SPEECH

OF THE

HON. WILLIAM L. YANCEY,

OF ALABAMA,

DELIVERED IN THE

National Democratic Convention,

CHARLESTON, APRIL 28TH, 1860.

WITH THE

PROTEST OF THE ALABAMA DELEGATION.

From the Report of the "Charleston Mercury."

Gentlemen of the Convention: This is a very vast subject, of wide range; whether considered as policy, or whether considered in its constitutional light, of very vast import, when we consider the consequences of the result at which we may arrive. It has long been my study to arrive at a correct conclusion, and experience warns me, gentlemen, that justice cannot be done to this subject in anything like an argument that will rise above a mere partisan view of the question, in one hour. I will endeavor to compress and limit my remarks within the time. I may be able to do so, but before I proceed I would like to ask it of this body, whether if my argument is not concluded within the hour, it will be the pleasure of the Convention that I shall stop, or whether it will extend to me the courtesy of allowing me to finish at least such branch of the subject as I may be upon when my hour expires. (Loud cries of "yes, yes," and "no, no.")

Mr. SAMUELS, of Iowa. I ask that the gentleman from Alabama may have time to finish his argument, and I would now ask the gentleman how much time he will occupy? If more than an hour, I am decidedly in favor of giving him an opportunity of being fully heard by this Convention. (Cheers.) I ask him, therefore, how much time he will want.

Mr. YANCEY. I would most cheerfully answer if I were able. I believe that if I were untrammeled by time and not speaking against time, being somewhat known for condensation, I could finish it in an hour and a half or better. I think that in my attempts to condense I should not be longer. I would say to the Convention, however, that I would not trespass upon its courtesy if there was a single dissenting voice, for I know the value of your time. (Loud cries of "go on.") I will say, also, that on conference with certain leading, generous and magnanimous gentlemen who occupy an opposite position from myself, I have cheerfully consented to advance in the debate, and that a representative man upon the other side will doubtless follow me, and to him, I am sure, will be as freely and generously accorded the same courtesy by my friends as his friends have this moment accorded to me. (Applause.)

Mr. President, I thought that there was probably no better occasion for an Alabamian to arise and address the Democracy of the Union than after the remarkable and unnatural speech that has just fallen from a native son of the South. I could have heard that speech from any Northern man unmoved. I confess I did not hear it from a citizen of the State, whose admission has caused the South nearly all its evils, entirely unmoved. Coming, too, from a State, Mr. President, that has assumed a somewhat prominent position on this question, I thought it well that one of her sons should endeavor to present what the State believes to be the position which the South occupies on this question. Alabama has instructed her delegates to present to this body her platform of principles, and ask for it its candid

consideration. The Convention of my State was pleased to express the hope that, "from its justice and patriotism," it "anticipated their adoption" by this body. Thus far, gentlemen of the Democracy, I am happy to say that the hopes of that State have not altogether been disappointed. A majority of the sovereign States of this Union have united in making a report which embodies, substantially, the position occupied, as I believe, by the State of Alabama. And not only a majority of the sovereign States of this Union have done this, but, although a native son of the South has raised his voice here and said that the majority report contained "an adder's sting to the Northern Democracy," and has chosen to speak of it as "poison," that report comes to us with what is to me even a higher endorsement—the approval of the Southern patriots' long deferred hope and desideratum—a united South. (Great applause.) And not only is the report thus highly commended to us, but I desire to direct the attention of this body, and of the Democracy at large, to this striking fact, that the States thus making this report represent more than two-thirds of the votes of the great Democratic party of the Union. (Cheers.) It is also undoubtedly true, Mr. President, as was well said by the Chairman of the Committee who opened this debate, that the majority of the Committee who made that report, represent now what is considered the electoral vote of every Democratic State in this Union, and that the delegates presenting the minority report represent States that, in all probability, will each cast a Black Republican electoral vote. This is hardly to be doubted. There is, possibly among those who signed that majority report, one State whose position might be considered doubtful at the Presidential polls, but the great and solemn fact faces you that the vote of the unanimous South asking of this National Democracy that upon a great issue, in which their property and constitutional rights are involved, and incidentally and remotely, it may be, their very quiet, and peace, and lives, and honor—that on that question their right to protection shall be acknowledged.

Mr. LAKEMAN. of Missouri. Will the gentleman allow me to interrupt him for a moment? (Loud cries of "no, no," and "order.")

The PRESIDENT. What is the purpose of the gentleman? Does he rise to a question of order?

Mr. LAKEMAN. I do not.

The PRESIDENT. Then the Chair cannot recognize the gentleman. (Applause.)

Mr LAKEMAN. I merely ask the privilege— (Tremendous shouts of "order.")

The PRESIDENT. The Chair cannot allow interruptions of speakers unless at their request, except for the suggestion of questions of order.

Mr. YANCEY. I would say to the gentleman that, indebted greatly to the courtesy of this body myself, I am disposed to yield any courtesy to others that would not consume the time of the Convention, or interrupt my own line of argument.

Mr. LAKEMAN. In order that the Convention may know whether the gentleman who last spoke (Mr. King of Missouri) represents the sentiment of Missouri, I will ask the gentleman to read the second resolution adopted by the Democratic Convention of that State.

Mr. YANCEY. I had intended, at a proper time, to allude to the fact, that in my opinion, he did not represent Missouri. However, I am willing that the resolution shall be read by the Secretary—and there I will leave that matter.

The SECRETARY read the resolution as follows:

Resolved, That the Democratic party of Missouri hold these cardinal principles on the subject of slavery in the Territories: 1st. That Congress has no power to abolish slavery in the Territories; 2d, That the Territorial Legislature has no power to abolish slavery in any Territory, nor to prohibit the introduction of slaves therein, nor any power to exclude slavery therefrom by unfriendly legislation, nor any power to destroy or impair the right of property in slaves by any legislation whatever. (Loud cheers.)

Mr. KING, of Missouri. Mr. President, I should have no objection—

Mr. YANCEY. I cannot yield the floor to the delegate from Missouri.

Mr. AVERY, of North Carolina. I desire to say that the second resolution in the majority report—

Mr. SAMUELS. of Iowa. I call the gentleman to order.

The PRESIDENT. The gentleman from Alabama has the floor, and the Chair is resolved, so far as in him lies, that the gentlemen speaking shall be permitted to continue their own line of argument without being interrupted by other members of the Convention. (Loud cheers.)

Mr. YANCEY. Gentlemen of the Convention, my State has now to ask of this body the adoption of the resolutions reported by the majority of the Committee, because her representatives here believe that they substantially conform to the principles enunciated in her platform, which we are instructed to insist upon as

the only basis upon which Alabama can associate with the National Democracy as a party. My State, gentlemen of the Convention, has been the mark of many a shaft of calumny and of misrepresentation, and her delegates on this floor have also been the marks—some individuals more than others—of great misrepresentation and falsehood in relation to their political position.

It has been charged, in order to demoralize whatever influence we might be entitled to, either from our personal or political characteristics, or as representatives of the State of Alabama, that we are disruptionists, disunionists *per se;* that we desire to break up the party in the State of Alabama, to break up the party in the Union, and to dissolve the Union itself. Each and all of these allegations, come from what quarter they may, I pronounce to be false. (Applause.) There is no disunionist, that I know of, in the delegation from the State of Alabama. There is no disruptionist that I know of, and if there are factionists in our delegation they could not have got in there with the knowledge upon the part of our State Convention that they were of so unenviable a character. We come here with two great purposes: first, to save the constitutional rights of the South, if it lay in our power to do so. We desire to save the South by the best means that present themselves to us, and the State of Alabama believes that the best means now in existence is the organization of the Democratic party, if we shall be able to persuade it to adopt the constitutional basis upon which we think the South alone can be saved. Democrats ourselves from our youth upward, belonging to a State that has never been anything but Democratic, always voting for a Democratic President, and nearly always sending a united vote to the House of Representatives, and Democratic Senators to the Senate of the United States, we prefer that the honor of saving the country shall crown the brow of the Democratic party. Deceived as we have been by much shown in the history of that party, we yet have some hope that it will come to the rescue of the country; we have some confidence that it has a desire to come to the rescue. We have come here, then, with the two-fold purpose of saving the country and of saving the Democracy; and if the Democracy will not lend itself to that high, holy and elevated purpose; if it cannot elevate itself above the mere question of how perfect shall be its mere personal organization and how wide-spread shall be its mere voting success, then we say to you, gentlemen, mournfully and regretfully, that, in the opinion of the State of Alabama, and, I believe, of the whole South, you have failed in your mission, and it will be our duty to go forth and make an appeal to the loyalty of the country to stand by that Constitution which party organizations have deliberately rejected. (Applause.)

This, gentlemen, I trust, is a position that your own elevated natures can, at least, respect. This, gentlemen, I trust, is a position to which you can afford, at least, to accord your sympathies; and amongst the members immediately in front of me from the gallant Northwest, I think that there are minds and hearts that can respect sentiments that may not agree with their own, as regards what is the Constitution of the country, and who will accord to us, at least, their sympathy and their respect in standing up to what we believe to be a constitutional duty, even at the hazard of disrupting ties so long held sacred—the ties that bind us to the Democracy. At all events, we have a duty to perform to ourselves and to our country. The South is in a minority, we have been tauntingly told to-day. In the progress of events and the march of civilization and emigration, the Northwest has grown up from a mere infant in swaddling clothes, at the formation of the Constitution, into the form and proportions of a giant people; and owing to their institutions and demand for white labor, and the peculiar nature of ours, though advancing side by side, in parallel lines—never necessarily in conflict in the great march of civilization—they have surpassed us greatly in numbers. We are, therefore, in a numerical minority; but we do not murmur at this—we cheerfully accept the result—but we as firmly claim the right of the minority—and what is that? We claim the benefit of the Constitution that was made for the protection of minorities. In the march of events, feeling conscious of your numerical power, you have aggressed upon us. We hold up between us and your advancing columns of numbers that written instrument which your and our fathers made, and by the compact of which, you with your power were to respect us and our rights. Our and your fathers made it that they and their children should forever observe it; that upon all questions affecting the rights of the minority, the majority should not rely upon their voting numbers, but should look, in restraint upon passion, avarice and lust for power, to the written compact, to see in what the minority was to be respected, and how it was to be protected, and to yield an implicit obedience to that compact. Constitutions are made solely for the protection of the minorities in government, and for the guidance of majorities. You, in your voting power, are not accustomed to scan its provisions as

closely as we, who, less in number, find in the instrument the only peaceable so lution of difficulties that otherwise would lead us to defend ourselves with arms.

It is but natural that the North, conscious of voting strength in Congress, should seek to wield the government to its own aggrandizement, and should listen restlessly, and often defiantly, to the stern demand of the South that the constitutional restraints of delegated power should be rigidly observed; but, at the same time you must remember that it is not only as natural for the South to do this, but that it is constitutional; and it is in the compact that you shall forbear.

The simple position of Alabama, then, is upon the Constitution of the country. Taking our position as a minority, and holding that Constitution up against your prejudices—holding it up against your passions—holding it up against your loose notions of what are your duties as regards the minority, and as regards yourselves—holding it up as something that you must and shall respect—as it is something that you say you do respect—thus planting ourselves purely upon the Constitution, and asking nothing which that instrument does not grant, we have a right to ask, not only of this young giant of the West, but of this older Northeast and North, that they will calmly and considerately and intelligently with us read that instrument and see wherein we are wronged, and wherein you are agressing. We of the South, it is a possibility, may mistake our constitutional position. We of the South may be wrong in our exposition of the Constitution. There is a possibility that you may be right. There is a possibility that, in view of our interest upon this question, you have more impartially considered it than we have, and that our views upon this question are not quite supported by the rigid letter and spirit of the Constitution. But I have no doubt on this question; our people have no doubt upon it; but in order to show you what I conceive to be your duty, and I trust you will think I do so in all proper deference, I will consider that such may be the case. Then how is it? Ours is the property invaded; ours are the institutions which are at stake; ours is the peace that is to be destroyed; ours is the property that is to be destroyed; ours is the honor at stake—the honor of children, the honor of families, the lives, perhaps, of all—all of which rests upon what your course may ultimately make a great heaving volcano of passion and crime, if you are enabled to consummate your designs. Bear with us then, if we stand sternly upon what is yet that dormant volcano, and say we yield no position here until we are convinced we are wrong. (Loud cheers.) We are in a position to ask you to yield. What right of yours, gentlemen of the North, have we of the South ever invaded? What institution of yours have we ever assailed, directly or indirectly? What laws have we ever passed that have invaded, or induced others to invade, the sanctity of your homes or to put your lives in jeopardy, or were likely to destroy the fundamental institutions of your States? The wisest, the most learned and the best amongst you will remain silent, because you cannot say that we have done this thing. (Cheers.) If their view is right and ours is not strictly demanded by the compact, still the consequence, in a remote degree, of your proposition, may bring this result upon us; and if you have no domestic nor municipal peace at stake, and no property at stake, and no fundamental institutions of your liberties at stake, are we asking any too much of you to-day when we ask you to yield to us in this matter as brothers, in order to quiet our doubts—for in yielding you lose nothing that is essentially right? (Cheers.) Do I state the proposition, gentlemen, any stronger than your own intellects and your own judgments will thoroughly endorse? If I do, I am unconscious of it.

This being the state of the case, will you look back upon the past and see what is already history upon this matter? Notice when and how, at an early day, our institutions were assailed? A young State was seeking admission into the Union as an equal with all her sisters, and coming with the same coronet upon her brow that Virginia and the Carolinas and Georgia and New York and New Jersey wore when the Union was formed—that of African slavery. She was met at the very doors of the Union, and was rudely repulsed until it could be considered whether indeed her continuance as a slave State was to be allowed. That consideration resulted in the admission of Missouri, upon what has been miscalled a compromise, upon the basis that thereafter no slaveholder should be allowed to settle and hold slaves in four-fifths of the public domain—while in the balance every citizen might settle and enjoy equal rights—all of which has been decided to be a great wrong by the highest and most respected of all the tribunals of our country.

Turn another page in this history, and read how your petitions flooded the hall that should be common to us all, a hall erected in the place where our fathers said that we should assemble together, not as enemies but as fellow citizens—read how our representatives were daily and constantly insulted by the most insulting petitions from women, and children, and preachers and men, to take from

us our clearly defined constitutional rights. Further still, turn the pages until you find the question being determined as regards our possessions acquired in the Mexican war, in which, gentlemen, it is but modestly stating the fact to say that Southern chivalry was equal to Northern chivalry,—that Southern blood was poured out in equal quantities with Northern blood,—and Southern genius shone as bright upon the battle field as Northern genius; and yet, when the battle was o'er, and the dead were buried, and the field of battle was cleared of all that was repulsive, and the glittering spoil was brought forward, a vast and disproportionate quantity was given to the North, and the South was made to take the portion of an almost portionless son. (Cheers.) Do you remember how California was made a State, under the bidding of an army order? How men of every grade and every nativity, whether citizens or not citizens, whether black or white, were allowed to vote, in order to hurry on and to smother up and to crush the great constitutional question that would arise between the North and South upon the admission of a sovereign State into this Union? Do you remember, do you not know that there yet stands upon the statute-book of this country a law abolishing slavery, in certain contingencies, in the District of Columbia—a law which says that if a Southern man shall bring his slave to sell him upon soil that was once, and should now be, common to the country—aye the very soil of WASHINGTON, adjoining his residence, which his sacred feet often trod, which was laid out into a city by his own hand, and which bears his own name—upon soil given by two slaveholding States to our common country—that if even the citizens of these two slaveholding States which gave this district to the United States come and offer to dispose of their slave property, freedom shall be conferred upon the slave; and, instead of the offence, have the punishment affixed to the act as a misdemeanor, like all other misdemeanors—a punishment by fine and imprisonment—the power and spirit of Abolition is put into full and active force and the negro is declared to be free.

Turn still another page in our rapid view of the march of aggression. Read the Kansas and Nebraska measure, out of which has sprung so many difficulties. It was whispered in our ears, and we were led to hope and believe that it was not a delusion—that the "great bill" was "a measure of deliverance of liberty," to the South. The repeal of the Missouri Compromise was boasted of as a grand act of long deferred justice to our people, and that hereafter they, in common with Northern citizens, should have the liberty of removing into that vast regions of their common country, from which, for thirty years, they had been excluded by the unconstitutional act of this government; and yet, by reason of the mal-administration of that territory—by reason of the improper influences that have been brought to bear on that territory upon this question of slavery—by means of the encouragement given to the anti-slavery dominant sentiment of the North to contest with us the possession of Kansas, it has so happened that this delightful fruit that was held up before us as something so tempting in aspect, and which we were now to taste, and that was so sweet to a palate long unused to such enjoyment, has been made, like the Dead Sea fruit, to turn to bitter ashes upon Southern lips. (Loud cheers.) The Kansas bill, we are told here to-day, was a bill to enable the people of the territory to settle this question of slavery in their own way, subject not only to no interference by Congress, but that the interference of Congress was absolutely prohibited. And yet, taking even this construction given to it by our friends of the North-west, and impartial history shows us, that if the South derived an advantage under it, that advantage was snatched from her. In one instance, the Legislature of Kansas passed a law defining the qualifications of voters at the polls. The Kansas Act expressly gave the Legislature power to define the qualifications of voters. And yet, after the Territorial Legislature had passed that law, the Senate of the United States—where this Act originated and was perfected—interfered and repealed it. And there was Democratic construction put upon the Act by those who made it, showing that Congress retained the right to supervive the laws. These laws were called "bloody" and "Draconian"—and acted favorably, it was said, to the South—and the Senate interfered to repeal them. If laws shall be passed against the South, we call for the same construction and interfereance. And not only this, but when Kansas enacted a State Constitution, and was about to assume the proportions, the dignity, the spirit, and the power of sovereignty—after the people, through a convention regularly elected according to a regular call, had framed their constitution, and had thus framed their institutions "in their own way"—what then? They forwarded their constitution to the Congress of the United States, and asked to be admitted into the Union with the institution of slavery, which, "in their own way," and at their own time, they had adopted and "established."

How was this slave State in "embryo" met? It was met by that distinguished

statesman to whom the delegate from Missouri has alluded as so worthy of his applause and of his approval—it was met at the very threshold of Congress by that distinguished statesman, saying that Congress must "intervene" on this question—that Kansas should not "regulate her domestic institutions in her own way," but that her Constitution, at the mandate of Congress, must be sent back to the people to be ratified (applause)—that the "way" of Kansas must yield to the "way" of Congress. Sir, is not this the fact? That distinguished statesman, that powerful man, as I believe him to be, and as I have on more than one occasion publicly pronounced him to be, utterly wrong, in my opinion, in his views upon this question, but yielding to him most cheerfully the same loyalty to his convictions of duty that I claim for myself,—he, himself, the author of that bill, proposed "intervention by Congress" against the highest sovereign act of the young State of Kansas, and through his influence Kansas was made to take back her Constitution, and it now sleeps the sleep of death in the archives of history. (Loud cheers.) And what else? Why, sir, the ink in which is written the history of that period on this great question, is hardly dry that records the fact that on that issue this Northwestern Democracy, which has been so *inconsiderately* lauded here to-day by its representative as always standing by the constitutional rights of the South, following the fortunes of its great leader, voted that Congress should intervene in that matter, and that Kansas should not have a slave Constitution without letting the people re-vote upon it. (Loud cheers.) What else? Why, sir, the information has barely reached us yet in official form, but I believe it is correct, that recently what is called the Wyandotte Constitution of Kansas, in other words, the anti-slave Constitution, has been presented to Congress, and that the admission of Kansas under that Constitution into the Union, was demanded. This has been asked directly in the teeth and in violation of the compromise that was made when the Lecompton constitution was re-submitted to the people, and that was that she should not be admitted until her population had reached a certain number, I believe 70,000. A census has not been taken. No official communication of that fact has been made to Congress, as I understand, and yet the House of Representatives passed a bill to admit Kansas into the Union under that constitution by, I believe, sixty-one majority! And where, oh! where was that democracy, which always, as we have been so inconsiderately yet so vauntingly told here to-day, stands by the South? But three—aye but three of that great host remained to tell us that there was a constitutional Democracy in the Northern States! (Great cheering.) Those three were SCOTT, of California; ENGLISH, of Indiana, the author of the Conference bill, and SICKLES, of New-York. (Applause.) If I am wrong in this, I ask to be corrected. The pledge made by the whole Democracy was that Kansas should come in with or without slavery, as her people should determine. When she formed a Slave Constitution, she was rejected by the overpowering influence of the brilliant statesman who heads the column of the Northwest; and when she formed a Freesoil Constitution, and came into the House of Representatives with it, there were found but three votes from the whole North to protest against this great political fraud. What does all this indicate? The Democratic party, we are here told truly, once had an overpowering ascendency in the Northern States, and we have been told here, to-day, that there was once a time when Democracy was not prevalent at the South, and when the Northern States could elect a Democratic President without the aid of the Southern vote. I acknowledge it. I acknowledge that so long as mere party issues were before the country, not involving any of its fundamental institutions, the South differed with each other on these issues of policy. The question of the United States Bank, of internal improvement by the General Government and of the tariff, caused great differences of opinion at the South.

In the Northern States the Democratic party was overwhelmingly in the ascendant. Why are they not so now? And why is the South more unitedly Democratic? The answer is ready. The anti-slavery sentiment is dominant at the North—the slavery sentiment is dominant at the South. And, gentlemen, let me tell you why, if it is not presumption in me to tell you, that you have grown weaker and weaker. It is my belief, from some observation and reflection upon this subject, that you are not in the ascendant now, because you have tampered with the anti-slavery feeling of that section. I do not mean that you have tampered with it or yielded to it as a matter of choice. I do not mean that you are wilful traitors to your convictions of duty; but this is what I do mean: Finding the overwhelming preponderance of power in that anti-slavery sentiment, believing it to be the common will of your people you hesitated, you trembled before its march, and you did not triumph over the young Hercules in his cradle, because you made no direct effort to do so. You

acknowledged, *gentlemen of the jury*, (shouts of laughter and applause), that slavery was wrong. Ah! gentlemen, you are indeed the jury empannelled to try the great issue. It is the cause of our common country which is in issue. But, gentlemen, unlike the advocate who stands at the bar to speak for the criminal or innocent accused, I am here unpaid—no feed advocate—I have no "axe to grind" here or elsewhere—I am no seeker for office. Years ago resigning to the people all the trusts they had given me, I have been unceasingly and diligently their advocate since, and I now remain their advocate, and though others, officially, can speak for them, I, too, can ask to be heard as *amicus curiæ*. (Applause.) I was going on to show the only method in which you lost your ascendancy. You gave up the real ground of battle, the key to success, when you acknowledged, what was the foundation of the anti slavery sentiment, that slavery was wrong. You acknowledged that it could not exist anywhere by the law of nature or by the law of God; that it could exist no where except by virtue of statutory enactment. In that you yielded the whole question. In that you showed the weakness of the soldier who doubts in the midst of the conflict on the field of battle. You simply said, beseechingly, to your anti-slavery countrymen, "slavery does exist, but we are not to blame for it." There was the weakness of your position. If you had taken the position that has been taken by one gallant son of the North, who proclaimed, under the hisses of thousands, that slavery was right, that anti-slavery demon, if not dead, would long since have been in chains at your feet. But you have gone down under the admission on your part, that your opponents placed their feet upon the strong foundation stone of natural and divine right; and I tell you, gentlemen, that you will continue to go lower and lower unless you change front and change tactics. The history of the country shows that I am right in this matter. They have advanced from a small band of Abolitionists, who, when I was a schoolboy in one of the Northern States, were pelted with rotten eggs whenever they assembled, even in the State of Massachusetts. That small band, I say, has grown and spread, until it is divided into three different classes, under different names, such as Abolitionists, Freesoilers and Squatter Sovereignty men—(applause)—all representing the one common sentiment, upon which the Abolitionists commenced their war, that slavery was wrong, yet assuming different phases in their progress, according to their localities or according to their party affiliations. I beg you to believe that, in thus designating what I thus call Squatter Sovereignty men, as one wing of that great anti-slavery army, I do it in no disrespect; I only speak of the logical consequence derived from the position that you have admitted that slavery is wrong, and are, therefore, in no position to defend it, or to claim to lead in its defence. How else has this great power manifested itself? Look at the religious corporators of the country, as affected by the conscience of the people; look at the people whose daily business is prayer that they may be so purified as to rise above any temptation to do that which is recommended to them as right—where are they? I believe but one solitary Church of all the denominations of the country yet keeps beyond its pale all interference in this matter of slavery. All the rest have been disrupted and resolved into Northern Churches and Southern Churches—two Gods, two altars, two systems of worship: not brothers, not sisters. Aye, you do not, in many of the Northern Churches, admit the Southern man of God, who has, for years, followed the Man of Sorrows, evidenced by his meekness, his humility, and the eminent success of his ministry.—I say there are many such men who cannot gain admission into the Northern pulpit to pray.

Now, what does all this indicate to us? Gentlemen, these are, in part, evidences which, I solemnly assure you, have produced in the South—I speak by authority for Alabama, and I speak from assurances which, I believe, cannot be mistaken, from other States—a wide-spread and deep-seated conviction that the South, with her institutions, is unsafe in the Union. It is upon that basis, upon these premises, that we proceed when we come here; when Alabama comes here, and asks you to consider well your position upon this subject; to take a new departure if it is, even as you say, a new departure; or if it is but the re-affirmance of an old truth, we ask you to re-affirm it in more distinct and unequivocal language, in order to reassure the Southern people of safety in the party and in the Union, and thus save both from disruption. I pass or with—I will not use so strong an expression as "contempt"—but I conceive that I cannot afford to notice any of the specious declamation and partisan arguments that have been made here to-day. We come with the constitution in our hand, and say to you, if we have been wrong, let us reason together, and see if we cannot be set right; if we have been right, let us re-endorse that right in plainer and less equivocal language. (Applause.) And why? If I had come here, my countrymen, as a disunionist—if I had come here as a disruptionist—if I had come here as a factionist

—I should come to you now with the Alabama platform in my hand, and present it for adoption or rejection, without the dotting of an "i," or the crossing of a "t." But I say to you frankly, while the majority platform is not all that Alabama wants, it is not even all that Alabama asks; that while it falls short, indeed, of what I believe the highest policy of a statesman should be, to arrest this great evil—this cancer, which is not only eating into your body, but into the body of the country at large—from a desire to harmonize—from a desire to confer with brothers—knowing that you represent all the sections of this vast and magnificent republic, we are willing to come together upon some such platform as you may make, which shall afford to us protection in the South; and we think you can afford to yield that to us, especially when it will bring to the support of your platform a united South; and therefore it is that I intend to vote for the majority platform, which, if not giving us all, yet provides for an active application of the principles substantially involved in the Alabama resolutions. We may therefore accept that platform with honor, and continue our deliberations with you.

Alabama has been stringent, my countrymen, not in dictating to you, as has been charged, by the instructions Alabama has given to her delegation, and which but for the all-seeing, all-knowing, all-finding-out press, you would never have heard of, but to leave no ground of doubt as to her will in the mind of any of her delegation; our instructions are merely the will of the State of Alabama, given to us for our guidance, and not as a dictation to you. Alabama has sufficient self-respect to respect her sister States here, and knows how much out of place it would be to dictate to them; and those persons in my own State who have represented her as dictating to you, have lost all respect for their own State, if not for themselves, in making the assertion. We come in a spirit of conciliation, in a spirit of harmony, yet planting ourselves upon that Constitution from which we cannot depart and be safe; and if you cannot take a stand there with us, then, indeed, will we be a divided people.

Gentlemen, I have thus shown to you that there is a conviction in our minds that we are not safe in the Union, unless we can obtain your unequivocal pledge to an administration of this government upon the plainly avowed constitutional, congressional, as well as executive and judicial protection of our rights. You have objected that this is a new feature in Democracy. But I say you have taken jurisdiction of this question in years past. In 1811 you took jurisdiction of the slavery question, to protect it from abolition assaults. In 1848 you again took jurisdiction of the slavery question, though to a limited extent. In 1852 you did the same; and in 1856, when the Territorial issues were forced upon the country by the Freesoilers, demanded that the Democratic party should take one step farther in advance, in order to be up with the progress of the times, and with the march of aggression, you added to these former platforms another plank, which it was then deemed would be sufficient to meet the issues then urged. And what was that plank? It was that Congress should not intervene to establish or abolish slavery in State or Territory. What is the fair and just meaning of this proposition? Lawyers and statesmen who are in the habit of construing laws and constitutions by the light of experience, and by the rules which the great jurists of all ages have laid down for their construction, know that in order to decide what a law of doubtful import means, you must look at the subject matter, at the cause of its enactment, you must look at the evils it was designed to correct, and the remedy it was designed to give.

Now, then, by the light of those established rules of construction, let us see what is the meaning of this branch of the Cincinnati Platform.

First. What was the subject matter upon which it is based? It was the right of the owner of slaves to emigrate, and settle, and hold slaves in the Territories of the United States.

Second. What was the cause of the passage of that resolution? It was that the South was restless and dissatisfied with the admission of California under Squatter Sovereignty principles; dissatisfied with the law forbidding the internal slave trade between citizens of slave States and the District of Columbia—and claimed perfect freedom to go with slaves into any Territory of the United States, and to hold them there until forbid by a constitution constitutionally formed, and the admission of the new Srate into the Union. The South claimed the enactment of that platform for her own protection. It was not urged by Northern men for utterance of Squatter Sovereignty views. No such power was urged then by anybody, and the South alone had that platform made, and the cause of it was her need for protection, as a political question

Third. What were the evils it was designed to correct? They were the doctrines maintained by SEWARD and the Black Republican party, to wit: that Congress had the power to abolish slavery in the Territories, and that it was its duty to do so.

The great principle at stake, the great practical evil apprehended, was not only the power by which this could be done, but more especially was, could the South be excluded from territory held by the general government in trust for the co-equal States of the Union. To assure the South on these points, to allay her apprehensions, and solely on account of and at the instance of Southern demand for Congressional interference for purposes of protection against the freesoil aggression, was this Cincinnati resolution adopted.

And now for the proof. [Mr. YANCEY not having time to read and elaborate his authorities in support of his general argument, in the Convention, claims the privilege of presenting them more at large in this report of his speech.] Here are the resolutions in that platform on this subject.

EXTRACT FROM CINCINNATI PLATFORM.

"And that we may more distinctly meet the issue on which a sectional party, subsisting exclusively on slavery agitation, now relies to test the fidelity of the people, North and South, to the Constitution and the Union:

1. *Resolved*, That claiming fellowship with, and desiring the co-operation of all who regard the preservation of the Union, under the Constitution, as the paramount issue—and repudiating all sectional parties and platforms concerning domestic slavery, which seek to embroil the States and incite to treason and armed resistance to law in the Territories, and whose avowed purposes, if consummated, must end in civil war and disunion—the American Democracy recognize and adopt the principles contained in the organic laws establishing the Territories of Kansas and Nebraska, as embodying the only sound and safe solution of the "slavery question," upon which the great national idea of the people of this whole country can repose in its determined conservatism of the Union—NON-INTERFERENCE BY CONGRESS WITH SLAVERY IN STATE AND TERRITORY, OR IN THE DISTRICT OF COLUMBIA.

2. That this was the basis of the compromises of 1850—confirmed by both the Democratic and Whig parties in National Conventions—ratified by the people in the election of 1852—and rightly applied to the organization of Territories in 1854.

3. That by the uniform application of this Democratic principle to the organization of Territories, and to the admission of new States, with or without domestic slavery, as they may elect, the equal rights of all the States will be preserved intact—the original compact of the Constitution maintained inviolate—and the perpetuity and expansion of this Union ensured to its utmost capacity of embracing in peace and harmony every future American State that may be constituted or annexed with a republican form of government.

Resolved, That we recognize the right of the people of all the Territories, including Kansas and Nebraska, acting through the legally and fairly expressed will of a majority of actual residents, and whenever the number of the inhabitants justifies it, to form a Constitution with or without domestic slavery, and be admitted into the Union on terms of perfect equality with the other States."

The preamble sets forth that these resolves were made with a view of "meeting the issue made by a sectional party subsisting exclusively on slavery agitation" (which was clearly the Freesoil party), and, therefore, it was not made to assert the dogmas of any wing of the Democratic party, as it is now here and today claimed to have been made. The first resolution expressly asserts that it was drawn for the purpose of repudiating all sectional parties and platforms (which, undoubtedly, were the Black Republican and Abolition parties) concerning domestic slavery, "which seek to embroil the States, and incite to treason and armed resistance to law in the Territories," and, therefore, sir, included no part of the Democracy which passed and upheld the Act of Kansas, and which was in power in administering the law there, both federal and territorial. These parties had repeatedly charged the Democracy with being propagandists of slavery, and that its design was not only to prevent Congress from abolishing or excluding, but was also to establish slavery in a Territory by law. To meet these views, this first resolution declared that the true aim of the party was "non-interference by Congress with slavery in State and Territory, or in the District of Columbia." Still more: this "non-interference" was a principle to govern Congress at particular periods only—as is proven by the language of the second and third resolutions. The second resolution says, "that this was the basis, rightly applied to the organization of Territories in 1854"—that is, "that this was the basis" of principles on which the party stood in 1854—and that the time for its application and the mode, also, as illustrated by their action then, is in "the organization of Territories"—and, therefore, it is not "rightly applied," if applied as a rule of Congressional duty, when a Territorial law violates the equal right of

property of a Southern citizen in a Territory. This view is still further enforced by the last of the series of resolutions. That recognizes "the right of the people of all the Territories" to exclude slavery or to establish it, when they lawfully form a Constitution, and therefore, is the pledge of the Democracy that, in its view, that is the only time when they can do so. This is the argument derived from the face of the Cincinnati platform—and it is unanswerable. There is another view of it, however. If "non-interference by Congress with slavery in State or Territory, or in the District of Columbia," means Squatter Sovereignty or Popular Sovereignty—if it means to assert that Congress has to abandon all its right to legislate on slavery, and not even interfere to revise unconstitutional legislation, what is the effect of that Constitution? It is simply absolutely to divest Congress of any right to legislate on slavery in the District of Columbia, over which it has powers of "exclusive" legislation! It simply divests Congress of the power to enforce the fugitive slave provision of the Constitution by any necessary additional legislation that will have bearing either "on State or Territory." But as all will admit that Congress is bound to pass all such needed laws on those subjects as experience may require, and as the "non-interference" described in the platform is to be equally a duty "in State or Territory, or in the District of Columbia," it follows that this Squatter Sovereign construction has no foundation in reason, nor in the letter or spirit of the Cincinnati platform.

No, sir! Mr. DOUGLAS' doctrine is at war with the rights of Southern citizens, both under the Constitution and under the Cincinnati platform. Cotemporaneous views of leading Democrats have been referred to for the purpose of showing that Mr. DOUGLAS' construction was received as the correct one. Without undertaking to reply to the extracts read by the gentleman from Ohio (Mr. PAYNE), torn, as they were, from their contexts, one instance occurring in the Senate on the passage and discussion of the bill, will suffice to refute that gentleman's assertion that such was "the universal understanding of the meaning of the Kansas Act."

[Mr. YANCEY here quotes at length the position assumed by Senator BROWN, which he briefly stated in the debate:]

"'I have not, in my own judgment, and I trust I have not, in my action here, yielded the principle that the people of the Territories, during their territorial existence, have the right to exclude slavery. I have not intended to yield that point, and I do not mean that my action in future times shall be so construed.'

"Senator DOUGLAS moved to postpone the bill (Nebraska-Kansas) till to-morrow.

"Gen. CASS asked him to withdraw the motion, and said: 'The Hon. Senator (Mr. BROWN) has touched on one of the main questions connected with it, and which has not been touched before. It is a very grave and a very important question. The power of the people of the Territories to legislate upon their internal concerns, during the period of these temporary governments, is most clearly given in this bill, if the Constitution permits it.'

"Mr. BADGER. Certainly.'

"Mr. CASS. If the Constitution does not permit, they have not got it.

"Mr. BADGER. That is clear.

"Mr. CASS. Behind that stands the other question which must be discussed here; and I, for one, am determined that my constituents shall know my views on the point. It is one on which the Hon. Senator from Mississippi and myself differ. * * It is, whether by virtue of the Constitution of the United States, there is a kind of motive power in slavery that immediately spreads it over any Territory, or by virtue of which any slave may be taken to any Territory of the United States as soon as it is annexed.

* * * * * * * * * *

"Mr. BUTLER. I wish to save myself. I am perfectly willing to vote for the clause (that quoted by me) as modified by the Hon. Senator from Illinois, the Chairman of the Committee on Territories (Mr. DOUGLAS), but with a very clear judgment that, if Congress has not constitutional competency to legislate either one way or the other—either to introduce or prohibit slavery in the Territories, a territorial government has no derivative authority to do so from any act which Congress can pass.

"Mr. BROWN. Certainly not.

"Mr. BUTLER. I am perfectly willing to leave this question under the Constitution.

"Mr. DAWSON. That is where it ought to be left.

"Mr. BUTLER. I am perfectly willing to leave it under the Constitution, to be decided by the law tribunals of the country; and that is where it ought to be left. If in process of settlement, the people of these Territories shall be prepared to assume upon themselves the attributes of a sovereign State, they can then, certainly,

either exclude or admit slavery. I presume that will not be denied by any one. During their growth, and before they undertake to become a State, can they assume to exercise a power which Congress itself, under the Constitution, cannot confer upon them? They can have no derivative power on the subject from an act of ours.

"Mr. Cass. That is a matter to be argued. I differ from the Honorable Senator in *toto*.

"'I deny (said he) that the right to regulate carries along with it the right to destroy. The right to regulate the relation between master and servant no more entitles the regulating power to destroy that relation, than does the power to regulate the relation between husband and wife authorize the destruction of that relation. As well might the Territorial Legislature take a wife from her husband, under pretence of regulating their relations, as to take a servant from his master under pretence of regulating that relation. * * * * If I thought that, in voting for the bill as it now stands, I was conceding the right of the people in the Territory, during their territorial existence, to exclude slavery, I would withhold my vote.'"

These remarks, and the presence and nonquiescence of Mr. Douglas, show how he and Senator Brown, at least understood the bill, or it shows gross misapprehension as to the meaning of the bill somewhere. Either view is sufficient for my purpose

It was only when the South had obtained an advantage in Kansas, and was about to test the question whether another slave State could be admitted into the Union, that this new phase of Squatterism appeared as a practical issue under the more euphonious name of Popular Sovereignty. Kansas applied for admission under the Lecompton constitution, recognizing the institution of African slavery. The people who had elected the delegates to the Convention had required no submission of such Constitution as might be framed. But the Convention did submit to them the vexed question of slavery, and that was ratified by the people. This was all done "in their own way," and in strict accordance with the organic act.

Mr. Douglas then, for the first time, in practical, tangible form, brought forward this astonishing doctrine, that the will of the State Convention—assembled by legal authority, and by the will of the people—clothed for the first time with the right to do a sovereign act—the formation of the governmental institutions of a new State, must submit the result of their labors to a popular vote at the hustings—the Convention, in which alone lies any claim to the assumption of power to make the fundamental law in our system of republican government, must yield its own judgment to the mere masses.

The argument was that the inherent right of the people to all the powers of self-government had been invaded, dogmas of the Declaration of Independence were brought forward to assert the most revolutionary and incendiary doctrines; dogmas of the revolution all brought forward for the support of principles destructive of all the binding force and security of organic law; and we who are not a mobocracy; we, who are not in fact a democracy in form of government; we who have a representative government, where laws and constitutions are made by representative power, ought to guard well our safety lest the wisdom, judgment and experience of the past be thrown down and trampled upon in the wild passionate struggle of the masses for party or agrarian ascendancy. (Applause.)

Gentlemen of the Convention, that venerable, that able, that revered jurist, the Honorable Chief Justice of the United States, trembling upon the very verge of the grave, for years kept merely alive by the pure spirit of patriotic duty that burns within his breast—a spirit that will not permit him to succumb to the gnawings of disease and to the weaknesses of mortality—which hold him, as it were, suspended between two worlds, with his spotless ermine around him, standing upon the very altar of Justice, has given to us the utterance of the Supreme Court of the United States upon this very question. (Applause.)

Let the murmur of the hustings be stilled—let the voices of individual citizens, no matter how great and respected in their appropriate spheres, be hushed, while the law, as expounded by the constituted authority of the country, emotionless, passionless and just, rolls in its silvery cadence over the entire realm, from the Atlantic to the Pacific, and from the ice-bound regions of the North to the glittering waters of the Gulf. (Loud cheering.) What says that decision? That decision tells you, gentlemen, that the Territorial Legislature has no power to interfere with the rights of the slave-owner in the Territory while in a Territorial condition. (Cheers.) That decision tells you that this Government is a union of sovereign States; which States are co-equal, and in trust for which co-equal States the Government holds the Territories. It tells you that the people of those

co-equal States have a right to go into these Territories, thus held in trust, with every species of property which is recognized as property by the States in which they live, or by the Constitution of United States. The venerable magistrate—the Court concurring with him—decided that it is the duty of this Government to afford some government for the Territories which shall be in accordance with this trust, with this delegated trust power held for the States and for the people of the States. That decision goes still further; it tells you that if Congress has seen fit, for its own convenience, and somewhat in accordance with the sympathies and instincts and genius of our institutions, to accord a form of government to the people of the Territories, it is to be administered precisely as Congress can administer it, and to be administered as a trust for the co-equal States of this Union, and the citizens of those States who choose to emigrate to those Territories. That decision goes on to tell you this: that as Congress itself is bound to protect the property, which is recognised as such, of the citizens of any of the States—as Congress itself, not only has no power, but is expressly forbidden to exercise the power to deprive any owner of his property in the Territories, therefore, says that venerable, that passionless representative of Justice, who yet hovers on the confines of the grave—therefore, no government formed by that Congress can have any more power than the Congress that created it.

But, we are met right here with this assertion: we are told by the distinguished advocate of this doctrine of Popular Sovereignty that this opinion is not a *decision* of the Supreme Court, but merely the opinion of citizen TANEY. He does not tell you, my countrymen, that it is not the *opinion* of the great majority of the Supreme Court bench. Oh no! but he tells you that it is a matter that is *obiter dicta* outside the jurisdiction of the Court; in other words, extra-judicial—that it is simply the opinion of Chief Justice TANEY, as an individual, and not the decision of the Court, because it was not the subject-matter before the Court. Now, Mr. DOUGLAS and all others who make that assertion and undertake to get rid of the moral, the constitutional, the intellectual power of the argument, put themselves directly in conflict with the venerable Chief Justice of the Supreme Court of the United States, and with the recorded decision of the Court itself—because Chief Justice TANEY, after disposing of the demurrer in that case, undertook to go on and to decide the question upon the facts and the merits of the case; and, said he, in doing that, we are met with the objection "that anything we may say upon that part of the case will be extra-judicial and mere *obiter dicta*. This is a manifest mistake," &c.; and the Court—not Chief Justice TANEY, but the whole Court, with but two dissenting voices—decided that it was not *obiter dicta*; that it was exactly in point, within the jurisdiction of the Court, and that it was the duty of the Court to decide it. Now then, who shall the Democracy recognize as authority on this point—a statesman, no matter how brilliant, and able and powerful in intellect, in the very meridian of life—animated by an ardent and consuming ambition—struggling as no other man has ever done for the high and brilliant position of candidate for the Presidency of the United States, at the hand of this great party—or that old and venerable jurist who, having filled his years with honor, leaves you his last great decision before stepping from the high place of earthly power into the grave, to appear before his Maker, in whose presence deception is impossible, and earthly position is as dust in the balance? (Loud and continued cheering.)

Gentlemen, I am admonished by the progress of time by the courteous yet warning voice of the presiding officer, and by my own feebleness, that I must pass on to some other branch of this subject, and close my remarks. It seems to me as if the subject was but just opening up before me, but I trust I have at least opened to you the great vista through which your own intellectual vision will enable you to pursue the line of my argument. I do not quote this decision of the Supreme Court as conclusive authority, or as of binding obligation upon the State which I represent, or upon any other State. The decisions of the courts are binding only upon the parties to the cause decided, and are but persuasive of the truth to all others. The question itself, however, has been before the Court; the Court has had it before them; the Court say they have decided it; the Court decided, against objections, that they had jurisdiction; the Court decided that Congress has no power to prohibit slavery in the Territories, for the single yet comprehensive reason, that the Constitution protects slaveholders in a Territory; the Court decided that Congress cannot prohibit slavery in the Territories, for the reason that the Constitution of the United States overrides all the powers that would assail it. Pray tell me by what argument or logic a Territory, the most inferior form of our government, can have greater power than the government that holds these territories in trust—for equal benefit of the citizens of each State? (Cheers.) The weakest and most inferior form of all governments known to the

Union is the territorial form of government given by Congress, and yet gentlemen tell us that by some peculiar hocus-pocus, which they cannot explain and define except by running back to the Declaration of Independence and quoting the axiom "that all men are created free and equal," and they can give us no connecting link between that great dogma and this theory—they say there is some peculiar process by which, when Congress gives to a Territory a government, although Congress did not possess this power itself, and could not give it to them, yet it becomes an inherent power on great general principles. The Supreme Court of the United States, in the *Dred Scott* case, has met that very position, and Chief Justice TANEY said, in answer to it, "That no reasoning of statesmen, or of jurists"—"none whatever upon general principles"—"can enlarge the powers of the Government, or take from the citizen the rights they have reserved," and "that the powers of the Government, and the rights of the citizen under it, are positive and practical regulations plainly written down." No matter how beautiful the language or how patriotic the sentiment, in which one appeals to these revolutionary ideas, the Supreme Court tells you that you will save yourself from faction and misrule, and the war of factions, by adhering to the plainly written letter of the Constitution; the Government must find its power in the Constitution, or it is not conferred.

I now pass from that branch of the subject. We simply claim that we, being co-equal with you in the Territories, we having property which is as sacred to us as yours is to you, that is recognized as such by the constitution of our common country—shall enjoy, unmolested, the rights to go into the Territories, and to remain there, and enjoy those rights as citizens of the United States, as long as our common government holds those Territories in trust for the States of which we are citizens. That is all. We claim that there is no power in any portion of the people who go there to deprive us of the full enjoyment of our rights of property, until after having formed a Constitution, they are admitted into the Union, when they have the sovereign right to do, on that question, whatever they please. If their decision is against us in that form, we bow and submit to it without a murmur. If it is for us, we ask that you shall submit to it without a murmur. It is the doctrine of equality, gentlemen. It is based upon the rigid sublimity of that utterance of the country's greatest and purest statesman, Mr. Calhoun, and quoted by your distinguished President in taking the chair—"Truth, Justice, and the Constitution." (Loud cheering.)

But our friends at the North say they cannot give up this doctrine with safety. Why? Why cannot you give it up? What right of yours is at stake? What property of yours is impaired in doing so? What social relation of yours is endangered by your accepting our views? None whatever. I have no doubt, gentlemen, that each of you here enjoys most pleasantly, the hospitalities of this city—even such hospitalities as you pay for so magnificently (Laughter). I have no doubt of that, and I have no doubt that these sable people who wait upon you, who are slaves for life, and whose children are born slaves, and who descend to the heirs of their masters, are agreeable in their relations to you as an inferior class of beings, who are ready to contribute to your comfort, and whom you can command to contribute to your comfort. Your relations towards them would be just the same in the Territories as they are here. The institution does not interfere with you. It does not belong to you to put your hands on it. You are agressors when you injure it. You are not brothers when you injure us, and you are without the excuse of being actuated by the lowest motives that can actuate an honest man to do a mean thing—because he is interested in it. (Loud cheers.) If you desire the good of your country—if you desire the welfare of this Union—if you desire, outside of the Constitution, to be actuated by love of God, by love of truth, by love of the great principles of equality—then I would say to you: "Hands off and let us work our own row in these Territories." If you beat us at the end you will be entitled to the palm of victory. If we beat you, we will give you good servants for life and enable you to live comfortably, and we will take your poor white man and elevate him from the office of boot-black, and from other menial offices which belong to the highest order of civilization—we will elevate him to a place amongst the master race and put the negro race to do this dirty work which God designed they should do. (Tremendous cheering.)

MR. BUSKIRK. I rise to a question of order. For an hour and twenty minutes I have listened to noise in the galleries, and I now move that the galleries be cleared. (Shouts of "no," "no," and hisses.)

A DELEGATE. If there was any noise made during the speech of the gentleman from Missouri (Mr. King,) it came from that quarter of the hall. (Cheers.)

The PRESIDENT. The gentleman from Indiana rises to a privileged question as well as a question of order, suggesting that there is applause in the galleries.

The Chair gave notice to the Convention when this debate commenced that he should feel bound to yield to the manifestation of the wish of the Convention in not interfering to check applause on the floor of the Convention. He has not done so. It has been his purpose, if he became conscious of any applause in the galleries, to check it instantly; but it is impossible for the Chair, when there is tumultuous applause on the floor, to distinguish additional applause in the galleries. (Loud cheers.) If it be the pleasure of the Convention to proceed without any manifestations of applause on the floor, it will be in the power of the Chair to enforce that order on the floor and in the galleries, otherwise it will be impossible. (Cheers.)

Capt. RYNDERS. You will have to stop Mr. Yancey from speaking if you want to suppress applause on the floor. (Tremendous cheering and laughter.)

Mr. YANCEY. Gentlemen, it is further said, that this is a judicial question. It is true it is a judicial question, but it is also a political question of the highest, the gravest and the most significant import. It is a judicial question between a citizen whose property is taken away from him and him who wrongs him. If he chooses to take it to the Courts of the United States, it becomes a judicial question; if he does not choose to take his wrongs to the Courts of the United States, it is not a judicial question. The citizen himself interested in his individual rights may or may not assert it. The celebrated Missouri restrictions remained for thirty-odd years uncontested in the courts. State after State, equalling in extent of domain and in noble fertility of soil any of the European nations, was admitted into this Union under the unconstitutional act which prohibited the South from having the least chance of inhabiting those Territories; and yet the judicial power rested there, and was dormant and inefficient to protect the South. Oh! how vain! What a mere mockery it is to tell the sovereign States of the South that their rights are to depend upon the mutable and vacillating will of an individual, who may or may not want to contest so great a power as the laws of this government! Mark you, the United States Bank question was a great constitutional question, and when General Jackson sprung it upon the country, his opponents said that it was not a legislative, or political, but a purely judicial question. It was a judicial question in the aspect of any individual who was wronged by it, and who chose to question it, or sue out his writ of *quo warranto;* but it was a grand, magnificent, powerful political question among the people of this whole country, whether or no their money should be kept in the vaults of a moneyed institution, who should make a profit out of them at the expense of others; and at last the people of the country decided, with General Jackson, that while it was a judicial, it was also a great political question; and the old hero obtained an overwhelming and triumphant victory under his administration, and the question, finally, under that of Mr. Van Buren.

I turn, then, from that aspect of the question; and now, gentlemen, why, why will you not accord to the South simple protection? We are told here, to-day, in answer to this question, by the partisans of party who have addressed you, that the fate of our party hangs upon the issue; but I tell you, gentlemen, that the fate of our country hangs upon the issue! (Cheers.) I meet your partisan arguments with the fate of the party, aye! and of the country itself. I make no threats. I am not authorised to do so, and it would be unbecoming in any one to do so. I will state to you, though, my earnest belief that such is the condition of the public mind at the South, that it cannot bear any longer any doubt as regards what is the position of this party on this great issue. (Cheers.) We are determined, in no language of threat or of compulsion, that we must bring up the Democratic party to the great issue of loyalty to the Government; we must appeal to the nobler sentiments of its members, and ask that their feelings of loyalty to the Government shall override their principle of mere loyalty to party success. If need be, we must accept defeat upon great truths with cheerfulness, rather than rejoice in a victory obtained upon error or double dealing. (Tremendous cheering.)

In 1840, what did this Democracy do, when, I must think, it was a prouder and a purer party than it is now? In that great financial issue, when the people decided against it, and Martin Van Buren was in the chair, he rose to the grandeur and the full proportions of a statesman, when in his message to the Congress of the United States, that next met he said, he appealed to the "sober second thought of the people." (Loud cheers.) The Democracy went into convention. They fearlessly planted themselves upon the constitutional principle of the divorce of bank and of state; they met the cohorts of "log cabin," and "coon skins," and "hard cider;" they met a party all over whose banner was emblazoned, "without a why or a wherefore;" "we simply go for turning out the Democracy, and putting in a new party." The Democracy accepted defeat on prin-

ciple. The opposition accepted victory on the very principle on which you wish to have it now—the ignoring of all issues that would make them unpopular in the canvass. No sooner had they got the power in a Congress, that met for the first time with the eloquent and mighty Clay at the head, and he proposed the great measures of the Whig party, which had been kept out of the canvass as national questions, than that party burst into a thousand fragments, as the frail, rotten, and unseaworthy bark falls upon the rocks on which the billows have tossed her, and the Democratic party, upon the returning tide, came overwhelmingly into power upon principle. (Tremendous cheers.)

I commend to you, my countrymen, this bit of history, and the lesson it teaches. Stand firmly on a constitutional basis: go before your Northern people and appeal to their loyalty to the Union and their loyalty to the Constitution. Make it a question of Union or Disunion between you and Sewardism. Tell them they are pressing the South to the wall on a matter of mere sentiment, and an abstraction with you, but a practical thing with the South. Tell them that the South cannot exist in the government when dishonored, and you will but respect your own sense of honor in believing it to be true, my countrymen. (Great applause.) Tell them all this, and you give back-bone to that wishy-washy, vacillating policy upon which you have been going down for so many years, until you now number practically on this question but three in the Northern States, and cannot rightly claim a Northern State this side of the Pacific. Take this issue by the horns; throttle anti-slavery in the very heart of its power on the question of the constitutional right of the slaveholder to constitutional protection. Let them see that there will be disunion. Do you urge upon them that there will be disunion if we are defeated, and if your people are what I believe they are, when the truth is told them, you will reach beneath the scum which politicians have kept boiling up for years to the deeper and stronger and purer elements of their nature; you will rise to the top upon the loyalty of your people to the Government, to the Constitution, and to the Union; you will rise once more, as the fabled Greek did, who overcome by superior prowess, prayed—to his mother earth to give him strength; and when thrown violently to earth, receive from the bosom of his mother that renewed vitality and virtue which enabled him to rise once more and to become victorious in the struggle. (Great applause.)

Go to the wall upon this issue if events demand it. Accept defeat upon it. Let the threatened thunders roll and the lightning flash through the sky, and let the dark cloud be pointed out by you, now resting on the Southern horizon Let them know that our people are in earnest, and in accepting defeat upon that issue, my countrymen, you are bound to rise, if there is virtue in the Constitution. But if we accept of your policy, where are we? We will then have assented to the great fact involved in adopting your platform, that the government is a failure so far as the protection of the South in the Territories is concerned. We would be estopped forever after from asserting our principle by your simply pointing to the record, that we had assented to the fact that the government could not be administered on a clear assertion of our rights. Is that true, gentlemen of the Northwest? Is it true, gentlemen of the North and of the whole country, that our government is a failure so far as the plain and unequivocal rights of the South are concerned? If it is a failure, we are not patriots, unless we go to work at the very foundation stone of this error and re-construct this party on a proper basis. If it is a failure, do not ask us, who are the injured parties, to affiliate in building up a party by the acknowledgment on our part that we dare not assert our rights in the North for fear of defeat. If we give you success on such a basis, and at the end of four years we ask you once more to reconsider, what will you say? You will say "when the question was made you gave us your consent; and do you now ask us to go back and be defeated once again, when you have admitted that we could not maintain your principle?"

The effect of such a policy will not be merely to give your assent to a failure of the Government and of the Democratic party to protect you, but it will be to place this party in power, with its myriads of camp followers, to turn adrift all its discordant elements on the subject of slavery to affiliate and act with the Black Republicans in Congress on propositions hostile to our peace and safety, leaving to the South and the party no check upon them—not even the power of indignant protest. Having no sound and common article of party faith by which to prevent this, we shall become a prey to our own members. The opposite of all this may be expected from the adoption of the majority report. That involves a great constitutional question—an appeal to the ancient brotherly love of our people for each other. It will bring the country face to face with the living issue of the age, and will demand its solution at the hands of the people. It will enable the Democracy to appeal to the loyalty of all sections to the Constitution. It will inaugurate a healthy

state of public opinion at the North as well as at the South. It will enable the South to maintain a high public spirit among its people. It will bring about once more a community of public feeling, and public opinion, and public sentiment running, like a great artery, throughout the body of the Democracy, and in time will enable it to save the Government from becoming a mere war of factions, or will save the Constitution as the basis of a new government.

To my countrymen of the South I have a few words to say. Be true to your constitutional duties and rights. Be true to your own sense of right. Accept of defeat here, if defeat is to attend the assertion of the right, in order that you may secure a permanent victory in whatever contest you carry a constitutional banner.

Yield nothing of principle for mere party success—else you will die by the hands of your associates as surely as by the hand of your avowed enemy. Permit no party, in lieu of fealty to the written compact of the Constitution, to put the fiat of its own allegiance and fealty upon you, which will forever after be used to prevent your rising, when you think the proper time comes, to assert your reserved rights. Do not demoralize yourselves; do not demoralize your own people by admitting that you are ready to affiliate in a war of factions, merely for the sake of keeping a party in power. A party, in its noblest sense, is an organized body that pledges itself to the people to administer the Government on a constitutional basis. The people have no interest in parties, except to have them pledged to administer the Government for the protection of their rights. The leaders of the masses, brilliant men, great statesmen, may, by ever ignoring the people's rights, still have a brilliant destiny in the rewards of office and the distribution of the eighty millions annually; but when those leaders, those statesmen, become untrue to the people, and ask the people to vote for a party that ignores their rights, and dares not acknowledge them, in order to put and keep them in office, they ought to be strung upon a political gallows higher than that ever erected for Haman. (Vehement and continued applause.)

On the 30th April, Mr. Stuart having obtained the floor, after some remarks said—We solemnly agreed to stand by and adhere to the agreement made unanimously with the Democracy of every section of the Union. We agreed in 1852 that we would not agitate the subject of slavery in or out of Congress, and we never have. (Applause.) Since that time to the present, the Democracy of the Northwest, as every Presidential and State election, have never agitated that subject, and have steadily insisted that we must abide by the agreement of 1852, and by that of 1856. In 1854, in the Kansas and Nebraska act, we solemnly came to that conclusion, and the humble individual who now addresses you was one member who cast his vote, in the Senate of the United States, agreeing to that compact. Can my friends from the South say that they have any better abided by the resolutions of 1852 in National Convention, by the Kansas and Nebraska act, and by the resolutions of 1856, than we have? Do the States who now complain of us here, because we are unwilling to yield to their demands, come here in accordance with that agreement? The honorable gentleman from Alabama has distinctly stated that they had not; that they came here with a new demand, in addition to those former grievances.

Mr. YANCEY, of Ala. If the gentleman will allow me, I wish to make an explanation. I would not interrupt the gentleman from Michigan, if I thought this debate would be opened, and a fair opportunity given for reply on the part of the South. Wishing to be right on the record, and believing that the gentleman has honestly misapprehended my position, I desire to correct him. I have never at any time here or elsewhere, yielded the position that the Cincinnati platform did not give to the South the doctrine that Congress should intervene to repeal or modify unconstitutional laws. I have not here, or anywhere else, desired to be understood as saying that Alabama desired a new plank. The Cincinnati platform, as construed by Mr. Douglas and his friends, is hostile to our construction of it. He and his friends are here to-day in a majority, and have adopted that platform, after having told the South that they never would yield the doctrine of Squatter Sovereignty. That, therefore, gives to the Cincinnati platform, when adopted by this body, the construction of that majority, and it is that the South is not entitled to protection by Congress in the Territories, but that the Legislatures there can drive Southern men out of the Territories. Simply to meet that construction, and to explain what our views are, Alabama desires an explanatory resolution, which is that that platform meant that Congress would not intervene to establish slavery by an organic law, nor to exclude it by an organic law, but that Congress has the power, coupled with the duty, to interfere to protect the constitutional rights of the slaveholder, whenever and wherever assailed by Territorial legislation, either by a repeal or modification of such legislation, or the 67th substitution of such legislation as may be necessary to the protection of slave property. (Great cheering.)

PROTEST OF THE ALABAMA DELEGATION.

To the Hon. Caleb Cushing,

President of the Democratic National Convention, now in session in the city of Charleston, South Carolina.

The undersigned delegates, representing the State of Alabama in this Convention, respectfully beg leave to lay before your honorable body the following statement of facts:

On the eleventh day of January, 1860, the Democratic party of the State of Alabama met in Convention, in the city of Montgomery, and adopted with singular unanimity, a series of resolutions herewith submitted:

"1. *Resolved by the Democracy of the State of Alabama in Convention assembled,* That holding all issues and principles upon which they have heretofore affiliated and acted with the National Democratic party to be inferior in dignity and importance to the great question of slavery, they content themselves with a general re-affirmance of the Cincinnati platform as to such issues, and also endorse said platform as to slavery, together with the following resolutions:

2. *Resolved further,* That we re-affirm so much of the first resolution of the platform adopted in the Convention by the Democracy of this State, on the 8th of January, 1856, as relates to the subject of slavery, to-wit: "The unqualified right of the people of the slaveholding States to the protection of their property in the States, in the Territories, and in the wilderness, in which Territorial Governments are as yet unorganized.

3. *Resolved further,* That in order to meet and clear away all obstacles to a full enjoyment of this right in the Territories, we re-affirm the principle of the 9th resolution of the platform adopted in Convention by the Democracy of this State, on the 14th of February, 1848, to wit: "That it is the duty of the General Government, by all proper legislation, to secure an entry into those Territories of all the citizens of the United States, together with their property of every description, and that the same should be protected by the United States while the Territories are under its authority."

4. *Resolved further,* That the Constitution of the United States is a compact between sovereign and co-equal States, united upon the basis of perfect equality of rights and privileges.

5. *Resolved further,* That the Territories of the United States are common property, in which the States have equal rights, and to which the citizens of every State may rightfully emigrate, with their slaves or other property recognized as such, in any of the States of the Union, or by the Constitution of the United States.

6. *Resolved further,* That the Congress of the United States has no power to abolish slavery in the Territories, or to prohibit its introduction into any of them.

7. *Resolved further,* That the Territorial Legislatures, created by the legislation of Congress, have no power to abolish slavery, or to prohibit the introduction of the same, or to impair by unfriendly legislation the security and full enjoyment of the same within the Territories; and such constitutional power certainly does not belong to the people of the Territories in any capacity, before, in the exercise of a lawful authority, they form a Constitution preparatory to admission as a State into the Union; and their action in the exercise of such lawful authority, certainly cannot operate or take effect before their actual admission as a State into the Union.

8. *Resolved further,* That the principles enunciated by Chief Justice Taney, in his opinion in the *Dred Scott* case, deny to the Territorial Legislature the power to destroy or impair, by any legislation whatever, the right of property in slaves, and maintain it to be the duty of the Federal Government, in *all* of its departments, to protect the rights of the owner of such property in the Territories; and the principles so declared are hereby asserted to be the rights of the South, and the South should maintain them.

9. *Resolved further*, That we hold all of the forogoing propositions to contain *cardinal principles*—true in themselves—and just and proper, and necessary for the safety of all that is dear to us; and we do hereby instruct our delegates to the Charleston Convention to present them for the calm consideration and approval of that body—from whose justice and patriotism we anticipate their adoption.

10. *Resolved further*, That our delegates to the Charleston Convention are hereby expressly instructed to insist that said Convention shall adopt a platform of principles, recognizing distinctly the rights of the South as asserted in the foregoing resolutions; and if the said National Convention shall refuse to adopt, in substance, the propositions embraced in the preceding resolutions, prior to nominating candidates, our delegates to said Convention are hereby positively instructed to withdraw therefrom.

11. *Resolved further*, That our delegates to the Charleston Convention shall cast the vote of Alabama as a unit, and a majority of our Delegates shall determine how the vote of this State shall be given.

12. *Resolved further*, That an Executive Committee, to consist of one from each Congressional District, be appointed, whose duty it shall be, in the event that our Delegates withdraw from the Charleston Convention, in obedience to the 10th resolution, to call a Convention of the Democracy of Alabama to meet at an early day to consider what is best to be done."

Under these resolutions the undersigned received their appointment, and participated in the action of this Convention.

By the resolution of instruction, the tenth in the series, we were directed to insist that the platform adopted by this Convention should embody, "in substance," the propositions embraced in the preceding resolutions, prior to nominating candidates.

Anxious, if possible, to continue our relations with this Convention, and thus to maintain the nationality of the Democratic party, we agreed to accept, as the substance of the Alabama platform, either of the two reports submitted to the Convention by the majority of the Committee on Resolutions—this majority representing not only a majority of the States of the Union, but also the only States at all likely to be carried by the Democratic party in the Presidential election. We beg to make these reports a part of this communication:

1ST REPORT.

"*Resolved*, That the platform adopted at Cincinnati be affirmed, with the following resolutions:

1. *Resolved*, That the Democracy of the United States hold these cardinal principles on the subject of Slavery in the Territories: First, That Congress has no power to abolish Slavery in the Territories. Second, That the Territorial Legislature has no power to abolish Slavery in any Territory, nor to prohibit the introduction of slaves therein, nor any power to exclude slavery therefrom, nor any power to destroy or impair the right of property in slaves by any legislation whatever.

2. *Resolved*, That the enactments of State Legislatures to defeat the faithful execution of the Fugitive Slave Law, are hostile in character, subversive of the Constitution, and revolutionary in their effect.

3. *Resolved*, That it is the duty of the Federal Government to protect, when necessary, the rights of persons and property, on the high seas, in the Territories, or wherever else its constitutional authority extends.

4. *Resolved*, That the Democracy of the nation recognize it as the imperative duty of this government to protect the naturalized citizen in all his rights, whether at home or in foreign lands, to the same extent as its native-born citizens.

5. *Resolved*, That the National Democracy earnestly recommend the acquisition of the Island of Cuba at the earliest practicable period.

Whereas, That one of the greatest necessities of the age, in a political, commercial, postal and military point of view, is a speedy communication between the Pacific and Atlantic coasts; therefore, be it

Resolved, That the National Democratic party do hereby pledge themselves to use every means in their power to secure the passage of some bill for the construction of a Pacific Railroad, from the Mississippi River to the Pacific Ocean, at the earliest practicable moment."

2D REPORT.

Resolved, That the platform adopted by the Democratic party at Cincinnati be affirmed, with the following explanatory resolutions:

First. That the government of a Territory, organized by an Act of Congress, is provisional and temporary; and during its existence, all citizens of the United States have an equal right to settle, with their property, in the Territory without their rights, either of person or property, being destroyed or impaired by Congressional or Territorial legislation.

Second. That it is the duty of the Federal Government, in all its departments, to protect, when necessary, the rights of persons and property in the Territories, and wherever else its constitutional authority extends.

Third. That when the settlers in a Territory, having an adequate population form a State Constitution, the right of sovereignty commences, and, being consummated by admission into the Union, they stand on an equal footing with the people of other States; and the State, thus organized, ought to be admitted into the Federal Union, whether its Constitution prohibits or recognizes the institution of slavery.

Fourth. That the Democratic party are in favor of the acquisition of the Island of Cuba, on such terms as shall be honorable to ourselves and just to Spain, at the earliest practicable moment.

Fifth. That the enactments of State Legislatures to defeat the faithful execution of the Fugitive Slave Law, are hostile in character, subversive of the Constitution, and revolutionary in their effect.

Sixth. That the Democracy of the United States recognize it as the imperative duty of this Government to protect the naturalized citizen in all his rights, whether at home or in foreign lands, to the same extent as its native-born citizens.

Whereas, One of the greatest necessities of the age, in a political, commercial, postal and military point of view, is a speedy communication between the Pacific and Atlantic coasts; therefore, be it

Resolved, That the Democratic party do hereby pledge themselves to use every means in their power to secure the passage of some bill, to the extent of the constitutional authority of Congress, for the construction of a Pacific Railroad, from the Mississippi River to the Pacific Ocean, at the earliest practicable moment."

These reports received the endorsement in the Committee on Resolutions of every Southern State, and had either of them been adopted as the platform of principles of the Democratic party, although possibly in some respects subject to criticism, we should not have felt ourselves in duty bound to withhold our acquiescence.

But it has been the pleasure of this Convention, by an almost exclusive sectional vote, not representing a majority of the Democratic electoral vote, to adopt a platform which does not, in our opinion, nor in the opinion of those who urge it, embody in substance the principles of the Alabama resolutions. That platform is as follows:

"1. *Resolved*, That we, the Democracy of the Union, in Convention assembled, hereby declare our affirmance of the resolutions unanimously adopted and declared as a platform of principles by the Democratic Convention at Cincinnati, in the year 1856, believing that Democratic principles are unchangeable in their nature, when applied to the same subject matters; and we recommend as the only further resolutions, the following:

2. *Resolved*, That the Democratic party will abide by the decisions of the Supreme Court of the United States on the questions of constitutional law.

3. *Resolved*, That it is the duty of the United States to afford ample and complete protection to all its citizens, whether at home or abroad, and whether native or foreign.

4. *Resolved*, That one of the necessities of the age, in a military, commercial and postal point of view, is speedy communication between the Atlantic and Pacific States; and the Democratic party pledge such constitutional government aid as will insure the construction of a railroad to the Pacific coast, at the earliest practicable period.

5. *Resolved*, That the Democratic party are in favor of the acquisition of the Island of Cuba, on such terms as shall be honorable to ourselves and just to Spain.

6. *Resolved*, That the enactments of State Legislatures to defeat the faithful execution of the Fugitive Slave Law, are hostile in character, subversive of the Constitution, and revolutionary in their effect."

The points of difference between the Northern and Southern Democracy are:

1st. As regards the *status* of slavery as a political institution in the Territories, whilst they remain Territories, and the power of the people of a Territory to exclude it by unfriendly legislation; and

2d. As regards the duty of the Federal Government to protect the owner of slaves in the enjoyment of his properties so long as they remain such.

This Convention has refused, by the platform adopted, to settle either of these propositions in favor of the South. We deny to the people of a Territory any power to legislate against the institution of slavery; and we assert that it is the duty of the Federal Government, in all its departments, to protect the owner of slaves in the enjoyment of his property in the Territories. **These principles, as we state them, are embodied in the Alabama platform.**

Here, then, is a plain, explicit and direct issue between this Convention and the constituency which we have the honor to represent in this body.

Instructed as we are, not to waive this issue, the contingency, therefore, has arisen when, in our opinion, it becomes our duty to withdraw from this Convention. We beg, sir, to communicate this fact through you, and to assure the Convention that we do so in no spirit of anger, but under a sense of imperative obligation, properly appreciating its responsibilities, and cheerfully submitting to its consequences.

L. P. WALKER, Chairman.
J. S. LYON.
JOHN A. WINSTON,
ROBERT G. SCOTT,
A. B. MEEK,
J. R. BREARE,
H. D. SMITH,
JOHN ERWIN,
W. L. YANCEY,
D. W. BAINE.
N. H. R. DAWSON,
R. M. PATTON,
W. C. McIVER,
P. O. HARPER,
LEWIS L. CATO,
JNO. W. PORTIS,
F. G. NORMAN,
J. C. GUILD,
JULIUS C. B. MITCHELL,
W. C. SHERROD,
G. G. GRIFFIN,
J. T. BRADFORD.
T. J. BURNETT.
A. G. HENRY,
WM. M. BROOKS,
R. CHAPMAN.

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