

the crime of slavery, as they call it, never dare come up to the real questions they have raised. They excite the passions of the fanatical and ignorant, by wild and reckless declamation, and shrink back appalled from such questions as real statesmen have to grapple. They do not recognize the fact in their discussions of the existence of two races of men in the country, differing in color, differing in physical conformation, differing in intellectual capacity and endowments, and differing in the quality of their moral perceptions. For the purposes of agitation, they treat all as equals; and yet they dare not acknowledge the negro equal to themselves. Even Mr. Giddings would not acknowledge this, last session, when pressed on the question by his colleague. And, to-day, I have no doubt, that if the negroes of the South could be freed, on the condition that they should be sent to live in the free States, and the question were submitted to the Republican party whether they would consent to their freedom on these terms, they would with almost entire unanimity refuse the negroes their freedom.

And yet they pretend it is a crime in us not to set them free, at our own expense, and submit also to allow them to remain among us, or undertake to find homes for them elsewhere, at our own expense. They do not recognize and consider in their speeches the fact that there are four million of these negroes; that they are incapable of self-government; and that to invest them with freedom would necessarily lead to the extermination of the greater part of them for the safety of society and the preservation of real, intelligent, regulated liberty to the people of fifteen States of the Union; and the relapsing of the remainder of them into the condition of degradation, suffering, and want, in which the free negroes of the free States, and of the West Indies, are now wearing out their miserable existence, in a hopeless competition with a superior race in the one, and for the want of intelligence to direct and control them in the other. Nor do they consider the fact that these four million negroes represent, in the hands of their owners, two thousand million dollars; which, in itself, is a valuable investment of capital, and in their opinion, improving and elevating the negro morally, intellectually and physically, and adding to the prosperity and happiness of the white race. A statesman, when he proposes an act, considers its end. Do these gentlemen, when they propose freedom to the negro, consider in what that freedom must end? Why, sir, so well do they know their weakness, on these great questions, that they dare not discuss them. They have not, and they will not, attempt to tell what is to become of the negroes if set free. They have not, and they will not, attempt to tell how they will free them in the States. And they only propose excluding them from the Territories by a violation of the great charter of American liberty, the Constitution of the United States, which they have all sworn to support. Thus proving, by their own want of good faith in violating the most solemn of human compacts, their own incapacity for free, self-government. For no people are fit to be free, or will long remain free, who cannot understand, or will not maintain their political compacts.

It is assumed by some that the power of Congress to legislate for the Territories, carries with it the right to mold the institutions of a Territory, and hence to abolish slavery; and by others, that slavery is a creature of local law, and that it cannot be carried into the Territories and maintained there without the aid of positive local law; and by others still, that, while slavery is recognized by the Constitution, and may go into the Territories under its protection, and cannot be abolished in the Territories by Congress, that yet, under the authority of Congress conferring on them the right to regulate their domestic institutions, subject (to use the language of the Kansas-Nebraska bill) to the Constitution of the United States, they may abolish it.

Either of these three modes of getting rid of slavery in the Territories involves two highly important questions. The one, the right of all the people to an equal participation in the settlement of the Territories, the common property of all. The other, the power under the Federal Constitution to destroy private property. The first assuming that the people of the United States are not equals in their rights under the Constitution. The second claiming an absolutely despotic au-

thority, such as few despots would dare exercise in this age of the world, even over the most subservient people, under our republican Constitution, framed to secure and preserve the equal rights of all the people under it; and that, too, when the Constitution provides that

"No person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

A Constitution conferring but limited and strictly delegated authority on Congress, and declaring that "the enumeration in it of certain rights shall not be construed to deny or disparage others retained by the people," and that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;" and which says, in its preamble, it was "ordained" to "establish justice" and insure "domestic tranquillity."

It is also said that if the power be conceded to Congress to legislate for the protection of slavery in the Territories, it may, under the power to legislate on the subject, abolish slavery. The power to destroy property in slaves no more follows the authority to protect slave property, than does the power to destroy commerce follow the authority "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes;" or the authority to take from a citizen his money under the power "to coin money and regulate the value thereof;" or the right to sink our national ships in the ocean under the power to "provide and maintain a navy;" or the power to imprison the citizen and confiscate his property under that clause of the Constitution which provides for "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."

Again, the Republicans declare broadly that they do not recognize the right of property in man. Which can only mean that they deny the authority of the Constitution; and, in their perverse determination to agitate, appeal to a "higher law." And this declaration is made in the face of the history of negro slavery in this country before and since the formation of the Constitution; in view of the fact that the Constitution provides for the capture and return of fugitive slaves, on account of the proprietary right of the masters to their services; in the face of the fact that the Constitution provided that the African slave trade should not be prohibited for twenty years after its adoption, in order that the people of the United States might acquire a still greater amount of property in slaves; and when it authorized the imposition of a tax of not exceeding ten dollars a head on those which were to be imported, thus deriving a part of the revenues of the country from their importation; and in view of the further fact that at the date of the Declaration of Independence the right of property in negro slaves was recognized in every one of the States then declared to be free and independent; and that at the time of the adoption of the Federal Constitution every State but one still recognized the right of property in negro slaves, and their citizens then bought and sold, and held and owned them as property, and that they passed by inheritance and sale among them just as any other property.

And here I may say that a very large part of the slaves, whose descendants are now owned in the South were brought from Africa and sold into slavery, as property of course, by the fathers of the men who now talk so loudly about the crime of slavery. This shows a difference of opinion between the fathers, in the now free States, who helped to form and adopt the Federal Constitution, and their sons, who repudiate its provisions, as to the right of property in negro slaves. And it should also be borne in mind that the people of the free States, instead of freeing their slaves and allowing them to remain among them, as they would have us do, sold the most of them to the people of the present slave States, and received their value in money, and thereby relieved themselves of the unpleasant thought of having to indulge in the luxury of abolitionism at the expense of any pecuniary sacrifice to themselves.

And again we are met by the Republicans with the statement that the Declaration of Independence declares that all men "are created equal;" that they are endowed by their Creator with certain inalienable rights; that among these are life, lib-

erty, and the pursuit of happiness." So it does; but this did not mean that slaves should be equal in authority with their masters, any more than that ladies should be legislators, judges, and generals; or that children should chastise their parents for disobedience. It was simply a declaration of the political equality, so far as it has any political effect, of those who were parties to the political compact then being formed. The same people in whose name the Declaration of Independence was made, ratified the Federal Constitution. Indeed, though they bore different dates, they are but parts of the same splendid and happy scheme of government. And a number of the persons who signed the Declaration of Independence aided in framing the Constitution. That Constitution did not enfranchise the Indians, and make them our political equals. It expressly disfranchises such of them as are not taxed. It did not enfranchise the negroes, and place them on political equality with the whites; for it recognized them as commerce and property, and provided for their return to service when they escaped from their masters. But this position, that the Declaration of Independence sanctions abolitionism, is precisely of a piece with the other, which refuses to recognize the right of property in negro slaves. They may serve to amuse and deceive the ignorant, and as pabulum for political demagogues, but can excite no emotion in an enlightened and honorable mind but that of pity and contempt.

The Constitution may not be what these gentlemen wish it to be. But if it is not, they ought to endeavor to have it changed, and not attempt to destroy it by constructions which would contradict our whole past history, and involve its illustrious framers in the most shallow absurdities. If they are dissatisfied with our present Constitution and form of government, it is due to truth, candor, and fair dealing, as well as to their own dignity, honor, and statesmanship, that they should say so plainly, and announce fairly the changes they desire, so that the people and the country may understand their aims and purposes, and act on them advisedly. It is unstatesmanlike, it is unmanly and unpatriotic, to attempt to subvert the Constitution by hypocritical indirection, under the cover of deceitful generalities, and by a studied evasion of a fair presentation, and free, open discussion of the real questions involved.

I wish now to call attention to some remarks which I submitted briefly, and without any previous arrangement of my thoughts, in the progress of the debates on the 4th and 5th of March; and to call attention to some criticisms on them, made by the gentleman from Connecticut [Mr. FERRY] in his speech on the 10th of this month; and to others, made by the gentleman from New York [Mr. FENTON] in his speech on the 16th of this month. I do this for the purpose of correcting errors into which those gentlemen seem to have fallen, and to protect myself against future misunderstanding; for it is evident that, whether they intended it or not, they did me manifest injustice.

My position was, that the Constitution of the United States conferred no authority for the destruction of private property, either by Congress or a Territorial Legislature; and that negro slaves, being property, neither Congress nor a Territorial Legislature could abolish slavery in a Territory. I stated, at the same time, that slavery might be abolished by the people of the States, in the exercise of their right of sovereignty, without any infraction of the Federal Constitution; and that it might be abolished by the people of a Territory, when they came to form for themselves, by a sovereign act, a constitution and State government. I also stated, in substance, that the authority to do so by a State, or territorial convention forming a State government, was not to be found in the Constitution and laws of the United States, or in reason or natural justice; but that, if done, it must be by an act of power, which I designated as a revolutionary act, resting upon an authority superior to that of the States and laws, and independent of them; inasmuch as the authority of the people who form States, is superior to the authority of the States they form. And though, by such an act of sovereignty, private property may be destroyed, I insisted, and still insist, that it would be one of arbitrary, despotic power—a revolutionary act—resting for its authority, not upon the Constitution and laws of the United States, for there is no such power or object in them; not upon the spirit