

A Two-Part Compromise

When the Missouri Territory first applied for statehood in 1818, it was clear that many in the territory wanted to allow slavery in the new state. Part of the more than 800,000 square miles bought from France in the Louisiana Purchase in 1803, it was known as the Louisiana Territory until 1812, when it was renamed to avoid confusion with the newly admitted state of Louisiana.

Missouri's bid to become the first state west of the Mississippi River, and to allow slavery within its borders, set off a bitter debate in a Congress that was—like the nation itself—already divided into pro- and anti-slavery factions. In the North, where abolitionist sentiment was growing, many people opposed the extension of the institution of slavery into new territory, and worried that adding Missouri as a slave state would upset the balance that currently existed between slave and free states in the Union. Pro-slavery Southerners, meanwhile, argued that new states, like the original 13, should be given the freedom to choose whether to permit slavery or not.

During the debate, Rep. James Tallmadge of New York proposed an amendment to the statehood bill that would have eventually ended slavery in Missouri and set the existing enslaved workers there free. The amended bill passed narrowly in the House of Representatives, where Northerners held a slight edge. But in the Senate, where free and slave states had exactly the same number of senators, the pro-slavery faction managed to strike out Tallmadge's amendment, and the House refused to pass the bill without it.

After this stalemate, Missouri renewed its application for statehood in late 1819. This time, Speaker of the House Henry Clay proposed that Congress admit Missouri to the Union as a slave state, but at the same time admit Maine (which at the time was part of Massachusetts) as a free state. In February 1820, the Senate added a second part to the joint statehood bill: With the exception of Missouri, slavery would be banned in all of the former Louisiana Purchase lands north of an imaginary line drawn at 36° 30' latitude, which ran along Missouri's southern border.

On March 3, 1820, the House passed the Senate version of the bill, and President James Monroe signed it into law four days later. The following month, the former President Thomas Jefferson wrote to a friend that the "Missouri question...like a fire bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union. It is hushed indeed for the moment. But this is a reprieve only, not a final sentence."

Though the Missouri Compromise managed to keep the peace—for the moment—it failed to resolve the pressing question of slavery and its place in the nation's future. Southerners who opposed the Missouri Compromise did so because it set a precedent for Congress to make laws concerning slavery, while Northerners disliked the law because it meant slavery was expanded into new territory.

In the decades after 1820, as westward expansion continued, and more of the Louisiana Purchase lands were organized as territories, the question of slavery's extension continued to divide the nation. The Compromise of 1850, which admitted California to the Union as a free state, required California to send one pro-slavery senator to maintain the balance of power in the Senate.

In 1854, during the organization of Kansas and Nebraska Territories, Senator Stephen Douglas of Illinois spearheaded the Kansas-Nebraska Act, which mandated that the settlers of each territory should decide the issue of slavery for themselves, a principle known as popular sovereignty. The controversial law effectively repealed the Missouri Compromise by allowing slavery in the region north of the 36° 30' parallel. Passage of the Kansas-Nebraska Act sparked violence between pro- and anti-slavery settlers in "Bleeding Kansas," delaying Kansas' admission to the Union. Opposition to the act led to the formation of the Republican Party, and the emergence to national prominence of Douglas's Illinois rival, a formerly obscure lawyer named Abraham Lincoln.

Bitter controversy also surrounded the U.S. Supreme Court's 1857 decision in *Dred Scott v. Sandford*, which ruled that the Missouri Compromise was unconstitutional. According to Chief Justice Roger B. Taney and six other justices, Congress had no power to prohibit slavery in the territories, as the Fifth Amendment guaranteed slave owners could not be deprived of their property without due process of law. The 14th Amendment, passed in 1865 after the conclusion of the Civil War, would later overturn major parts of the *Dred Scott* decision.

Transcript of Missouri Compromise (1820)

An Act to authorize the people of the Missouri territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, **and to prohibit slavery in certain territories.**

SEC. 1. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the inhabitants of that portion of the Missouri territory included within the boundaries herein after designated, be, and they are hereby, authorized to form for themselves a constitution and state government, and to assume such name as they shall deem proper; and the said state, when formed, shall be admitted into the Union, upon an equal footing with the original states, in all respects whatsoever.

SEC.2. And be it further enacted, That the said state shall consist of all the territory included within the following boundaries, to wit: **Beginning in the middle of the Mississippi river, on the parallel of thirty-six degrees of north latitude; thence west, along that parallel of latitude, to the St. Francois river; thence up, and following the course of that river, in the middle of the main channel thereof, to the parallel of latitude of thirty-six degrees and thirty minutes; thence west, along the same, to a point where the said parallel is intersected by a meridian line passing through the middle of the mouth of the Kansas river,**

where the same empties into the Missouri river, thence, from the point aforesaid north, along the said meridian line, to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines, making the said line to correspond with the Indian boundary line; thence east, from the point of intersection last aforesaid, along the said parallel of latitude, to the middle of the channel of the main fork of the said river Des Moines ; thence down and along the middle of the main channel of the said river Des Moines, to the mouth of the same, where it empties into the Mississippi river; thence, due east, to the middle of the main channel of the Mississippi river; thence down, and following the course of the Mississippi river, in the middle of the main channel thereof, to the place of beginning : Provided, The said state shall ratify the boundaries aforesaid . And provided also, That the said state shall have concurrent jurisdiction on the river Mississippi, and every other river bordering on the said state so far as the said rivers shall form a common boundary to the said state; and any other state or states, now or hereafter to be formed and bounded by the same, such rivers to be common to both; and that the river Mississippi, and the navigable rivers and waters leading into the same, shall be common highways, and for ever free, as well to the inhabitants of the said state as to other citizens of the United States, without any tax, duty impost, or toll, therefor, imposed by the said state.

SEC. 3. And be it further enacted, That all free white male citizens of the United States, who shall have arrived at the age of twenty-one years, and have resided in said territory: three months previous to the day of election, and all other persons qualified to vote for representatives to the general assembly of the said territory, shall be qualified to be elected and they are hereby qualified and authorized to vote, and choose representatives to form a convention, who shall be apportioned amongst the several counties as follows :

From the county of Howard, five representatives. From the county of Cooper, three representatives. From the county of Montgomery, two representatives. From the county of Pike, one representative. From the county of Lincoln, one representative. From the county of St. Charles, three representatives. From the county of Franklin, one representative. From the county of St. Louis, eight representatives. From the county of Jefferson, one representative. From the county of Washington, three representatives. From the county of St. Genevieve, four representatives. From the county of Madison, one representative. From the county of Cape Girardeau, five representatives. From the county of New Madrid, two representatives. From the county of Wayne, and that portion of the county of Lawrence which falls within the boundaries herein designated, one representative.

And the election for the representatives aforesaid shall be holden on the first Monday, and two succeeding days of May next, throughout the several counties aforesaid in the said territory, and shall be, in every respect, held and conducted in the same manner, and under the same regulations as is prescribed by the laws of the said territory regulating elections therein for members of the general assembly, except that the returns of the election in that portion of Lawrence county included in the

boundaries aforesaid, shall be made to the county of Wayne, as is provided in other cases under the laws of said territory.

SEC. 4. And be it further enacted, That the members of the convention thus duly elected, shall be, and they are hereby authorized to meet at the seat of government of said territory on the second Monday of the month of June next; and the said convention, when so assembled, shall have power and authority to adjourn to any other place in the said territory, which to them shall seem best for the convenient transaction of their business; and which convention, when so met, shall first determine by a majority of the whole number elected, whether it be, or be not, expedient at that time to form a constitution and state government for the people within the said territory, as included within the boundaries above designated; and if it be deemed expedient, the convention shall be, and hereby is, authorized to form a constitution and state government; or, if it be deemed more expedient, the said convention shall provide by ordinance for electing representatives to form a constitution or frame of government; which said representatives shall be chosen in such manner, and in such proportion as they shall designate; and shall meet at such time and place as shall be prescribed by the said ordinance; and shall then form for the people of said territory, within the boundaries aforesaid, a constitution and state government: Provided, That the same, whenever formed, shall be republican, and not repugnant to the constitution of the United States; and that the legislature of said state shall never interfere with the primary disposal of the soil by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers ; and that no tax shall be imposed on lands the property of the United States ; and in no case shall non-resident proprietors be taxed higher than residents.

SEC. 5. And be it further enacted, That until the next general census shall be taken, the said state shall be entitled to one representative in the House of Representatives of the United States.

SEC. 6. And be it further enacted, That the following propositions be, and the same are hereby, offered to the convention of the said territory of Missouri, when formed, for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory upon the United States:

First. That section numbered sixteen in every township, and when such section has been sold, or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the state for the use of the inhabitants of such township, for the use of schools.

Second. That all salt springs, not exceeding twelve in number, with six sections of land adjoining to each, shall be granted to the said state for the use of said state, the same to be selected by the legislature of the said state, on or before the first day of January, in the year one thousand eight hundred and twenty-five ; and the same, when so selected, to be used under such terms, conditions, and regulations, as the legislature of said state shall direct: Provided, That no salt spring, the right whereof now is, or hereafter shall be, confirmed or adjudged to any individual or individuals, shall, by this section, be granted to the said state: And provided also, That the legislature shall never sell or lease the same, at anyone time, for a longer period than ten years, without the consent of Congress.

Third. That five per cent. of the net proceeds of the sale of lands lying within the said territory or state, and which shall be sold by Congress, from and after the first day of January next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three fifths shall be applied to those objects within the state, under the direction of the legislature thereof; and the other two fifths in defraying, under the direction of Congress, the expenses to be incurred in making of a road or roads, canal or canals, leading to the said state.

Fourth. That four entire sections of land be, and the same are hereby, granted to the said state, for the purpose of fixing their seat of government thereon; which said sections shall, under the direction of the legislature of said state, be located, as near as may be, in one body, at any time, in such townships and ranges as the legislature aforesaid may select, on any of the public lands of the United States: Provided, That such locations shall be made prior to the public sale of the lands of the United States surrounding such location.

Fifth. That thirty-six sections, or one entire township, which shall be designated by the President of the United States, together with the other lands heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the legislature of said state, to be appropriated solely to the use of such seminary by the said legislature: Provided, That the five foregoing propositions herein offered, are on the condition that the convention of the said state shall provide, by an ordinance, irrevocable without the consent of the United States, that every and each tract of land sold by the United States, from and after the first day of January next, shall remain exempt from any tax laid by order or under the authority of the state, whether for state, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale; And further, That the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees, or their heirs remain exempt as aforesaid from taxation for the term of three year; from and after the date of the patents respectively.

SEC. 7. And be it further enacted, That in case a constitution and state government shall be formed for the people of the said territory of Missouri, the said convention or representatives, as soon thereafter as may be, shall cause a true and attested copy of such constitution or frame of state government, as shall be formed or provided, to be transmitted to Congress.

SEC. 8. And be it further enacted. That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the state, contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: Provided always, That any person escaping into the same, from whom labour or service is lawfully claimed, in any state or territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labour or service as aforesaid.

APPROVED, March 6, 1820.

