

its tales of tyranny, oppression, griefs, ignorance and woes, and make its answer. Sir, may God in His mercy open the eyes of the people of this country to what the demagogue politicians are doing, and give them wisdom to confound and virtue to scorn them.

But I must not omit to notice briefly a portion of the speech of the gentleman from New York, [Mr. FENTON.] He also assumes that the Democratic party is a sectional, pro-slavery, southern party; and, among other things, he says the South now claims that slavery "must travel with the Constitution into the Territories, and there be sustained and protected by it." He states this as if he regarded it as a novel claim. Has it come to this, that we are to be rebuked for claiming that the safeguards of the Constitution are coextensive with our national boundaries, and protect alike every citizen in his rights of person and property in the common Territories?

He then says, "I need not speak of the next effort to nationalize slavery," and adds:

"The gentleman from Texas, [Mr. REAGAN,] a few days since, with disingenuous boldness, indicated one of the advance steps the Democratic party will soon take; and I could, therefore, claim no credit for the discovery in this instance. If I understood him correctly, he claimed that not even State authority—State sovereignty—can abolish or impair the right of property in slaves short of revolution. That is, the right to abolish would be a revolutionary right; that its claim for protection under Federal and State authority rests upon the same right as all other kinds of property. Indeed, I do not see why this is not a logical sequence from the premises. Then it is, that slavery may go to New York, to the home of the Pilgrim fathers, sweep along the shores of the great lakes, and darken the broad prairies of the West, under the sanction of this vested right of property in slaves under the Constitution."

Mr. Chairman, if it be disingenuous to speak the truth, and speak it sincerely; if it be disingenuous to say we have a Constitution, and are entitled to its guarantees; if it be disingenuous to say we have rights, and ought to demand their enjoyment and insist on their protection, then, that gentleman was right in characterizing what I said as disingenuously bold. He, like others of his party, speaks of our claim for protection to slave property under the Federal Constitution as if it were a matter of surprise. I know not what such language as this, and that which refuses to recognize our right to property in negro slaves, means, unless those who use it expect to dragoon us, by their unblushing impudence and arrogance, into an abandonment of our rights and the adoption of their sickly sentimentalism, as a substitute for reason and basis for statesmanship. My course towards others on this floor has entitled me, I trust, to a less offensive designation of what I say than "disingenuous." And inasmuch as I sat by and listened to the whole of the gentleman's speech respectfully, and no such expression was then used, he ought not to have put it in his printed speech.

But I leave this and say a word as to other points in this extract of his speech. I have said all I wish to say as to the destruction of private property, without compensation to the owner and against his wish, being a revolutionary act. He produces some confusion, by the singularity of his expression, in referring to what he supposed to be my position, that the claim of slavery to "protection under the Federal and State authority" rests upon the same right as all other kinds of property." I was not discussing the question as to any present necessity for legislation to protect slave property. Though, of course, the arguments I have presented to show that neither Congress or a Territorial Legislature can abolish it in a Territory, would, if correct, also show that if any legislation is necessary to its protection it is the duty of the Territorial Legislature to afford that protection, and, if it fail to give it then it would be the duty of Congress to give it. But I am at a loss to know what he can mean by its protection by "State authority" in connection with Federal authority. Slavery is only entitled to protection under State authority where it exists. It receives no protection, and needs none, from the Federal Government in the States. It is entitled to the protection which all other property receives in the Territories. And if this is not given when needed, by the Territorial Legislatures, it ought to be given by Congress.

But there is one sentence of this extract of the gentleman's speech which I will read again, to give it conspicuity. It is this:

"Then it is that slavery may go to New York, to the

home of the Pilgrim fathers, sweep along the shores of the great lakes, and darken the broad prairies of the West, under the sanction of this vested right of property in slaves under the Constitution."

When? When the governments of the States where it exists protect it within their own borders? How will this take slavery to New York, inflict it on the homes of the Pilgrim fathers, and sweep the great lakes, and darken the western prairies with it? Again, I ask, when? When the Territorial Legislature, or Congress, shall give it the protection to which it may be entitled in the Territories? No; not then. For New York is not a Territory, nor is New England, nor are any of the States which border on the great lakes, or cover the northwestern prairies. I have never said that the Federal Constitution would protect slavery in a State against its authority. Nor do I suppose any man in the Republic has ever assumed any such position. I have expressly and repeatedly declared, on former occasions, during this session, that the people of the States could abolish slavery within their own jurisdiction, without any infraction of the Federal Constitution; and that it was a question with which the Federal Government had nothing to do in the States. When, then, under any doctrine I have propounded, can the gentleman's dreadful catastrophe occur?

As I have spoken of the power of Congress to protect slavery in the Territories, I must say a word more to avoid being misunderstood. I have said Congress has the power, and that circumstances may render the exercise of that power necessary. But I am not discussing this question now, and do not wish to be understood as saying there is any necessity for its exercise at this time. Slavery is not expected to go into Washington or Nebraska or Kansas Territories; and hence no laws are necessary for its protection there. It now exists, to a limited extent, in New Mexico and Utah. In New Mexico the Territorial Legislature has passed the necessary laws for its protection; and in Utah there is no complaint of a want of additional protection. This covers all our Territories, and shows that no legislation is now necessary on the subject.

In support of the position that the owners of slaves have a vested right of property in them; that the Territories are common property, and slave property is entitled to the same protection in them as other property, I give the following extract from the late message of the President of the United States:

"I cordially congratulate you upon the final settlement by the Supreme Court of the United States of the question of slavery in the Territories, which had presented an aspect so truly formidable at the commencement of my administration. The right has been established of every citizen to take his property of any kind, including slaves, into the common Territories belonging equally to all the States of the Confederacy, and to have it protected there under the Federal Constitution. Neither Congress nor a Territorial Legislature, nor any human power, has any authority to annul or impair this vested right. The supreme judicial tribunal of the country, which is a co-ordinate branch of the Government, has sanctioned and affirmed these principles of constitutional law, so manifestly just in themselves, and so well calculated to promote peace and harmony among the States."

I know that the Republicans habitually affect to sneer at the opinions of the President, impugn his motives, and deride his capacity. The country will judge with what propriety and justice this is done; in view of his high character, great intellect, and unusual endowments; in view of the commanding position he has occupied before the American people for the past forty years; first as a Representative in Congress of the first mark; then as a Senator, the associate and peer of such Senators as Clay, Webster, Calhoun, Wright, and Benton, and always equal to the most difficult questions of his times; then as Secretary of State, conducting the affairs of that office during the splendid administration of Mr. Polk with consummate ability; then as Minister to Great Britain, where his conduct challenged the approval of his own Government, and commanded the respect of the first Court of the world; and in view of the fact that for his great integrity, great ability, and great services he has been chosen President of the United States.

Sir, with such a past, and in view of the fact that he has, in advance, declined to be a candidate for re-election; when we reflect that the measure of his fame will have been completed with his present term of service; that, under the ordinary rules of human conduct, he has no motive to be

wrong on any question, but every possible incentive of duty, of patriotism, of personal pride and ambition, to leave behind him an unblemished history of purity, patriotism, and statesmanship, it would seem his opinions ought to be received with decent respect, and controverted upon their reasons, rather than met with affected sneers at their alleged weakness and imputations upon the purity of his motives. And especially so when they are founded on, and sustained by, the opinions of the Supreme Court of the United States. But, sir, who could expect, in coming in conflict with the doctrines of a party which lives upon fanaticism and sectionalism, to escape its illiberal malignity?

I have not agreed with the President in all his views and recommendations; and do not now agree with him in all of them. But I can differ with him in opinion, and at the same time respect his motives, his wisdom, and his virtues. And when I find myself differing in opinion with him I am much more inclined to suspect my own judgment and want of experience, than his statesmanship and purity of purpose. Yet, sir, when I find my opinions conforming to those of such a man, I am willing to trust them, and on them to reject the mad schemes of Republicanism.

Chief Justice Taney, in delivering the opinion of the Supreme Court of the United States in the Dred Scott case, after demonstrating with such clearness and precision as to defy doubt, that persons of the African negro race were not "citizens" of the United States, or "people," in the sense in which these words are used in the Declaration of Independence, and in the Constitution of the United States, to describe and regulate the status, franchises, and duties of citizens of the United States, goes on to say, speaking of them, that—

"The only two provisions which point to them and include them, treat them as property, and make it the duty of the Government to protect it; no other power, in relation to this race, is to be found in the Constitution; and as it is a Government of special, delegated powers, no authority beyond these two provisions can be constitutionally exercised. The Government of the United States had no right to interfere for any other purpose but that of protecting the rights of the owners, leaving it altogether with the several States to deal with this race, whether emancipated or not, as each State may think just, humanity, and the interests and safety of society require. The States evidently intended to reserve this power exclusively to themselves."

In another part of the same opinion he says, in speaking of the power of the Federal Government to acquire and control territory:

"Whatever it acquires, it acquires for the benefit of the people of the several States who created it. It is their trustee acting for them, and charged with the duty of promoting the interests of the whole people of the Union in the exercise of the powers specially granted."

And again, in the same opinion, speaking of the territory acquired from France, he says:

"But as we have before said, it is acquired by the General Government, as the representative and trustee of the people of the United States, and it must, therefore, be held in that character for their common and equal benefit; for it was the people of the several States, acting through their agent and representative, the Federal Government, who in fact acquired the territory in question, and the Government holds it for their common use until it shall be associated with the other States as member of the Union."

And, after showing that the right of the Federal Government to govern the Territories is "the inevitable consequence of the right to acquire territory;" and that it may exercise its discretion as to the form of government best suited to the interests of the people of a Territory, he says:

"The territory being a part of the United States, the Government and the citizens both enter it under the authority of the Constitution, with their respective rights defined and marked out; and the Federal Government can exercise no power over his person or property beyond what that instrument confers, nor lawfully deny any right which it has reserved."

As to the assumption of the power by Congress to discriminate between slaves and other property in the Territories; as to the extent of the power of the Federal and Territorial governments over the rights of person and property in the Territories; as an answer to the assumption that there is a difference between slave and other property, and that different rules may be applied to it in expounding the Constitution of the United States, and as a distinct affirmation of the doctrine of the right of property in slaves, I will read the following extended extract from the same opinion, and, without reference to the exalted character of the tribunal which pronounced the opinion, will rest