and object of State constitutions and State laws, for they are instituted for the protection, and not for the destruction of private property and personal rights; not upon the rules of right and reason, which, through all our constitutions and laws, protect the persons and property of the people against every usurpation of mere arbitrary power by Government; but it exists in the original, inherent *power* of the people to do right or wrong, as they may *will;* to institute a just, benign, and liberal system of government, and provide for the protection of all the rights of the people who form it, or to inaugurate the reign of anarchy, or institute a despotic form of government, which, instead of recognizing the rights of property of the people as they find them, shall destroy the property of a portion of them to gratify the caprices or passions of the balance. Such an act would destroy preëxisting private rights; and, in doing so, would be against the spirit of all our constitutions and laws. And it is only because there is no tribunal to which an appeal against such an act of sovereignty can be had, and because the aggrieved and injured minority, in such a case, have not the power by numbers or arms to maintain and vindicate their rights, that they would submit to its exercise.

This is the spirit and substance, somewhat amplified, of what I said on the occasions referred to, and in my reply to the gentleman from Connecticut [Mr. FERRY] on the 10th of this month.

I shall, after awhile, refer to some authority to sustain the positions that the right of property is recognized in negro slaves by the Federal Constitution, and that neither Congress, or a Territorial Legislature, can abolish slavery. And though, in the hour allowed me, I can expect to do but little more than state my own views on the questions presented, I shall be content if they in any degree commend themselves to the confidence of others by their inherent reasonableness and justice, and by their conformity to the principles of our Constitution, and the theory and genius of our Government and institutions; and especially if they shall have any effect in calling attention to the real questions involved in the sectional controversy which has so long and unhappily prevailed in our country. For if we can succeed in determining our relative rights and duties, and in ascertaining the real questions at issue, then the public judgment can be fairly taken on them, and the question will be decided whether we are to respect the rights of each other, as citizens of a common country, living under a common Constitution, and looking hopefully and proudly to a common destiny; or must, on account of an irreconcilable conflict of interests and opinions, be separated for the future.

The gentleman from Connecticut, in his well-considered and eloquent speech, professes to give the doctrines of the Democratic party in relation to the powers and duties of the Federal Government over the subject of slavery. Others may answer whether he gave them fairly, for the purpose of controverting the real positions of that party, or totally misrepresented them in order to give plausibility to the doctrines of the Republican party. Among other things he says, "It holds as an abstract proposition, that property in man exists of natural right." This will doubtless go the rounds of the Republican press, and be used by them to deceive Republican constituencies, and constitute a part of the staple of the campaign speeches of that party this summer and fall. And as it doubtless had its origin in a misunderstanding of what I said, I desire now to correct it. And I wish now to say, that no national or State convention of the Democratic party, and no county or township meeting of that party, nor any member of that party, including myself, ever announced any such principle, within my knowledge; and that I do not think the gentleman can sustain his assertion by the production of any such authority for his statement.

It is true, I used the expressions "natural right" and "natural justice" in my unpremeditated answers to questions unexpectedly propounded by the gentleman from Massachusetts, [Mr. GOOCH,] in discussing the power of Congress and of the Territorial Legislatures to abolish slavery. I used them in several forms of expression; and am now satisfied that, in some of these, I used the word "natural" unnecessarily, but nowhere in the sense in which the gentleman uses it in the above extract. My purpose was to convey the idea that it was against reason and justice to deprive any man of his right of property, whether in slaves or other things, against his consent and without just compensation. It certainly was not my purpose to describe the character of right by which any man holds any kind of property, for I was speaking of a wrong, and that wrong the destruction of private property. For instance, I said, in form and expression, referring to the power of the States to abolish slavery—

"That they have the right, but that it is a revolutionary right, and not a right resting upon law or upon natural justice; and when a Government comes to exercise its sovereignty, and undertakes in its sovereign capacity to destroy that right, it departs from a great principle, which ought to govern it always. It should protect the condition of society when the Government was formed, and should protect all the property of the people who form that Government, destroying none of it."

And again I said:

"The exercise of any revolutionary right which destroys private property, is a violation of the principles of natural justice."

But if I am mistaken as to the effect of any language I may have used in the hurry of debate, I wish now to declare that all I desired to do, was to describe the rights of persons and insist on their protection, without even thinking of, or wishing to engage in any controversy about any distinction between legal and natural rights, or legal and natural justice.

I do not wish to be understood by this, as saying or admitting that property in slaves does not rest on as high authority, and as just principles of right as any other property; for I think it does. But only that it is not necessary to discuss the question of whether we hold any kind of property by the principles of natural right and natural justice, as contradistinguished from the social customs, political principles, and maxims of jurisprudence of a people. I am only now considering our practical duties as legislators.

If the Democratic party has ever gone out of the field of politics to settle abstract questions of philosophy, or questions of natural right as contradistinguished from political questions, I have never heard of it. It certainly is not to be found in the platforms which embody the principles and opinions of the party. It deals only with the political relations of the country, and in doing this takes the Constitution as its polar star and guide. It is neither a pro-slavery nor anti-slavery party. A man may be a good Democrat and approve of slavery as in itself right, or disapprove of it as being in itself wrong. But it is a part of the creed of the Democratic party to respect both the rights of the States and the rights of the people. And hence a man cannot be a Democrat, who, in disregard of the rights of the States, would engage in agitation in one State to force slavery out of or into another; or who would attempt, through the agency of the Federal Government, either by direct or indirect means, to retard or promote the interests of slavery in a State; or who would attempt to use the Federal Government as an agent for the destruction of private property, whether that property be in slaves or other things.

And the doctrine of the Democratic party, with reference to this subject in the Territories, is, that

"They shall be left perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

I know that this part of the platform has given rise to discussion, and that there are among Democrats differences of opinion as to its meaning.

My own construction of this part of the platform, and of the corresponding part of the Kansas-Nebraska act, is now what it was at the time of the passage of that act, and at the time of the action of the Cincinnati convention. That is, that if the Territories had power, independently of the superruling control of the Federal Constitution, then they might abolish slavery under that act; but that, if the provisions and efficacy of the Constitution pervaded the Territories as well as the States, they could not do so. It was understood in Congress, at the time of the passage of that act as well as it is now, that it did not define the powers of a Territory on this subject, but referred expressly to the Constitution as to what they were, by the words "subject only to the Constitution of the United States." And it was then said and believed that a decision of the courts would be necessary to determine, under that act, whether those Territories could abolish slavery. And this very question has since been decided in the Dred Scott case, and the question put at rest. I had as full faith at the time of the passage of the Kansas-Nebraska act as I have now, that the Territories derived their powers to legislate from Congress, and could exercise no higher authority than they derived; that Congress had no authority to abolish slavery anywhere; and that, having no such authority, it could not confer the power on the Territories, on the principle that a principal can confer no greater authority on his agent than he possesses himself. And this is one of the leading grounds upon which we of the South sustained and approved the course of our members of Congress in voting for that act, and the main ground upon which we sustained the action of the Democratic party in securing its passage. And hence, when the Supreme Court of the United States made the decision in the Dred Scott case, we of the South experienced none of the surprise and horror professed by the Republicans. We were prepared to expect such a decision on principle and reason.

We know, however, that many of the northern Democrats entertained opinions differing from these on that act and the part of the platform quoted. And there are strong reasons why we should be tolerant to their views on this subject, aside from the ordinary consideration of the unity of the party. It has been one of singular interest and difficulty, upon which great and patriotic minds have differed. It required years of discussion to develop what we now regard as the true doctrine. And at one time the Democratic party supported for President a great statesman, the present venerable Secretary of State, who entertained a different view. But his opinion, and the position of the party on this question at that time, were developed from a different stand-point to the one from which we now view it. They were then inquiring whether the Wilmot proviso was not unconstitutional, and adopted the idea of territorial sovereignty as an incident to, rather than the main idea of, the contest; and without a full examination of those provisions of the Constitution which relate to personal and private rights. The question, as then examined, was mainly as to the political power of Congress and the Territories; and its consideration did not then extend to a full investigation of the questions which have since arisen, as to the effect of such a doctrine on the personal and preëxisting vested rights of citizens, and their mutual right to occupy the common territory. It was the future development of these features of the question which corrected the former error of such of the party as subscribed to that doctrine.

An acquiescence now, in the doctrines of the decision of the Supreme Court, will place the party on this question on an enduring basis, alike constitutional and just to all parts of the Union, and calculated, if anything can do so, to secure a suspension of sectional agitation on this question. And this is an easy basis on which to secure the harmony and unity of the party; for no one should feel humiliated by giving his assent to the judgment of the highest judicial tribunal in the Union on a purely judicial question.

Again, the Democratic party, recognizing its obligation to obey the Constitution, is also in favor of the enforcement of the fugitive slave law. But there is no principle of reason upon which it can be said, because a citizen feels bound to observe and obey the laws of the land, in the rendition of fugitive slaves, that he is therefore committed to any particular abstract doctrine on the subject of slavery.

The last national Democratic convention adopted the following resolution as one of the articles of faith and practice of the party, to wit:

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

And this patriotic and just principle is now subscribed to by the Democracy of every State in the Union, as securing the equal rights of all in the Territories, and the power of the people at the proper time, and in the proper way, to settle the slavery question for themselves. The successful maintenance of this principle would be the means of antagonizing the sectional and unconstitutional ideas of the Republican party; and of thus giving