If tilings had gone so far that the two sections were to be constituted into opposing political parties, it was evident that the end was near.

1. Oddly enough, the constitutionality of the com­promise of 1820 (§ 197) had never happened to come before the Supreme Court for consideration. In 1856-57 it came up for the first time. One Dred Scott, a Missouri slave who had been taken to the Territory covered by the compromise, and had therefore sued for his freedom, was sold to a citizen of another State. Scott then transferred his suit from the State to the Federal courts, under the power given to them to try suits between citizens of different States, and the case came by appeal to the Supreme Court. Its decision was announced at the begin­ning of Buchanan’s administration. It put Scott out of court on the ground that a slave, or the descendant of slaves, could not be a citizen of the United States or have any standing in Federal courts. The opinion of the chief­justice went on to attack the validity of the Missouri com­promise, for the reasons that one of the constitutional functions of Congress was the protection of property ; that slaves had been recognized as property by the constitution ; and that Congress was bound to protect, not to prohibit, slavery in the Territories. The mass of the Northern people held that slaves were looked on by the constitution, not as property, but as “persons held to service or labour” by State laws ; that the constitutional function of Con­gress was the protection of liberty as well as property ; and that Congress was thus bound to prohibit, not to pro­tect, slavery in the Territories. Another step in the road to disunion was thus taken, as the only peaceful interpreter of the constitution was pushed out of the way The North flouted the decision of the Supreme Court, and the storm of angry dissent which it aroused did the disunionists good service at the South. From this time the leading news­papers in the South maintained that the radical Southern view first advanced by Calhoun, and but slowly accepted by other Southern leaders, as to the duty of Congress to protect slavery in the Territories, had been confirmed by the Supreme Court ; that the Northern Republicans had rejected it ; and that even the squatter sovereignty theory of Northern Democrats could no longer be submitted to by the South.
2. The population of the United States in 1860 was over 31,000,000, an increase of more than 8,000,000 in ten years. As the decennial increases of population became larger, so did the divergence of the sections in population, and still more in wealth and resources. Two more free States came in during this period—Minnesota (1858) and Oregon (1859),—and Kansas was clamouring loudly for the same privilege. The free and slave States, which had been almost equal in population in 1790, stood now as 19 to 12. And of the 12,000,000 in slave States, the 4,000,000 slaves and the 250,000 free blacks were not so much a factor of strength as a possible source of weak­ness and danger. No serious slave rising had ever taken place in the South; but the sudden flaming out of John Brown’s insurrection (1859), and the alarm which it car­ried through the South, were tokens of a danger which added a new horror to the chances of civil war. It was not wonderful that men, in the hope of finding some com­promise by which to avoid such a catastrophe, should be willing to give up everything but principle and even to trench sharply upon principle itself, nor that offers of com­promise should urge Southern leaders farther into the fatal belief that “ the North would not fight.”
3. Northern Democrats, under the lead of Douglas, had been forced already almost to the point of revolt by the determination of Southern senators to prevent the admission of Kansas as a free State, if not to secure her admission as a slave State. When the Democratic con­vention of 1860 met at Charleston, the last strand of the last national political organization parted ; the Democratic party itself was split at last by the slavery question. The Southern delegates demanded a declaration in favour of the duty of Congress to protect slavery in the Territories. It was all that the Douglas Democrats could then do to maintain themselves in a few Northern States; such a declaration meant political suicide everywhere, and they voted it down. The convention divided into two bodies. The Southern body adjourned to Richmond, and the Northern and border State convention to Baltimore. Here the Northern delegates, by seating some delegates friendly to Douglas, provoked a further secession of border State delegates, who, in company with the Rich­mond body, nominated Breckinridge (p. 788) and Lane for president and vice-president. The remainder of the origi­nal convention nominated Douglas and H. V. Johnson.
4. The remnant of the old Whig and Know-Nothing parties, now calling itself the Constitutional Union party, met at Baltimore and nominated Bell (p. 788) and Everett. The Republican convention met at Chicago. Its “ plat­form” of 1856 had been somewhat broad constructionist in its nature and leanings, but a strong Democratic element in the party had prevented it from going too far in this direction. The election of 1856 had shown that, with the votes of Pennsylvania and Illinois, the party would then have been successful, and the Democratic element was now ready to take almost anything which would secure the votes of these States. This state of affairs will go to explain the nomination of Lincoln, of Illinois, for president, with Hamlin, a former Democrat, for vice-president, and the declaration of the platform in favour of a protective tariff. The mass of the platform was still devoted to the necessity of excluding slavery from the Territories. To sum up : the Bell party wished to have no discussion of slavery; the Douglas Democrats rested on squatter sovereignty and the compromise of 1850, but would ac­cept the decision of the Supreme Court ; the Republicans demanded that Congress should legislate for the prohibition of slavery in the Territories ; and the Southern Democrats demanded that Congress should legislate for the protection of slavery in the Territories.
5. No candidate received a majority of the popular vote, Lincoln standing first and Douglas second. But Lincoln and Hamlin had a clear majority of the electoral vote, and so were elected, Breckinridge and Lane coming next. It is worthy of mention that, up to the last hours of Lincoln’s first term of office, Congress would always have contained a majority opposed to him but for the absence of the members from the seceding States. The interests of the South and even of slavery were thus safe enough under an anti-slavery president. But the drift of events was too plain. Nullification had come and gone, and the nation feared it no longer. Even secession by a single State was now almost out of the question ; the letters of Southern governors in 1860, in consultation on the state of affairs, agree that no State would secede without assur­ances of support by others. If this crisis were allowed to slip by without action, even a sectional secession would soon be impossible. If secession were a right, it must be asserted now or never.
6. Some assurance of united action must have been obtained, for South Carolina ventured into secession. The democratic revolution which, since 1829, had com­pelled the legislatures to give the choice of presidential electors (§ 119) to the people of the States had not affected South Carolina; her electors were still chosen by the legislature. That body, on the election day of November, 1860, having chosen the State’s electors,