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upon the unanswerable force of its reasoning, as conclusive on the points discussed:

"But the power of Congress over the person or property of a citizen can never be a mere discretionary power under our Constitution and form of Government. The powers of the Government and the rights and privileges of the citizen are regulated and plainly defined by the Constitution itself. And when the Territory becomes a part of the United States, the Federal Government enters into possession in the character impressed upon it by those who created it. It enters upon it with its powers over the citizen strictly defined, and limited by the Constitution, from which it derives its own existence, and by virtue of which alone it continues to exist and act as a Government and sovereignty. It has no power of any kind beyond it; and it cannot, when it enters a Territory of the United States, put off its character, and assume discretionary or despotic powers which the Constitution has denied to it. It cannot create for itself a new character separated from the citizens of the United States, and the duties it owes them under the provisions of the Constitution. The Territory being a part of the United States, the Government and the citizen 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 personal property, beyond what that instrument confers, nor lawfully deny any right which it has reserved.

"A reference to a few of the provisions of the Constitution will illustrate this proposition.

"For example, no one, we presume, will contend that Congress can make any law in a Territory respecting the establishment of religion, or the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people of the Territory peaceably to assemble, and to petition the Government for the redress of grievances.

"Nor can Congress deny to the people the right to keep and bear arms; nor the right to trial by jury; nor compel any one to be a witness against himself in a criminal proceeding.

"These powers, and others, in relation to rights of person, which it is not necessary here to enumerate, are, in express and positive terms, denied to the General Government, and the rights of private property have been guarded with equal care. Thus the rights of property are united with the rights of person, and placed on the same ground, by the fifth amendment to the Constitution, which provides that no person shall be deprived of life, liberty, and property, without due process of law. And an act of Congress which deprives a citizen of the United States of his liberty or property, merely because he came himself or brought his property into a particular Territory of the United States, and who had committed no offense against the laws, could hardly be dignified with the name of due process of law.

"So, too, it will hardly be contended that Congress could by law quarter a soldier in a house in a Territory without the consent of the owner, in time of peace; nor in time of war, but in a manner prescribed by law. Nor could they by law forfeit the property of a citizen in a Territory, who was convicted of treason, for a longer period than the life of the person convicted; nor take private property for public use without just compensation.

"The powers over person and property, of which we speak, are not only not granted to Congress, but are in express terms denied, and they are forbidden to exercise them. And this prohibition is not confined to the States, but the words are general, and extend to the whole territory over which the Constitution gives it power to legislate, including those portions of it remaining under territorial government as well as that covered by States. It is a total absence of power everywhere within the dominion of the United States, and places the citizen of a Territory, so far as these rights are concerned, on the same footing with citizens of the States, and guards them as firmly and plainly against any inroads which the General Government might attempt, under the plea of implied or incidental powers. And if Congress itself cannot do this—if it is beyond the powers conferred on the Federal Government—it will be admitted, we presume, that it could not authorize a territorial government to exercise them. It could confer no power on any local government, established by its authority, to violate the provisions of the Constitution.

"It seems, however, to be supposed that there is a difference between property in a slave and other property, and that different rules may be applied to it in expounding the Constitution of the United States. And the laws and usages of nations, and the writings of eminent jurists upon the relation of master and slave, and their mutual rights and duties, and the power which Governments may exercise over it, have been dwelt upon in the argument.

"But, in considering the question before us, it must be borne in mind that there is no law of nations standing between the people of the United States and their Government, and interfering with their relation to each other. The powers of the Government, and the rights of the citizen under it, are positive and practical regulations plainly written down. The people of the United States have delegated to it certain enumerated powers, and forbidden it to exercise others. It has no power over the person or property of a citizen but what the citizens of the United States have granted. And no laws or usages of other nations, or reasoning of statesmen or jurists upon the relations of master and slave, can enlarge the powers of the Government, or take from the citizens the rights they have reserved. And if the Constitution recognizes the right of property of the master in a slave, and makes no distinction between that description of property and other property owned by a citizen, no tribunal, acting under the authority of the United States, whether it be legislative, executive, or judicial, has a right to draw such a distinction, or deny to it the benefit of the provisions and guarantees which have been provided for the protection of private property against the encroachments of the Government.

"Now, as we have already said, in an earlier part of this opinion, upon a different point, the right of property in a slave is distinctly and expressly affirmed in the Constitution. The right to traffic in it, like an ordinary article of merchandize and property, was guarantied to the citizens of the United States, in every State that might desire it, for twenty years. And the Government, in express terms, is pledged to protect it in all future time, if the slave escapes from his owner. This is done in plain words—too plain to be misunderstood. And no word can be found in the Constitution which gives Congress a greater power over slave property, or which entitles property of that kind to less protection than property of any other description. The only power conferred is the power coupled with the duty of guarding and protecting the owner in his rights."

How do the Republicans meet reasoning like this? Is it by an examination and exposition of the provisions of the Constitution? Is it by a fair statement and lucid exposition of the facts of our political history? Is it by the searching power of analysis, and the convincing force of sound logic? No, sir; by none of these. But by a demurrer to the jurisdiction of the court, and an *ad captandum* declaration that it is the opinion of Democratic and pro-slavery judges on a political question, and by broad, bold, audacious charges of contrivance and corruption. Thus taking a double appeal from the decision of the august tribunal of last resort to which such questions are referable under the Constitution; the one an appeal from the Supreme Court of the United States to the political club-rooms and the hustings; the other an appeal from the reason and conscience and judgment of a bench of great, good, and learned judges, to the ignorance, passions, and bigotry of deluded fanatics. Sir, this is the most alarming testimonial of the decadence of public virtue and patriotism, and of the impending peril to our system of free self-government and well-regulated civil and religious liberty.

Suppose some members of the court are Democrats. Is that a fact sufficient to throw suspicion on their integrity and doubt upon their reasoning? A large majority of the American patriots and statesmen of the past were of that political party. And suppose some of them may be slaveholders: does this change the meaning of the Constitution, and answer facts and overturn logic? Washington and Jefferson, and Madison and Monroe, and Jackson and Polk, and Marshall and Clay, and Calhoun and Benton, were all slaveholders. Were they, on that account, less wise, less patriotic, and less trusted by the Republic? But the truth is, that the venerable Chief Justice, many years ago, liberated all of his slaves; and from this fact I would infer that, if he had any prejudice in such a case, it would be against the interests of slavery. And this fact is a sufficient answer to the charge that he is a pro-slavery judge.

It was the opinion of the court that both the question of jurisdiction and the judgment of the circuit court were brought before them by the writ of error, and that they were bound to pass upon both. And though two out of the nine judges dissented from this opinion, the court stood divided as two to seven on the question. I will not speak of the political opinions of the two dissenting judges; for this would be to impugn the integrity of their motives, and to follow the vicious and dangerous example of the Republican party. But they will see how such an argument, in the hands of men having no higher confidence in the purity of the Supreme Court of the United States than themselves, could be turned against them. I will not consume time by giving the arguments and authorities adduced by the majority of the court in support of their view of this question. It is accessible to lawyers generally; and few others than they would feel an interest in examining questions of pleading and jurisdiction. And I only refer to it this far to say that, in charity, I am led to hope the men who have so often, in this Hall, denounced the majority of the court in terms of such bitter reproach and condemnation, have never read the opinion and judgment of the court, or, if they have read it, have not understood it. The presumption that they act ignorantly would excuse them with contempt; while the supposition that they understand what they do, might, in history's future impartial judgment, set them down as willful calumniators of great and good men.

Why, sir, if there is a class of men in the Republic who are entirely out of the reach of political partisan dependence and motives, and above the reach of popular clamor, it must be the Federal judges. And their very vocation is a continual schooling of both the mind and conscience in all the higher and nobler duties of life. And I do not envy the man who stakes his legal reputation in a contest against the opinions of the Supreme Court in the Dred Scott case, or his character for truth and honor upon an assault on the integrity and purity of its judges.

This much I have felt it my duty to say, on account of the repeated attacks which have been made here on the court in connection with this case. I do not say this to defend the reputation of the judges. Their venerable years, their lives of purity and honor, their great learning, and the exalted position they occupy, and the country's confidence, is their defense. But I have said it to expose the efforts which have been made by the Republican party to mislead the public mind on great questions, by unfair and unjust attacks on a coördinate branch of the Government, rightfully acting within the sphere of its own duties.

Mr. EDGERTON took the floor.

Mr. MORRIS, of Illinois. With the gentleman's consent, I will propound an interrogatory to the gentleman from Texas.

Mr. EDGERTON. I will yield if it will not be taken out of my time, for I want all of the hour to which I am entitled.

The CHAIRMAN. If there be no objection, it will be considered as the understanding of the committee that, if the gentleman yields, it will not be taken out of the gentleman's hour.

There was no objection.

Mr. MORRIS, of Illinois. The President of the United States, in his letter accepting the nomination of the Cincinnati convention, alluding to the Kansas-Nebraska bill, said that legislation giving to the people of organized Territories the right to determine the question of slavery for themselves was as ancient as free government itself. The President at the same time declared that the people of a Territory, *like those of a State*, have the right to decide for themselves upon the question of slavery within their own midst. Now, the question I ask is this: what did the President mean by that language?

Mr. REAGAN. I am apprised of the gentleman's quarrel with the President, and not desiring to interfere in it, I leave the words for every gentleman for himself to construe.

Mr. MORRIS, of Illinois. That is a queer way to answer; and yet it is about the only answer that can be made. If I have a quarrel with the President, it has nothing to do with the proper construction of the language I have referred to. When the gentleman from Texas undertakes to quote the President, I think he ought to quote his whole record, and not garbled extracts from it.

Mr. REAGAN. It runs through forty years, and I could not possibly put it all in an hour's speech.

Mr. MORRIS, of Illinois. Give us, then, his record for the past four years, and it will do. The more of it we could have, the worse it would be for him.

Mr. EDGERTON. Mr. Chairman, I should not have claimed the attention of the House so early in the session, and perhaps not at all, but for the extraordinary violence which has characterized the discussion on the other side. Who, that has been an observer of the proceedings of this House since we first met, can doubt the existence of an irrepressible conflict? Hardly had we taken our seats here before an honorable member representing a slaveholding constituency threw the apple of discord into our midst, and for more than eight weeks kept this House disorganized, during which time southern gentlemen and their northern allies stigmatized the free and intelligent