointed out.

Unlimited general debate started February 16th and continued for almost a week in the convention upon the majority and minority reports. At the outset an attempt to expedite matters by limiting debate to thirty minutes was made by Wickliffe of Kentucky, acting for the Rules Committee. Davis of North Carolina proposed a more drastic

¹ Tyler, Lyon G.: Letters and Times of the Tylers: V. 2, p. 604
limitation of ten minutes, but a vote on these propositions was postponed until February 20th. The proposal to limit debate to ten minutes was then rejected 12-8, and further consideration of limitation was tabled 10-9. New Jersey, Ohio, Pennsylvania, and Rhode Island joined the slave border states in this attempt to limit debate, while Virginia joined the North in opposing the limitation. During the debate on limitation radical Republican leaders in the convention, Field of New York, and Allen and Boutwell of Massachusetts, vigorously protested against any limitation being placed upon the discussions while more moderate Republicans joined the slave border state representatives in arguing for limitation.¹

Baldwin of Connecticut inaugurated the debate on February 16th by moving that his minority report, advising the call of a national constitutional convention, be substituted for the majority report. He argued that the convention had no legal basis and had no right to propose amendments to the Constitution since the latter provided two specific methods for its amendment and the plan of the majority followed neither of these. He then declared that, since Congress did not have adequate time to consider amendments at present, the only practical solution was the call of a constitutional convention. Baldwin was answered by Guthrie of Kentucky, who defended the authority of the convention to propose amendments to the Constitution to Congress

as the exercise of the right of petition: "It is a petition sustained by the moral force of twenty-six states—a petition which Congress will not disregard." He also branded the Baldwin proposition as a means of delay to prevent conciliation.¹ He might well have replied to Baldwin's challenge of the right of the Peace Convention to initiate amendments to the Constitution, as Rives of Virginia did a few days later in replying to a similar challenge from Noyes of New York, by citing the work of the Convention of 1787 which framed the Constitution itself.² It was undoubtedly true that this Peace Convention was an extra-legal body, but so had been the Convention of 1787.

At the next session of the convention Seddon of Virginia made an appeal for the adoption of the Crittenden proposals as the only possible basis of adjustment. He said that whatever agreement was reached must apply to future acquired territory as well as that now held. "We are offering to give up the greatest part and the best part of it (rights under the Dred Scott decision), and in payment we are to take the naked chance of getting a little piece of worthless territory south of the proposed line! Such an idea was never entertained by those who made the Compromise. The idea which governed their action was, beyond all doubt, not that present territory alone should be removed from doubt and difficulty for all time, but to give us at the South a chance whatever change might come. Shall we be rewarded for all we

¹ Chittenden: Proceedings of the Peace Conference, pp. 67-70
² Ibid: Pp. 132-41
give up, and find full compensation in a clause which itself prevents the acquisition of future territory?"¹ This speech from Seddon came after the convention had rejected a proposal from Reid of North Carolina to apply the territorial settlement to future as well as to present territory by an 8-12 vote. The seven border slave states were joined by New Jersey in this vote while the other free states lined up against it.²

Around the standards thus raised by Seddon and Baldwin, the slave state extremists and the free state extremists, respectively gathered, and in between stood the larger group of moderates from both sections, who were willing to accept the majority report. The latter group did little talking but were incessantly urging the convention to act. The extremists from both sides were the ones who furnished the "fireworks", and most of these speeches came from the North as their extremists were more numerous in the convention. Boutwell of Massachusetts warned the South that the acceptance of the majority proposals would call for a sacrifice of principle on the part of the Republicans which they would not make nor would the North permit a peaceful separation.³ Morrill of Maine on February 19th bitterly assailed Virginia as a menace to the Union and accused her of attempting to play the role of an armed arbiter.⁴ The next day Field of New York spoke in favor of the Baldwin report. He declared that the South had shown no defects in the Constitution and

¹ Chittenden: Proceedings of the Peace Conference, pp. 91-93
² Ibid: pp. 80-82
³ Ibid: pp. 98-102
⁴ Chittenden: Proceedings of the Peace Conference, pp. 145-50
that the majority report, if adopted, would not end the slavery agitation. In considering the question of the Dred Scott Decision referred to by Seddon, Field asserted that this so-called decision was only an opinion and as such did not have the force of a decision.\(^1\) Tuck of New Hampshire on the same day pleaded with the South to wait until the North committed an overt act against southern rights before dissolving the Union but declared that the North would never permit the extension of slavery beyond its present limits.\(^2\)

Similar arguments were pressed by Smith of New York, Goodrich of Massachusetts, Chittenden of Vermont, Orth of Indiana, Wilmot of Pennsylvania, and McCurdy of Connecticut. The speech delivered by Salmon P. Chase of Ohio just before the close of the convention best set forth the position of the extreme Republicans, who had controlled most of the northern delegations in the convention. He argued that the pledges made on the floor of the convention were worthless unless backed up by the will of the people, and he chose to interpret the result of the last general election as a great and conclusive triumph for the principle of non-extension of slavery. It would be of no avail for the convention to compromise away that result for such action would at once be repudiated by the people, and the will of the majority could not and ought not to be defeated by a rebellious minority. Turning to the fugitive slave issue, he said that the only way it could ever be satisfactorily settled would be for the United

\(^{1}\) Chittenden: *Proceedings of the Peace Conference*, pp. 162-70

\(^{2}\) Ibid: pp. 174-80
States government to provide adequate compensation to the owners of escaping fugitives. Finally, he declared himself of the opinion that the Constitution, as it existed, contained all the guarantees and protection needed by the South if "interpreted honestly and executed faithfully"; but, if the South could not agree with this stand, he favored the call of a constitutional convention.¹

From the other extreme came speeches from Brockenbrough of Virginia, Reid, Moorehead, and Baringer of North Carolina, and Buckner of Missouri. Brockenbrough on the last day of the general debate said that the South demanded not less than the Crittenden resolutions because she could no longer trust the North. "Under the Dred Scott Decision, the people of the South have the right to go into any portion of the Territory with their slaves. You, gentlemen of the North, will not abide by that decision. You have declared in your platform that it is a miserable dogma. How can we be satisfied with such a guarantee for our rights as that?"² Barring of North Carolina the next day said, "In my opinion you will never get back the seceded States, without you give them some hope of the acquisition of future territory. They know that when slavery is gathered into a cul-de-sac, and surrounded by a wall of free States, it is destroyed. Slavery must have expansion. It must expand by the acquisition of territory which now we do not own. The seceded States will never yield this point--will never come back to a government which

¹ Chittenden: Proceedings of the Peace Conference, pp. 427-32
² Ibid: p. 280
gives no chance for the expansion of their principal institution. They will insist upon equity, upon the same rights with you in the common territory, and the same prospect, of acquiring foreign territory that you have. If you are not prepared to grant all this, do not waste your time in thought about the return of the seceded States.  

Outstanding among those who spoke in behalf of the majority report were Stockton and Frelinghuysen of New Jersey, Russin and Davis of North Carolina, Ewing of Ohio, Granger and Bronson of New York, Rives and Summers of Virginia, Cleveland of Connecticut, Pollock and White of Pennsylvania, and Logan of Illinois. These men made short, pointed speeches refuting the arguments of the opposition and constantly urging action upon the convention. Pollock was a Republican and a Lincoln supporter, who represented the spirit of the moderate Republicans in the convention. In a plea for conciliation, he declared that the size of Lincoln's vote in Pennsylvania was not due to his stand on slavery. This very candid and truthful statement was a factor which the extremists among the Republicans very carefully overlooked in asserting that the "great principle of non-extension" had so plainly triumphed in the November election.

Wickliffe of Kentucky February 20th gave notice that he would on the next day move to terminate the general debate on the various propositions before the convention. The next day that body agreed to terminate all general debate and to

start voting after one o'clock February 22nd and that debate should be limited to five minutes upon any proposal before the convention thereafter. Chase proposed as a counter resolution that no action should be taken until all the states were represented and that the convention should adjourn until April 4th. At the same time night sessions were agreed to by a vote of 13-7--the seven votes against, all coming from states whose delegations were controlled by the Republicans.\footnote{Chittenden: \textit{Proceedings of Peace Conference}, pp. 207-08} Just before the time for general debate expired on February 22nd, Turner of Illinois proposed to extend the time for debate to the following Monday. This motion was withdrawn by Turner after a vote to table it had lost 10-10. The radical Republican delegations voted to delay action, and again they followed the same policy when the convention extended the five minute rule to a ten minute rule.\footnote{Ibid: pp. 271-75} Similar dilatory tactics were carried on by those delegations from the North which were opposed to the majority report throughout the remaining sessions of the convention.

The first article, settling the territorial question, was first taken up for disposal. Seddon proposed an amendment to it so as to include the Cherokee grant in the territory south of 36 30', but this was rejected 9-11--New Jersey and Rhode Island voted with the slave states in favor.\footnote{Ibid: pp. 289-90} A substitute for this first article was then proposed by Franklin of Pennsylvania. It contemplated no change in the plan or meaning but was a more concise statement of the proposition. After several attempts to amend the change this
substitute, it was adopted the next day 14-4--only Virginia, North Carolina, Tennessee, and Missouri opposing.\textsuperscript{1} Summers then offered a substitute for the second article, forbidding acquisition of territory. This substitute proposed that no territory should be acquired by the United States, except by discovery and for naval and commercial depots, without the consent of a majority of all the senators from the slave-holding states and of a majority of the senators from the non-slaveholding states. Furthermore, if the territory should be acquired by treaty, the two-thirds vote for the ratification of the treaty should contain a majority of the senators from each of the two classes of states. The substitute was at first rejected 9-10 with Rhode Island and New Jersey joining the slave states in approval, while Ohio and New Hampshire did not vote; but the vote was later reconsidered and the substitute accepted 12-6 with Ohio, Pennsylvania, and New Hampshire adding their votes to the former nine, while New York, Vermont, and Iowa failed to vote.\textsuperscript{2}

When the third article, dealing with slavery in the District of Columbia and in those places under the exclusive control of the federal government and with the transportation of slaves, was taken up by the convention, eighteen amendments and substitutes were proposed of which only four were accepted. One of the successful amendments, proposed by Hall of Vermont, forbade the bringing of slaves into the District of Columbia for sale or the use of the District of Columbia.

\textsuperscript{1} Chittenden: \textit{Proceedings of Peace Conference}, pp. 291\textsuperscript{,} 336
\textsuperscript{2} Ibid: pp. 338-42, 346\textsuperscript{,} 373
Columbia as a depot from which to transfer slaves for sale. This was adopted 11-10 over the opposition of the seven slave states and New Jersey, Rhode Island, and Pennsylvania. Another of the successful amendments, which forbade the transportation of slaves through any state of territory unless said state or territory consented to such transportation, was offered by Groesbeck of Ohio. Illinois joined the slave states in opposing this amendment while Kansas, Iowa, and Indiana did not vote. The only other important successful amendment was proposed by Hitchcock of Ohio. It refused to renounce the right of Congress to legislate concerning slavery in the territories of the United States and was adopted 10-9--Rhode Island and New Jersey joined the slave states in opposing it; Illinois and Iowa failed to vote. During the consideration of this article James of New York proposed as a substitute the very proposition which Congress submitted to the people as a proposed amendment to the Constitution. It was rejected by a 7-13 vote in which Rhode Island, New Jersey, Pennsylvania, Ohio, Illinois, and Kansas joined the slave states in opposition to it.

The fourth article, declaring against any construction of the Constitution which would forbid cooperation of the states in enforcing the fugitive slave law, was passed over without any changes being offered. Seddon of Virginia moved to strike out the next article, prohibiting the foreign slave

2. Ibid: p. 372
3. Ibid: p. 373
4. Ibid: pp. 348-49
trade for all time, but this motion was overwhelmingly de-
feated 4-17. Then a substitute, offered by Moorehead of
Kentucky, was accepted 11-8--Pennsylvania, Ohio, Indiana,
and Illinois voted with the slave states in favor of the
substitute; Connecticut and Iowa refused to vote. The sub-
stitute declared that the foreign slave trade should be
forever prohibited and that Congress would be expected "to
pass laws to prevent the importation of slaves, coolies, or
other persons held to service or labor into the United States
and their Territories."\(^1\) Crowinshield of Massachusetts
moved to strike out the article after the adoption of this
substitute, but his motion was defeated by an overwhelming
vote. In supporting his motion, he declared, "The requisition
upon Congress making it their duty to enact laws will be
considered as a necessary one; the consequence which must
result is, that until Congress legislates there is no law
against the importation of slaves."\(^2\)

Article six was passed over without comment as it mere-
ly perpetuated the first five articles of the majority pro-
posals. When article seven was taken up, Turner of Illinois
proposed to substitute for this article the following:
"Congress shall provide by law for the securing to citizens
of each State the privileges and immunities of citizens of
the several states." As a substitute this proposal was re-
jected but later adopted as an addition to the seventh article.\(^3\)
Wilmot of Pennsylvania then pressed an amendment to this

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2. Ibid: pp. 379-80
3. Ibid: pp. 380, 385
article, which would have provided compensation by the United States government to any citizen who should suffer a violation of his rights in another than his own state through violence or intimidation, but it was rejected 8-11. Rhode Island, Connecticut, New Jersey, and Ohio joined the slave states in opposing this proposition, and Kansas and New Hampshire declined to vote.¹ Barringer of North Carolina offered an amendment to allow the United States to sue the county, city, or town in which violence was offered in any attempt to seize a fugitive slave for the amount paid by the government as compensation with interest; but this received only the votes of Virginia, Tennessee, and Kansas.² Finally Orth of Indiana proposed that the slave should be free after the owner had been compensated for his loss. This amendment was rejected 10-11 through a mistake in recording the vote of Connecticut, which was recorded against the proposition. The error was discovered after the session adjourned for that day, and the next morning the vote rejecting the amendment was reconsidered. It was then approved 17-3 after the phraseology had been made more palatable to the slave states although its meaning was in no wise changed.³

Field of New York then attempted to force the convention to either amend the seventh article or add a resolution so as to declare that the Union was indissoluble and thereby deny the right of secession. Wilmot of Pennsylvania in urging this proposition declared, "Now, all the North agrees

¹ Chittenden: Proceedings of Peace Conference, pp. 381-83
² Ibid: pp. 383-84
³ Ibid: pp. 385-87, 389-95
that there is no right under the Constitution to interfere with slavery where it exists.... We are now asked to give a declaratory provision on that subject—to give it to quiet the Slave States. One of my colleagues—Mr. Pollock—was willing to give that declaratory clause, which was necessary. I went with him in that; I now ask him to go with me... against what is the doctrine of a large portion of the people of the Slave States."¹ Palmer of Illinois was vehement in his demand that the Field proposition be adopted. "You, gentlemen of the Slave States, say that we of the North use fair words, that we promise fairly, but you insist that you will not rely upon our promises, and you demand our bond as security that we will keep them. I return the statement to you with interest. You, gentlemen, talk fairly also—give us your bond! .... I want your bond against secession, and I ask it because seven states in sympathy with you have undertaken to set up an independent government."²

The justice of the demand of Field, so forcefully emphasized by Wilmot and Palmer, can not be denied. The North certainly had a right to demand guarantees against secession from the South if the latter had a right to demand guarantees against aggression by the North. But it does not seem the part of expediency for the dominant party in the United States by virtue of the November election to force this point upon an already terror-stricken South as the price to be paid for

². Ibid: p. 405
a partial acceptance by the North of her demands. As Gridfield of Maryland said, "There is no use now in discussing the abstract question of secession. We must treat the present condition of the Gulf States as a resolution in fact accomplished,"1 After considerable debate, Field's proposition was rejected 10-11. New Jersey, Ohio, Pennsylvania, and Rhode Island joined the seven slave states in defeating it.2

The convention after taking this action proceeded to reject Baldwin's substitute, urging the call of a national constitutional convention, for the majority report, which had just been perfected. Indiana, New Jersey, Ohio, Pennsylvania, Rhode Island, and Kansas joined the slave states in rejecting this proposal.3 Seddon's substitute, the Crittenden resolutions as modified by Virginia, suffered a similar fate 4-16—only Kentucky, Missouri, North Carolina, and Virginia favoring: Iowa not voting.4 Seddon then offered the Crittenden resolutions as introduced in the Senate, but their was no change in the former vote, except Tennessee switched from "no" to "yes".5 A similar fate was in store for a proposal of Tuck of New Hampshire. His proposed substitute was in the form of an address to the people of the United States declaring: (1) no right or intention to interfere with slavery where it existed; (2) if any state is being denied its rights and privileges, constitutional redress should be make; (3) Constitution the supreme law of

2. Ibid: p. 409
3. Ibid: pp. 412-17
4. Ibid: pp. 418-21
5. Ibid: pp. 421-24
the land; (4) a constitutional convention should be called.¹

After this vote had been taken, the convention agreed
to vote on the various articles of the majority report as
perfected. The first of these, which contained the territorial
settlement, was rejected 8-11. Delaware, Maryland, Kentucky,
Tennessee, New Jersey, Pennsylvania, Ohio, and Rhode Island—
four slave and four free states—voted in favor of the art-
icle. Virginia, North Carolina, and Missouri joined eight
free states in opposing the proposal. Kansas and Indiana
did not vote. In four of the states (New York, Virginia,
Missouri, and North Carolina) that voted against the proposal
the decision within the delegation was by a majority of one
vote. During the taking of the vote much excitement pre-
vailed in the convention, and the votes of the three slave
states that joined the opposition greatly shocked those who
had labored so diligently for adjustment.² Turner of Ill-
inois, after the confusion resulting from the vote had
slightly subsided, arose and moved a reconsideration. This
motion prevailed 14-5, but the record of the votes by states
was not recorded. Granger of New York, who had been a staunch
advocate of the majority report, moved an adjournment and
said, "I think it well for those gentlemen from the slave
States, especially, who have by their votes defeated the
compromise we have labored so long and so earnestly to secure,
to take a little time for consideration. Gentlemen, we
have now yielded much to your fears, much to your apprehensions;

¹ Chittenden: Proceedings of Peace Conference, pp. 425-26, 433
² Ibid: Pp. 437-38
we have gone to the very verge of propriety in giving our assent to the committee's report. We have incurred the censure of some of our own people, but we were willing to take the risk of this censure in order to allay your apprehensions. We expected you to meet us in the path of compromise. Instead of that you reject and spurn our propositions. Take time, gentlemen, for reflection. Beware how you spurn this report, and incur the awful responsibility which will follow. Reject it, and if the country is plunged in war, and the Union endangered, you are the men who will be held responsible."¹

The convention adjourned immediately and met again that evening, but it again adjourned to allow the conferences attempting to save the proposals to continue. When the vote was taken next morning, the first article was adopted 9-8. This reversal was accomplished by Illinois changing her vote and joining the eight states which had supported the proposal on the first vote and by Kansas, New York, Indiana, and Missouri not voting. Missouri and Indiana refused to vote, and the other two were divided. The votes of Virginia and North Carolina were again cast against the proposition by a majority of one vote in each delegation.²

But the adoption of the proposition was really due to the absence of Field of New York. The New York delegation was composed of eleven members, six of whom were opposed to the majority report and five of whom were favorable to it. Field was chairman of the delegation and was among those opposed to the majority report. The day before the final

² Ibid: pp. 441-42
vote on the first article Field had been summoned to appear before the Supreme Court to argue a case, which had been on the docket of the court for over two years; but the case was postponed by an order of the court until the next morning (the morning the second vote on the first article was taken). Field returned to the Peace Convention that day in time to help cast New York's vote in opposition to the territorial settlement proposed by the majority report, and he had unsuccessfully fought the reconsideration and the evening adjournment for he knew that he could not be present the next morning. Nevertheless, he called the New York delegation together the next morning for a caucus just before he left for the Supreme Court. Field explained his predicament to the delegation, and it was agreed by a six to five vote that the vote of New York should be cast in opposition to each of the proposals of the majority report as perfected. The five members who favored the proposals warned the others while in the caucus that they would not consider this action as binding and would insist that the vote of New York be determined upon each article as it was voted upon in the convention.¹ When New York was called to vote on the first article, King, acting chairman, explained the action of the caucus and the absence of Field and attempted to cast the vote of New York against the proposal in accordance with the agreement reached in the caucus. Corning objected on behalf of those in the delegation who favored the proposal, and President Tyler ruled that "an absent member cannot participate in the control of

¹ Chittenden: Proceedings of Peace Conference, Appendix IV, pp. 596-602
a vote except by general leave of the convention." Thus the vote of New York was lost.\textsuperscript{1} In reports to the New York Legislature, Field blamed his associates for the failure "to execute in my absence what had been resolved when I was present"; and his associates laid the blame for New York's failure to vote upon Mr. Field and accused him of deliberately deserting his duty.\textsuperscript{2} The action of the convention in sustaining the stand of the minority members of the delegation seems to place the responsibility of New York's failure to vote upon Field, although it is true that his associates made no fight to sustain the action of the caucus. But, regardless of where the blame rests, the fact remains that the absence of Field did result in the vote of New York being lost and in the acceptance of the first and key proposal of the majority report. If New York's vote had been cast, the proposition would have been lost 9-9.

The remaining six propositions were adopted by the convention immediately after the disposal of the first. The votes upon these propositions showed Rhode Island, Pennsylvania, New Jersey, and Ohio of the free states and Tennessee, Kentucky, Delaware, and Maryland of the slave states always voting for the proposals of the perfected majority report. These eight were usually joined by Illinois and Indiana. Massachusetts, Maine, and Iowa were always arrayed against them. This group was usually supported by New Hampshire, Vermont, and Connecticut; and occasionally joined by Virginia and North Carolina as in the vote on the first article.\textsuperscript{3}

\textsuperscript{1} Chittenden: \textit{Proceedings of Peace Conference}, p. 441
\textsuperscript{2} Ibid: \textit{Appendix IV, 600, 601-02}
\textsuperscript{3} See Appendix C for analysis of votes.
Chase of Ohio tried to get a vote on the propositions as a whole, but the motion was ruled out of order by the chair.\textsuperscript{1}

One more attempt was then made to get the convention to go on record as opposed to secession, but it failed 10-7. A preamble offered by Guthrie of Kentucky was then adopted, and President Tyler was ordered to transmit the resolutions of the convention to Congress with a request that they be adopted. The secrecy injunction was also removed. Upon recommendation of the Committee of Finance the convention assessed each state represented thirty-five dollars for its share of the convention expenses. The Willard Hotel had provided the hall for the meetings of the convention free of charge, and the city of Washington had defrayed the expenses of printing and stationery and had furnished protection for the sessions. Hence, the small assessment to cover expenses.\textsuperscript{2}

Just before adjourning, Tyler thanked the members for their loyal conduct and service and concluded, "Although these proposals are not in all respects what I could have desired--although I should have preferred the adoption of those recommended by the Legislature of Virginia, because I know they would have been acceptable to my own constituents, still it is my duty to give them my official approval and support.\ldots It is probable that the result to which you have arrived is the best that under all the circumstances could be expected.

So far as in my lies, therefore, I shall recommend its adoption.\textsuperscript{3}

\textsuperscript{1} Chittenden: \textit{Proceedings of Peace Conference}, p. 446
\textsuperscript{2} Ibid: pp. 448-50
\textsuperscript{3} Chittenden: \textit{Proceedings of Peace Conference}, p. 452
In the final draft of the report of the Peace Convention, the seven articles of the majority were merged into a single article of seven sections, which was offered as an amendment to the Constitution. The above survey of the action of the Peace Convention makes inevitable the conclusion that there really should have been no report by that body. It should have adjourned without offering any proposals to the country and to thus have acknowledged to the people that it had actually failed to meet the national emergency. From the technical standpoint of the parliamentary law expert, the refusal of the convention to recognize the caucus action of the New York delegation as binding, when it was questioned upon the attempt to cast the vote of New York against the proposal for the settlement of the territorial question, was probably correct; but that does not preclude the fact that New York was against the proposal and that her vote would have defeated the proposition had it been counted. Furthermore, the vote for this first proposition was only nine; and it was, therefore, two short of a majority of all the states represented in the convention. The rejection of this article for settling the territorial question would have defeated all the rest of the proposals offered in the majority report of the Committee on Resolutions for this question was the most troublesome of all and had to be settled before any other differences could be adjusted. Then, after the various proposals had been adopted severally, the ruling of the chair that the propositions as
a whole could not be brought to a vote, no doubt, saved the propositions from a rightful disposition at the conclusion of the convention.

Ex-President Tyler, as instructed, presented the report of the Peace Convention to Congress with a request that that body submit the proposed amendment to the state legislatures for ratification. In the House the proposals of the convention were never even given the courtesy of a consideration or reading. Maynard of Tennessee attempted to bring the report before the House for consideration but failed when even a record vote on his motion to consider was refused.¹ A final effort to obtain consideration was made March 1st after the proposals of the Committee of Thirty-three had been disposed of by the House. The Speaker then proposed to present the report of the Peace Convention, but Lovejoy of Illinois and Grow and Stevens of Pennsylvania objected. McClernand of Illinois moved to suspend the rules so as to permit the Speaker to introduce the report. The radical Republicans resorted to sharp parliamentary tactics to prevent a vote on the motion to suspend the rules, but they ceased following this policy after McClernand threatened to conduct a filibuster for the remainder of the session unless a vote was allowed. The motion to suspend the rules was lost 93-67, as it required a two-thirds vote. An analysis of this vote reveals that all party lines were broken and that the radical Republicans, southern Democrats, and part of the southern Americans voted together to prevent the consideration of the

¹ C. G. 36C 2s: Part II, p. 1261
report. Some of those who voted to suspend the rules in order to receive the report remarked that they were opposed to the proposals but were willing to consider the propositions and allow a vote on them. Hence, had the question been taken directly upon the Peace Convention proposals, the vote against them would have been much larger.\(^1\) In the Senate the report of the convention was received and considered, but it is sufficient to say here that they were rejected by that body (the details will be found in the next chapter).\(^2\) Thus, the Peace Convention was a complete failure as far as affording a means of working out a satisfactory plan of adjustment and conciliation was concerned.

The failure of the Peace Convention to accomplish its avowed aims was not a surprise to the country. The convention met under decidedly adverse conditions, for eleven of the delegations were so instructed by their legislatures that they could never have aided in reaching an agreement unless they disregarded their instructions. Practically all of these delegations did disregard their instructions under the favoring protection of the secrecy rule and tried to bridge the difficulties, but there were enough other delegations in the convention that had been appointed for the purpose of blocking any constructive program that body might evolve to assure its ultimate failure. From the beginning both northern and southern leaders were doubtful of the success of the Peace Convention. The day before it assembled Mrs. Tyler wrote to her mother in New York, "All of the South or

\(^1\) C. G. 360 2s: Part II, pp. 1331-33
\(^2\) Below: pp. 120-128
border States will enter upon the deliberations with very little expectation of saving the Union, I think--there seems such a fixed determination to do mischief on the part of the Black Republicans."¹ One of the representatives in the Virginia House of Delegates commented, "I hope, but I cannot say that I expect the Virginia effort at mediation will be successful. I cannot well see how the present Congress can pass by a two-thirds vote any proposition which may be agreed upon, if acceptable to the South; and still more I cannot see much prospect, if passed by Congress, for their ratification--for it would have to get three-fourths of all the States which would be the whole of the present Union."²

Seward saw no gain from the proposed convention except a gain of time, and for that reason he was willing to see the convention meet.³ Sumner was opposed to any participation by the North in the convention, which he considered a part of a "treasonable conspiracy against the National Government.... and any change by the North from its attitude of firmness and repose can have no other effect than the encouragement of treason."⁴ E. Peck of Springfield, Illinois, wrote Lyman Trumbull, senator from that state, that Lincoln would have preferred that Illinois not send a delegation to the Peace Convention.⁵ Henry Adams in writing of the convention to his brother said, "The Convention is in secret session. Like most meetings of this sort, I suppose they will potter

¹ Tyler, Lyon G.: Letters and Times of the Tylers, V.2, p. 596
² Walmsly: "Change of Secession Sentiment in Virginia", in American Historical Review, V. 21, p. 89
³ Seward, T. W.: Seward at Washington, V. 2, p. 503
⁴ Sumner, Charles: Works of Charles Sumner, V. 5, p. 445
⁵ White: Lyman Trumbull, p. 119
ahead until no one feels any more interest in them, and then they may die."\(^1\) Although the more radical Republican leaders were quite hostile to the convention at the outset, they were very anxious that the free state delegations should be made up of "true, unflinching men... who would frown down rebellion."\(^2\) The attitude of this faction is well set forth in the following letter, written by Senator Chandler of Michigan to Governor Blair of that state after the convention was in session: "Governor Bingham (senator) and myself telegraphed you on Saturday, at the request of Massachusetts and New York, to send delegates to the peace or compromise Congress. They admit that we were right and that they were wrong; that no Republican State should have sent delegates; but they are here and cannot get away. Ohio, Indiana, and Rhode Island, are caving in, and there is danger of Illinois; and now they beg us, for God's sake, to come to their rescue, and save the Republican party from rupture. I hope you will send **stiff-backed** men or none. The whole thing was gotten up against my judgment and advice, and will end in thin smoke. Still, I hope as a matter of courtesy toward our erring brethren, that you will send delegates.... Some of the manufacturing States think that a fight would be awful. Without a little bloodletting this Union will not, in my estimation, be worth a rush."\(^3\)

In the Peace Convention the Republicans were for the most

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2. C. G. 36C 2s: *Part II*, p. 1247
3. Ibid: p. 1247
part committed to the policy of Salmon P. Chase, who declared in a letter to Portsmouth, Ohio, that the Republicans were going "to use the power while they had it and prevent a settlement". This policy manifested itself in the dilatory tactics used by the Republicans in the convention to delay action. It will be recalled that those states which were controlled by the radical Republicans opposed every attempt to bring the issues to a vote. Also from this group came the almost endless string of amendments which were offered to the propositions sponsored by the majority report of the Committee on Resolutions. These tactics brought forth bitter charges of bad faith from those who were earnestly seeking an adjustment. Roman of Maryland on February 26th exclaimed, "What good can come of these deliberations, when upon every question which is presented the lines of sectionalism are tightly drawn, and with one or two exceptions every northern State is arrayed against us? Suppose these proposals are adopted, there is evidently a purpose manifested here by a large delegation from the free States, to prevent their adoption by the people." Price of New Jersey the same day charged, "There is an element in this Conference which, from the first day of our session, had opposed any action. Its policy has been to distract and divide our counsels, to put off everything, to prevent all action." And a little later Bronson of New York declared. "My colleagues are skilful; they know how many ways there are.

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3. Ibid: pp. 400-01
to accomplish their purposes. One way to defeat any action here is by making long speeches; by loading down the propositions of amendment to the Constitution with other amendments which will make the whole thing offensive to the country.\(^1\)

But from the Republican leaders, who did not expect the convention to offer any satisfactory plan of adjustment, this policy of delay was welcomed and encouraged. Seward saw a protracted Peace Convention as an aid to delay the progress of secession in the border states and to insure the safe inauguration of the new administration. He regretted to see it break up and would like to have seen it continue several weeks longer.\(^2\) Carl Schurz had favored the convention from the first, because he thought that through its deliberations time could be gained that would insure Lincoln's inauguration and that could be utilized to unify the badly divided northern sentiment.\(^3\) However, the Republicans were not alone to blame for the failure of the Peace Convention. The delegations from Virginia, North Carolina, and Missouri insisted upon the Crittenden proposals throughout the convention, when they knew the northern delegations would not and dared not accept them; and they joined the radical Republicans of the North in the attempt to reject several of the proposals of the majority report, especially the settlement of the territorial question, when these propositions came to a final vote. In the debate on the floor of the convention Seddon and Barringer of North Carolina demonstrated that the extremists...

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2. Seward, F. W.: *Seward at Washington*, V.2, p. 503
3. Basum: *Americanization of Carl Schurz*, p. 320
of the border slave states and the seceded states would never accept any settlement which did not apply to future acquisitions of territory and allow an equitable expansion of slavery in such acquisitions. This stand gave color to the charges of the Republicans that the seceding states were desirous of building up a great slave empire through acquisition of the territory of the southern neighbors of the United States.

The Peace Convention failed completely to accomplish its avowed purposes, but it was not entirely barren of results. Indirectly it accomplished three important results. First of all, it convinced those on both sides who were seeking a compromise that the task was futile. Secondly, the seceded states considered its records a vindication of their stand and the pressure for secession in the border states was increased. Finally, precious time was gained by the North to unify sentiment behind the incoming administration, and the North was convinced that the South would accept no adjustment which did not allow for the expansion of slavery into future territorial acquisitions. Hence, if the indirect results of the Peace Conventions are considered, it does not appear to have been so great a failure.
Chapter VI

FINAL ACTION OF THE SENATE

The Senate had ceased consideration of any measures looking toward an adjustment of the national difficulties after the Crittenden resolutions upon which it was proposed to take the "sense of the people" had been rejected January 16th in favor of the Clark substitute, declaring that the Constitution as it was was sufficient to afford all the guarantees and protection any state or section might need. The Senate, it will be recalled, had agreed to reconsider the vote by which this action had been decided upon; but the question was shoved aside and not again taken up until the session was almost ended.¹

The report of the Peace Convention was presented to the Senate by the Vice-President on February 27th. The Senate at the instigation of Crittenden agreed to refer the report to a special committee of five members, who were instructed to consider the proposals of the Peace Convention and to report their findings to the Senate the next day. It was further agreed over the opposition of most of the Republicans that the report of this committee should be made the special order for the next afternoon. Senators Crittenden, Bigler, Thomson, Seward, and Trumbull were named on the committee.²

This committee the next morning reported the Peace Convention proposals unchanged and recommended that they be submitted

¹ Supra: pp. 34-35
² C. G. 36C 2s: Pt. II, pp. 1254-55
to the state legislatures for ratification. This report was signed by Crittenden, Bigler, and Thomson. The two Republicans, Seward and Trumbull, offered a substitute proposal in the committee that Congress should recommend to the states the calling of a constitutional convention. This was, of course, rejected by the committee, and the other three members refused to allow them to offer a minority report. However, Seward, on behalf of Trumbull and himself, introduced a resolution recommending the call of a constitutional convention and promised to offer it as a substitute for the Peace Convention proposals. Hale succeeded in blocking under the rules of the Senate any consideration of the proposals of the Peace Convention beyond a first reading on February 28th.\footnote{C. G. 36C 2s: Part II, pp. 1269-73} The proposals were debated in the Senate during the next two days with the southern Democrats leading the attack against them, while Crittenden, Baker (Republican), and one southern Democrat, Johnson of Tennessee, supported the proposals. The Republicans for the most part remained silent.\footnote{Ibid: pp. 1305-18, 1342-56} During the debate on March 2nd further consideration of the proposals was postponed in order that the Senate could act upon the amendment to the Constitution passed in the House, which Douglas was sponsoring in the Senate.\footnote{Ibid: pp. 1362-63}

When this had been disposed of on March 3d, Mason of Virginia surprised the Senate by proposing that the Senate again consider the Crittenden resolutions. The motion was agreed to although some members supported the motion under
the impression that they were voting to again take up the Peace Convention proposals. The Senate at once rejected the Clark substitute, which was pending, 14-22. Five Republican senators aided the Democrats and Americans in rejecting this resolution, although they so voted, not because they opposed it, but in order to allow a vote on the Crittenden resolutions to be had. Then the Senate approved the action which had been taken in the Committee of the Whole, amending the proposed territorial settlement so as to make it applicable to future acquisitions of territory both north and south of 36° 30'. Crittenden had not been aware of the move to again take up his resolutions until after it had been made, and he hastened to move the Peace Convention proposals as a substitute for his own resolutions. He had come to the conclusion that it would be futile to insist on his own propositions, and he thought he saw in the proposals of the Peace Convention a solution quite similar to his own and one which Congress would accept on account of its source. But the plea of the venerable Crittenden was to no avail, for the Senate rejected the Peace Convention proposals by an overwhelming vote of 7-26. The two Americans, Harlan and Morill and three Democrats, Andrew Johnson, Douglas, and Thomson supported the Peace Convention proposals; fourteen Democrats and fourteen Republicans opposed them. The Crittenden resolutions were then rejected 19-20. This vote was strictly along party lines—the two Americans and Democrats.

1. C. G. 36C 2s: Pt. II, p. 1403
2. Ibid: p. 1404
for and the Republicans against. It is worthy of comment that neither Seward nor Collamer voted on either of these final roll calls nor were they paired. The description of the scene in the Senate chamber on the night of March 3d when the final scene in the attempt to amicably settle the differences between the North and the South was enacted was grippingly told by an observer: "On the 3d of March, it was announced that the vote would finally be taken... It was a critical day. A vast crowd pressed into and around the Senate Chamber; with difficulty the officers drove them from the floor; they surged in the galleries; there was great confusion there... many stood in spaces scarcely affording breath, until night descended on the debate. They were there to witness the tragedy of a nation's extremity... It was near midnight when the vote was taken: 19-20; the Crittenden Resolutions finally lost by one vote. Its announcement was made without impressiveness. Bewildered, stricken, speaking only in low murmurs, the vast crowd wandered out into the night, and separated to meet again in front of the bayonets that glittered next morn before the new President of the United States."

But why were the Peace Convention proposals so overwhelmingly defeated while the Crittenden propositions were rejected by only one vote? In trying to answer this question the Republican vote need not be considered. None of them voted for the Crittenden resolutions, and only two supported
the Peace Convention proposals. They were consistent throughout, and the two votes from their ranks for the convention proposals only emphasizes the small support which the Democrats gave these proposals. The attitude of the Republicans in the Senate was well known, and they were expected to oppose any plan of adjustment which might in any way allow slavery to expand beyond the limits it then occupied. But the Democrats were all advocates of compromise and conciliation. Why did fourteen Democrats refuse to support the Peace Convention proposals after Crittenden had appealed to the Senate to reject his resolutions in favor of these others and then voted for the Crittenden proposal immediately thereafter? Two factors chiefly influenced the action of these Democrats. In the first place the vote upon the Peace Convention proposals was not a straightforward vote to accept or reject them but was a vote to substitute them for the Crittenden resolutions. Hence, the vote cast by many of the northern Democratic senators was a preferential vote for the Crittenden propositions and should not be interpreted as meaning that they were opposed to the Peace Convention proposals. It is quite safe to conclude that the propositions of that body would have received a much larger vote in the Senate had they been voted on apart from any other proposition.

Secondly, the proposals of the Peace Convention were rejected by the Democrats because they were not similar to the Crittenden resolutions as they have usually been pictured. Because of this, the former propositions would not have received the vote that the Crittenden resolutions did--Lane,
Wigfall, Mason, Hunter, Polk, and Gwin would never have voted to accept them. The differences between these two sets of proposals was well recognized at the time as demonstrated in the debates in the Peace Convention and in the Senate, but they seem to have since been neglected or forgotten. They differed essentially in two ways: (1) Future acquisition of territory; and (2) clarity of meaning in regard to the settlement of the territorial question. The Crittenden proposals placed no limitation upon the future acquisition of territory other than that the division line of 36 30' should apply to future acquisitions as well as to present territory. But the Peace Convention proposals placed a limitation upon future acquisitions, which was practically a prohibition—future acquisitions would require a majority vote of senators from each of the two classes of states, slaveholding and non-slaveholding; and the settlement of the question of slavery in the territories was to apply only to present territory. Hence, should acquisitions be made in the future, the slavery issue would have to be settled again.

In the second place, the first resolution of the Crittenden proposals clearly defined the position of slavery in the territories, but the proposal of the Peace Convention in regard to the position of slavery in the territories was quite ambiguous. They are quoted here in parallel columns to emphasize this important dissimilarity:
CRITTENDEN PROPOSAL

"In all the territory of the United States now held or hereafter acquired, situate north of latitude 36° 30', slavery or involuntary servitude, except as a punishment for crimes, is prohibited while such territory shall remain under territorial government. In all the territory now held or hereafter acquired south of said line of latitude, slavery of the African race is hereby recognized as existing, and shall not be interfered with by Congress, but shall be protected as property by all the departments of the territorial government during its continuance; and when any Territory, north or south of said line, within such boundaries as Congress may prescribe, shall contain the population requisite for a member of Congress, according to the then federal ratio of representation of the people of the United States, it shall, if its form of government be republican, be admitted into the Union on equal footing with the original States, with or without slavery, as the Constitution of such State may provide."

PEACE CONVENTION PROPOSAL

"In all the present territory north of the parallel of 36° 30' of north latitude involuntary servitude, except in punishment of crime is prohibited. In all the present territory south of that line, the status of persons held to involuntary service or labor, as it now exists, shall not be changed; nor shall any law be passed by Congress or the Territorial Legislature to hinder or prevent the taking of such persons from any of the States of this Union to said Territories, nor to impair the rights arising from said relation; but the same shall be subject to judicial cognizance in the Federal Courts, according to the course of the common law. When any Territory North or South of said line, within such boundary as Congress may prescribe, shall contain a population equal to that required for a member of Congress, it shall, if its form of government be republican, be admitted into the Union on an equal footing with the original States, with or without involuntary servitude, as the Constitution of such State may provide."

There could have been no question over the interpretation of the terms of the territorial settlement as contained in the Crittenden proposal. It was clear and explicit in its phraseology and meaning. But the proposal of the Peace Convention was indefinite, and its terms could have been inter-

1. See Appendix A for complete copy of Crittenden Resolutions
2. See Appendix A for complete copy of Peace Convention proposals.
preted in various ways. In the Peace Convention itself there was a disagreement over the meaning of the term status. Some held that it meant status in fact; others, that it meant status in law; and still others said that it meant both.¹ Here would have been the first bone of contention. Further, this proposal said that "the status of persons held to involuntary service or labor, as it now exists, shall not be changed." Immediately the question arose as to what was the position of slavery at the time in the territories. If the Dred Scott decision was recognized as binding, then slavery existed in all the territories for slavery was national, according to that pronouncement. But the Republicans refused to recognize this as a decision, saying it was merely an obiter dictum. Again, the territory south of 36 30' had been acquired from Mexico, and the question of the position of slavery in that territory had been considered and dodged when the Compromise of 1850 had been framed. Salmon P. Chase told the Peace Convention "that the whole interpretation of the section was that it was the status fixed by the Mexican law of emancipation, which had been proclaimed by the Mexican government years before the acquisition of the western territory by the United States, and ... that the law of New Mexico was the status of free soil".² This would have been a second stumbling block. Finally, the propositions said that the rights of slave owners in the territories should be "subject to judicial cognizance in the Federal Courts according to the

¹ Chittenden: Proceedings of Peace Conference, pp. 326-27
² Tyler: Lyon G.: Letters and Times of the Tylers, V. 2, p. 605
course of the common law." The North held that the common law did not recognize slavery, and the South contended that it did. Southern leaders charged that the Republicans would appoint judges who would judicially rule slavery out of the territories and declared this supposed guarantee in the Peace Convention proposal meant nothing. Hence, the adoption of the proposal of the Peace Convention for settlement of the territorial question would have settled nothing, and out of it only bitter disagreement could have come. In view of this, it is strange that Crittenden, Douglas, Thomson, and others who were so zealously working for amicable adjustment should have lent their support to these proposals. It is possible that either they did not see these defects in their frantic efforts to stem the tide of disunion and war or they thought that they would furnish a means of bridging over the gap between North and South for a time until a more satisfactory adjustment could be worked out in calmer moments.
CONCLUSIONS

With the final rejection of the Crittenden resolutions on the night of March 3d came the end to the efforts of the Thirty-sixth Congress to settle the troublesome questions that were disrupting the Union. For three months that body had wrestled with the problems of conciliation and adjustment in vain. Out of the mass of propositions submitted to solve the national difficulties, three major propositions were devised. One, the Crittenden resolutions, was sponsored in the Senate unsuccessfully. Another series came from the Committee of Thirty-three in the House—chiefly the work of Henry Winter Davis of Maryland. Of these propositions one in the form of an amendment to the Constitution was submitted to the states and was ratified by two of them before the fall of Sumter. And the final effort came from the Peace Convention called by Virginia, but its proposals were never seriously considered by Congress.

The Crittenden proposals were the only ones which could have checked the wave of secession and satisfied the South. From the standpoint of a compromise, it was the fairest solution proposed. The North had urged the non-extension of slavery into any of the territories. The South contended that under the Dred Scott decision the territories were all open to slavery. The Crittenden proposals forever banned slavery north of 36°30', and recognized it south of that line in territory which the Compromise of 1850 had thrown open to slavery. The question of the position of slavery
in future acquisitions was likewise equitably settled, and either section by its vote in Congress could have blocked any undesirable acquisitions. The solutions offered by the Crittenden proposals in regard to the fugitive slave law, the District of Columbia, and the slave trade would have been readily accepted by both sections, if the first proposition could have been agreed upon. The southern states would accept nothing less than the Crittenden proposals. The Northern Democrats and the border states would have preferred the Crittenden plan of settlement to any other offered. But the Republicans would never have consented to these propositions for they contended that the election of Lincoln had placed the seal of popular approval upon their cardinal principle of non-extension of slavery as embodied in the Chicago platform. As has been demonstrated, the evidence of public opinion seem to point to the conclusion that the people would have gaudly approved the Crittenden propositions had they been submitted to a popular vote.

If these propositions had been agreed upon by North and South as the "Compromise of 1860", the historian can only speculate as to their ultimate success or failure to avert the direful calamity that did follow their rejection. Some will contend that, if they had been adopted, economic forces which were then establishing a foothold in the South would have brought about peaceful emancipation and the Civil War could have been averted. If they are right, the rejection of Crittenden proposals was a tragic blunder. But others
hold that, even if these propositions had been adopted, the South would still have held to her theories and practices of secession so that the Civil War would have had to have been fought sooner or later in order to maintain the supremacy of the national government. If there contention is the right one, then, perhaps, it was just as well for the "tug" to come when it did.

Although all efforts at Compromise failed to adjust the problems confronting the country, these three months were not without value to both North and South. The South utilized the time to organize her government and to prepare for a defensive war, as well as to unify public opinion in favor of the Confederacy. In the North the greatest benefit of these months of futile discussion was to change a badly divided North of December, which might easily have gone all to pieces had hostilities broken out then, into a somewhat unified North in March, which now needed only a Sumter to fully arouse it to the grim task ahead.
APPENDIX
APPENDIX A

THE THREE MAJOR PLAN EVOLVED FOR SETTLING THE NATIONAL DIFFICULTIES:

I. Crittenden Resolutions:*

Article 1. In all of the territories of the United States now held, or hereafter acquired, situate north of latitude 36 30', slavery or involuntary servitude, except as a punishment for crimes, is prohibited while such territory shall remain under territorial government. In all the territory (now held or hereafter acquired,) south of said line of latitude, slavery of the African race is hereby recognized as existing, and shall not be interfered with by Congress, but shall be protected, as property by all the departments of the territorial government during its continuance; and when any Territory, north or south of said line, within such boundaries as Congress may prescribe, shall contain the population requisite for a member of Congress, according to the then federal ration of representation of the people of the United States, it shall, if its form of government be republican, be admitted into the Union on an equal footing with the original states, with or without slavery, as the Constitution of such new State may provide.

Article 2. Congress shall have no power to abolish slavery in places under its exclusive jurisdiction, and situate within the limits of States that permit the holding of slaves.

Article 3. Congress shall have no power to abolish slavery within the District of Columbia so long as it exists in the adjoining States of Virginia and Maryland, or either, nor without the consent of the inhabitants, nor without just compensation first made to such owners of slaves as do not consent to such abolish ment. Nor shall Congress at any time prohibit officers of the federal government or members of Congress, whose duties require them to be in said District, from bringing with them their slaves and holding them as such during the time their duties may require them to remain there, and afterwards taking them from the District.

Article 4. Congress shall have no power to prohibit or hinder the transportation of slaves from one State to another, or to a Territory in which slaves are by law permitted to be held, whether that transportation be by land, navigable rivers, or by sea. (But the African slave trade shall be forever suppressed; and it shall be necessary and effectual to prevent the migration or importation of slaves, or persons owing service or labor,
into the United States from any foreign country, place, or jurisdiction whatever.

Section 2. That persons committing crimes against the rights of those who hold persons to service or labor in one State, and fleeing to another, shall be delivered up in the same manner as persons committing other crimes and that the laws of the State from which such persons flee shall be the test of criminality.

Section 3. Congress shall pass efficient laws for the punishment of all persons in any of the States who shall in any manner aid and abet invasions or insurrections in any other State, or commit any other act tending to disturb the tranquility of its people or government of any other State.)

Article 5. That, in addition to the provisions of the third paragraph of the second section of the fourth article of the Constitution of the United States, Congress shall have power to provide by law, and it shall be its duty to so provide, that the United States shall pay to the owner who shall apply for it, the full value of his fugitive slave in all cases when the marshal, or other officer, whose duty it was to arrest said fugitive, was prevented from so doing by violence or intimidation, or when, after arrest, said fugitive was rescued by force, and the owner thereby prevented and obstructed in the pursuit of his remedy for the recovery of his fugitive slave, under the said clause of the Constitution and the laws made in pursuance thereof. And in all cases, when the United States shall pay for such fugitive, they shall have the power to reimburse themselves by imposing and collecting a tax on the county (or city) in which said violence, intimidation, or rescue was committed, equal in amount to the sum paid by them, with the addition of interest and the costs of collection; and the said county (or city), after it has paid said amount to the United States, may, for its indemnity, sue and recover from the wrongdoer or rescuers, by whom the owner was prevented from the recovery of his fugitive slave, in like manner as the owner himself might have sued and recovered.

Article 6. No future amendment of the Constitution shall affect the five preceding articles, nor the third paragraph of the second section of the first article of the Constitution, nor the third paragraph of the second section of the fourth article of said Constitution, and no amendment shall be made to the Constitution which will authorize or give to Congress any power to abolish or interfere with slavery in any of the States by whose laws it is or may be allowed or permitted.

(4Article 7. Section 1. The elective franchise and the right to hold office, whether federal, State, territorial, or municipal, shall not be exercised by persons who are, in whole or in part, of the African race.)
The original proposition introduced by Senator Crittenden on December 18th, as given in C. G. 36C 2s: Pt. I, 114, is the part of the above not enclosed by parentheses. The parts enclosed in parentheses were later additions. The first of these came from Crittenden himself and were included in the draft of the resolutions when he reintroduced them on January 3d and proposed that the "sense of the people" should be taken on them. These changes are found in the parentheses noted 3 and 4. (See C. G. 36C 2s: Pt. I, 237). The next change was that found in the parentheses noted 1. It was proposed in the Committee of the Whole on January 16th by Senator Powell of Kentucky (C. G. 36C 2s: Pt. I, 403-04). The action taken in the Committee of the Whole was ratified by the Senate March 3d (C. G. 36C 2s: Pt. II, 1404). The other change, noted 4, was made in the Senate on March 3d and was suggested by Senator Powell (C. G. 36C 2s: Pt. II, 1404). The only copy of the resolutions with all of these changes is to be found in C. G. 36C 2s: Pt. II, 1368.
II. Resolutions and Proposals of the Committee of Thirty-three:

Declaratory Resolutions:

Resolved, That, in the opinion of this committee, the existing discontents among the southern people, and the growing hostility among them to the federal government, are greatly to be regretted; and that, whether such discontents and hostilities are without just cause or not, any reasonable, proper, and constitutional remedies, and additional and more specific and effectual guarantees of their peculiar rights and interests as recognized by the Constitution, necessary to preserve the peace of the country and perpetuity of the Union, should be promptly and cheerfully granted.

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That all attempts on the parts of the legislatures of any of the States to obstruct or hinder the recovery and surrender of fugitives from service or labor are in derogation of the Constitution of the United States, inconsistent with the comity and good neighborhood that should prevail among the several States, and dangerous to the peace of the Union.

Resolved, That the several States be respectfully requested to cause their statutes to be revised, with a view to ascertain if any of them are in conflict with or tend to embarrass or hinder the execution of the laws of the United States, made in pursuance of the second section of the fourth article of the Constitution of the United States for the delivery up of persons held to labor by the laws of any State and escaping therefrom; and the Senate and the House of Representatives earnestly request that all enactments having such a tendency be forthwith repealed, as required by a due regard for the peace of the republic; and that the President of the United States is requested to communicate these resolutions to the governors of the several States, with a request that they will lay the same before the legislatures thereof respectively.

Resolved, That we recognize slavery as now existing in fifteen of the United States by the usages and laws of those States; and we recognize no authority, legislative or otherwise outside of a State where it so exists, to interfere with slaves or slavery in such States, in disregard of the rights of their owners or the peace of society.

Resolved, That we recognize the justice and propriety of a faithful execution of the Constitution, and laws in pursuance thereof, on the subject of fugitive slaves, or fugitives from service or labor, and discountenance all mobs or hindrances to the execution of such laws, and that citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.
Resolved, That we recognize no such conflicting elements in its composition, or sufficient cause from any source, for a dissolution of this government; that we were not sent here to destroy, but to sustain and harmonize the institutions of the country, and to see that equal justice is done to all parts of the same; and finally, to perpetuate its existence on terms of equality and justice to all the States.

Resolved, That the faithful observance; on the part of all the States, of all their constitutional obligations to each other and to the federal government is essential to the peace of the country.

Resolved, That it is the duty of the federal government to enforce the federal laws, protect the federal property, and preserve the Union of these States.

Resolved, That each State be requested to revise its statutes, and, if necessary, so to amend the same as to secure, without legislation by Congress, to citizens of other States traveling or sojourning therein against popular violence or illegal summary punishment, without trial in due form of law, for imputed crimes.

Resolved, That each State be also respectfully requested to enact such laws as will prevent and punish any attempt whatever in such State to recognize or set on foot the lawless invasion of any other State or Territory.

Resolved, That the President be requested to transmit copies of the foregoing resolutions to the governors of the several States, with a request that they be communicated to their respective legislatures.

Resolved, That there are no propositions from any quarter to interfere with slavery in the District of Columbia, or in places under the exclusive jurisdiction of Congress, and situate within the limits of States that permit the holding of slaves, or to interfere with the interstate slave trade, this committee does not deem it necessary to take any action on these subjects.

Joint Resolution to Amend Constitution:

Article XIII. No amendment of this Constitution having for its object any interference within the States with the relation between their citizens and those described in section second of the first article of the Constitution as "all other persons", shall originate with any State that does not recognize that relation within its own limits, or shall be valid without the assent of every one of the States composing the Union.
Bills Proposed:

1. Admission of New Mexico
2. Amendment of Fugitive Slave Act of 1850
3. Amendment of act for rendition of fugitives from justice.

*Note: Copied from House Reports, No. 31: 36C.2s, pp. 9-13. Bills not copied but can be found in full there. When the House had the proposed constitutional amendment under consideration, a substitute was adopted (C. G. 36C 2s: Pt. II, 1236):

**Article XIII.** No amendment shall be made to the Constitution which will authorize or give to Congress power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or services by the laws of said State.
III. Peace Convention Proposals:

**Article XIII**

Section 1. In all the present territory of the United States north of the parallel of 36° 30' of north latitude, involuntary servitude, except in punishment of crime, is prohibited. In all the present territory south of that line, the status of persons held to involuntary service or labor, as it now exists, shall not be changed; nor shall any law be passed by Congress or the Territorial Legislature to hinder or prevent the taking of such persons from any of the States of this Union to said Territory, nor to impair the rights arising from said relation; but the same shall be subject to judicial cognizance in the Federal Courts, according to the course of the common law. When any Territory North or South of said line, within such boundary as Congress may prescribe, shall contain a population equal to that required for a member of Congress, it shall, if its form of government be republican, be admitted into the Union on an equal footing with the original States, with or without involuntary servitude, as the constitution of such State may provide.

Section 2. No Territory shall be acquired by the United States, except by discovery and for naval and commercial stations, depots, and transit routes, without the concurrence of a majority of all the Senators from States which allow involuntary servitude, and a majority of all the Senators from States which prohibit that relation; nor shall Territory be acquired by treaty unless the votes of a majority of the Senators from each class of States hereinbefore mentioned be cast as a part of the two thirds majority necessary to the ratification of such treaty.

Section 3. Neither the Constitution, nor any amendment thereof, shall be construed to give Congress power to regulate, abolish, or control, within any State, the relations established or recognized by the laws thereof touching persons held to labor or involuntary service therein, nor to interfere with or abolish involuntary service in the District of Columbia without the consent of Maryland and without the consent of the owners, or making the owners who do not consent just compensation; nor the power to interfere with or prohibit Representatives and others from bringing with them to the District of Columbia, retaining, and taking away, persons so held to labor or service; nor the power to interfere with or abolish involuntary service in places under the exclusive jurisdiction of the United States within those States and Territories where the same is established or recognized; nor the power to prohibit the removal or transportation of persons held to labor or involuntary service in any State or Territory thereof where
it is established or recognized by law or usage, and the right during transportation, by sea or river, of touching at ports, shores, and landings, and of landing in case of distress, shall exist; but not the right of transit in or through any State or Territory, or of sale or traffic, against the laws thereof. Nor shall Congress have power to authorize any higher rate of taxation on persons held to labor or service than on land. The bringing into the District of Columbia of persons held to labor or service, for sale, or placing them in depots to be afterwards transferred to other places for sale as merchandise, is prohibited.

Section 4. The third paragraph of the second section of the fourth article of the Constitution shall not be construed to prevent any of the States by appropriate legislation, and through the action of their judicial and ministerial officers, from enforcing the delivery of fugitives from labor to the person to whom such service or labor is due.

Section 5. The foreign slave trade is hereby forever prohibited; and it shall be the duty of Congress to pass laws to prevent the importation of slaves, coolies, or persons held to service or labor into the United States and the Territories from places beyond the limits thereof.

Section 6. The first, third, and fifth sections, together with this section of these amendments, and the third paragraph of the second section of the first article of the Constitution, and the third paragraph of the second section of the fourth article thereof, shall not be amended or abolished without the consent of all the States.

Section 7. Congress shall provide by law that the United States shall pay to the owner the full value of his fugitive from labor, in all cases where the marshal, or other officer, whose duty it was to arrest such fugitive, was prevented from so doing by violence or intimidation from mobs or riotous assemblages, or when, after arrest, such fugitive was rescued by like violence or intimidation, and the owner thereby deprived of the same; and the acceptance of such payment shall preclude the owner from further claim to such fugitive. Congress shall provide by law for securing to the citizens of each State the privileges and immunities of citizens in the several States.

*Note: Copied from C. G. 36C 2s: Pt. II, 1254-55*
# APPENDIX B

**TABULATION OF POPULAR VOTE IN STATES FOR PRESIDENT IN 1860**

(Copied from Stanwood: *History of the Presidency*, v. 1, p. 297):

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## APPENDIX C

**TABULATION OF VOTE BY STATES ON FINAL ROLL CALL ON PROPOSITIONS OF PEACE CONVENTION**

*(BASED ON CHITTENDEN: *PROCEEDINGS OF PEACE CONFERENCE*, pp. 441-46)*

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Key:  
X—yes  
O—no  
*—no vote

Numerals at top of columns indicate the article of the proposals  
(For substance of these see supra: pp. 90-91, 100-106)
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<th>Bigler</th>
<th>Rice</th>
<th>Hunter</th>
<th>Powell</th>
<th>Davis</th>
<th>Toombs</th>
<th>Seward</th>
<th>Collamer</th>
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Key: X--yes
0--no
*--not voting

For substance of Resolutions mentioned above see supra: pp. 13-14, 16-17
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Key: X--Yes  
0--No  
XX--Paired Yes  
00--Paired No  
*--Not voting  
A--Absent

**SUMMARY COMMENTS ON SENATE VOTES BY PARTIES:**

I. Clark Substitute:  
25 yeas--25 nays  
Republicans--25 yeas--nays 0  
Democrats--21 nays--yeas 0  
Americans-- 2 nays--yeas 0
II. Reconsideration of Clark Substitute:
27 yeas--24 nays
Republicans--24 nays--yeas 0
Democrats----25 yeas--nays 0
Americans---- 2 yeas--nays 0

III. Clark Substitute Rejected:
15 yeas--22 nays
Republicans--15 yeas--nays 5
Democrats---- 0 yeas--nays 15
Americans---- 0 yeas--nays 2

IV. Peace Conference Proposals Rejected:
7 yeas--28 nays
Republicans--2 yeas--nays 14
Democrats----3 yeas--nays 14
Americans----2 yeas--nays 0

V. Crittenden Resolutions Rejected:
19 yeas--20 nays
Republicans-- 0 yeas--nays 20
Democrats----17 yeas--nays 0
Americans---- 2 yeas--nays 0

VI. Corwin Amendment (Committee of 33) Adopted:
24 yeas--12 nays
Republicans-- 8 yeas--nays 12
Democrats----14 yeas--nays 0
Americans---- 2 yeas--nays 0
### Tabulation of Votes of Committee of Thirty-Three:
(Based upon House Reports, 56th 2d Session, No. 31, pp. 8-39):

| NAME         | STATE     | PARTY  | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
|--------------|-----------|--------|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|
| Love         | Ca.       | Dem.   | o | x | A | x | A | A | A | A | x  | A  | *  | x  | o  | x  | x  | x  | x  | o  |     |
| Houston      | Ala.      | Dem.   | o | x | x | x | o | * | * | * | * | *  | *  | x  | A  | A  | A  | A  | A  | A  |     |
| Davis, Reuben| Miss.     | Dem.   |   |   |   |   |   |   |   |   |   |   | o  |   |   |   |   |   |   |     |
| Hamilton     | Tex.      | Dem.   | o | x | x | x | A | A | A | A | A | *  | *  | x  | o  | x  | x  | o  |     |
| Rust         | Ark.      | Dem.   | x | x | x | x | A | A | A | A | A | *  | *  | x  | o  | x  | x  | o  |     |
| Winslow      | N. C.     | Dem.   | o | x | * | A | o | * | * | A | A | A  | A  | o  | x  | x  | x  | o  |     |
| Phelps       | N. D.     | Dem.   | o | x | x | x | o | x | o | x | o | x  | o  | *  | x  | o  | x  | o  |     |
| Britgow      | Ky.       | S. Amer.| x | x | x | x | o | x | x | x | x | o  | x  | o  | x  | o  |     |
| Nelson       | Tenn.     | S. Amer.| x | x | x | x | o | o | x | x | x | o  | x  | o  | x  | o  |     |
| Millson      | Va.       | Dem.   | o | x | x | x | o | x | o | x | o | o  | x  | o  | x  | o  |     |
| Davis, H. W. | Md.       | S. Amer.| o | o | x | x | x | o | x | x | x | x  | o  | x  | o  |     |
| Whitely      | Del.      | Dem.   | o | o | x | x | x | o | o | x | o | x  | x  | x  | x  | o  |     |
| Campbell     | Pa.       | Rep.   | o | o | x | x | x | o | o | A | o  | x  | x  | o  | x  | o  |     |
| Stratton     | N. J.     | Rep.   | A | A | A  | A | A | x  | o  | o | x  | x  | x  | o  | x  | o  |     |
| Humphrey     | N. Y.     | Rep.   | o | o | x | x | x | o | o | x | x | x  | x  | *  | o  |     |
| Ferry        | Conn.     | Rep.   | o | o | A  | o  | x | o | o | x | x  | x  | x  | x  | o  |     |
| Robinson     | R. I.     | Rep.   | o | o | x | x | x | o | o | x | x | x  | o  |     |
| Adams        | Mass.     | Rep.   | o | o | x | x | x | o | o | x | x |     |     |     |     |     |     |     |     |
| Morse        | Me.       | Rep.   | o | o | x | x | x | o | o | x | o  | x  | o  | x  | o  |     |
| Morrill      | Vt.       | Rep.   | o | o | x | x | x | o | x | o  | x  | x  | o  |     |     |     |     |     |     |     |
| Tappan       | N. H.     | Rep.   | o | o | o | o  | x | o | o | *  | o  | o  | x  | o  | o  |     |     |     |     |     |     |
| Corwin       | Ohio      | Rep.   | o | o | o | o  | x | x | o | o | x  | x  | x  | x  | x  |     |     |     |     |     |     |
| Dunn         | Ind.      | Rep.   | o | o | x | x | x | o | x | x | x  | x  | x  | x  | x  | o  |     |     |     |     |     |
| Kellogg      | Ill.      | Rep.   | o | o | o | o  | x | o | o | x  | x  |     |     |     |     |     |     |     |     |     |     |
| Hindom       | Minn.     | Rep.   | o | o | x | x | o | x | x  | x  | o  | o  |     |     |     |     |     |     |     |     |     |
| Howard       | Mich.     | Rep.   | o | o | x | x | o | x | x | x  | x  |     |     |     |     |     |     |     |     |     |     |
| Washburn     | Wis.      | Rep.   | o | o | o | o  | x | o | o | x  | x  |     |     |     |     |     |     |     |     |     |     |
| Curtis       | Iowa      | Rep.   | x | o | x | x | o | x | x | x  | x  |     |     |     |     |     |     |     |     |     |     |
| Burch        | Calif.    | Dem.   | x | x | x | x | o | x | x | x  | o  |     |     |     |     |     |     |     |     |     |     |
| Stout        | Oregon    | Dem.   | x | x | x | * | x | x | x | x | x  | o  | x  | x  | x  |     |     |     |     |     |     |
| Taylor       | La.       | Dem.   | o | x | x | x | o | * | * | A | A | A  | A  | *  | *  | *  |     |     |     |     |     |

**Key:**
- **x**—yes
- **o**—no
- **A**—absent
- *****—Not voting but present

For explanation of numbers see next page.
Explanation of Numerals Used in Tabulation of Votes in Committee of Thirty-Three:

1--Burch proposal that no more territory be added to United States except by two-thirds vote of each House. Rejected 6-23 on December 27th.

2--Rust amendment to Nelson Resolutions which were almost identical with Crittenden Resolutions. Rejected 13-16--December 27th.

3--Adams resolution declaring for constitutional amendment. Adopted 21-3--on December 28th.

4--Constitutional amendment resolution agreed to 20-5--January 11th.

5--Corwin motion to strike out "hereafter acquired" in Crittenden Resolutions. Carried 17-10--December 29th.

6--Article 1 of Crittenden resolutions as amended by 5 rejected 8-16 on December 29th.

7--Adams resolution declaring for admission of New Mexico. Adopted 13-11--December 29th.

8--Nelson motion to strike out "or which may hereafter be acquired" from Millson resolution (latter very similar to Crittenden Article 1). Carried 19-4--January 2nd.

9--Rejection of Millson resolution as amended in 8 by 9-15 vote--January 2nd.

10--Adoption 13-11 of Bill to amend fugitive slave law of 1850--January 7th.

11--Adams resolution on acquiescence in election adopted 22-0--January 11th.

12--Adoption of bill for admission of New Mexico, 14-9--January 11th.

13--Approval 12-11 of bill for transfer of right to act on requests for rendition of fugitives from justice from governor of state to federal courts--January 14th.

14--Rejection 5-23 that committee report to House with recommendation its proposals be passed. January 14th.

15--Burch resolution for call of constitutional convention rejected 13-16--January 14th.
16--Rejected Rust proposal to report no agreement and ask discharge, 10-19--January 14th.

17--Rust motion to request House to concur in action of committee lost by 6-21 vote--January 14th.

18--Adopt Millson resolution that committee report to House its proposals, Journal, and chairman present own views to accompany. 16-13--January 14th.
APPENDIX G

MEMBERSHIP OF PEACE CONVENTION

Maine (8):

William P. Fessenden
Lot M. Morrill
Daniel E. Somes
John J. Perry

Ezra B. French
Freeman H. Morse
Stephen Coburn
Stephen C. Foster

New Hampshire (3):

Amos Tuck
Asa Fowler

Levi Chamberlain

Vermont (5):

Hiland Hall
Levi Underwood
B. D. Harris

H. Henry Baxter
L. E. Chittenden

Massachusetts (7):

John Z. Goodrich
Charles Allen
George S. Boutwell
Richard P. Waters

Theophilus Chandler
Francis B. Crowninshield
John M. Forbes

Rhode Island (5):

Samuel Ames
Alexander Duman
Samuel G. Arnold

William Hoppin
George H. Browne

Connecticut (6):

Roger S. Baldwin
Chauncey F. Cleveland
Charles J. McCurdy

James T. Pratt
Robbins Battell
Amos S. Treat
New York (11):

David Dudley Field
Wm. Curtis Noyes
James Wadsworth
James C. Smith
Amaziak E. James

Erastus Corning
Francis Granger
Greene C. Bronson
Wm. E. Dodge
John A. King

New Jersey (9):

Charles S. Olden
Peter D. Vroom
Robert F. Stockton
Benjamin Williamson

Joseph F. Randolph
Fred T. Frelinghuysen
Rodman H. Price
Wm. C. Alexander

Thomas J. Stryker

Delaware (5):

George B. Rodney
Daniel M. Bates

Henry Ridgely
John W. Houston

William Cannon

Pennsylvania (7):

James Pollock
Wm. M. Meredith
David Wilmot

A. W. Loomis
Thomas E. Franklin
William McKennan

Thomas White

Maryland (7):

John F. Dent
Reverdy Johnson
John W. Crisfield

Augustus Bradford
Wm. T. Goldsborough
J. Dixon Roman

Benjamin C. Howard

Virginia (5):

John Tyler
Wm. C. Rives

John W. Brockenbrough
George W. Summers

James H. Seddon
North Carolina (5):
George Davis
Thomas Ruffin

David S. Reid
D. M. Barringer
J. M. Moorehead

Tennessee (12):
Samuel Milligan
Josiah M. Anderson
Robert L. Carruthers
Thomas Martin
Isaac R. Hawkins
A. W. O. Totten

R. J. McKinney
Alvin Culloms
Wm. P. Hickerson
George W. Jones
F. K. Zollicoffer
Wm. H. Stephens

Kentucky (6):
Wm. O. Butler
James B. Clay
Joshua F. Bell

Charles S. Moorehead
James Guthrie
Charles A. Wickliffe

Missouri (5):
John D. Coalter
Alexander W. Doniphan
Harrison Hough

Waldo P. Johnson
Aylett H. Buckner

Ohio (7):
Salmon P. Chase
Wm. S. Groesbeck
Franklin T. Backus

C. P. Wolcott
Reuben Hitchcock
Thomas Ewing
V. B. Horton

Indiana (5):
Caleb B. Smith
Pleasant A. Hackleman
Thomas C. Slaughter

Godlove S. Orth
E. W. H. Elbs

Illinois (5):
John Wood
Stephen T. Logan

Thomas J. Turner
John M. Palmer
Burton C. Cook
Iowa (4):
James Harlan
James W. Crimes
Samuel H. Curtis
Wm. Vandever

Kansas (4):
Thomas Ewing
J. C. Stone
H. J. Adams
M. T. Conway
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