Success of the Calhoun Revolution:

THE CONSTITUTION CHANGED AND SLAVERY NATIONALIZED BY THE USURPATIONS OF THE SUPREME COURT.

SPEECH

OF

HON. JAMES M. ASHLEY,

OF OHIO.

Delivered in the U. S. House of Representatives, May 29, 1860.

WASHINGTON, D. C.
BUELL & BLANCHARD, PRINTERS.
1860.

Speech of Mr. Ashley.

The House being in the Committee of the Whole on the state of the Union—

Mr. ASHLEY said:

Mr. CHAIRMAN: Respect for legislative, executive, and judicial authority is a peculiar characteristic of the constituency I have the honor to represent. Indeed, respect for all constitutional obligations, and for the laws passed in pursuance of the Constitution, as well as for all authoritative judicial decisions, may with propriety be said to be a leading trait in the character of the American people. Especially is this respect habitual with the great body of the people of the free States.

Trained in the school of loyalty, taught to venerate the teachings of the fathers, and guided in their daily walk and in all their public and private intercourse with their fellow-men by the stern principles of that wise Christian morality which has made New England at once the hope and glory of our country, it could not be that the citizens educated within her jurisdiction, and the States founded by her wisdom and enterprise, should be otherwise than loyal to the Constitution and the Union. Asking for themselves nothing that they would not concede to the humblest, they make the community of interest identical, and the loyalty of every inhabitant of the State a necessity.

This grand consummation has been practically achieved in eighteen States of the American Union. The system of government adopted by them, in my judgment, is the best system known to man. It is the best, because it rests upon labor, and is created and controlled by the free and untrammeled will of the laborer. It is the best, because experience has demonstrated that it is the only foundation upon which States and Governments can safely and securely rest. In such a Government, the laborers must not only be free, but they must be citizens; having rights which the Government and all classes of citizens are bound to respect and defend—the poorest and humblest inhabitant being equal, before the law, with the richest and most powerful; sharing in its burdens, enjoying its protection, and feeling individually responsible for its good or bad management. This theory is daily growing stronger and stronger among all civilized nations; and "*the world is beginning to understand that injuring one class for the immediate benefit of another, is ultimately injurious to that other; and that, to secure prosperity to a community, all interests must be consulted.*" This truly republican idea of consulting the interests and obeying the wishes and wants of the people, was recently acquiesced in, to an extent before unknown, by the leading Powers of Europe, when they recognised the right of the people of the Roman States to declare, by ballot, whether they desired separate Governments, or a united Italy, with Victor Emanuel as their chief. The state of society necessary to form such Governments as we have in eighteen States of this Union, can only be secured where an untrammeled press and free speech are guarantied, and public schools and a free church is secured to every inhabitant in the Commonwealth. These institutions the free States have, to an extent unknown to any Government or people on earth; and to them, more than to any other cause, are they indebted for their unsurpassed development, and for that prosperity and growth which have been the wonder and admiration of the world. It is impossible that such a people, living under such government as is secured by the laws and Constitutions of the free States, no matter what their former nationality may have been, should be otherwise than loyal citizens, or that they should be otherwise than the firmest defenders of the principles which lie at the foundation of these States, and the jealous guardians of that Constitution and Union which our fathers ordained to secure and perpetuate these blessings.

In fifteen States of the American Union, practically, the reverse of all this is true. The exceptions are only in a few of the border counties of slave States, adjoining the free States, and in three or four cities whose commercial intercourse is extensive in the North. In all these fifteen slave States, a class is dominant which fills all the offices, and controls the legislative, executive, and judicial departments of the Government. They do not pretend to be loyal to the national Constitution, or obedient to the laws passed in pursuance thereof, but claim that their first and highest allegiance is due to their several State Governments and their institution of human slavery. They care nothing for the Union, except so far as it subserves their purposes of building up and extending their peculiar institution, and perpetuating their own political power. They trample upon all treaties, compacts, and compromises, if they stand in their way to universal dominion on this continent, and neither respect nor obey any law or judicial decision that does not sustain their imperious demands for special legislation and protection.

Trained in the disunion school of Calhoun, they reject not only the teachings of the fathers, but the doctrines of that Christianity which enjoins upon all, whether as individuals, communities, or States, the duty of doing unto the least and weakest as they would that others should do unto them. Hence in all the slave States the constitutional rights of an American citizen are not respected, the constitutional guaranty for free speech and a free press is a mockery, free schools and an enlightened Christianity an impossibility. The laws to suppress the slave trade are openly disregarded, and violence and mob law reign supreme. The laborers upon whose toil these States exist are slaves, and have been declared not to be citizens, though born upon the soil, but simply persons, with no moral, social, or natural rights, that the dominant race are bound to respect, if the mere *ispe dix't* of the Supreme Court is to be regarded as law. Their obedience and subjugation are secured by enactments and usages the most barbarous and tyrannical ever known to man. A reign of terror secures the obedience and co-operation of the poor whites; and because of this submission, they are claimed as loyal friends of the institution of slavery. But their loyalty is, in fact, a humiliating submission to the privileged class—a submission as abject in most of these fifteen States as is the submission of the most spirit-humbled slave. The guaranties of the national Constitution, so far as they affect the individual rights of an American citizen, are denied alike to all men who are not of this privileged class or their open allies; and to be an American citizen secures no protection from insult and outrage, unjust imprisonment and terrible punishments, and even death. So complete is this reign of terror, that no man can print, or speak, or preach, or pray, unless he does it in the manner prescribed by this privileged class. These two forms of government and society are the antipodes of each other, and cannot coexist and peacefully endure. There must, of necessity, be serious conflicts and constant struggles for the ascendency; and eventually the one must give way to the other. There is, then, an "*irrepressible conflict*," as the distinguished Senator from New York has said, between the two forces or forms of government and society; and it will continue until freedom or slavery shall have complete dominion in every department of the Government.

This privileged class, with Calhoun and his political disciples, have had, with the exception of one or two short intervals, almost complete possession of every department of the national Government for the past twenty years. Taking advantage of the well-known loyalty of the people of the free States to the Constitution and the Union, and their habitual respect for all laws and decisions of the Judicial department of the Federal and State Governments, they have, by threatening to dissolve the Union, and by appeals made in the sacred name of Democracy, secured the coöperation and aid of thousands of patriotic citizens in the free States who are conscientiously opposed to the institution of slavery. They have thus been enabled to obtain and keep possession of every department of the Government, and so to shape its legislative, executive, and judicial action, as to foster, build up, and extend, this monstrous wrong of human slavery, and make it a national instead of a State and local institution, if the Dred Scott decision is to be taken and held, as the President and his party declare it is, the correct interpretation of the Constitution.

I propose, Mr. Chairman, to show the House and the country how one department of the Government has been taken possession of by this privileged class—I mean the Supreme Judiciary. I propose to show that, while they have been preaching concessions and compromises to us, they have for years been secretly and cautiously at work to obtain complete control of this important, as well as most dangerous, department of the Federal Government. That this department of the Government is dangerous, I think the history of its usurpations since its organization will show.

The opinions of some of the ablest men of the Revolution—many of whom opposed the organization of this court with the powers granted to it, and predicted with singular foresight the dangers to which the rights of citizens and sovereign States would be exposed if it was established—have been more than realized. It would have been well for the present and future of our country if the admonitions of those who opposed the organization of this department of the Government with its immense power had been regarded with more favor. It were well even now for our future peace if the warnings of Jefferson, Mason, Henry, Franklin, Grayson, and other distinguished men, should be heeded. But, alas for freedom! their admonitions and warnings have not only been unheeded, but the scheme of a sectional and privileged class, aided by Northern Representatives, has been accomplished so far as securing complete control of this department of the Government is concerned; and they now demand of the party, whose every movement they impe-

riously dictate, a change in their action and tone towards this Judicial department. In compliance with this demand, we find that the party to-day, which for years so vehemently denounced the usurpations of this court and opposed and disregarded its decisions, have come to regard it (if the declaration of their Presidents and Representatives and party Conventions are to be credited) as the most "*august tribunal*" in the world—a tribunal whose opinions are infallible, from whose judgment there is no appeal, and before whose decisions and political decrees citizens and parties, and even sovereign States, are required to bow. On failure to acquiesce in this claim of prerogative, the Representatives of sovereign States are denounced on this floor by the leaders of this privileged class as traitors to the Government, and as perjurers, who have sworn to support a Constitution they intend to violate.

And here let me ask what there is in this tribunal, composed as it is of but nine men, that should entitle it, as a political authority, to the veneration and unquestioned obedience claimed for it by the present Administration party, any more than to the same number of Senators and Representatives that might with ease be selected as gentlemen possessing at least equal, if not superior, legal and natural abilities? Is there anything in the character of these judges, in their services to the country, in their learning or qualifications as lawyers, that should entitle them to the appellation of an "august tribunal?" Is it not a fact, well known to every one, that so far from this court being composed of men of superior abilities, or the ablest lawyers in the country, a majority of them were partisans, and selected because of their partisanship when placed upon the bench? It is certainly a fact not unknown to the House and the country, that men of better legal abilities, whose nomination had been submitted to the Senate for confirmation, have often been rejected. The Committee on the Judiciary, (a majority of which has been pro-slavery for the past twenty years,) to which said nominations are always referred, have, by some means unknown to the public, succeeded in prevailing on the acting President, whoever he may have been, to withdraw objectionable nominations, and substitute others more acceptable for the purposes contemplated by them, while some of the present partisans of this court were confirmed, instead of those whose names were thus withdrawn or rejected. Before I take my seat, I expect to show that a purpose was to be accomplished by those who secured the rejection, on a direct vote for confirmation in the Senate, of men of spotless characters, of great learning, and eminent judicial abilities, or their defeat by the withdrawal of their names by the President, at the dictation of this class interest. Debate was sought to be avoided on this delicate point, that their ulterior purposes might thus remain undiscovered, even in the secret archives of the United States Senate. Sir, if the country could understand how a majority of these judges were placed upon the bench, and the schemes resorted to by this class interest to secure men to represent their views and interests, the people would scorn their political decrees, and treat their usurpations as they deserve.

Sir, I expect to show that none whose nominations have been submitted to the Senate for confirmation as judges of this court were rejected for want of learning, character, or ability as lawyers, but solely because of their known or supposed unsoundness on the question of slavery; all known to entertain liberal views on that question being rejected, and partisans destitute of their eminence or fitness confirmed in their stead, because of their known or supposed reliability in sustaining the claims of the slave power in their judicial decisions. Such is the extent to which this scheme has been carried—and, I regret to say, successfully carried—by the carelessness, or incompetency, or criminal complicity, of Northern Senators, some of whom have had Southern plantations well stocked with slaves, while claiming to represent a free people. I say, but for the indifference or inability of Northern Senators to defend and guard the interests of those they were commissioned to represent, or their criminal complicity, this scheme never could have been accomplished as it has been; for it required the votes of Northern Senators to do it, and by their action or indifference this court, which in former years stood so high in the estimation of the American people, is now looked upon by the great body of citizens with distrust, and regarded by many of the best men of the nation as little else than a partisan political tribunal.

Mr. Chairman, it is no pleasant task for an American Representative to declare on this floor, and to the country, as I now do, and as candor compels me to do, that I have lost all confidence in, and veneration for, this Supreme Court; and I could wish that even before the expiration of the next Presidential term I could see this Supreme Court reorganized. I wish I could see all laws repealed creating inferior United States District Courts, so that we might be able to get rid of the whole batch of these United States judicial officials as summarily as the Republican party under Jefferson got rid of the swarm of district judges created by what is familiarly known as the midnight judiciary act, passed on the night of the 3d of March, 1801. For while we cannot deprive these officials of their life tenures or titles by removal, it is an established principle in the national as well as State Governments—and the act under Jefferson to which I have referred is one of the earliest precedents on record establishing the right of the power that created and prescribed the duties of these courts—to repeal the law, and thus legislate these judges and clerks out of office by the power that breathed into them the breath of life. After a full investigation of this subject, I believe the only practical way, without a change in the Constitution, to reform the gross abuses, not only of the Supreme Court, but of the United States District Courts, is: first, to reorganize the Supreme Court, and either create additional judges, or redistrict the circuits in such a manner as to equalize the business, and require the judges to be residents of the districts for which they were respectively appointed, or in which, by

law, they are required to attend courts; and, second, to repeal the laws creating District Courts and defining their jurisdiction and duties; thus legislating your Judge Kanes, Magraths, and Joneses, out of office.

If new District Courts are indispensable, let them be carefully organized, and the judges be clothed with just as little power and as limited a jurisdiction as possible. We should make business and the wants of the country only a basis for creating districts; and not create districts and offices for broken-down politicians, as has been done to an extent that would astonish the country, could it be known. As an evidence of this fact, look at the State of Florida: with less than half the population of my Congressional district, she has two United States district courts, and, of course, two judges; Tennessee, three; Missouri, two; and so on to the end of the list. Sir, unless a man has carefully examined this subject, he cannot conceive, and even after an examination will be reluctant to come to the conclusions which I confess I have, to wit, that this Supreme Court is, as Jefferson declared it to be, "*a subtile corps of sappers and miners, constantly working under ground to undermine the foundation of our confederated fabric.*" "*They are construing our Constitution,*" *he added,* "*from a coördination of a general and special Government to a general and supreme one alone.*" I feel confident, that if these usurpations of this court be not speedily checked, the rights of the States and the liberties of the people will be endangered; and the danger is the more imminent, from the fact that a class interest have secured the absolute control of this court; and having secured it, now demand that the party which they also control shall proclaim, through their Presidents, and party Conventions, and party press, the doctrine that the political decisions of a majority of these nine men are infallible and binding upon the party, without the benefit of an appeal to the people. The extraordinary spectacle is presented to the world, of a once great party, which cherished and defended the rights of the masses, having been taken possession of by an oligarchy, and the doctrine proclaimed that there must be an uncontrolled absolute power in the Government somewhere, from which there can be no appeal; and that power they claim to-day must be vested, not in Congress, or in the States, or in the people, but in the nine men who constitute this Supreme Court.

Sir, the Republican theory is, that the Government is not the master, but the servant. Every department was created by the people, not for the benefit of any class interest, but for the safety and happiness of the whole, and every department is subordinate to their will. Government is but a means to an end; and whenever it ceases to answer the purposes for which it was created, the people can alter or abolish it.

Sir, neither the executive, nor judicial, nor law-making power is supreme. The Constitution is above them; and the people, who made the Constitution, and vested temporarily the authority of enacting, executing, and adjudicating the laws, are above and superior to all. This absolute power, therefore, claimed for the Supreme Court by the Administration party, must be resisted, because there cannot with safety be any department of a republican Government from which an appeal to the people cannot be taken. If there is an absolute power in any Government that is above and superior to the people, it is a despotism. In an oration delivered by John Quincy Adams, July 4, 1831, and cited by Judge Story in a note to section 208 of his Commentaries, he says, in referring to this subject:

"It is not true, that there must reside in all Governments an absolute, uncontrollable, irresistible, and despotic power; nor is such power in any manner essential to sovereignty. Uncontrollable power exists in no Government on earth. The sternest despotisms in any region, and in every age of the world, are and have been under perpetual control. Unlimited power belongs not to man; and rotten will be the foundation of every Government leaning upon such a maxim for its support. Least of all can it be predicated of a Government professing to be founded upon an original compact. The pretence of an absolute, irresistible, despotic power, existing in every Government somewhere, is incompatible with the first principles of natural right."

Sir, these well-considered reflections, made by one of the wisest and best statesmen who since the days of Washington has adorned and dignified the Presidential office, are well worthy of the serious consideration of the people at this important crisis in the history of our country; when a great party, which for years has had possession of the Government, has declared through its present Chief Executive that there is a power in the Government to which every department must yield, and to whose opinions the people of all political parties must give implicit obedience.

This anti-Democratic doctrine was broadly announced by Mr. Buchanan in that most remarkable passage in his late annual message to Congress, in which he said:

"I cordially congratulate you upon the final settlement, by the Supreme Court of the United States, of the question of slavery in the Territories," &c.

And, strange to say, this dangerous anti-Republican, anti-Democratic doctrine, receives the support of the great body of Representatives on this floor claiming to be Democrats.

Mr. Chairman, the efforts of Mr. Calhoun to enlist all the Southern States in his disunion movement of 1832, under color of opposition to the tariff act of 1828, having failed, and the scheme exposed and effectually crushed out by the boldness and decision of General Jackson, and this desperate faction and their leader excluded from the Democratic party during the Administration of that old hero, other expedients were resorted to by Mr. Calhoun to secure the accomplishment of his cherished purpose—namely, either a dissolution of the Union and the organization of a Southern slaveholding confederacy, or the recognition by the present Government of his theory, that slavery is recognised by the Constitution, and that Congress had no power to abolish or exclude it from the Territories or the District of Columbia. After the election of Van Buren to the Presidency, Mr Calhoun and his followers were again received into a kind of *quasi* fellowship with the Democratic party, and supported the leading measures of that Ad-

ministration. The express ground upon which his support was given, was the alleged fact that Mr. Van Buren was disposed to favor Mr. Calhoun's theory that the Constitution of the United States recognised property in man. Whether such were Mr. Van Buren's views, or not, I am unable to say; but certain it is, that he pledged himself in his inaugural address, unasked by the Democratic party, to veto any law which Congress might pass, abolishing slavery in the District of Columbia; and before he had been one year in the Presidential office, he acquired, for the first time in the history of the Government, the unenviable appellation of a "*Northern man with Southern principles.*"

Failing, however, to secure the open endorsement by the Democratic party of that day of the favorite theory of the slave power, Mr. Calhoun hit upon the plan of getting possession of the Supreme Court, because it is a power the furthest removed from the people, is held in great esteem by them, and such acts of aggression as Mr. Calhoun contemplated, if committed by the Supreme Court, he knew would be so quietly done as to excite no alarm, and pass almost unnoticed.

In this scheme, as the history of the country will show, Mr. Calhoun was successful.

Let us look at this point for a few moments.

The Supreme Court was organized by an act of Congress passed on the 24th of September, 1789, by which act the court was made to consist of one Chief Justice and five Associates.

By act of April 29, 1802, districts (each State being then called a district) were formed into circuits, as follows:

"The districts of New Hampshire, Massachusetts, and Rhode Island, shall constitute the first circuit.

"The districts of Connecticut, New York, and Vermont, shall constitute the second circuit.

"The districts of New Jersey and Pennsylvania shall constitute the third circuit.

"The districts of Maryland and Delaware shall constitute the fourth circuit.

"The districts of Virginia and North Carolina shall constitute the fifth circuit.

"The districts of South Carolina and Georgia shall constitute the sixth circuit."

It will be noticed that this law gave the North and South each three judges and three circuits.

By the act of February 24, 1807, the Supreme Court was made to consist of seven judges; and the seventh circuit comprised the States of Tennessee, Kentucky, and Ohio.

By act of 3d of March, 1837, two additional judges and Southern circuits were created, and the district of Ohio detached from the circuit of Kentucky and Tennessee, and the seventh circuit made to consist of the States of Ohio, Indiana, Illinois, and Michigan. In this act it was declared that "the districts of Kentucky, Tennessee, and Missouri, shall form and be called the eighth circuit;" and "the districts of Alabama, Louisiana, Mississippi, and Arkansas, shall form and be called the ninth circuit."

By the creation of the eighth and ninth circuits, the South, with less than half the population, and not more than one-fourth of the business in the Supreme Court, obtained a majority of the judges. Since the organization of the eighth and ninth circuits, the free States of Iowa, Wisconsin, California, Minnesota, and Oregon, have been admitted into the Union; and although these States contain a population and have an amount of judicial business equal at least to one-third of those of the entire fifteen slave States, they have not been erected into or attached to judicial circuits, and have no representative on the bench of the Supreme Court. The reason for refusing or neglecting to place these States upon an equal footing with the new Southwestern States, whose populations are far less, will be manifest, I trust, before I get through.

When Mr. Tyler, by the death of General Harrison, became President, and betrayed the party which elected him, by throwing himself into the arms of the disunion wing of the Democratic party, and placing Mr. Calhoun in the office of Secretary of State, for the purpose of acquiring Texas, a point was gained by this faction, which they have not only never lost, but having secured the control of the succeeding administration of Mr. Polk, they have advanced with rapid strides from a small and once powerless minority, as they were when treated as General Jackson treated them, until they have for years completely controlled the Democratic organization, and changed its fundamental principles.

For the first time in the history of the Government, under Mr. Tyler's administration, the opinions of men selected for the Supreme Court on the question of slavery were made a test of their promotion to that exalted position. No man who was known to entertain views hostile to the interest and political opinions of the privileged class represented by Mr. Calhoun could be nominated, or, if nominated, confirmed to a seat on the bench of the Supreme Court. And two of the present judges—Justice Daniel, of Virginia, and Justice Nelson, of New York—were selected by Mr. Tyler, with the approval of Mr. Calhoun, because of their reputed fidelity to this class interest. Having secured by accident the executive branch of the Government, their next step was to obtain the control of the Senate committees, especially the Judiciary Committee, to which all nominations for the Supreme Court are referred; and, as a result of this policy, the Judiciary Committee for the last twenty years has been completely in the hands of this faction. The following Senators were members of the Judiciary Committee at the time of which I am speaking: Ashley of Arkansas, chairman; Breese of Illinois, Berrien of Georgia, Westcott of Florida, and Webster of Massachusetts. They recommended the confirmation of Robert C. Grier, of Philadelphia, and the rejection or withdrawal by the President, if not of each of the following names, at least of such men as John M. Read, Edward Key, and George W. Woodward, of Pennsylvania, who were severally nominated and rejected or withdrawn because of their known opposition to slavery, and their belief that Congress had the power, under the Constitution, and that it was their duty, to abolish and prohibit slavery in all national Territories.

During Mr. Fillmore's administration, the Judiciary Committee recommended the rejection, or

postponement, or withdrawal of the nomination of E. A. Bradford, of Louisiana, one of the most distinguished lawyers of that State, and also the indefinite postponement of the nomination of William C. Micou, of the same State, *on the same day the nomination was sent to the Senate.* Mr. Micou was at that time a law partner of Senator BENJAMIN, of Louisiana, and a distinguished member of the bar. This was disposing of a man summarily. These nominations were made by Mr. Fillmore, as was also the nomination of Hon. George E. Badger, of North Carolina, whose confirmation was refused, and the consideration of it postponed on the recommendation of this committee by a test vote of 26 to 25, simply because he believed, with Henry Clay, that Congress had the power to exclude slavery from the Territories. So close was this vote, that the slave interest were compelled to telegraph to Alabama for Senator FITZPATRICK to come on and aid in his defeat by postponing the consideration of the subject until the inauguration of Mr. Pierce, who at that time was elected. After Mr. Pierce came into office, he submitted the name of John A. Campbell, of Alabama, and he was confirmed. This committee were: Butler of South Carolina, chairman; Downs of Louisiana, Bradbury of Maine, Geyer of Missouri, and Badger of North Carolina. It will be observed that on this important committee but one member was from the free States, and he a supporter of the Administration.

How many of the best and most distinguished men have been rejected during the past twenty years, after having been nominated for seats on the Supreme Bench, the public have no means of determining, as the official action of the Senate is locked up in its secret archives, into which the people are never permitted to look by the leaders of the Democracy, who fear being called to an account for their base betrayal of the interests and wishes of their constituents. Many things have been said and done in the secret sessions of the United States Senate, which, if made public at the time, would have consigned the utterer to the shades of private life, and the party to a hopeless minority. This practice of holding secret sessions of the Senate is a feature in our system of government for which I have no partiality, and for which there is, in my judgment, no justification, except, perhaps, when the country is engaged in a foreign war, or discussing the proposed ratification of a treaty. No business touching or affecting the interest of the country at home should be done in secret, and kept from the people. The following are some of the names which I remember, although there are doubtless more persons who have been nominated for places on the Supreme Bench, and either rejected or their names withdrawn: John C. Spencer, of New York; Reuben H. Walworth, for many years chancellor of the State of New York; Edward Key, George W. Woodward, and John M. Read, of Pennsylvania; E. A. Bradford and William C. Micou, of Louisiana; George E. Badger, of North Carolina; and others, whose names I cannot now recall.

And in the places of such distinguished jurists and most worthy and learned citizens, we have to-day, as the result and success of the Calhoun conspiracy, Nelson of New York, Grier of Pennsylvania, Campbell of Alabama, Daniel* of Virginia, and Clifford of Maine; some of whom certainly would never have been thought of for a seat on the Supreme Bench, but for their loyalty and devotion to the interest and wishes of the slave power. To the political opinions of a court thus constituted, the people of the United States are called upon by the President, and the so-called Democratic party, to bow in submission; and are denounced as traitors to the Constitution and the Union, unless they yield up their political views, and embrace those of a majority of this packed and irresponsible tribunal.

If the neglect to organize the five free States I have named into circuits, and give them representatives on the bench, and the unfair manner in which the present nine circuits are constituted, in order, as must be apparent to every one, to secure a majority of the Supreme Court judges to the South, is not, of itself, sufficient to satisfy any impartial mind of the covert designs of those who control and dictate the policy of the Democratic party, a glance at the population of one or two of the judicial circuits, and the business before the court, will satisfy the most skeptical that this inequality is not the result of mere accident, but of a deliberate, well-laid, persistently-pursued scheme.

Take the population of the ninth circuit, composed of the States of Arkansas and Mississippi, and compare it with the seventh, Judge McLean's circuit, which comprises the States of Ohio, Indiana, Illinois, and Michigan. The ninth circuit, Justice Daniel's, contains little, if any, over half a million of white inhabitants; while Justice McLean's contains over six millions. The second circuit, Justice Nelson's, composed of the States of New York, Connecticut, and Vermont, contains over five millions of freemen; while the fifth circuit, Justice Campbell's, composed of the States of Louisiana and Alabama, has but little over a million white inhabitants.

But, if the inequality of population is great in these circuits, the inequality of labor and business disposed of by each of the judges of these circuits is far greater. I have taken the trouble, since I have had the honor of a seat here, to examine into this matter, and have obtained the following accurate statement of the business of the five Southern circuits, and the circuit of Judge McLean, from the 1st of January, 1856, to the 1st of January, 1857, to which I invite the special attention of the House, as demonstrating, more forcibly than any argument of mine, the deliberate purpose of the representatives of the so-called Democratic party to secure to this Southern privileged class, who are but a small minority of the people, the absolute control of this important and dangerous department of the Government.

This statement will show the number of cases on the docket in five of the Southern circuits, also Judge McLean's circuit, on the 1st of January, 1856, and the number added during the

* Deceased since the delivery of this speech.

year 1856, the number tried and disposed of that year, and the number remaining undisposed of, January 1, 1857.

Circuits.	Whole No. cases on the docket Jan. 1, 1856.	No. added during the year 1856.	No. disposed of in 1856.	No. remaining undisposed of Jan. 1, 1857.
For the fourth circuit, composed of the States of Delaware, Maryland, and Virginia, Chief Justice Taney presiding, the returns show	444	328	388	384
For the fifth circuit, composed of the States of Louisiana and Alabama, Judge Campbell presiding, the returns show	350	379	412	317
For the sixth circuit, composed of the States of Georgia, South Carolina, and North Carolina, Judge Wayne presiding, the returns show	133	289	311	111
For the eighth circuit, composed of the States of Missouri, Tennessee, and Kentucky, Judge Catron presiding, the returns show	316	257	316	257
For the ninth circuit, composed of the States of Arkansas and Mississippi, Judge Daniel presiding, the returns show	333	170	294	210
Total for five Southern circuits	1,576	1,423	1,721	1,279
For the seventh (Judge McLean's) circuit, composed of the States of Ohio, Indiana, Illinois, and Michigan, the returns show more business than all the five Southern circuits	1,481	2,037	1,782	1,736

It will be seen by this statement that Judge McLean has more business in his single circuit than all the five Southern judges in their five Southern circuits. That the number of cases docketed in the course of the year was greater; the number disposed of greater: and the number remaining undisposed of on the 1st of January, 1857, was greater.

What justification, excuse, or apology, can the members of the Democratic party in the North give for this shameful neglect or betrayal of the interest of their constituents?

Let any impartial man look over this table, and answer the question, "how ought these circuits to be constituted?" and he will answer you, "*in proportion to the amount of business done by each judge of the several circuits.*" If this just principle should be adopted, as it ought to be, and will be some day adopted, and the average business of the present five Southern circuits should constitute the basis for creating new judicial circuits and judges of the Supreme Court, the North would be entitled to at least fourteen or fifteen more circuits and judges, without including the States of Iowa, Wisconsin, California, Minnesota, and Oregon, which I have not included in the above calculation.

Why is it that this inequality is permitted to continue? Why is it that the Representatives of the so-called Democratic party from the North have not long ago moved to equalize this department of the Government, and obtain for their constituents a representation on the bench equal to their numbers, business, and wealth?

To say that all this is the result of accident, and the unexpected increase of population in the North, is a mockery. I tell you, as all reflecting and observing men who are not partisans will tell you, that it is but one of the many schemes to which the Democratic party, since its surrender to the Calhoun faction, has lent the use of its great name and influence to establish and make permanent and universal the institution of human slavery in all the States and Territories of this Republic.

Mr. Chairman, the time was, and that, too, within the memory of many members on this floor, when slavery was regarded and admitted by the great majority of the American people, by men of all parties and all religious creeds, to be a moral, social, and political evil, from which it was the duty of the States to free themselves as speedily as possible, and for the existence and continuance of which the National Government should in no way be held responsible before the world. Now all this is changed; and a great party today, through its Representatives in this Hall, with here and there an exception, claim that slavery is a moral, a Christian, and desirable political institution, established by the Great Supreme, for the happiness alike of the white and black races. And not only this, but they claim that the National Constitution, which our fathers declared they ordained to secure the blessings of liberty, carries, sustains, and protects, of its own force, the right of the master to the persons and service of his slave on every foot of soil, and wherever floats the national ensign, save only in sovereign States where, by positive enactments, its existence is prohibited; in other words, that slavery is a natural, legal, and universal relation, and freedom unnatural, exceptional, and local, and only made exceptional by the exercise of the arbitary will of the electors of sovereign States, expressed in the form of positive legislative inhibition. Even this pretended right, unsustained as it was by any respectable number of men from the organization of the Government until the birth of the Calhoun party, in 1844, has become the cardinal point in the Democratic creed

This desperate faction was unfortunately recognised and negotiated with at that time, and its leaders succeeded in making a secret treaty with the recognised chief of the Democratic party, from the bad effects of which the party never recovered. Since that time, (1844,) this mere faction — a clique that twenty years ago could be easily numbered—have been constantly gaining in power and strength, until at last they have been able to force from the party an authoritative recognition of their doctrines. They have baptized them in the name of Democracy;

and from this time forward, not only are the living principles of the old Democratic party to be abandoned, but the doctrine is to be maintained, that the Dred Scott decision is the true interpretation of the Constitution; that the logical result of that decision prevents the people of a sovereign State from excluding slavery.

On the 17th of November, 1857, the Washington *Union*, the organ of the Administration, and the special mouth-piece of the President, in speaking of this subject, said:

"*The Constitution declares that 'the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.'* Every citizen of one State coming into another State has therefore a right to the protection of his person, and that property which is recognised as such by the Constitution of the United States, any law of a State to the contrary notwithstanding. So far from any State having a right to deprive him of this property, it is its bounden duty to protect him in its possession.

"If these views are correct—and we believe it would be difficult to invalidate them—it follows that all State laws, whether *organic* or *otherwise*, which prohibit a citizen of one State from SETTLING IN ANOTHER, AND BRINGING HIS SLAVE PROPERTY WITH HIM, and most especially declaring it forfeited, are direct violations of the original intention of a Government which, as before stated, is the protection of person and property, and of the Constitution of the United States, which recognises property in slaves, and declares that 'the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States,' among the most essential of which is the protection of person and property."

And, in my judgment, this will be the next aggressive step made by the present Administration party upon the free people of this country. Yes, sir; I firmly believe that we are to have a second Dred Scott decision by the present Supreme Court, which will fully sustain this monstrous claim now openly set up by many of the leaders of this Calhoun party, provided, always, that they are successful in the coming Presidential election, and the Supreme Court can thereby have the assurance it had when Mr. Buchanan was elected, that its decrees will be enforced by the strong arm of the Executive department of the Government, with the army and navy and purse of the nation at its command. I infer this both from the manner in which the members of this court have been selected, and from the history of the first Dred Scott case. The Lemmon case, as it is familiarly called, but which I designate the second Dred Scott case, has been, as gentlemen are aware, carried up on appeal by the authorities of the State of Virginia from the Supreme Court of the State of New York to the Supreme Court of the United States, and presents a case exactly in point; and I doubt not is prosecuted by Virginia for no other purpose than to obtain another political decision from this court to sustain their pro-slavery interpretation of the Constitution. If this is not the case, why is the decision of the New York court to be carried up for revision, as the State of Virginia did not own the slave liberated by Judge Payne; and Mr. Lemmon, I believe, was paid the full value of these slaves by the cotton merchants of New York, soon after their liberation?

There can be but one motive for the action of Virginia in the premises; and that is, to secure another pro-slavery opinion from the Supreme Court, sustaining their interpretation of the Constitution—an interpretation which even Mr. Calhoun never openly claimed, but which his disciples, emboldened by their success, now claim to be the true one—namely: that slaveholders have the right, under the Constitution of the United States, to go, not only into all the organized Territories, but into any or all of the sovereign States, with their slaves, and there have them protected by the National Government, in defiance of the local laws of the State. It is my solemn, deliberate conviction, that this clearly unconstitutional claim will be sustained by the Supreme Court, if a President is elected this year by the pro-slavery party of the country. And let me ask gentlemen if such a decision is any more unlikely to happen than the first Dred Scott decision? And does it not necessarily follow, if the Dred Scott decision is correct, that the decision of the Supreme Court of the State of New York, in the Lemmon case, is wrong?

Let us look at this point a moment. The Kansas-Nebraska bills contained the germ from which both these pro-slavery questions were dug up. Both bills declared—

"That it is the true intent and meaning of this act, not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their own domestic institutions in their own way, subject only to the Constitution of the United States."

At the time the Kansas-Nebraska bills were under discussion, no person was able to discover why the clause "*not to legislate slavery into any Territory or State, nor to exclude it therefrom,*" was inserted in said acts; and their distinguished author, from that day to this, has never enlightened the country on this point, although frequently and urgently pressed to do so. The concluding line of this extraordinary section, "*subject only to the Constitution of the United States,*" was understood and denounced at the time as a cunningly-devised scheme for getting the political question of the power of Congress over the subject of slavery in the Territories before the Supreme Court, which was now, for the first time in the history of the Government, regarded as a partisan tribunal, completely in the hands of the pro-slavery party, who had selected a majority of the judges for their well-known sympathy with the privileged class and their fidelity to the interest of slavery.

The meaning of the words, "*not to legislate slavery into any Territory or State, nor to exclude it therefrom,*" was soon comprehended after the Presidential election of 1856, from the authoritative interpretation given by the President and his party to this apparently harmless declaration, and the subsequent action of the Supreme Court in the Dred Scott case. About a year after the passage of the Kansas-Nebraska act, the Dred Scott case is first heard of by the people, and an unpleasant apprehension immediately took possession of the public mind. Arguments were made by counsel in the winter of 1855 and 1856, but the decision was reserved. The Presidential election was approaching, and this "*august tribunal*" thought it prudent to defer their decision, and not submit it to that higher, better, and safer court of appeals, the people, so soon after its delivery. They therefore reserved

their opinions, and ordered the case to be re-argued; and thus a year's time was gained, which carried them over the Presidential election of 1856, and enabled the court to know positively whether they could rely upon the Executive and Legislative departments of the Government to sustain and enforce their contemplated usurpation.

The Cincinnati Convention in the mean time had been held, and laid down the creed of the party, and nominated Mr. Buchanan. In this platform, the Southern members of the party, understanding what would be the probable action of the court in the Dred Scott case, determined to aid the court in their contemplated decision, by giving *two* interpretations to the Kansas-Nebraska act, while claiming, authoritatively, to give but one. The manner in which they did this was by resolving that the people of Kansas might determine for themselves whether they would have slavery or not, "*whenever the number of inhabitants justified it.*" This was a mere play upon words, and intended to deceive the people by permitting one interpretation in the North and quite a different one in the South, for the double purpose of political effect during the Presidential campaign. After the election, if successful, they were to make a new definition, which was necessary, in order to harmonize the conflicting views of the party leaders, and in order the more effectually to aid in the pretended settlement of this "*vexed question.*" The public pledge of the party was everywhere cunningly secured in advance, through all the appliances known to this wonderful party organization, to abide by and sustain, as a final settlement, the interpretation, whatever it might be, that the Supreme Court would give to this plank in the Cincinnati platform.* With this arrangement, the slave power felt safe and confident, after having secured the election of Mr. Buchanan, and as soon thereafter as they thought it expedient, they openly, through the outgoing and incoming Executives, and in the Halls of this Capitol, claimed the extreme Southern interpretation to be the true one.

The true interpretation having been thus authoritatively established by the court, and declared to be, that "*the people of the Territories should never have the power, while in a Territorial condition, to abolish or exclude slavery,*" the abandonment of the deceptive and alluring catchwords of "*popular sovereignty*" became a necessity with all who were members of the party, except a few who were denominated "*rebels,*" or the undisguised demagogues who still remain with the party. Mr. Buchanan, in his inaugural, openly sustained Calhoun's theory on this question, and, in the Silliman letter, declared that slavery, by virtue of the Constitution, not only existed in all the Territories of the Union, but that "IT EXISTED IN KANSAS AS COMPLETELY AS IN GEORGIA OR SOUTH CAROLINA;" and he adds, in his last annual message, to complete the record, and sustain in advance the probable forthcoming decision of the Supreme Court in this second Dred Scott case, to which I have alluded, "*that neither Congress nor the Territorial Legislature, nor any* HUMAN POWER, *has any authority to annul or impair this vested right,*" claiming that the Supreme Court has finally established the right of every citizen to "*take his slave property into the Territories, and have it protected there under the Constitution.*" He would thus irrevocably fix the *status* of all national Territories as slave Territories, and deprive the people of the power to alter or change it; and, as if to extinguish the last vestige of "*popular sovereignty,*" the President declares that, if it "*had been decided that either Congress or a Territorial Legislature possessed the power to impair this right of property in slaves,* THE EVIL WOULD HAVE BEEN INTOLERABLE." He claims that the Supreme Court have the power, and should protect this class interest against the will of the people; and that Congress, if necessary, "*must strengthen their hands by further legislation.*" Comment on such a political record is unnecessary.

During the Presidential contest of 1856, the Supreme Court and slave power held their breath, and only breathed freely again after the smoke of the battle had cleared away, and they found that they had secured another four years' lease of power by the election of Mr. Buchanan. That result could only have happened then, and can only be repeated now, by the folly and division of their opponents, who were then, and are to-day, a large majority of the people.

About the time of the inauguration of Mr. Buchanan, the Dred Scott case was reargued, as ordered, and the court were now prepared to take the course so long and cautiously contemplated; when all the precedents of this tribunal, even their own decisions, and the adjudications of such men as Jay and Story and Marshall were to be overruled, and the doctrine officially proclaimed to the world, that the Constitution of the United States recognised property in man.

In order that the nation might be prepared to submit to almost any new aggression of the slave power, the leaders of this class interest, who always rule with an unrelenting despotism, saw to it that the outgoing President of the United States should prepare the party, and especially all the hungry swarm of applicants for official favor under the incoming Administration, to defend, in advance, the decision of the Supreme Court, whatever it might be.

---

* Senator BENJAMIN, of Louisiana, in a late speech which I regard as one of the ablest and most forcible yet made against the position and consistency of Mr. DOUGLAS, frankly declared, on the floor of the Senate, that the above charges of a secret conspiracy were true; and though this fact was well known to many, it had never before been admitted by any leading member of the Democratic party.

Mr. BENJAMIN said, substantially, that—

"Both wings of the Democracy agreed, in a caucus of the 'Senate, in 1854, that each should maintain its particular 'theory before the public—*one side sustaining Squatter Sov-'ereignty, and the other protection to slavery in the Territories, 'but pledging themselves to abide by the decision of the Supreme 'Court, whatever it might be.*"

This was the secret bargain which Mr. BENJAMIN charged Mr. DOUGLAS with violating, declaring that he (DOUGLAS) had failed to keep good his pledge.

In this manner, the people of the free States were deceived into the support of Mr. Buchanan, in 1856. Let the freemen of the North see to it that they are not again deceived by secret bargains in 1860.

In accordance with this cunningly-devised programme, President Pierce, in his last annual message, claimed that the people, in the election of Mr. Buchanan, (although all knew he was elected by a minority of the votes,) endorsed the Kansas-Nebraska act; and apprised them of the fact that this Dred Scott decision, although not at that time officially announced from the bench, had been agreed upon, and that the court "had finally determined this point, (to wit: *that Congress had no power to exclude slavery from States or Territories,* IN EVERY FORM IN WHICH THE QUESTION COULD ARISE" He thus advised, in advance, all the aspirants and politicians of the country, who desired favors or promotion at the hands of the slave power, under the incoming administration of Mr. Buchanan, the course necessary for them to pursue, in order the more effectually to secure a recognition of their claims. The following extract from the message referred to, though expressed in ambiguous and carefully-selected language, applies to, and was intended to apply to, the Dred Dcott case. The use of the words, "*in a long series of decisions,*" was intended to mislead and deceive the masses of the people, for the court had never established any such doctrine as claimed by "*a long series of decisions,*" but had uniformly decided directly the reverse, so far as regards the power of Congress to exclude slavery from the Territories.

The manner in which the author of this part of the message (whom Colonel Benton alleges was Caleb Cushing, then Attorney General) couples the terms "*private rights,*" "*navigation,*" "*religion,*" and "SERVITUDE," cannot fail to secure the attention of the careful reader. What rights of "*religion*" were affected or secured by this decision, in either States or Territories, has not transpired. The President says:

"Thereupen this enactment [the Missouri compromise] ceased to have binding virtue in any sense, whether as respects the North or the South, [*because the North would not agree to extend it to the Pacific,*] and so in effect it was treated on the occasion of the admission of the State of California, and the organization of the Territories of New Mexico, Utah, and Washington.

"Such was the state of the question when the time arrived for the organization of the Territories of Kansas and Nebraska. In the progress of constitutional inquiry and reflection, it had now at length come to be seen clearly that Congress does not possess constitutional power to impose restrictions of this character [the exclusion of slavery] upon any present or future State of the Union. *In a long series of decisions,* on the fullest argument, and after the most deliberate consideration, the Supreme Court of the United States had finally determined this point, IN EVERY FORM IN WHICH THE QUESTION COULD ARISE, whether as affecting public or private rights in questions of *public domain, of religion, of navigation,* and of SERVITUDE."

Colonel Benton characterizes, and very justly, too, that part of the message from which the above extract is taken, as follows:

"The last annual message of Mr. Pierce was the last opportunity for this defensive pleading, (declaring the Missouri compromise unconstitutional, and sustaining the court,) and being the last, it was carefully seized on and vigorously improved to the best advantage. The message was big with it. It was a large plea and a bold one, and conspicuously presented. In quantity, it filled eleven octavo pages, (leaving but seventeen for all the appropriate subjects which belong to that official paper;) in boldness it inaugurated a new era in our Presidential messages—the era of historical falsification in these high papers—heretofore considered the sacred receptacle of veracious history; in conspicuity, being thrust in front of the message, instead of being relegated to its tag-end, where such low matter should go, if, indeed, allowed to enter a message at all, which it never was before Veracious history must rebuke this first attempt to make the Presidential annual message a vehicle of historical falsification; and the work is easily done, all the facts necessary to the correction of the fallacious statements being of record in the debates and Journals of Congress, and other authentic public evidence."

Mr. Buchanan, in his inaugural address, referred to the forthcoming decision in the Dred Scott case, and with apparently great regard for this "*august tribunal,*" which in former years, and before it was regarded as partisan, he and the whole Democratic party had denounced as an unsafe depository of power, says:

"To their decision, in common with all good citizens, I shall cheerfully submit, whatever this may be."

In reference to the differences of opinion that had arisen as to the point of time when the people of a Territory should have power to exclude slavery, he says:

"This is happily a matter of but little practical importance. Besides, it is a judicial question"—

when, or why, or on whose authority, this became a judicial question, he does not inform the country—

"which legitimately belongs to the Supreme Court of the United States, before whom it is now pending, and will, it is understood, be speedily and finally settled. To their decision, in common with all good citizens, I shall cheerfully submit, whatever this may be."

These declarations of the out-going and incoming Presidents simply meant that the politicians and applicants for official favor should not only endorse this decision themselves, but that they should prepare the minds of the people, so far as possible, but especially the party, for one of the most startling decisions ever announced by any judicial tribunal in the world; and so successfully did this well-laid plot work, that partisans and place-hunters in many of the free States succeeded in having the decision of this court endorsed by their party conventions, with apparent enthusiasm, immediately after its delivery. If there had not been something unusual and alarming at the bottom of this forthcoming decision of the Supreme Court in a case which only involved the title to an old superannuated black man, whose value was not one hundred dollars in any slave market in the world, and who, I believe, died within a year after this decision was made, would there have been any such anxiety about this case as was manifested by the slave power? Can any gentleman on the Administration side of the House answer the question? No, sir, he cannot; and it will not be attempted. This court had decided cases, time and again, involving the title to millions of property, and yet no President and no party conventions, or party press, ever in advance called upon or appealed to the litigants, much less a party, or the people at large, to submit to a forthcoming decision of this tribunal.

After all this skilful preparation, comes the long-delayed desision of the court, which substantially declared, that as black men had no natural or political rights, and were not citizens, that they could not maintain a suit for their freedom, or have a hearing for any purpose in the courts of the United States. Had the court stopped right here, and contented themselves simply with deciding all the point there was in

the case, as I understand it, there would have been no such extraordinary effort on the part of the slave power, through the official influence and patronage of two Presidents, to induce the party and people of the Northern States to submit to this decision. For though I regard the declaration of the court that a black man, the descendant of Africans who were stolen from Africa and enslaved by pirates, has no claims either to a hearing or protection to life and liberty from this department of the Government as monstrous, and contrary to the spirit and genius of our institutions, which should protect and defend the rights of every human being, however humble, within our jurisdiction, yet I say, if this had been all of the case, and the court had not travelled out of the record in its attempt to get hold of, and pass upon, political questions, which were not and could not properly be before it, there would have been no anxiety or alarm on the part of the slave power as to the probable submission of the great mass of the people to this decision, especially of their Northern allies.

On this point, the late Colonel Benton, in his examination of the Dred Scott case, (page 5,) justly remarks:

"The court, in repulsing jurisdiction of the original case, and dismissing it for the want of the right to try it, [after dismissing it,] found great difficulty in getting at its merits—at the merits of the dismissed case itself; and certainly, still greater difficulty in getting at the merits of two great political questions, which lie so far beyond it. The court evidently felt this difficulty, and worked sedulously to avoid it—sedulously at building a bridge long and slender, upon which a majority of these judges crossed the wide and deep gulf which separated the personal rights of Dred Scott and his family from the political institutions and the political rights of the whole body of the American people."

Mr. Justice Wayne, in constructing one of the spans of this shaky and unsubstantial judicial bridge, on which a majority of the court crossed the deep gulf referred to by Colonel Benton, assigned as a reason for travelling out of the record, and passing upon the constitutionality of the Missouri compromise, its necessity, in order to give peace to the country. He said:

"The case involves private rights of great value, and constitutional principles of the highest importance, about which there had become such a difference of opinion, that the peace and harmony of the country required the settlement of them by judicial decision."

From whence the Supreme Court derived their authority to settle political questions, in order, as Mr. Justice Wayne says, to secure "*peace and harmony*" between contending political parties, neither he, nor either of the judges concurring in this opinion, have seen proper to inform the public.

When the court thus travelled out of the record, and assumed to pass upon the power of Congress and the Territorial Legislatures to prohibit and exclude slavery in the Territories of the nation, and declare, as it did in this case, that neither Congress nor a Territorial Legislature possessed the power, notwithstanding the uniform practice of the Government for seventy years had been to exclude and prohibit slavery by Congressional enactment, there was fear, and just cause for fear, on the part of the slave power, the President, and the court itself, that the people would not submit to a decision that virtually changed their Constitution. Hence the great anxiety of the privileged class—for whose sole benefit this decision was made—to secure acquiescence in and endorsement by the people of this usurpation of the Supreme Court.

To secure this, the first necessary step was to compel the President to proscribe all the leading men in the party, and all applicants for office, who did not submit to, and accept with alacrity, the decision of the court as "final." These were required to join the Government in the use of all the power and patronage at its command, and the unscrupulous use of all party appliances, to secure the most unqualified endorsement of this decision by every State Convention of the party in the North, thus making a judicial decision a party question; and, so far from settling the points assumed to be adjudicated by the court, making the opinion of the court itself a new and a test question of party fidelity; "*bringing the court into the political field*," as Colonel Benton has said, and making the new questions thus raised "*the very watchwards of parties*." For assuredly this is a question which must become far more bitter and malignant than the slavery question itself, when the people fully comprehend the alarming power assumed by this irresponsible department of the Government to change or annul their Constitution at pleasure. I say irresponsible department; because, holding their offices for life, and not amenable to the people for their acts, they have no fear of removal, and do not regard, as Mr. Jefferson has said, the power of impeachment even as a "scarecrow."

The important points which the Supreme Court assumed to decide for the interest of the slave power were: first, that no slave, or the descendant of a slave, could maintain a suit at law for any purpose in any of the courts of the United States.

This decision was demanded and deemed necessary in order that the precedent might be settled favorable to this class interest while the pro-slavery party had possession of the courts, so that thereafter no slave, or person held as such, should be allowed to bring suit for his or her freedom, or sue out a writ of *habeas corpus* before any of said courts, to compel the party holding any such persons as slaves to show by what authority said person or persons were distrained of their liberty, unless the court should first overrule this decision.

The point thus gained by the slave power was an important one, because it made it necessary hereafter for all persons suing for their freedom to bring their suits in the State courts, where, the law-makers, the judges, and juries, being all slaveholders, there would be no question that the interests and wishes of the privileged class would be omnipotent. But little danger could be apprehended, with such laws as are enacted by Southern States to guard and protect this class interest, of any persons obtaining their freedom, though they might be so white that they would readily pass for white persons, and though it might be well known to the claimant, as well as judge and jury, that the person thus

held was born free. Hence the importance of this point to the slaveholder, else such suits as I have alluded to might, and doubtless would, become troublesome and inconvenient to the privileged class, as there are a number of States whose Constitutions and laws do not establish slavery as an institution, but simply recognise the relation of master and slave without establishing the right.

2. That the Constitution, of its own inherent force, extends to all Territories as soon as acquired. On this point, I quote the testimony of Mr. Benton, because it is of great value, as showing what views were entertained by all departments of the Government on this question up to the time this discussion was made. (I do not, however, desire to be understood as endorsing Mr. Benton's views in full on this point.) He says, in his Notification to the Reader, in his volume examining the Dred Scott case :

"Without going further into that history in this brief *postscriptum* notification, and confining himself to the precise point in issue, the writer will say that the Administration of Mr. Monroe expressly, by unanimous decision, and each House of Congress impliedly, and without division, decided that no part of the Constitution and no act of Congress went to a Territory unless extended to it by act of Congress."

3. That the Constitution recognised slaves as property as well as persons, and because thus recognised, Congress had no power to prohibit the introduction of, or to exclude after it was introduced, this species of property from the Territories; and

4. "If (as the court say) Congress cannot exercise this power, (to exclude slavery from the Territories,) it will hardly be claimed that it can delegate the power to a Territorial Legislature."

In this summary manner, and in these words, did the Supreme Court, whose decisions Mr. DOUGLAS pretends to endorse, dispose of his boasted theory of popular sovereignty, and thus were the deception and fraud practiced upon the people of the North in 1856 unblushingly proclaimed.

The doctrine that the Constitution of the United States recognises slaves as property, and that Congress has not the power to exclude it from the Territories, having been established, so far as the authority of the Supreme Court and the united voice of a great party can establish it, the next step in the series of aggressions and usurpations contemplated by this tribunal, and the class who created and control it, is to declare that slavery cannot lawfully be excluded from any of the sovereign States of the Union; that so long as one State in the Confederacy recognises and sanctions slaveholding, whether by her Constitution, her laws, or custom, slaveholding shall be legal in all the Territories, and in every State, and neither Congress nor State nor Territorial Legislatures shall have the power to prohibit it. It is difficult to see how it can be lawfully excluded from a Territory or State, or on what just principle the purchase and importation of slaves is declared piracy, if it be true that the national Constitution recognises slaves as property; for article six of the Constitution of the United States declares that

"This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the laws or Constitution of any State to the contrary notwithstanding."

Any legislative enactment, therefore, either by Territories or States, excluding the master with his slaves; or, if he enter a Territory or State, destroying his property by depriving him of it without compensation, must be clearly unconstitutional, as must also be the law which declares the slave trade piracy; for, if slaves are property by virtue of a constitutional provision, they are property, not only in the Territories and in all the States—Ohio as well as Missouri—but are also property in every part of the world wherever the flag of the country protects the lives and property of her citizens. The only exception that can possibly be made to this rule, provided the premises claimed be admitted, would be where our citizens, with their slave property, were temporarily residing in or passing through the territory of a foreign nation whose laws prohibited slavery. In such a country they probably could not hold them without express treaty stipulations. But if a citizen of the United States, under the protection of his country's flag, buys slaves in Africa, or in any other country, they are as legally his as though he purchased them in South Carolina, provided slavery is not prohibited by law in the country where the purchase is made. And there being no law in Africa to prohibit slaveholding, but a usage recognising it, the act of Congress that prohibits citizens of the United States from purchasing slaves there, or, if he purchase them, deprives him of them without compensation the moment he sets foot on the soil of his own State with them, and, in addition, inflicts the terrible penalty of death upon him for having in his possession persons who are recognised by the Constitution of his country as property, is clearly unconstitutional.

The Supreme Court, however, did not dare, when deciding the Dred Scott case, to declare, in so many words, that sovereign States of this Union could not exclude slavery and prohibit its existence within their jurisdiction. The supporters of the slave power knew that the public mind of the North was not prepared for such a declaration of their purposes. They therefore preferred to take the safer course, and first secure the endorsement and acquiescence of the people in the Dred Scott decision, knowing that the logical result of that decision would legalize slavery in all the States and Territories of the Republic, notwithstanding their State Constitutions and laws might prohibit it.

Judge Nelson, of the majority of the Supreme Court, who concurred in the Dred Scott opinion, is the only judge who approached near enough to this point to give any intimation of what would be his views in a case such as Virginia has carried up from the Supreme Court of New York. In stating his views, he admitted that the sovereign States of the Union had legislative power over all subjects, except in cases where

the power is restrained by the Constitution of the United States." He adds:

"The law of the State is supreme over the subject of slavery within its jurisdiction, except in cases where the power is restrained by the Constitution."

And for this opinion he may be nominated at the Baltimore Convention on the 18th of next month. But if the Constitution of the United States recognises slaves as property, the State cannot legally exclude them, for the national Constitution "is the supreme law of the land," and provides, in article four, section second, expressly that

"The citizens of each State shall be entitled to all the privileges and immunities of the citizens in the several States."

This provision secures beyond question the right of every citizen of a State to pass through or reside in any State, with any and all descriptions of property recognised by the national Constitution, and all laws, enactments, and judicial decisions, of every State, destroying or depriving a citizen of any State of this right, is violative not only of the letter but the spirit of the national Constitution, if slaves are property by virtue of any provision of that instrument. Hence I claim, and always have claimed, that either Jefferson and the Republican party are right on this question, or Calhoun and his disciples are right. There can be but two sides to the question.

But, Mr. Chairman, I do not believe that the Constitution of my country recognises property in man. If I did, then, sir, I never could, and I never would, have laid my hand upon the Bible, and taken such an oath as I did when I became a member of this House, to support such a Constitution; and which, by becoming a member of this body, I must either violate or vote to sustain and protect the right of the master to his slave property in all the Territories and in all the States of the American Union, by the whole power of the Government—by the use of the army and navy and the purse of the nation. For, if such are his vested rights under the Constitution, I cheerfully concede it to be the duty of those who administer the Government to give him adequate protection, to the full extent of their power and jurisdiction. I would simply decline participating in such an Administration; for I do not subscribe the extraordinary statesmanship of the author of the Kansas-Nebraska act, which concedes the constitutional right of one man to property in the person of another; placing it exactly upon the same tenure of other property, and then admitting that he may be legally deprived of that property, without compensation, by what he terms the "*unfriendly legislation*" of a Territorial Legislature, which even he does not pretend to claim can exercise sovereign power.

Sir, if I could believe that our fathers who formed this Union, which I have been taught to love, and this Constitution, which I have been taught to cling to as the palladium of our liberties—I say, if I could be made to believe that they intended to declare or did covertly and insidiously declare in any line or section of that Constitution that there could be property in man, then I would cease to cherish or venerate their memories, and, rather than hold a seat on this floor for a single hour, and by holding a seat here be obliged by my oath to sanction and support the institution of human slavery, I would become an alien to such a Government, and refuse to be classed as a citizen with a people who, with the light of centuries beaming upon them, persisted in the crime of upholding a Constitution which recognised property in man.

But, Mr. Chairman, it is claimed that the question as to whether the Constitution recognises property in man or not, is no longer an open question; that it is a question which cannot with safety be submitted for determination to the people, or be intrusted to the individual opinions of their Representatives in Congress, or to the officers in any of the co-ordinate departments of the Government, except the Supreme Court.

It is said that the question has been, as the President informs us, "*finally*" and authoritatively settled for us by that "*august tribunal.*" Men of all parties, in office and out of office, are called upon by the party through whose instrumentality this decision was procured, to submit to and endorse it; and the demand is made and insisted on, that, by our votes and acts here, we shall conform the legislation of the country to this political decision, without regard to what may have been the action of the Government or the opinions entertained by the leading statesmen of the past and present day upon this question. Thus, sir, if this theory is to be acquiesced in by the country, all individual responsibility in the Government ceases; and I must swear, and every officer of the Government must swear, to support the Constitution, not as I or they may understand it, but as a majority of the nine men who compose the Supreme Court understand and interpret it for us. And this, sir, is called Democracy in the year of grace 1860!

Sir, this kind of Democracy I repudiate, and appeal to the common sense of every man, and the record of our fathers, to prove that it is a spurious species of Democracy.

Sir, when I took an oath to support the Constitution, I swore to support it as I understood it, and not as a majority of the Supreme Court may understand it, or any other number of men, individually or collectively. On this point, I believe the Supreme Court has no more right to control the action of members of Congress, than Congress has the right to interfere with and dictate a decision in any case before that tribunal for adjudication.

In Colonel Benton's introductory note to his examination of the Dred Scott case, he uses the following language, which I fully endorse:

"Congress holds its powers from the Constitution, where every grant of authority is preceded by the words, 'shall have power to,' and to the support of which the members are sworn. The grant of power is in the Constitution, and the oath is to the Constitution; and it is written, that its words, always the same, may be always seen, and no excuse for disregarding them. The duty of the member, his allegiance, his fealty, is to the Constitution; and in performance of this duty, in the discharge of this allegiance, in the keeping of this fealty, he must be governed by the words of the instrument, and by the dictates of his own conscience. The member may enlighten himself, and should, with counsels of others; but as authority, as a rule of obligation, as a guide to conduct, the Constitution and the oath alone can

govern; and were it otherwise, was Congress to look to judicial interpretation for its powers, it would soon cease to have any fixed rules to go by; would soon have as many diverse interpretations as different courts, and, like the Holy Scriptures in the hands of councils and commentators, would soon cease to be what its framers made it.

"The power of the court is judicial—so declared in the Constitution, and so held in theory, if not in practice. It is limited to cases 'in law and equity;' and though sometimes encroaching upon political subjects, it is without right, without authority, and without the means of enforcing its decisions. It can issue no *mandamus* to Congress or the people, nor punish them for disregarding its decisions, or even attacking them. Far from being bound by their decisions, Congress may proceed criminally against the judges for making them, when deemed criminally wrong—one House impeach, and the other try, as done in the famous case of Judge Chase.

"In assuming to decide these questions, [constitutionality of the Missouri compromise, &c.,] it is believed the court committed two great errors: *first*, in the assumption to try such questions; *secondly*, in deciding them as they did. And it is certain that the decisions are contrary to the uniform action of all departments of the Government—one of them for thirty-six years, and the other for seventy years—and in their effects upon each are equivalent to an alteration of the Constitution, by inserting new clauses in it, which could not have been put in it at the time that instrument was made, nor at any time since, nor now."

As long ago as when a bill for the organization of the Territory of Oregon was under consideration in the Senate of the United States, an attempt was made to get this political question of the power of Congress over the subject of slavery in the Territories in shape, so that at the proper time (that is, when the court was so constituted as to suit the slave power) it could be carried up on an agreed case, and decided as the Dred Scott case was.

Hon. John Bell, then a Senator of the United States from Tennessee, opposed the bill, and declared "*that the court was the weakest of the three co-ordinate branches of the Government—too weak to command obedience, or to settle such questions; and he drew the inference that a decision of it before a tribunal so feeble might break down the court, while it failed to satisfy the public mind.*" The result of the action of the Supreme Court in the Dred Scott case testifies how just and wise were the conclusions of that distinguished Senator.

General Jackson, in his message returning the bill for the recharter of the Bank of the United States, replies, in the following well-timed remarks, to the claim then set up, that, as the Supreme Court had decided the constitutionality of a similar charter creating this same bank, it was the *duty* of Congress and the Executive to acquiesce in that decision:

"If the opinion of the Supreme Court covered the whole ground of this act, it ought not to control the co-ordinate authorities of this Government. The Congress, the Executive, and the Court, must, each for itself, be guided by its own opinion of the Constitution. Each public officer, who takes an oath to support the Constitution, swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate, and of the President, to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval, as it is of the supreme judges, when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress over the judges; and, on that point, the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve."

Such, sir, were the opinions of two of the most illustrious Democratic statesmen of the past generation on this question of the power of one department of the Government to bind or control by any decision of theirs the action of any other co-ordinate department, or of any member thereof. These opinions were entertained by nearly all the leading statesmen until the slave power obtained complete ascendency in the Government, and by no one was these opinions more distinctly and fully maintained than by the present Chief Magistrate, as will be seen by the following extract from a speech delivered by him in the Senate of the United States, on the 7th of July, 1841, which may be found in the tenth volume of the Congressional Globe, No. 2, page 163:

"But even if the Judiciary had settled the question, I should never hold myself bound by their decision whilst acting in a legislative character. Unlike the Senator from Massachusetts, [Mr. Bates,] I shall never consent to place the political rights and liberties of this people in the hands of any judicial tribunal. It was, therefore, with the utmost astonishment I heard the Senator declare, that he considered the expositions of the Constitution by the Judiciary to be equally binding upon us as the expositions of the moral law by the Saviour of mankind, contained in the Gospel, were upon Christians; and that these judicial expositions were of equal authority with the text of the Constitution. This, sir, is an infallibility which was never before claimed for any human tribunal; an infallibility which would convert freemen into abject slaves; an infallibility which would have rendered the famous sedition law as sacred as the Constitution itself, the Judiciary having decided this law to be constitutional; and which would thus have annihilated, throughout the whole extent of this Union, the liberty of the press and the freedom of speech. No, sir, no; it is not the genius of our institutions to consider mortal men as infallible.

"No man holds in higher estimation than I do the memory of Chief Justice Marshall; but I should never have consented to make even him the final arbiter between the Government and people of this country on questions of constitutional liberty. The experience of all ages and countries has demonstrated that judges instinctively lean towards the prerogatives of Government; and it is notorious that the court, during the whole period which he presided over it, embracing so many years of its existence, has inclined towards the highest assertion of Federal power. That this has been done honestly and conscientiously, I entertain not a doubt."

Sir, if the political opinions of a majority of the Supreme Court in this Dred Scott case are to assume the form of a decree, and be "*irrevocable*," as is claimed by the President in his annual message, and all future political decrees of this tribunal are also to be "*irrevocable*" and binding upon the Democratic party, as is claimed by the leaders of this party, and this monstrous assumption of the slave power is to be acquiesced in and sustained by the people, in the election of another pro-slavery President, then indeed will the revolution inaugurated by Mr. Calhoun, less than twenty-five years ago, be complete. There will then no longer be either free Territories or free States in the American Union, but every State and every Territory, so far as the action of the National Government can decree it, will be consecrated to the everlasting curse of human bondage."

Now, sir, as to the propriety of intrusting this Judicial department of the Government with the powers claimed for it by the present Administration party. On this point I prefer to quote from the speeches and writings of some of the most distinguished men who aided in the formation of the Government.

John Randolph, of Roanoke, said:

"To me it appears that the power which has the right of passing, without appeal, on the validity of your laws, is

your sovereign." * * * "But are we not as deeply interested in the true exposition of the Constitution as the judges can be? With all due deference to their talents, is not Congress as capable of forming a correct opinion as they are? Are not its members acting under a responsibility to public opinion, which can and will check their aberrations from duty? Let a case, not an imaginary one, be stated: Congress violates the Constitution by fettering the press; the judicial corrective is applied to; far from protecting the liberty of the citizen, or the letter of the Constitution, you find them outdoing the Legislature in zeal—pressing the common law of England to their service where the sedition law did not apply. Suppose your reliance had been altogether on this broken staff, and not on the elective principle; your press might have been enchained till doomsday, your citizens incarcerated for life; and where is your remedy?"

Joseph H. Nicholson, of Maryland, said:

"By what authority are the judges to be raised above the law and above the Constitution? Where is the charter which places the sovereignty of this country in their hands? Give them the powers and the independence now contended for, and they will require nothing more; for your Government becomes a despotism, and they become your rulers. They are to decide upon the lives, the liberties, and the property of your citizens; they have an absolute veto upon your laws, by declaring them null and void at pleasure; they are to introduce at will the laws of a foreign country, differing essentially with us upon the great principles of government; and, after being clothed with this arbitrary power, they are beyond the control of the nation, as they are not to be affected by any laws which the people by their representatives can pass. If all this be true, if this doctrine be established in the extent which is now contended for, the Constitution is not worth the time we are now spending upon it. It is, as it has been called by its enemies, mere parchment; for these judges, thus rendered omnipotent, may overleap the Constitution, and trample on your laws; they may laugh the Legislature to scorn, and set the nation at defiance.

"To me it is a matter of indifference by what name you call them; I care not whether it be kings or judges. Arm them with power, and the danger is the same. For myself, I have no hesitation in declaring, that I would rather be subject to the absolute sway of one tyrant than to that of thirty; as I would prefer the mild despotism of China to the hated aristocracy of Venice, where the vilest wretch was encouraged as a secret informer, and the lion's mouth was ever gaping for accusation."

Robert Williams, of North Carolina, said:

"If this doctrine is to extend to the length gentlemen contend, then is the sovereignty of the Government to be swallowed up in the vortex of the Judiciary. Whatever the other departments of the Government may do, they can undo. You can pass a law, but they can annul it. Will not the people be astonished to hear that their laws depend upon the will of the judges, who are themselves independent of all law?"

Nathaniel Macon, of North Carolina, on the same day, said:

"According to some gentlemen, we were to regard the Judiciary more than the law, and both more than the Constitution. It was a misfortune the judges were not equal in infallibility to the God who made them. The truth was, if the judge was a party man out of power, he would be a party man in. The office would not change human nature."

In the House of Representatives, Thomas T. Davis, of Kentucky, said:

"I found my opinion of the expediency of repealing the Judiciary law on another reason, in addition to that of the courts being unnecessary; I mean the power they declare they have, in the language of Judge Patterson, to 'declare a law null and void.' Never can I subscribe to that opinion. Never can I believe the Judiciary paramount to both branches of the Legislature; if it is, I have yet to learn it; there is an end to legislation; a knave or a fool can make void your best and most wholesome laws." * * * "I am willing to admit the Judiciary to be co-ordinate with the Legislature in this respect, to wit: that judges, thinking a law unconstitutional, are not bound to execute it; but not to declare it null and void. That power rests alone with the Legislature. But we are told this Judiciary is necessary to check this House and Senate, and to protect the people against their worst enemies. This is saying to the people, you are incapable of governing yourselves; your Representatives are incapable of doing it; in the Judiciary alone you find a safe deposit for your liberties; and saying, also, that the Judiciary is the vitals of the nation, wherein all power, all safety, dwell; that the Legislature is subordinate thereto, and a mere nominal thing, a shadow without substance, its acts perfectly within the control of the Judiciary. I tremble at such ideas. The sooner we put men out of power, who we find determined to act in this manner, the better; by doing so, we preserve the power of the Legislature, and save our nation from the ravages of an uncontrolled Judiciary."

Mr. Grayson, one of the best and ablest men in the old Republican party in the days of Jefferson, said, in speaking of the claim set up by the Federalist for the supreme power and purity of this court, that—

"Such had been the argument in all countries where a concession of power had been in agitation. But that power ought to have such checks and balances as will prevent bad men from abusing it. It ought to be granted on a supposition that men will be bad, for it may eventually be so. With respect to the Judiciary, my grand objection is, that it will interfere with the State Judiciaries; there being no superintending central power to keep in order these two contending jurisdictions. This is an objection which is unanswerable in its nature. In England they have great courts, which have great and interfering powers. But the *controlling power* of Parliament, which is a central focus, corrects them. But here each party is to shift for itself. There is no arbiter or power to correct their interference. Recurrence can only be had to the sword. The State Judiciary is the principal defence we have. If its independence is to be destroyed, our only defensive armor is taken from us. Something has been said of the independence of the Federal judges. I will only observe THAT IT IS ON AS CORRUPT A BASIS AS THE ART OF MAN CAN PLACE IT."

The Hon. James Barbour, United States Senator from Virginia, made a report on the 5th of December, 1820, on the petition of Matthew Lyon, asking for redress for wrongs suffered under the sedition act, which had been sustained and enforced by the Supreme Court. He said:

"The committee entertain a high respect for the purity and intelligence of the Judiciary. But it is a rational respect, limited by a knowledge of the frailty of human nature, and the theory of the Constitution, which declares not only that judges may err in opinion, but also may commit crimes, and hence has provided a tribunal for the trial of offenders.

"In times of violent party excitement, agitating the whole nation, to expect that judges will be entirely exempt from its influence, argues a profound ignorance of mankind. Although clothed with the ermine, they are still men, and carry into the judgment seat the passions and motives common to their kind. Their decisions on party questions reflect their individual opinions, which frequently betray them unconsciously into error. To balance the judgment of a whole people by that of two or three men, no matter what may be their official elevation, is to exalt the creature of the Constitution above its creator, and to assail the foundation of our political fabric; which is, that the decision of the people is infallible, from which there is no appeal but to Heaven."

Thomas Jefferson was one of the most earnest and able opponents of the doctrine that the court is supreme, and above all the co-ordinate departments of the Government. In a letter to William T. Barry, dated Monticello, July 2, 1822, he said:

"We already see the power installed for life, responsible to no authority, (for impeachment is not even a scarecrow,) advancing with a noiseless and steady pace to the great object of consolidation. The foundations are already deeply laid, by their decisions, for the annihilation of constitutional State rights, and the removal of every check, every counterpoise, to the engulphing power of which themselves are to make a sovereign part. If ever this vast country is brought under a single Government, it will be one of the most extensive corruption, indifferent, and incapable of a wholesome care over so wide a spread of surface. This will not be borne, and you will have to choose between reformation and revolution. If I know the spirit of this country, the one or the other is inevitable. Before the canker is become inveterate, before its venom has reached so much of the body politic as to get beyond control, remedy should be applied. Let the future appointments of judges be for four or six years, and renewable by the President and Senate. This will bring

their conduct, at regular periods, under revision and probation, and may keep them in equipoise between the general and special Governments. We have erred in this point by copying England, where certainly it is a good thing to have the judges independent of the King. But we have omitted to copy their caution, also, which makes a judge removable on the address of both legislative houses. That there should be public functionaries independent of the nation, whatever may be their demerit, is a solecism, in a republic, of the first order of absurdity and inconsistency."

I must, however, close this valuable and instructive testimony, which might be multiplied indefinitely, and conclude by quoting the characteristic answers given by Franklin in the Federal Convention, when asked: "*What means would secure the best, purest, and ablest men for judges?*" Franklin arose and answered: "*Immediate accountability to the people.*" He was then asked: "*What provisions were best calculated to preserve these men pure and able when placed in office?*" To which Franklin at once responded: "*Limited tenures, short periods in office, and immediate accountability to the people.*" This was Democracy in the days of Jefferson, Franklin, and Jackson. Contrast it with the Democracy of James Buchanan and the so-called Democratic party of 1860, and tell me if the doctrines of ancient Federalism and the teachings of the Administration party to-day are not identical? Yet because, as individuals and as a party, we will not cease to venerate the teaching and be guided by the advice of the Republicans of the Revolution, but choose rather to carry out in the administration of the Government their convictions, which are also our own, we are denounced as faithless to the Constitution and the Union, by a class interest, who, by diplomacy and stealth, have obtained complete ascendency in the old Democracy; who, though clinging to the name, have changed its mission and purpose from one of republicanism and liberty to one of despotism and slavery. Mr. Chairman, this class interest have for years been as dominant in the Government as they are to-day in the old Democratic party; and so accustomed have they become to dictating to, and exacting obedience of, their Northern allies, that they are not a little discomfited in finding that the members of the Republican party are made of sterner stuff, and that all Northern people are not such as Randolph described those to be who defended the institution of human slavery.

Sir, I come not here as the representative of a class interest, much less to be dictated to and told what my constitutional obligations are by the representatives of such an interest. I come as the representative of a free people, who are as loyal to the Constitution and the Union as the same number of citizens in any other State, or in any Congressional district of the Confederacy—a constituency who will exact of any man whom they commission to represent them upon this floor, not only fidelity to the Constitution and the Union, but, above all, fidelity to freedom—a constituency who will demand that no act or vote of their Representative shall be circumscribed by the narrow bounds that limit the geographical division of counties which make up his Congressional district; but that in every vote he gives here he will see to it that equal and exact justice is withheld from no locality or State in the Union. With this view of my duty, sir, and the obligations I assumed when the oath of office was administered to me, I cannot, and will not, knowingly give any vote that will impair or destroy the constitutional rights of a single individual, much less of sovereign States. Although I am thus national, and represent a constituency who are equally national and conservative in their views, yet I am denounced, and the party to which I belong is denounced, as hostile to the Union. Sir, I deny it. Never has there a Republican uttered a disunion sentiment on this floor or elsewhere; and no Republican has either proposed or given a vote for any measure, here or elsewhere, that would not have commanded the cordial support of Washington and Jefferson, and the early fathers of the Republic. But we are also denounced as a sectional party; and this charge of sectionalism has been made, and so persistently made, by the Administration party, both North and South, that some people in the country act as if they believed it; and by no one has this charge been made with more vehemence than by Mr. DOUGLAS himself.

In the Illinois campaign of 1858, this was the staple of Mr. DOUGLAS's speeches; and Mr. Lincoln, our present gallant standard-bearer, in one of his masterly answers to Mr. DOUGLAS, after replying to and refuting the charge, made the following remarkable prediction, which has been fully realized by the action of the Charleston Convention:

"I ask his [Mr. DOUGLAS's] attention, also, to the fact, that by the rule of nationality, he is himself fast becoming sectional. I ask his attention to the fact, that his speeches would not go as current now, south of the Ohio river, as they have formerly gone there. I ask his attention to the fact, that he felicitates himself to-day, that all the Democrats of the free States are agreeing with him. If he has not thought of this, I commend to his consideration the evidence of his own declaration, on this day, of his becoming sectional too. I see it rapidly approaching. Whatever may be the result of this ephemeral contest between Judge DOUGLAS and myself, I see the day rapidly approaching when his pill of sectionalism, which he has been thrusting down the throats of Republicans for years past, will be crowded down his own throat."

But it has been claimed that we were a sectional party, because we had no representative of the Republican party on this floor from a slaveholding State, while the Administration party have a few allies from the free States. Let me say, in all fairness, to Southern gentlemen, that if the Northern Representatives on this floor, who support this Administration, openly avowed the pro-slavery doctrines in their own States which are daily uttered here by four-fifths of their party, without rebuke from them, the places "which now know them would know them no more forever." A majority of those who are now upon this floor from the North, claiming affiliation with the so-called Democratic party, obtained their places by as impassioned appeals to the people in favor of free institutions and free States as was ever made by Republicans, and by insisting that they were not only hostile to slavery extension, but that they were even better friends of freedom than the most ultra members of the Republican party. But let me add, further, that if the Republicans, and

those opposed to slavery in the free States, were to forbid, by law and by mob violence, as Southern States have done, the free exercise of the elective franchise, and the discussion, either through the press or on the stump, of the principles of the so-called Democratic party, you would not have, to-day, an ally upon this floor, except, perhaps, from one or two districts, in all the Northern States. Only because of this toleration and respect for the constitutional obligations which are binding alike upon every State, are there any supporters of the Administration party upon this floor from the entire North. If the same system of tyranny and terrorism prevailed against the minority in the free States that in the Southern States is universal towards us, no Chief Magistrate could again be elected, representing the special interest of a sectional party, as was done in 1856.

It is only our toleration of the freedom of speech and of the press that permits even the existence of a party to-day among us, which, in the name of Democracy, sends Representatives here who covertly support, apologize for, and defend, the most extravagant demands of the slave power. Yet the charge is made and repeated, again and again, upon this floor, that we are not only a sectional party, but that we disregard and trample upon the Constitution which we are sworn to support. I ask gentlemen to make their charges more specific, and not to deal so indiscriminately in generalities. I ask them to point out the proposed policy, or any vote that has been given by the Representatives of the Republican party, as a body, in this House or in any Congress since the Republican party was organized, that is violative of any of the constitutional rights of any section of the Union. I know of no vote they have given, or of any proposition they have made, that would not have commanded the support of Washington and Franklin, of Jay and Jefferson, of Adams and Madison; and I am content to follow in the footsteps of such men, and accept their interpretation of the Constitution, rather than the so-called interpretation of the Supreme Court. Sir, indiscriminate, wholesale charges, such as have been repeated with so much vehemence upon this floor, come with a poor grace from the Representatives of States that openly trample upon and disregard not only the plainest provisions of the national Constitution, but the obligations due from the citizens of one civilized country to the citizens of another.

The Constitution guaranties the freedom of speech and of the press, and provides expressly that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States;" and are not these plain provisions of the Constitution daily violated throughout the entire South? Can a citizen of any State speak or publish the sentiments of Washington and Jefferson and Henry upon the question of slavery in the Southern States? Can he even reside in or pass through those States, and be free from danger of personal violence at the hands of infuriated mobs? The history of the country for the past few years gives a full answer to the question. In many of the States, the severest legislative enactments have been passed against the liberty of speech and of the press; the United States mails are even rifled, and private correspondence subjected to a censorship not tolerated in the monarchies of Europe. States that were most violent in their hostility to the alien and sedition laws have, by a strange combination of events, become the enactors of sedition laws themselves, and mob violence has become so common that it is now regarded as the settled policy of the dominant party in the South, wherever they have the numerical force thus to punish and overawe their political opponents.

But not only are the plainest provisions of the national Constitution thus violated, and the comity due from one State to another, and from the citizen of one State to the citizen of another, disregarded, but laws are absolutely passed making odious discriminations in favor of persons who are not citizens of the United States. Thus, if a citizen of Massachusetts or New York sail into Charleston or New Orleans, having on board colored persons, who are free, and, by the laws of the States named, are citizens, they are subject to police regulations whose severity has no parallel in any civilized nation on the face of the earth. This is where they are citizens of one of the States of the Confederacy, and have a constitutional guaranty for protection. A special provision is made, however, to exempt all colored persons who are subjects of Great Britain and France, and perhaps other foreign Governments. Thus an odious and unconstitutional distinction is deliberately made against our own citizens, and in favor of the citizens of foreign nations. But, worse than this, unconstitutional enactments are passed and enforced, which consign free citizens of the Northern States, guilty of no crime, to hopeless slavery. The laws of Congress, made in conformity with our treaty stipulations and the enlightened sentiment of the civilized world, punishing the African slave trade as piracy, are openly disregarded, and the power of the National Government declared to be impotent; and yet scarcely a speech is made upon this floor by members from these States in which they do not proclaim their devotion to law and order, the decision of courts, and their fidelity to the Constitution and the Union, which simply means obedience to such laws as they desire enacted, submission to such decisions of courts as they can dictate, and fidelity to the Constitution and the Union so long only as they are intrusted by the people with the administration of the Government and the interpretation of the Constitution. When this ceases, as I trust and believe it will on the 4th of March, 1861, their fidelity to law will cease, their love of the Union will cease, and their new-born veneration for that "*august tribunal*" of which we have heard so much of late—the Supreme Court—will also cease; and they will be, if their threats are to be put into execution, in open rebellion against the Government, and enemies of the Constitution and the Union.

But, Mr. Chairman, it is also charged that be-

cause, as a party, we are opposed to the extension and nationalization of slavery in the Republic, and condemn the inhuman laws enacted for the maintenance and perpetuity of that institution, we must of necessity favor the equality of this negro race with our own, and desire to see them intermarry and become one people. Sir, this cry of "negro equality" is about all the argument now left the Northern allies of the slave power, to be used in the free States in their appeals to their constituents, when justifying themselves for the support they uniformly give the slave interest in Congress.

Now, sir, what are the facts on this point of negro equality? First, the Republican party oppose the further spread of slavery and the increase of political power in the hands of slaveholders, because they believe the enslavement of one human being by another, or of one race by another, to be one of the greatest wrongs that man or Government can inflict. They do not desire to see this Government in the hands of men who will use it to favor and strengthen such a policy. Second, they believe the enslavement of any race by another, injures the race who enslaves, as well as their victims; and that the contact of any free people with slaves demoralizes and degrades the free people. In support of this proposition, I appeal to the history of the world for six thousand years to sustain me. But if all the past were a blank; if all history was silent, and slavery was unknown to man until the inauguration of this Government, and all we know about it and its blasting and blighting effects was what we have learned, by sad experience, in the United States, I think, even here, we would have just cause to desire not only its exclusion from all new States and Territories, but its final extinction on every foot of soil over which our national Constitution extends. This was the hope, the expectation, and the prayer, of the illustrious men who achieved our independence and made our Constitution.

Sir, the charge of "*negro equality*" and "*amalgamation*" comes with a very bad grace from either the Northern or Southern wing of this pro-slavery party; and, in order that I may not be misquoted and misunderstood in what I propose to offer on this point, let me say, right here, that while I shall condemn in unmistakable terms the institution of slavery as a social and political system, and the crime of amalgamation, which is inseparable from it, I exempt, with pleasure, from any sweeping denunciations which I may make, thousands of good and true men, who find themselves born to this inheritance, and whose whole lives give assurance to the world that their hearts are better than the system. Intrust a class of men in any society or Government with absolute power over a servile race, and the bad men will not only use it and abuse it, as I shall show, but, by their clamorous cry of danger to the State, will perpetrate and give sanction to outrages that good and true men will be powerless to prevent. It is not that Southern men and slaveholders are worse than other men, but because they are no better, that it is unsafe, if it were not in itself an indefensible wrong, to intrust them with absolute power over any part of the human race.

And now, sir, what are the practical effects of slavery, as exhibited in the working out of this much-talked-of and universally-denounced negro equality and amalgamation of the races? Has not slavery corrupted the blood, to say nothing of the morals, of millions in the South? If it has not, whence spring the octoroons, the quadroons, and the myriads who are tinged with the blood of the dominant race, in every Southern State? Sir, it is in the land of slavery you must look for amalgamation, and that terrible, degrading, negro equality, which is inseparable from such amalgamation. But for a negro equality all over the South that must be nameless here, there would be no blue-eyed, light-haired octoroons, the children and descendants of African slaves, in every Southern city, and in every neighborhood, appealing to the liberal, as we see them almost daily here in this capital, asking for aid to purchase their right to that which God gave not only them, but to all the human race, the right to themselves. Sir, than Mormon polygamy, about which even Southern Representatives profess to be so shocked, this crime of Southern amalgamation is worse; for while the Mormon system is voluntary, and must have the sanction of a public church ordinance, and the full and unqualified assent of the first wife, and the children be entitled to all the rights of protection and property which are secured to the children of the first marriage, this Southern system is an involuntary, forced, and revolting concubinage, from which there is no escape, if the victim desires it, there being no law to punish the aggressor. And, sir, the offspring of this criminal negro equality are slaves. If there were laws to punish such crimes, the testimony of slaves could not with safety be admitted; for if such were the case, and the penalty attached should be, as it ought to be, the liberation of all slave children whose fathers were white men, together with their mothers, then Wilmot provisos would be unnecessary, and further opposition to slavery would be a useless occupation with the people of the North. The institution would fall by the fascinating graces and seductive power of these black dulcineas, by whose irrisistible charms the aristocracy and plebeians of the South alike appear to be captivated.

Sir, it is only in the land of slavery where this crime is tolerated. There it is unrestrained. There alone it is cherished; and if slavery continues, it must become universal, blighting and corroding the life-blood of the nation, by eradicating from the heart of man all love for his own offspring, and filling the land with slaves who are the children of the dominant race. How frightful has been the progress and increase of this desolating and destroying evil! Sir, do you suppose there is one Southern State, nay, one Congressional district in all the slave States of this Union, in which slaveholders do not own and sell their own children? where they do not see them toil daily beneath the lash of a taskmaster, and see them driven in coffle gangs to the Southern market—their sons to the sham-

bles, and their daughters to the hells of Southern cities? But it may, and probably will, be claimed that these octoroons and quadroons are not the children of the masters, but they are the children of the poor whites. I care not, Mr. Chairman, whose they may be; the fact of their existence is evidence of the crime; and the further fact that the law-makers, who are always slaveholders in all the Southern States, do not punish the crime by law, as they would if they desired to restrain it, is certainly a circumstance not very favorable to their own innocence.

Sir, go into any colored church in any Southern city, and a majority of the audience will be of the mixed race, many of them so white that it would require a close inspection to detect that they were tinctured with negro blood.

Sir, how long do you suppose this mixed race will remain in servitude without a struggle for their freedom? It is impossible that it should be long, for many of them to-day are conceded to be smarter than their reputed fathers. If this unrestrained Southern negro equality is to be not only continued, but encouraged, a hundred years will not elapse—if the importation of fresh Africans can be effectually stopped—before the last unmixed African slave will have disappeared before this bleaching process of Southern amalgamation. In forty years there will be over ten million slaves and free colored people in the present slave States, if they continue to increase in the same ratio that they have done for the past sixty years. At a moderate estimate, five million will then be of the mixed race, many of them so white, as advertisements for runaway slaves often inform us is the case now, that "they would readily pass for white persons." In fifty years more they will have increased, at the same ratio, to at least thirty million, and the unmixed Africans can be easily counted. In less than one hundred years from to-day, the slave population will have increased to near forty million, numbering about eighty to every slaveholder, and almost, if not quite, half of these slaves will be so white that they cannot be distinguished from white persons. How long, I again ask, can such a servile population of forty million be kept in subjection by less than half a million masters?

Sir, if so great and good a man as Wesley could denounce this institution to the Christian people of the world as "the sum of all villainies," I, who have witnessed some of its brutality and felt its tyranny, may, without impropriety, pronounce it, as I now do, to be the sum of all barbarisms, for whose continuance and further spread over the Territories of the nation the people of the United States, both North and South, will be held responsible in history and before God.

Sir, no lover of his country and the human race can contemplate this picture without a shudder. And because the Republican party are opposed to amalgamation, and what is called "negro equality," they are opposed to the extension and perpetuity of slavery in the Government, and favor, as Jefferson did, the emancipation and separation of the races. And I am satisfied that one of the most feasible and practical plans suggested for the separation of these races is to purchase territory in Central or South America, as proposed by Hon. F. P. Blair, jun., of Missouri. In speaking of this subject before the Mercantile Library Association of Cincinnati, in November, 1859, Mr. Blair said:

"It is this race of men to whom I would extend our laws, our power, and our influence, to the tropics of America, and make its wealth tributary to our commerce, requiting us a thousand fold for every sacrifice it would cost; expiating the error of their enslavement by giving the enfranchised bondmen free homesteads and free government; removing from our midst the prolific cause of bitterness between brethren; brushing away an institution whose malign influence brings desolation wherever it is found and avenges the wrong done to the subject race by the evil it inflicts upon the wrong doer."

This was substantially the theory of Mr. Jefferson. He believed, as the Republican party believe, that this plan would give practical effect to the true theory of our Government.

In a letter to Mr. Sparks on this subject, he says:

"The second object, and the most interesting to us, as coming home to our physical and moral characters, to our happiness and safety, is to provide an asylum, to which we can, by degrees, send the whole of that population (the negroes) from among us, and establish them under our patronage and protection, as a separate, free, and independent people, in some country and climate friendly to human life and happiness."

And again, when urging a similar proposition upon the attention of the Legislature of Virginia, he says:

"It has, however, been found that the public mind would not yet bear the proposition, nor will it even at this day; yet the day is not far distant when it must bear it, and adopt it, or worse will follow. Nothing is more certainly written in the book of fate, than that these people [the negroes] are to be free; nor is it less certain that the two races, equally free, cannot live in the same Government. Nature, habit, opinion, have drawn indelible lines of distinction between them. It is still in our power to direct the process of *emancipation* and *deportation*, and in such slow degree as that the evil will wear off insensibly, and their place be, *pari passu*, filled up by free white laborers. If, on the contrary, it is left to force itself on, human nature must shudder at the prospect held up. We should look in vain for an example in the Spanish deportation or deletion of the Moors."

In a letter to Mr. Coles, he said:

"Yet the hour of emancipation is advancing in the march of time. *It will come;* and whether brought on by the generous energies of our own minds, or by the bloody process of St. Domingo, excited and conducted by the power of our present enemy, if once stationed permanently within our country, and offering asylum and arms to the *oppressed*, is a leaf of our history not yet turned over."

But, sir, notwithstanding all that has been said and written, and all that is being said and written on this subject, to induce the slave power to pause and take a practical view of this subject, they not only refuse, but rush madly on, disregarding alike the teachings of the fathers and the warnings of history. And to-day they claim that slavery is a benefit to the country, and a blessing to the slave and master, as well as to the non-slaveholding whites. Senator HAMMOND, the leader of the South Carolina oligarchy, in speaking of the manner in which the poor whites of that State obtained a subsistence, a year or two since, did not draw quite so flattering a picture of their happy condition as has been done by Southern members on this floor. Mr. HAMMOND says:

"They [the poor whites] obtain a precarious subsistence by occasional jobs, by hunting, by fishing, by plundering fields or folds, and too often by what is in its effects far worse—trading with slaves, and seducing them to plunder for their benefit."

And yet we are told that this is a desirable condition of society, and that slave and poor white alike are satisfied with it. In speaking of this subject, one of the honorable members from South Carolina, in a speech delivered before the organization of the House, boasted not only of the happiness of the people, but of the contentment and fidelity of the slaves to their masters, as also of the loyalty of the poor whites of the South to the institution of slavery; and stated that, out of a large number who volunteered to go to Virginia and aid Governor Wise during the John Brown troubles, but five or six were slaveholders, and instanced this fact as proof of their loyalty. If it be true that they are thus loyal—and I do not intend to controvert the fact as stated—why is it that this class of poor whites are not permitted to read whatever they may prefer to read, as the slaveholders do themselves?

I will say nothing about the penal enactments prohibiting, by fine, the lash, and imprisonment, any and all classes of persons, white or colored, whether Christian or not, from teaching their slaves to read or write; for such laws are inseparable from the system. It is well known that the loyalty of the slaves can only be depended on while they are deprived of the power of communicating with each other. But if the poor whites are loyal, why are they also proscribed? Why are they deprived of the pleasure and profit which they would derive from reading that stanch old Democratic paper, the New York *Evening Post?* or that invaluable paper, the New York *Tribune?* or that first of all religious journals, the New York *Independent?* Why is it that they are forbidden to read such a book as Uncle Tom's Cabin, or the Octoroon, or any paper, whether Republican or independent of party, that is unfriendly to slavery, or even to receive and read private letters from the free States, unless first subjected to a censorship by the privileged class? There can be but one answer to these questions; and that is, a distrust on the part of the ruling class of the fidelity of the poor whites, and fear of their political power, should they unite, as they might do, and, at any time, take possession of all the Southern State Governments, and administer them for the benefit of the whole people, instead of permitting them to be administered, as they are to-day, exclusively for the benefit of a class interest.

It appears, from the facts elicited during the extraordinary discussion which was indulged in here by Southern Representatives before the organization, that many of them had read and examined with care, some two years ago, this incendiary Helper book. Now, if they had the right to possess and read such books and papers, why have not their constituents, the poor whites, the same right, by whose votes most of these gentlemen come here, for they constitute a majority of the electors in all the Southern States? Sir, there are reasons, and good reasons, why they should not, if the policy of the privileged class is to be sustained and continued. The poor whites of the South, in whose hands, if united, resides the political power, must be kept divided, as they are to-day; and in order to keep them successfully divided, and fighting their supposed enemy, the free negro, and those who favor the prohibition of slavery in the Territories, they must be kept in ignorance. Hence, all that was said, and so vehemently said, in denunciation of Helper and his book, was said, not because it was an appeal to the slaves or free colored people to rise in rebellion, but because its arguments and appeals were addressed to the poor whites of the South by one of their own number. Mr. PRYOR, of Virginia, in speaking of the characteristics of Helper's book, said:

"What is the characteristic feature of that work? Some gentlemen have stated that they have not read it. I have read it, and read it some two years ago. These gentlemen who have signed it tell us that they never saw it. I have read it, and know all about it; and let me tell you what the characteristic distinction and feature of that work is; let me inform the candidate for Speaker upon the other side of the House, [Mr. SHERMAN,] who seems ignorant of the production which he endorses. It is not that the author proposes that the North shall come down in an avalanche of invasion, and destroy the tie that subsists between the slave and the master. No, sir; that is familiar talk. Nor is it the literary execution of the work; for I never read a book which is more feeble in conception and inartistic in execution. It is unworthy of respectable criticism." * * *

"But the peculiarity of that book was, that Mr. Helper, for the first time in the history of this country, had invoked, with all the power of passion, with all his limited resources of rhetoric, THE NON-SLAVEHOLDERS OF THE SOUTH TO RISE IN REBELLION AGAINST THE SLAVEHOLDERS. That was the peculiar merit of his book.

"Now, the candidate for Speaker upon the other side [Mr. SHERMAN] told us yesterday explicitly, and cited his political record as proof of it, that he would not urge the Federal Government, nor the people of the North, to interfere with the relations of master and slave. I tell him now, again, that that is not the characteristic of the book."

Here, sir, is disclosed the real point of danger to the ruling class of the South—the fear of a rebellion on the part of those whom they now claim as loyal subjects. A rebellion, sir. Can a people, from whom all political authority emanates in a Republic, be classed as rebels, for desiring to change, in a peaceful and constitutional manner, their law-makers? If not, from whose rule is it feared they will rebel? Their own rule? No, sir; but a "REBELLION AGAINST THE SLAVEHOLDERS," says Mr. PRYOR. This is the fear, this the danger, the bare contemplation of which makes all slavedom mad. This is the power before which they tremble; and well they may, for, despite their sedition laws and prisons and mobs, the time is coming when God's truth cannot longer be shut out from the minds and hearts of the non-slaveholders and poor whites; and when that time comes, their power shall again be felt, and their voices again be heard in these Halls in defence of liberty, where now are only heard the voices of the representatives of a class interest, defending and justifying slavery.

Sir, I look upon the loyalty of the slave as a suspicious kind of loyalty, where it is necessary not only to keep them in ignorance, but subject to the most rigorous laws and inhuman physical punishments, in order safely to keep them in any kind of subjection. And I think the loyalty of the poor white man equally uncertain, when

there is no safety or security that he will not combine against you, unless you shut out from his mind and conscience all arguments in favor of justice, and all appeals to his humanity. With this kind of censorship, with this kind of domination, with this kind of despotism, are the slaves and the poor whites of the South alike made loyal. The poor whites of Poland and Hungary are also called loyal by the Emperor of Austria. The poor whites of France are called loyal by the usurper of the 2d of December. The poor whites of the South are called loyal because of their obedience to the mandates of the ruling class; and they may be, and I believe they are, to-day, more loyal than the poor whites of the European despotisms to which I have referred. They hug the chains that drag them down, and volunteer with alacrity to sacrifice their lives at the bidding of this privileged class. The slave interest intend to keep them loyal; and in order to be doubly sure that they shall remain so, their school books for what few schools they have, their literature, their political journals, their so-called religious periodicals and Christian teachers, are permitted to talk and preach and pray—if at all about slavery—only in favor of its divinity and its blessing, within the hearing of the slaves and poor whites alike. This is the kind of loyalty that can be found in despotisms only; the kind of loyalty which you exact of your Northern allies. It is the kind of loyalty, let me assure you, which cannot flourish in the free States; and I do not believe it can endure many years in the slave States.

An end will and must come to such despotism, peaceably and constitutionally, I hope; but it will come. No human hand can stay it. No Government ever has existed permanently, or ever can remain stable, that tramples deliberately and with impunity upon the rights of humanity and the laws of God. While I cannot adopt, to the fullest extent, the declaration of the great Irish liberator, "*that no revolution was worth one drop of human blood*"—because that would be a condemnation of our own Revolution, and of all just revolutions—yet I can say, with all my heart, that I desire a revolution of peace; but, peaceable or bloody, I believe, with Jefferson, that it will come. The millions of the South who are crushed and groaning beneath this despotism—the poor whites, as well as the free and slave colored, from the octoroon to the quadroon and the unmixed black, if there should be any of the latter then remaining—will one day be compelled to strike hands and shake this despotism off; or the poor whites will first be disfranchised, then classed socially, as they are to-day, to a great extent, with the servile race, and at last they and their children will be melted down in the slave population forever.

That this is the ultimate purpose of the ruling class of the South, may be fairly adduced from the fact, that they do not hesitate to-day at enslaving Indians, Mexicans, Chinamen, and even whites of American birth and unmixed blood. Governor HAMMOND, of South Carolina, does not scruple publicly to denominate free white laborers as the "MUD-SILLS OF SOCIETY;" and more than twenty years ago asserted, on the floor of Congress, "*that the South had less trouble with their slaves than the North had with her free laborers, as the records of criminal justice and the newspaper accounts of Northern mobs fully showed.*" Senator MASON, of Virginia, in speaking of the free States, calls them "servile States," because their laborers are free men. I might quote from many leading men and public speakers in the South, if time would permit, to show that these men have no moral or religious convictions against enslaving any race, and that, having no principles to deter them from the commission of such a wrong, all they want is the power, and they would reduce, without hesitation, the entire laboring population of whatever race or color to bondage.

Twenty-five years ago, this anti-Democratic doctrine, justifying the enslavement of the laboring man, of whatever race or color, was publicly proclaimed by many of the ruling men of the South, of both the old political parties. Benjamin Watkins Leigh, a leading Whig statesman of Virginia, declared, in a speech in the Virginia Constitutional Convention of 1829, (before the anti-slavery agitation had commenced in the North,) that—

"There must be some peasantry as the country fills up; there must be more—that is, men who tend the herds and dig the soil, who have neither real nor personal capital of their own, and who earn their bread by the sweat of their brows. I ask gentlemen to say whether they believe those who depend on their labor for their daily subsistence can, or ever do, enter into political affairs? They never do, never will, never can."

No distinction of races or color is made here. But the white laborers were especially referred to, as the argument was against extending the right of suffrage to that class. True, he did not then propose to reduce them to chattelhood, but it is evident that he regarded them as belonging to the servile population, with no more rights than negro slaves.

Mr. Pickens, of South Carolina, in a speech in this House, in 1836, said:

"I lay down this proposition as universally true, that there is not, and never was, a society organized under our political system for a period long enough to constitute an era, where *one class* would not, practically and substantially, own *another class*, in some shape or form. *Let not gentlemen from the North start at this truth.* We are yet a people in our infancy. Society has not yet *been pressed down* to its classifications. Let us live through an era, and we shall discover this great truth. All society settles down into a classification of capitalists and laborers. *The former will own the latter.*"

The argument of Mr. Pickens is undoubtedly correct, if this Government, by special legislation, is to build up and sustain an oligarchy of slaveholders, who own all their laborers. The "pressing-down" process to which Mr. Pickens refers has been going on at a frightful rate since the delivery of this speech.

Governor McDuffie, of South Carolina, the bosom friend of Calhoun, and one of the most distinguished Democrats of that State, in a message to the Legislature, in 1836, said, in speaking of the subject of slavery:

"No community has ever existed without it, and we may confidently assert, never will. In the very nature of things, there must be classes of persons to discharge all the different offices of society, from the highest to the lowest. Some

of these offices are regarded as degrading, though they must and will be performed. Hence those manifold forms of dependent servitude, which produces a sense of inferiority on the part of the servants. *Where these offices are performed by members of the political community, a dangerous element is introduced into the body politic.* Hence the alarming tendency to violate the rights of property by agrarian legislation, which is beginning to manifest itself in the older States, *where universal suffrage prevails, without domestic slavery;* a tendency that will increase, in the progress of society, with the increasing inequality of wealth. No Government is worthy of the name, that does not protect the rights of property; and no enlightened people will long submit to such a mockery. Hence it is, that, in the older countries, different political orders are established to effect this indispensable object, and it will be fortunate for the non-slaveholding States if they are not, *in less than a quarter of a century*, driven to the adoption of a similar institution, or to take refuge from robbery and anarchy under a military despotism." * * * "*In a word, the institution of slavery supersedes the necessity of an order of nobility*, and the other appendages of a hereditary system of government. If our slaves were emancipated, and admitted, *bleached or unbleached*, (*i. e.*, white or colored,) to an equal participation in our political privileges, what a commentary should we furnish upon the doctrines of the emancipationists, and what a revolting spectacle of republican equality should we exhibit to the mockery of the world! No rational man could consent to live in such a state of society, if he could find a refuge in any other. *Domestic slavery*, therefore, instead of being a political evil, is the CORNER STONE OF OUR REPUBLICAN EDIFICE."

In a work called "Sociology for the South; or, the Failure of Free Society," published in 1854, by Mr. George Fitzhugh, of Richmond, Virginia, may be found the following declaration in favor of white slavery:

"Slavery protects the weaker members of society, just as do the relations of parents, guardian, and husband, and is as necessary, as natural, and almost as universal, as those relations.

"Ten years ago, we became satisfied that slavery, *black or white*, was right and necessary. We advocated this doctrine in very many essays."

Some three years ago, the Richmond *Enquirer*, then and now one of the leading organs of the so-called Democratic party, in discussing and defending the right to enslave any race, said:

"While it is far more obvious that negroes should be slaves than whites—for they are only fit to labor, and not to direct—*yet the principle of slavery is itself right, and does not depend on difference of complexion.*"

In another article on this same subject, this Democratic (?) paper declared:

"*Freedom is not possible without slavery.* Every civil polity and every social system implies gradation of rank and condition. *In the States of the South, an aristocracy of white men is based on negro slavery;* AND THE ABSENCE OF NEGRO SLAVERY WOULD BE SUPPLIED BY WHITE MEN."

In every slave State, I believe, without exception, the fate of all offspring born of the servile race is made by statute to depend on the condition of the mother. If she be a slave, her children, though white, are also slaves. The laws and judicial decisions of all the slave States on this point are uniform. From this law of the slave master there is and can be no escape, to the latest generation. Hence the advocates of this system do not hesitate to defend the enslavement of all weak and defenceless races, and even boldly to justify the enslavement of white men.

This is the logical result of the American slave system. If slavery should be confined by law to the unmixed African, the slave master understands that in time, by the mere force of Southern amalgamation, there would come an end to the existence of this institution. To avoid this, the slave master throws around his victim such safeguards in the shape of legislative enactments as will effectually secure to himself, as property, all children born of his female slaves, whether they are white or colored.

If the deliberate intention of slave masters is not to reduce to chattelhood all black and white persons whom they can by such laws enslave, why are not these barbarous statutes repealed, and laws passed making amalgamation a crime, which shall punish not only the wrong doer, be he master or not, but which shall work the liberation of all children born of slave mothers who have a "*visible admixture*" of white blood in their veins, and also the immediate unconditional freedom of every such slave mother?

In 1839, Henry Clay delivered a speech in the Senate of the United States, which may be found in the Appendix to the Congressional Globe, page 358, in which he said:

"It is frequently asked, what is to become of the *African race*, among us? Are they forever to remain in bondage?"

He thus answers his own question:

"Taking the aggregates of the two races, the *European* is constantly, though slowly, gaining upon the *African* portion." * * * "in the progress of time, some one hundred and fifty or two hundred years hence, but few vestiges of the *black* race will remain among OUR posterity."

In one hundred or one hundred and fifty years, then, according to Mr. Clay, the "black race" will have disappeared before the bleaching process of Southern amalgamation, and "our posterity"—the descendants of slave mothers—though white, and having in their veins the best blood of the dominant race, are not only to remain slaves forever, but all laboring men, without regard to color or birth, who can be, are to be reduced to chattelhood. And this is to be the final consummation of the barbarism of American slavery, unless the purposes and policy of the slave power are defeated by the triumph of the Republican party.

And this doctrine of the right to enslave any race has not been, and never will be, repudiated by the present Democratic party in the South. Mr. Chairman, I ask the honest portion of those who, in the free States, brought this Administration party into power, how much longer they intend, by their money and suffrages, to aid in keeping the Government of this country in the hands of an oligarchy who, in the sacred name of Democracy, preach and practice such despotism as this? If the independent freemen of the nation do not rally to the standard of Lincoln and Hamlin, and give us deliverance this year, then I know not when it will come. I have an abiding faith, however, that we shall triumph; and that the day cannot be far distant when this deliverance, by a popular revolution, must come, if the enslavement of the poor whites of the South is to be averted. When it does come, I pray Heaven that it may be a revolution of the ballot-box instead of the cartridge-box—a revolution which, while it brings deliverance to the slave, shall not blast the land with universal ruin and the bloody horrors of a St. Domingo. For among a homogeneous people, of one language, living under a republican form of Government, where a majority may, if they choose, control, I think the true way, the surer and better way, to secure

the abolition of a great wrong, is to appeal to the hearts and consciences of those who have the constitutional power to act, and whose voice and votes will not be wanting to secure this result, whenever their judgments are convinced.

Wherever these constitutional rights cannot be enjoyed, a revolution by force is not only indispensable, but a duty. For the purpose of averting such a revolution, with all its attendant horrors, the poor whites and non-slaveholders of the South ask for the freedom of speech and the press, and the right of the ballot. But this is denied them in almost every Southern State; and not only denied them, but the persons of those who ask it, and attempt to exercise it, are not safe from violence and death. To this open and undisguised violation of the national Constitution, for which Southern Representatives on this floor profess such veneration and reverence, may be added the violation by this class of all covenants, compacts, and compromises, with the people of the North; and those rights which are more sacred and above all compromises and Constitutions—the rights of humanity—are everywhere within their borders disregarded and trampled in the dust. Sir, the Representatives of this class interest, by the aid of the machinery of a once great and glorious party, with the immense patronage of the Government in their hands, and by inflammatory appeals to the passions and prejudices of the people, have at last succeeded in lashing the popular mind in nearly every Southern State into a furious fanaticism that will not brook control; and Presidents and Cabinets, the National Legislature, and even the Supreme Judiciary, bows to its terrible decrees. He who seeks place and power in the ranks of this party to-day must ride upon the storm, and add fuel to the conflagration already kindled. To no exaction, however monstrous, must he hesitate. Prostrate before it, he must bow in humble submission to its despotic authority, and recognise its wildest claims to universal domination. No constitutional provision, however plain; no compromise, however sacred; no law, however just; no judicial decision, however venerable, must stand for a moment in its way. He who would be a successful leader in the ranks of this party to-day cannot, if he would, quit this pro-slavery fanaticism, or secure its submission to the just requirements of the Coustitution. If he refuse blind and unqualified obedience to every demand, however revolting, political ostracism is his fate. If he fail to keep pace with every new movement, no matter what may have been his past services, he will experience the doom which, without remorse, was meted out to Douglas at Charleston; for, whatever may be the action of the adjourned session of the rump Convention which is to meet in Baltimore on the 18th of June, the well-informed friends of Mr. Douglas admit that politically he is a doomed man; and they may as well admit that, from this time forward, every leading man in the party is forever doomed who does not give up every aspiration for freedom, surrender unreservedly his convictions to the behest of this privileged class, and use all his power and influence to extend, and make permanent and universal, the institution of human slavery.

Sir, from this hour the so-called Democratic party is dead. The disease of which it died was Calhounism. It was attacked with this fatal malady in 1844, when James K. Polk was forced upon an unwilling people; and though the rank and file of the Northern Democracy have been struggling heroically from that day to this against the wiles of its cunning enemy, their political leaders have been false; and the organization, once so powerful, has at last yielded to the violence of the attack at Charleston. The party of Calhoun, which was spurned by Jackson and the Democracy of his day, now stand with defiant foot upon its new-made grave, and demand the surrender of every member of the old Democratic party in the North to these Southern usurpers, who, under an alluring but piratical flag, whereon is emblazoned the glorious name "Democracy," are fighting against the rights of man and the liberties of the human race.

From this spurious Democracy, this political intolerance, and party despotism, the honest portion of the Northern Democracy, which has been basely deceived and betrayed, will be compelled to separate. No intelligent citizen, sincerely opposed to the extension and perpetuity of human slavery in the Republic, can retain his manhood and longer sustain the disgraceful affiliation.

Sir, how is it possible for an intelligent, independent citizen, who is in truth a Democrat, and opposed to all despotism, longer to remain with a party which not only tramples upon and violates the Constitution, but which aids and encourages the outrages inflicted all over the South upon innocent and defenceless persons for opinion's sake; outrages that would not be tolerated in any despotism of Europe, even when engaged in open hostilities? Witness the hangings, the tar-and-featherings, the imprisonments, the infernal indignities, to which the citizens of this country, guilty of no crime and no wrong, are subjected at the hands of this party in almost every Southern State. Even women, lone and defenceless, are not exempt from indignities that ought to and must forever disgrace the States and people who would tolerate and sanction them. No trial, not even the poor mockery of a trial, but the merest suspicion that the person is unfriendly to one of the most infernal despotisms that ever blighted the land or cursed the earth, is enough to bring upon him tortures, outrages, and wrongs, that will scarcely be credited by the Christian nations of the world.

Sir, such things could not be done under the despotism of Austria, the most despicable and intolerant Government among civilized nations, without shaking the throne to its foundation; and yet such outrages are committed in one-half the States of the American Union by a great party, whose leaders were once composed of able and eloquent defenders of the rights of man. These outrages are endorsed and approved by the party press and party leaders of the South,

while no word of condemnation or denunciation falls from the lips of their Northern allies upon this floor, who must speak, if they speak at all, with great deference in the presence of their political rulers. For all these wrongs and outrages there is no redress, and no probability of any redress, until the inauguration of a Republican President. If such outrages were committed by the citizens or Government of any foreign Power upon the persons of any of our citizens who might be temporarily residing in or passing through their country, no matter what might be the opinions they entertained of the Government or any of its institutions, so that they committed no overt act, it would be cause, and just cause, for war, if prompt redress were not given, and a guaranty against the commission of such outrages in the future were not secured. But here at home, in our own country, with a people who sprang from the same ancestry, with the same language, and equal rights under a common Constitution, these outrages are committed, not only with impunity, but are boasted of as feats of marvellous heroism.

Sir, do gentlemen expect the country to be blind and dumb while such crimes are being committed upon American citizens? If such is the expectation of Southern gentlemen, let me beg them to undeceive themselves. Why, what would you say, what would the world say, of our manhood, if such a thing were possible as silence and submission under the infliction of such monstrous wrongs? Sir, there will be no such silence as is sought, there can be no such submission as is desired and demanded; and let me ask how long you suppose it will be, if these outrages are to continue, before there will be a hundred John Browns invading your weak and defenceless points at once; not John Browns with mercy to their captives, and anxiety to save human life; not John Browns controlled by a supposed religious duty; but John Browns burning for revenge under the smart of outrages unjustly inflicted? Think you that such a system of terrorism can continue without retaliation? Do you suppose that these men whom you outrage will flee from your States into the free North, and quietly sit down and submit to this kind of treatment? What would be the first impulse of a Southern man under such treatment? Would it not be for retaliation? And if a hundred, or five hundred, or a thousand of you were outraged and wronged in the brutal, barbarous, and cowardly manner that Northern citizens, guilty of no crime, have been, would it not follow, as certainly as daylight follows the rising of the sun, that a majority of those who thus suffered, and as many of their friends as they could collect, would get together for the purpose of retaliation and revenge? If we of the North were living in a magazine, as you of the South are, which could be exploded at any moment a match should be applied to it, would not the victims of such outrages be inclined to apply the match, and let consequences take care of themselves? I think the history of John Brown and his associates in Kansas and in Virginia ought to be a lesson to you on this point.

Sir, if there was any such spot in any of the free States of the North, not even excepting Egypt, in Illinois, where, twenty years ago, violence reigned supreme, and as gallant and brave and true a man as ever lived fell a victim to this despotic pro-slavery fanaticism; and where, even now, the representatives of the dominant party declare openly and unblushingly their willingness to do the "*dirty work*" of slave-hunters if demanded by the party—I say, if there was any such spot, not even excepting Egypt, that would tolerate such crimes and outrages as have been inflicted upon free men of the North, and not only tolerate them, but openly boast of and glory in them, I do not hesitate to declare that the united voice of the people of my district would be, that such a spot needed a purification such as the earth received in the days of Noah; and, if they had the power, they would submerge it for at least a generation, not even providing an ark to save alive, for future exhibition, the representatives of such a totally depraved race.

Sir, all these crimes to which I have alluded, all violations of the National or State Constitutions, sacred compacts and covenants, all disregard of solemn treaties and just laws, have been the direct result of the existence of slavery in the Government. Without slavery, all would have been peace, union, and concord. With it, and while it continues, all will be discord, division, and strife. And, for men claiming to be not only Democrats, but Christians, with the history of six thousand years to guide them, and the light of an everlasting Gospel to direct them, to stand up before the world and claim that human slavery and the human auction-block are good and desirable institutions in any country, tropical or temperate, seems like blasphemy. For Southern Representatives on this floor to boast of the happy and contented condition of their slaves at home, while declaring that they will dissolve the Union and light up the country with the torch of civil war if we repeal one of the most odious and obnoxious laws ever enacted for the express purpose of keeping these happy and contented slaves at home, or of forcing them back by all the power of the Government, should they escape, seems like self-contradiction. The assertion that slaveholders are the only true friends of the slave would appear to most men outside of slaveholding States an assumption too transparent even for ridicule, especially when it is remembered that the slave system must, of necessity, completely eradicate all manhood from the nature of the slave. The assertion that the Republican party are madmen and fanatics, enemies to good government and law and order, is the assumption of Francis Joseph of Austria and Napoleon of France, and the despots of all ages and all countries.

Mr. Chairman, slavery, like other despotisms, cannot live where it permits free speech and a free press. Hence its sedition laws and unconstitutional enactments. It is only because there is free speech and a free press, free schools and a free church, in eighteen States of the American Union, that slavery is dying to-day; and because it is dying, its apostles are mad with the

madness of destruction. What the most distinguished members of the Republican party could not do, they are doing for us. The speeches made during the eight weeks we remained unorganized in this House have opened the eyes of thousands who, until now, had been blinded to the purposes of this power. They can be blinded no longer; and they will join the friends of freedom in the coming contest, and aid in taking possession of the Government; and when once fairly taken possession of, the supremacy of the slave power will be forever destroyed, slavery be assigned to limits which it shall never pass, a Republican party be organized in all the slave States, and the present noisy advocates of slavery here and elsewhere will be reduced to insignificance and silence.

Mr. Chairman, the causes that brought the Republican party into existence, and which give it its life and vitality to-day, are as eternal as the principles of God's government; and as certainly as truth and justice shall triumph over error and wrong, so shall the triumph of freedom in this country depend upon the fidelity of our party to its principles. Let no friend of our cause be discouraged, here or elsewhere; for action and reaction are reciprocal in the moral as in the natural world. It cannot be that one class of mankind shall forever exercise the same dominion over another class of their fellow-men that they do over the brute creation. The nation or community which is guilty cannot escape without encountering the retribution which the ways of an all-wise Providence have ordained, and which will inevitably come upon the wrong-doer. "*God is not mocked; and His judgments will not sleep forever;*" and so sure as justice is the foundation of His government, so surely shall there come an end to oppression and to slavery. I will keep this faith or none. For, however strong and apparently all-powerful the oppressor may be to-day, we should remember that there is a Power above all human power, which proposes and disposes among the inhabitants of the earth as seemeth to Him best; and to Him the oppressed may ever look for succor; for as, in His greatness and excellence, He overthrew the hosts of Pharaoh of old, who rose up against the children of Israel, and with the blast of his nostrils blew the waters together, so that the floods stood upright as a heap, and the depths were congealed in the heart of the sea until the fugitives passed over on dry land, and then sent forth His wrath upon the face of the deep, so that the waters returned again unto their places, and the sea covered the slaveholders who were pursuing them, and horse and chariot and rider sunk as lead in the mighty waters, so will He to-day, as in the past, avenge the wrongs done the least and weakest of His children, and bring destruction as a whirlwind upon the wrong doer.

Thus hath it ever been, and thus shall it ever be. The nation or people who do not rule in righteousness "shall perish from the earth." All history proclaims that this is a decree as enduring as time and as unchangeable as its author. When the time for the exodus of this oppressed and wronged race shall have come, as in the providence of God it surely will come, then neither the power of your heretofore invincible army, your Congressional slave codes and fugitive slave bills, your system of terrorism and mob laws, or the pretended adjudications of your "*august tribunal*," will avail you in that hour; but the weakest slave mother, with her simple and sublime faith uplifted in prayer to the Great Supreme, may call down against you, as did the bondmen of Egypt, a Power in whose presence your squadrons shall be consumed as stubble, and from before whose face every oppressor of the land shall flee, and the hearts of the judges of your Supreme Court shall be turned to dust and ashes.

Sir, it is the purpose and mission of the Republican party to avert, if possible, the impending doom which hangs like a black pall over the future of the Republic. It is their purpose, if possible, to prevent, first, the political slavery and then the final subjugation of the poor whites to a despotism which, in all ages and all countries, has been inseparable from even a milder form of servitude than ours. Remembering that the result of slave systems has ever been the same; that it has destroyed all the empires and republics which have perished from the earth; and believing that it will destroy this Republic of ours unless we provide and prepare the way for its ultimate extinction, they have proposed to the people of all sections and all former political parties a union—first, to prevent the further spread of this evil, as our fathers did; and secondly, to provide a way for the final separation of the two races, by the adoption of some such plan as I have alluded to. If some just and fair plan is not adopted to prevent the further spread of this evil, and secure the liberation and separation of the two races, then indeed may we look back in vain through the history of all the republics and nations that have flourished and fallen, to find a people whose condition was not preferable to the slaveholders of the Southern States; preferable in that security to person and property which is indispensable to peace and happiness. Sir, there is scarcely a Government, to-day, in civilized Europe, whose citizens do not enjoy greater security for their persons and their families than do the slaveholders of the South. Overtaxed and oppressed though they may be and are, yet they enjoy a freedom from apprehension which the slaveholder can never know—an apprehension fearful and dark as the grave, and which all must dread who sleep beneath the overshadowing wing of slavery. There is and there can be no security from this terrible apprehension. It is inseparable from the slave system. Night never closes her mantle around the plantation home, that a shudder does not creep through the heart of the master, and suspicion, like an ever-watchful sentinel, sit upon his eye-lids.

Sir, the policy of the Republican party is, by an ultimate separation of the two races, to secure the liberty and happiness of both, and remove forever the cause of this cruel alarm and apprehension, and thus to bring safety and prosperity where now sectional jealousy and alienation, desolation and fear, are supreme; to cause the

white-winged sail of commerce, whose mission is peace, to cover every Southern river and fill every Southern harbor; to reclaim her impoverished wastes, and make her desolate places again the home of peace and plenty. If this cannot be done, and speedily done, and peacefully done, then indeed I fear the day is not far distant when the genius of despair, like an atmosphere, will pervade every habitation, and flap its dark and desolating wings over your fairest heritage; when peace shall flee from your borders, and the terrible cry of "insurrection! insurrection!" "to arms! to arms!" shall be heard from mountain to mountain, and by the side of every river and in every valley; when the shrieks of flying women and helpless children will be borne upon every gale, and the avenging hand of Heaven shall be laid heavily upon you, as it was of old upon the oppressors of the children of Israel. Sir, I know of no way of escaping the like impending doom, which has sealed the fate of all nations and people who have preceded us that were guilty of this wrong, except by dealing justly, loving mercy, and permitting this oppressed people to go. When this is done, peace and concord, prosperity and happiness, shall again return to bless us as a free and united people; and it can only return when, throughout the nation, on every foot of American soil, and everywhere beneath the national ensign, the rights of humanity are fully recognised and respected, and your law-makers, and your General and State Governments shall again be directed by the genius of universal emancipation.

REPUBLICAN PLATFORM.

ADOPTED BY THE CHICAGO CONVENTION, MAY 17, 1860.

Resolved, That we, the delegated representatives of the Republican Electors of the United States, in Convention assembled, in the discharge of the duty we owe to our constituents and our coun ry, unite in the following declarations:

First. That the history of the nation during the last four years has fully established the propriety and necessity of the organization and perpetuation of the Republican party, and that the causes which called it into existence are permanent in their nature, and now, more than ever before, demand its peaceful and constitutional triumph.

Second. That the maintenance of the principles promulgated in the Declaration of Independence, and embodied in the Federal Constitution, is essential to the preservation of our republican institutions; that the Federal Constitution, the rights of the States, and the Union of the States, must and shall be preserved; and that we reassert "these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed."

Third. That to the Union of the States this nation owes its unprecedented increase in population; its surprising development of material resources; its rapid augmentation of wealth; its happiness at home and its honor abroad; and we hold in abhorrence all schemes for disunion, come from whatever source they may; and we congratulate the country that no Republican member of Congress has uttered or countenanced a threat of disunion, so often made by Democratic members of Congress without rebuke and with applause from their political associates; and we denounce those threats of disunion, in case of a popular overthrow of their ascendency, as denying the vital principles of a free Government, and as an avowal of contemplated treason, which it is the imperative duty of an indignant people strongly to rebuke and forever silence.

Fourth. That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions, according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political faith depends; and we denounce the lawless invasion by armed force of any State or Territory, no matter under what pretext, as among the gravest of crimes.

Fifth. That the present Democratic Administration has far exceeded our worst apprehensions in its measureless subserviency to the exactions of a sectional interest, as is especially evident in its desperate exertions to force the infamous Lecompton Constitution upon the protesting people of Kansas—in construing the personal relation between master and servant to involve an unqualified property in persons—in its attempted enforcement everywhere, on land and sea, through the intervention of Congress and the Federal courts, of the extreme pretensions of a purely local interest, and in its general and unvarying abuse of the power intrusted to it by a confiding people.

Sixth. That the people justly view with alarm the reckless extravagance which pervades every department of the Federal Government; that a return to rigid economy and accountability is indispensable to arrest the system of plunder of the public Treasury by favored partisans; while the recent startling developments of fraud and corruption at the Federal metropolis show

that an entire change of Administration is imperatively demanded.

Seventh. That the new dogma that the Constitution of its own force carries slavery into any or all of the Territories of the United States, is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, with cotemporaneous exposition, and with legislative and judicial precedent; is revolutionary in its tendency, and subversive of the peace and harmony of the country.

Eighth. That the normal condition of all the territory of the United States is that of Freedom; that as our republican fathers, when they had abolished slavery in all our national territory, ordained that no person should be deprived of life, liberty, or property, without due process of law, it becomes our duty, by legislation, whenever such legislation is necessary, to maintain this provision of the Constitution against all attempts to violate it; and we deny the authority of Congress, of a Territorial Legislature, or of any individuals, to give legal existence to slavery in any Territory of the United States.

Ninth. That we brand the recent reopening of the African slave trade, under the cover of our national flag, aided by perversions of judicial power, as a crime against humanity, a burning shame to our country and age; and we call upon Congress to take prompt and efficient measures for the total and final suppression of that execrable traffic.

Tenth. That in the recent vetoes by their Federal Governors of the acts of the Legislatures of Kansas and Nebraska, prohibiting slavery in those Territories, we find a practical illustration of the boasted Democratic principles of non-intervention and popular sovereignty, embodied in the Kansas and Nebraska bill, and a denunciation of the deception and fraud involved therein.

Eleventh. That Kansas should of right be immediately admitted as a State under the Constitution recently formed and adopted by her people, and accepted by the House of Representatives.

Twelfth. That while providing revenue for the support of the General Government by duties upon imports, sound policy requires such an adjustment of these duties as to encourage the development of the industrial interest of the whole country; and we commend that policy of national exchanges which secures to the working men liberal wages, to agriculture remunerating prices, to mechanics and manufacturers an adequate reward for their skill, labor, and enterprise, and to the nation commercial prosperity and independence.

Thirteenth. That we protest against any sale or alienation to others of the public lands held by actual settlers, and against any view of the free homestead policy which regards the settlers as paupers or supplicants for public bounty; and we demand the passage by Congress of the complete and satisfactory homestead measure which has already passed the House.

Fourteenth. That the Republican party is opposed to any change in our naturalization laws, or any State legislation by which the rights of citizenship hitherto accorded to immigrants from foreign lands shall be abridged or impaired; and in favor of giving a full and efficient protection to the rights of all classes of citizens, whether native or naturalized, both at home and abroad.

Fifteenth. That the appropriations by Congress for river and harbor improvements of a national character, required for the accommodation and security of an existing commerce, are authorized by the Constitution and justified by an obligation of the Government to protect the lives and property of its citizens.

Sixteenth. That a railroad to the Pacific Ocean is imperatively demanded by the interests of the whole country; that the Federal Government ought to render immediate and efficient aid in its construction; and that, as preliminary thereto, a daily overland mail should be promptly established.

Seventeenth. Finally, having thus set forth our distinctive principles and views, we invite the co-operation of all citizens, however differing on other questions, who substantially agree with us in their affirmance and support.

PRESIDENTIAL CAMPAIGN OF 1860.

REPUBLICAN EXECUTIVE CONGRESSIONAL COMMITTEE.

HON. PRESTON KING, N. Y., *Chairman.*
" J. W. GRIMES, IOWA.
" L. F. S. FOSTER, CONN.
On the part of the Senate.
" E. B. WASHBURNE, ILLINOIS.

HON. JOHN COVODE, PENN., *Treasurer.*
" E. G. SPAULDING, N. Y.
" J. B. ALLEY, MASS.
" DAVID KILGORE, INDIANA.
" J. L. N. STRATTON, N. J.
On the part of the House of Reps.

The Committee are prepared to furnish the following Speeches and Documents:

EIGHT PAGES.

The State of the Country—W. H. Seward.
"Irrepressible Conflict"—W. H. Seward.
Free Homes for Free Men—G. A. Grow.
Shall the Territories be Africanized—James Harlan.
Who have Violated Compromises—John Hickman.
Invasion of Harper's Ferry—B. F. Wade.
The Speakership—G. W. Scranton and J. H. Campbell.
Colonization and Commerce—F. P. Blair.
General Politics—Orris S. Ferry.
The Demands of the South—The Republican Party Vindicated—Abraham Lincoln.
The Homestead Bill—Its Friends and its Foes—W. Windom.
The Barbarism of Slavery—Owen Lovejoy.
The New Dogma of the South—"Slavery a Blessing"—H. L. Dawes.
The Position of Parties—R. H. Duell.
The Homestead Bill—M. S. Wilkinson.
Polygamy in Utah—D. W. Gooch.
Douglas and Popular Sovereignty—Carl Schurz.
Lands for the Landless—A Tract.
The Poor Whites of the South—The Injury done them by Slavery—A Tract.
A Protective Tariff Necessary—Rights of Labor—James H. Campbell.
The Fanaticism of the Democratic Party—Owen Lovejoy.
Mission of Republicans—Sectionalism of Modern Democracy—Robert McKnight.
Southern Sectionalism—John Hickman.
Freedom *vs.* Slavery—John Hutchins.
Republican Land Policy—Homes for the Million—Stephen C. Foster.
Tariff—Justin S. Morrill.
Legislative Protection to the Industry of the People—Alexander H. Rice.
Modern Democracy—Henry Waldron.
The Territorial Slave Policy; The Republican Party; What the North has to do with Slavery—Thomas D. Eliot.
The Supreme Court of the United States—Roscoe Conkling.
Designs of the Republican Party—Christopher Robinson.
Address—Montgomery Blair.
The Necessity of Protecting American Labor—J. P. Verree.
Pennsylvania Betrayed by the Administration—J. Schwartz.
The Republican Party and its Principles—James T. Hale.
Revenue and Expenditures—John Sherman.
The Claims of Agriculture—John Carey.
Negro Equality—The Right of One Man to Hold Property in Another—The Democratic Party a Disunion Party—The Success of the Republican Party the only Salvation for the Country—Benjamin Stanton.
Mutual Interest of the Farmer and Manufacturer—Carey A. Trimble.
The Tariff—Its Constitutionality, Necessity, and Advantages—John T. Nixon.
Position of Parties and Abuses of Power—Reuben E. Fenton.
Bill and Report Repealing the Territorial Laws of New Mexico—John A. Bingham.
Democracy *alias* Slavery—James B. McKean.
Abraham Lincoln, His Personal History and Public Record—E. B. Washburne.
The President's Message—The Sectional Party—John A. Bingham.
The Republican Party a Necessity—Charles F. Adams.
The Filibustering Policy of the Sham Democracy—J. J. Perry.
Pennsylvania Betrayed by the Administration—J. Schwartz.
Modern Democracy—Justin S. Morrill.
Equality of Rights in the Territories—Harrison G. Blake.
Resigning His Position as Chairman of the Committee on Commerce—Hannibal Hamlin.
Public Expenditures—R. H. Duell.
The Republican Party and the Republican Candidate for the Presidency—W. McKee Dunn.
The Republican Platform—E. G. Spaulding.

SIXTEEN PAGES.

Seizure of Arsenals at Harper's Ferry, Va. and Liberty, Mo.—Lyman Trumbull.
Property in the Territories—B. F. Wade.
True Democracy—History Vindicated—C. H. Van Wyck.
Territorial Slave Code—H. Wilson.
John P. Hale.
"Posting the Books between the North and the South"—J. J. Perry.
The Calhoun Revolution—Its Basis and its Progress—J. R. Doolittle.
The Republican Party the Result of Southern Aggression—C. B. Sedgwick.
Admission of Kansas—M. J. Parrott.
Federalism Unmasked—Daniel R. Goodloe.
The Slavery Question—C. C. Washburn.
Thomas Corwin's Great Speech, Abridged.
The Issues—The Dred Scott Decision—The Parties—Israel Washburn, Jun.
Tariff—Samuel S. Blair.
The Rise and Fall of the Democratic Party—K. S. Bingham.
In Defence of the North and Northern Laborers—H. Hamlin.

TWENTY-FOUR PAGES.

Slavery in the Territories—Jacob Collamer.

THIRTY-TWO PAGES.

Thomas Corwin's Great Speech.
Success of the Calhoun Revolution: The Constitution Changed and Slavery Nationalized by the Usurpations of the Supreme Court—James M. Ashley.
The Barbarism of Slavery—Charles Sumner.

GERMAN.

EIGHT PAGES.

The Demands of the South—The Republican Party Vindicated—Abraham Lincoln
Free Homes for Free Men—G. A. Grow.
Shall the Territories be Africanized—James Harlan.
Who have Violated Compromises—John Hickman.
The Homestead Bill—Its Friends and its Foes—W. Windom
Douglas and Popular Sovereignty—Carl Schurz.
The Homestead Bill—M. S. Wilkinson.
The Barbarism of Slavery—Owen Lovejoy.
Southern Sectionalism—John Hickman.
Equality of Rights in the Territories—Harrison G. Blake.
The Claims of Agriculture—John Carey.

SIXTEEN PAGES.

Seizure of the Arsenals at Harper's Ferry, Va., and Liberty, Mo., and in Vindication of the Republican Party—Lyman Trumbull.
The State of the Country—W. H. Seward.
Lands for the Landless—A Tract.
Election of Speaker—H. Winter Davis.

THIRTY-TWO PAGES.

The Barbarism of Slavery—Charles Sumner.

And all Republican Speeches as delivered.

During the Presidential Campaign, Speeches and Documents will be supplied at the following reduced prices: per 100—8 pages 50 cents, 16 pages $1, and larger documents in proportion. Address either of the above Committee.

GEORGE HARRINGTON, *Secretary.*