Speech of Hon. C. L. Dunham, of Indiana.

In the House of Representatives, Wednesday, June 3, 1850, in Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California.

[CONCLUDED.]

Now, sir, what is it the North do really want? Not to invade the rights of the South—not to interfere directly or indirectly with slavery in the States or elsewhere, where it is secured by the Constitution. But they are opposed to the institution. They believe it not only to be wrong, but detrimental to the prosperity of any country where it exists. This is the pervading sentiment of the North, and hence they cannot consent that it shall be extended where Congress may rightfully prevent it, for they would be in part responsible for such extension. They believe that wherever, under the Constitution, Congress may rightfully control or abolish it, they, as well as the South, are responsible for its continuance; and that it is not only their right, but their duty, to free themselves from that responsibility. They do not seek or desire in the least to infringe upon the constitutional rights of the slave States, and hence all which you of those States have to do when they propose to legislate upon the subject in any particular manner or for any particular place, is by your arguments to satisfy them that they have no right so to do, and they will desist. You may convince them by your reasonings, but you cannot deter them by your *threats*.

Now, sir, let us see if nothing can be said in favor of the right to inhibit slavery from these territories, and thus ascertain whether the wish to do so on the part of the North must of necessity be indicative of a wanton desire to invade the rights of the South. I have no doubt of the constitutional power of Congress to pass the proviso, though it may not be expedient for us to exercise it. There are many latent powers in the Constitution which it never has been, and never may be, necessary or judicious (for if not necessary, it would not be judicious) to exercise. It is too late now to dispute the constitutional power of this Government to govern the territories until the people of those territories shall be in the situation and shall desire to assume their sovereignty and assert their inherent right of self-government. The exercise of that power was commenced by the very framers of the Constitution immediately after its establishment, and has ever since been continued and unanimously acquiesced in by the people, not only of the States, but of the territories also. It is not material to inquire whether that power is derived from the war-making power, the treaty-making power, or the power to make needful rules and regulations for the territory or other property of the United States, from either of which it may be inferred. Slavery is the creature of municipal law, is controlled and regulated by it, and is subject to the government under which it exists. Hence, if we have the right, under the Constitution, to govern these territories, to legislate for them, we have a right to inhibit slavery unless our right to legislate upon that subject is limited by the Constitution itself. I find no such limitation. The power to govern these territories, from whatever source derived, is limited only by those general restrictions which forbid Congress to legislate, in any case whatsoever, upon certain subjects; but the subject of slavery in the territories is not one of them. I know, sir, that this Government is a limited one, and has no right to exercise any power not expressly granted to it by the Constitution, or which is not necessary to carry out such expressly granted power; and my position is in accordance with this principle. It is that the power to govern the territories is expressly granted by the one or implied as necessary to carry out the other clauses to which I have referred. The power is a general one, subject only to the limitations of the Constitution, of which slavery in such territories is not one. We have, therefore, the unlimited power of legislation upon that subject in the territories, and of course the power to prohibit it.

Where does the sovereignty of the people of these territories exist? In the people of these States, as I have heard it suggested upon this floor? No, sir; such a thing as one set of individuals, the people of the States holding the sovereignty, that is, being the sovereigns of another set of individuals, the people of the territories, is in violation of the theory and genius of our institutions—is the very essence of despotism. It is said that it belongs to the Government of the United States; but this comes to the same thing—it would be the people of the United States, through their Government, holding the sovereignty over the people of the territories. We are told that the Government of the United States acquired the territory from Mexico, and with it the sovereignty, and that she holds them in trust for the States of the Union. Sir, does sovereignty belong to the soil? Has it reference to the land or the people? Is it for the government of the land, or the people and their rights, among others, in reference to the land? If it belongs to the land, then every petty landholder everywhere is the sovereign of all who live upon his land. No, sir, sovereignty has reference to the people, and wherever you find inhabitants, they have an inherent sovereignty, an inherent right of self-government, which they received from their Maker, and which no power on earth can rightfully take or withhold from them without their consent. This Government procured from the Government of Mexico the soil; and the sovereignty of the people, which had before been exercised through that Government, was transferred to this, and is now exercised by it, with the consent of the people of the territories supposed to be expressly given through the Constitution by every person living under its jurisdiction, or tacitly by acquiescence in its exercise, until they choose to resume it for themselves by forming State governments. And this Government holds this right to exercise this sovereignty not as her own, not for the people of the United States, not in trust for the States of this Union, not in trust for the people who shall go there hereafter, but for those now there; and it should be scrupulously exercised according to their wishes and for their interests. To this position I wish particularly to call the attention of the committee, because I shall have occasion to recur to it, as upon it I shall predicate my action upon this question. I repudiate this doctrine of trusteeship for the States, of which we have heard so much. What this Government holds, she holds not in trust for the States, but for herself, as the representative of the nation in the aggregate. There are no governments holding complete sovereignties in this country. There are two classes of imperfect or limited sovereignties, which, taken together, would make entire sovereignties. The States are not perfect sovereignties, because they have relinquished a portion of their sovereign rights and powers to the General Government—that is, those rights and powers which give nationality to it. To the extent of these powers, the General Government is a sovereignty, and what it holds by right of them, it holds for itself as sovereign, and not for the States. These territories, therefore, she holds not in trust for the States, or for the people of the States as people of the States, but for itself, for the use of its own coffers—for the people of the nation as a nation.

But admitting it to be constitutional to inhibit slavery, is it right to do so? There is, there can be no other rule of right in a republican government than the will of the majority, when it confines itself within the Constitution, and when it does not seek to violate any of the great natural rights of man, with which no government has a right to interfere. But it is argued it would violate these principles, because the people of the slave States say it deprives them, whilst it does not deprive the people of the free States, of the right to go into, occupy, and enjoy the common property of our common Government, property obtained by our common blood and treasure. I think not, sir. They can go there upon the same terms that we can go. We have no slaves, and can take none these; they can go there without theirs if they choose so to go, or they can stay where they are and enjoy them. The choice is with themselves. This deprives them of no right which they now enjoy, but it is a simple refusal of this Government to extend that right to a territory where it does not now exist. It deprives them of no right which they hold under the Government of the United States by virtue of their citizenship of it. The right to hold slaves they derived not from the Government of the United States, but from the State governments respectively. The General Government creates no such right. It simply recognizes the right of the State governments to create it within their own jurisdiction; and after they shall have done so, it protects their citizens in the enjoyment of it within that jurisdiction. I know we are told that the Constitution not only recognizes the right to hold slaves within the States where it exists, but without such State and within another State which expressly inhibits it. To prove this, we are pointed to the provision for the surrender of fugitive slaves. This recognition is not to maintain this right without the State where it is created, and within a sovereign State inhibiting it—but to protect and secure him in the enjoyment of it in his own State where the right exists. The case, then, is this: Under the municipal regulations of the slave States, by the permission of the Constitution of the United States, the citizens of those States enjoy a privilege which, by the municipal laws of our State, we do not enjoy—the right to hold slaves. So long as they remain within those States which give them this privilege, they may continue to enjoy it, and we have no right to complain. But when they ask to go upon common territory where, for the time being, there is no jurisdiction but that of a common Government, have we not a right to ask, that they shall go into that territory upon an equal footing with the other citizens thereof, taking only such rights as all derive from her, or which naturally belong to all men? The operations of this Government would be unequal if it should secure under its own exclusive jurisdiction, rights to one class of its citizens, which another class could not enjoy. This inhibition would extend to the citizens of the non-slaveholding as well as to those of the slaveholding States. The reason why it would affect them differently is not owing to any inequality or injustice in it, but because their circumstances are different, and this difference is produced by a difference of local law, over which the common Government has no control.

The people of the South can take into those common territories under the jurisdiction of this common Government, precisely the same kind of property that the people of the free States can take. But they say they have just as good a right to take thither their slave property, as the citizen of Massachusetts has to take his property—as, his machinery. But is this their property? Now, sir, I am not one of those who believe it to be their right or duty to agitate this subject of slavery, to inquire into the right of the slave States to hold slaves, or in any other way to interfere with their domestic relations, so long as they keep them within their own jurisdiction. I have none of that pharisaical piety, that sickly sentimentality, which leaves at my own door, suffering disease, pining want, and exhausted labor, to parade my mock-humanity elsewhere—to preach a crusade against the wickedness and oppression of others; and I think it would be well if those who do so would take to themselves the pointed rebuke said to have been administered by John Randolph to a lady friend, who did not take the best care of her servants. Having called one evening to pay her a visit during the progress of the Greek revolution, he found her busily engaged with all her household, making clothing to be sent to the suffering Greek patriots. Just as he was about to depart, her field hands came in from their labors, with their tattered and scanty garments. He turned, and pointing to them with his long bony finger, with all that biting sarcasm of which he was master, he said, "Madam, the Greeks are at your door." Sir, if we would all but look about us, we should find the Greeks at our doors.

But it seems to me that there is a vast difference between the title of the citizen of Massachusetts to his machinery and that of the slaveholder to his slave. The one is the product of his own industry and is recognized as his property by all civilized nations; the other is created by the arbitrary exercise of the power of the strong upon the helplessness of the weak, and is not acknowledged as valid anywhere but in the State or community where it actually exists. But I may be told that by the Constitution, I am bound to recognize the title of the slaveholder to his slave. To a certain extent, and under certain circumstances, I am. To that extent and under those circumstances I shall not, nor will any good citizen, hesitate to do so.

Heaven forbid that I should be one of those who find a law above the Constitution, by which I am to regulate my official conduct under it, independent of it, by which my duties to my Government as a citizen are to be determined regardless of what that Government may require. It is a doctrine fraught with incalculable danger. It unhinges and destroys all government. Why have we a Constitution and laws, if each public officer and each citizen is to disregard and disobey them whenever he may suppose they conflict with what he imagines to be a higher law, which he construes according to the vagaries of his own fancy? Why not at once leave each one to regulate his conduct according to the dictates of his own conscience, inclination and fancy? for such a doctrine leads to this at last. Why make a Constitution and laws, if each citizen is to be his own judge as to whether he ought or ought not to obey them? I, sir, am content to follow the mandate of Him who spake as never man spake, "to render unto Cæsar the things which are Cæsar's, and to God the things which are God's." Now the Constitution recognizes the owner's title to his slaves within his own State. Hence, so long as he keeps them within that jurisdiction, I am estopped from questioning his title. The Constitution recognizes the title to his slave in another State, when he escapes into that other State without the owner's consent. I am still estopped from questioning his title. The Constitution, as construed by the Supreme Court of the United States, recognizes his title to his slaves whilst transmitting them from one slave State to another, in what is called the slave trade between the States. Here, too, I cannot question that title. Any other rights necessary to secure him in the enjoyment of these, and naturally springing from them, I cannot dispute. But when he seeks to take this property elsewhere; when he seeks to enjoy it in a manner and place not guarantied by the Constitution, and where and in a way that will conflict with my rights or my interests, I am not estopped from questioning that title.

Before I close my remarks upon the respective rights of the North and South involved in this question, allow me to refer to a very common error fallen into by those in the southern interest who attempt to compare the relative wealth or prosperity of the South with that of the North. To get their dividend for the South they add to the actual capital the value of the labor of the country, to wit, the value of the slaves. This dividend, so increased, they represent as the wealth of the South. Now, to get the average amount of necessaries and comforts supplied to each individual out of this wealth, it is obvious that it should be divided by the whole number of those whose wants and comforts must be supplied from it. But they forget that the necessities and comforts of the slaves, as well as that of the free persons, must be provided out of this wealth, the fruits of their labor, and hence they improperly reduce the divisor by leaving them entirely out. Then, sir, when they seek for the relative average wealth and comfort of the North, they neither add the value of our labor to the dividend nor decrease the devisor by deducting the laborers. A double injustice is thus done in the North by such a comparison. Gentlemen may delude themselves by so fanciful a comparison, but they cannot deceive us, the country, or the world.

Mr. Chairman, I have thus far mostly discussed this question as it is usually discussed here and elsewhere, as one entirely between the North and the South, as if the rights and interests of the people of the States of this Union were alone involved in it—as if their wishes only were to be consulted, and their welfare secured in its adjustment. But we are providing governments not for ourselves, not for the people of the States, but for the people of the territories. It is their welfare which is to be now and permanently affected by the manner in which this question is settled, and they have a right to have it settled according to their wishes and interests.

Sir, the great error which has brought this difficulty upon us, and which now prevents its settlement, is, that we have forgotten and have violated, and still seek to violate, that great principle which lies at the foundation of republican liberty—the principle declared by our revolutionary fathers, and sealed with their blood—the right of the governed to have their government administered according to their own interests and wishes. Let us go back to this great principle, and we shall find the thread which will guide us from this labyrinth in which we are involved, and which threatens destruction to us. What was it of which our fathers complained of the mother country? Simply that she sought to govern these colonies, not according to the wishes and interests of the colonies, but for her own benefit. Rather than submit to this injustice and oppression, our fathers rebelled, put at hazard their lives, poured out their blood, and endured toils and sufferings unutterable. Yet we, their sons, upon soil hallowed with their dust, with that proud banner which they erected floating gallantly above us, are seeking to perpetrate the same tyranny against which they rebelled, upon our colonies, these territories. The ultraists of the South and of the North seek to govern them, not according to the interests and wishes of the people governed, but according to what they suppose to be the interest and wishes of their own particular sections respectively, or according to what they suppose may be the wishes of those who are hereafter to occupy them. Gentlemen insist that we hold this Government, not for the benefit of the people there, but for our own. Sir, this Government holds the territory, can use or dispose of it at its pleasure, and for its own interest; but the sovereignty cannot be taken from the people. They have a right to insist that, whether we exercise it by their express consent through the Constitution, or by their tacit acquiescence, it shall be exercised—not for your benefit or mine, not for the benefit of the North or the South, not for the supposed benefit of those who may hereafter go there, but for themselves—for those who are now there.

Sir, I have an abiding confidence in the intelligence and integrity of the people—in their ability for self-government—in their ability to examine and decide for themselves all questions which may arise in the administration of their Government. "Trust the people," is the motto of the Democratic party. Confidence in the people is the basis of the action of that party—the basis of republican liberty everywhere; and wherever that trust is most implicit, there freedom is most perfect. I have never seen that confidence forfeited. Why, then, shall we not trust the people of these territories upon this question? Why shall we not give them governments upon this republican basis? Let us not by our legislation force slavery upon them. Let us carefully secure them from having it forced upon them without law, and then leave them to decide it for themselves. If slavery is right, if it is a blessing, which will add to their prosperity, surely they can discover it as well as the people of the slave States. If it is wrong, if it is a curse, morally, physically, and politically, surely they know this as well as do we of the free States. Their anxiety for their own welfare will stimulate them to pursue the course which will best secure it; and in this free country, men do not like to have happiness forced upon them against their own consent; nor to be saved from harm without having their wishes consulted. I am so well convinced that slavery is wrong, that it is detrimental to the prosperity of any country where it exists, and that its wrongs and evils are so apparent to every one who can look upon it with unprejudiced eyes, that I have no fear that, in this enlightened age, the people of any State or Territory where it does not now exist, with all the information which they may and must have of the workings of the institution, with the example of the relative prosperity, wealth, and happiness of the slave and free States of this Union before them, will ever voluntarily adopt it. I am convinced that all that need be done to secure them to freedom, is to see that slavery is not legally or illegally forced upon them without their consent.

For us to suppose that they cannot perceive its right or its wrong, its benefits or its evils, as well as ourselves, is to assume pharisaically that we have wisdom and morality above other men. To suppose that they cannot and will not pursue the path of right and virtue, that they cannot discover, secure, and protect their own interest and happiness, is to suppose them incapacitated for self-government—a position which will find no advocates with the real democracy of this country.

Now, what are the wishes of the people of these territories upon the subject of slavery? The wishes of any community upon any subject must be inferred by the laws and customs in force among them, if any there be. Every citizen is presumed to know the law—rather a violent presumption many times it must be admitted; but judges and legislators can act upon no other. Knowing the laws, then, if they quietly acquiesce in them, it must be presumed that those laws indicate, and are in accordance with, their wishes. What laws are now in force upon the subject of slavery in these territories? I wish to refer to the subject for two purposes: one, to show what are the wishes of the people there; the other, to show that there is no necessity for the passage of the proviso. Sir, I believe it is a conceded fact on all hands, that when a country is conquered and annexed to this, the municipal laws in force therein at the time of such annexation continue in force till abolished or amended, unless they are in conflict with the spirit of our Constitution. If they are so, they are, of course, by being brought under its jurisdiction, *ipso facto* abolished. Slavery is, I believe, clearly a creature of municipal law, a municipal relation, the opinion of the gentleman from North Carolina [Mr. Venable] to the contrary notwithstanding. The laws of Mexico in force in these territories when they were annexed, without doubt, prohibited slavery therein. Hence, unless these laws are in conflict with the Constitution, slavery is now absolutely prohibited in these territories. There can be no such confliction unless it be true, as asserted by southern gentlemen, that that Constitution is a slave Constitution, and takes with it slavery wherever it goes. Is this so? Let me advise southern gentlemen to be cautious how they handle edged tools. This position proves too much for them. One of the great causes of complaint which they have alleged against the free States, is their interference with, and agitation of, this subject of slavery. But tell me not that I have no right to agitate it if the Constitution of my country, which guards my most sacred rights, which I swear to support, which I am in duty bound to maintain, and which I may rightfully exercise my influence to amend, is a slave Constitution—that wherever it wings its way, instead of carrying light and liberty, it spreads the black pall of slavery. Tell me not that I have no right to agitate it, if this flag which floats above me, and which I may be called upon to defend with my blood, which protects me wherever I go, takes with it and equally protects wherever it goes this institution of slavery. But, sir, this Constitution is *not* a slave Constitution. It does not create slavery, it does not take slavery into a single foot of territory. As I have before stated, it simply recognizes the right of the States to establish it within their own jurisdiction; and after they have done so, it does certain acts, not to take it beyond that jurisdiction, not to take it within the jurisdiction of a State inhibiting it, not to maintain it there, but simply to secure the enjoyment of it within the jurisdiction where it has been established. The Constitution provides for the protection of slave property only where it recognizes it, namely, within the States where, by their own laws, it exists, and beyond those States, whither the slave has escaped from his master, so as to enable the master to recapture and retake him into those States.

It is said that it is the duty of this Government to regard and protect every where under its jurisdiction as property, whatever is so recognized by the constitutions and laws of any of the States. In the first place, the Constitution by which this Government is regulated, is in the nature of a compact between independent sovereignties, and in interpreting it, except wherein it is otherwise expressly provided by the instrument itself, we can only be governed by those laws which regulate the intercourse of all nations. Again: as I have heretofore stated, this Government, to the extent of its power, is an independent sovereignty. The States, to the extent of the power reserved to themselves respectively, are also independent sovereignties. Hence all intercourse between this Government and the governments of the States, except where it is otherwise provided by the Constitution, must be regulated by the laws of nations. This duty, then, except where otherwise so provided, can only be construed to extend to such property as by the laws of nature and of nations is regarded as property every where. Those laws do not recognize slavery, nor respect property in slaves. Hence this duty cannot extend to the recognition and protection of slave property, except where it is expressly stipulated by the Constitution, that it shall be so recognized and protected, or where the faithful execution of such express stipulations may render such recognition and protection necessary. Then these prohibitory laws not being in conflict with the Constitution, continue in force and exclude slavery from the territories. But if they were not in force, the laws of nature—God Almighty's common law—are there and every where. They do not recognize slavery. Slavery is the creature of the arbitrary legislation of man. It is a purely municipal regulation, and can go only where the strong arm of municipal law takes and protects it. Every State or country where it is not so maintained is an ark of refuge for the slave; for the moment he steps within its limits he becomes free. The arbitary laws of man have taken from him his natural rights, and whenever he gets beyond the jurisdiction of those laws, he resumes those rights. This is the case with all who are voluntarily brought, or permitted by their masters to come, within the free States; and it would be so with all that escape to them, but for that clause of the Constitution which provides for the surrender of the fugitives.

Unsuccessful efforts have been made to controvert this position. A distinguished Senator [Mr. Berrien] has attempted to do so, and has referred to that clause as authority against it. It is in these words:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

He insists that the position I have taken is not correct, for, if it were, that provision would not have been that "the fugitive *should not be discharged from* his service and labor in consequence of a law of the State into which he had escaped, *for he would have been already discharged*, nor that he should be delivered up on claim of *the person to whom such service or labor was due*, for they (*i. e.* the framers of the Constitution) could not have recognized the principle that it was *in fact due*, as the mere act of passing the boundary of the State in which he was held in slavery, would have released him from that debt."

With all due deference, it seems to me that the Senator did not call to mind all the significations which attach to the verb "to be." It is often used by the best writers of our language in the sense of "to exist," "to stand;" and in my humble judgment, it is so used in this instance, and means, "he shall not stand or exist discharged from such service or labor." Taken in connection with the word "discharged," it implies a particular *present* manner of existence, and maintains, instead of controverting the position.

If it is used in the sense of "to become," as his argument supposes, by what subsequent act would the slave have become discharged? by the judgment of some judicial tribunal? Could that have done more than simply to have declared that, by the act of coming within the jurisdiction of the free State, and by the operation of its laws, he had become discharged? It then must have related back to that act; and that act, and not the judgment of the tribunal, would have discharged him from the service. Nor do I think that clause recognizes the principle that such labor or service "was in fact due" after the slave had escaped beyond the State by whose laws he was held in servitude. It refers to the indebtedness, not as a valid and existing one in the State to which he has fled, but as existing in the State from which he has fled, by the laws of that State. The language used in the last part of the clause, "but shall be delivered up on claim of the party to whom *such labor may be due*," refers back to that used in the commencement, "No person held to service or labor in one State *by the laws thereof*," and is qualified by it. It requires the State to which a slave escapes, to do what it would not have been otherwise obliged to do, that is to recognize that indebtedness, and to deliver up the fugitive, that he may be returned to the State by *whose laws he owes the service*; and that the discharge of the indebtedness may be there enforced, because it could not be enforced elsewhere. If the framers of the Constitution believed that without this provision there was "an actually subsisting present debt of service and labor beyond the limits of the State which authorized it," why did they insert it? It was a work of supererogation to provide a remedy where none was needed; and the very fact that they did provide it, shows conclusively, in my humble opinion, that they did think it necessary, and that without it, "the slave, whether by his own will, or by the act of his master, the moment he goes beyond the limits of the State whose laws authorize him to be held in slavery, is released from his fetters;" and precludes the interpretation put upon their language by the honorable Senator. Then, even if the Mexican laws are not in force in those territories, slavery cannot exist there, because there are no laws there to establish and maintain it, except, indeed, it be by that general consent that overrides all law.

It is said that slavery was not established by positive enactment in the present slaveholding States. Sir, it may not have been created by positive enactment, and yet it may exist by municipal law. Custom often makes law. A custom is introduced into a State, tolerated by the common consent of its citizens, respected and acted upon by them in their intercourse with each other, until it enters into the very organization of its society; until the constituted authorities thereof recognize its existence, and act upon it, and thereby adopt it. It thus becomes as much a part of the municipal laws of that State, as if it had originally been a positive enactment of its Legislature. It is what is known as the common law of a State. But this common law cannot be obligatory beyond the State where established, to any greater extent than can its statutes. Nor can any thing be introduced into a State and become a custom therein, unless its citizens by common consent admit and respect it. And such consent, and all authority arising from it, may be withdrawn at any time before the custom shall have been recognized by the constituted authorities of that State—especially if it be in violation of natural law, and the inherent rights of man. Indeed, no custom which violates natural justice, can be rightfully established. Where such customs have existed, it has been by the exercise of arbitrary power upon its objects. Abstractly, they might rightfully have been resisted by any one before they were adopted by the State, and thus made a part of its laws. They were tolerated, not because they might not have been rightfully resisted, but because they were upheld by public opionion, and no one had the inclination or the power to resist them against that opinion, and enforce natural law and justice. In the same manner, many offences against the law exist in all States, and go unpunished—not because the law might not and ought not to be enforced, but because a vitiated public opinion is arrayed against it, and tolerates its violation; and no person has the inclination or the power to enforce it. Of this character was the institution of slavery in those States where it was introduced and existed without being first authorized by positive enactment, before the authorities thereof indirectly legalized it by assuming to protect and control it.

By this means was slavery established, and by this authority does it now exist. It was first introduced and continued by the common consent of the citizens. Its existence depended entirely upon that consent, or the want of inclination or ability of any of those citizens to resist the public will, until it became a custom, and entered into the structure of the society of those States; and finally became indirectly legalized by the authorities thereof assuming to protect, regulate, and control it—thus incorporating it into their municipal laws. Slavery, then, is the creature of the law, and cannot legally exist without positive enactment to establish it in the fist instance, or to recognize and adopt it, after it has been introduced by general acquiescence. Without this, it is only tolerated, in *violation* of natural law, by a public opinion too strong to be resisted. Is it not also evident, if that public opinion is strong enough to introduce slavery into a State, territory, or community, not only without law, but in violation of natural law, that it would also be strong enough to do so in violation of positive enactments; and that such enactments would be like many others in this country, a dead letter upon the statute-books?

Then one of these positions is true in reference to these territories, either that the Constitution takes slavery there, and, if so, it is out of our power, by our legislation, to prohibit it;—or the Mexican laws are in force there, whereby it is now absolutely excluded;—or else there is no municipal law to establish and maintain slavery there, leaving in force the laws of nature which recognize the inherent right of all men to liberty. Whichever position is true, as the people ask no change, it indicates their wish to have it continued, and I shall be satisfied to carry out that wish. I am fully convinced that the Mexican laws are in force. The gentleman from North Carolina thinks they are not—that the Constitution guaranties his right to take thither his slaves. He says "he don't care a fig for the Mexican laws." "He don't fear them." Very well, then, let him show his faith by his works; let him meet me upon this common ground. Give governments to these territories without the proviso, taking care not to repeal thereby, either expressly or by implication, any laws on the subject of slavery which may now be in existence therein, and submit this whole controversy to the arbitrament of that tribunal provided for us by the Constitution—the Supreme Court of the United States. The framers of this instrument were men conversant with human nature, of deep thought, and great prudence. They brought to their task minds quickened and disciplined by years of constant exertion in the struggle for liberty. They knew the value of that liberty, for they had paid its price in their sufferings and their blood. Their bosoms burned with the patriotic desire to transmit it to the latest posterity; and they earnestly sought to eradicate from this Constitution, by which they hoped to accomplish that noble object, all seeds of its dissolution and decay. Indeed, often as I have studied its ample, but guarded and cautious provisions, I have felt that they must have been imbued with superhuman wisdom and forecast. They seem to have foreseen that we who should come after them would dispute about the proper construction of its powers—about our rights and duties under it; and they provided a tribunal high above the storms of political passion and strife, to whose arbitrament they obligated us to submit these disputes, and to abide its decision. Are you of the South willing to abide by the obligation? Are you willing to submit to the decision of that tribunal? If you are not, let us hear no more boasting of your attachment to the Constitution, and of your willingness to adhere to its provisions, for this is one of its requirements. If the Court shall decide that the Constitution secures your right to take thither your slaves, take them, for indeed no legislation can prevent you; but if it decide that the Mexican laws are continued in force and prohibit you from so doing, or that you cannot do so, without a positive law to authorize you, then acquiesce, and allow the government of these territories to be administered according to the wishes of the governed, and do not seek, by a violation of that great principle of republican liberty, to force upon them an institution they may abhor. Recollect, that one of the oppressions which impelled our fathers to sever from the British government was, that it had forced this institution upon them against their urgent remonstrances. Recollect, that this is the excuse that the southern people have ever given for its existence among them, and to show that they are not responsible for it. Yet some of them now seek, in like manner, to force it upon our feeble colonies, without consulting their wishes. England did it for her own interest, regardless of that of her colonies; they are following in her footsteps.

Sir, I wish to recur again, for a moment, to this agitation upon the subject of slavery at the North, which occasions so much complaint at the South. Why should the people of the South complain of this, if they believe in the truth of that great political maxim put forth by the immortal Jefferson, that error may be tolerated so long as truth is left free to combat it—if they also believe that this institution, as some of them assert, is a civil, moral, and religious blessing—a blessing alike to the master and the slave? This will, if true, only be the more apparent the more it is agitated and discussed. Truth is like the diamond, the more it is polished the brighter it will glow. Besides, sir, we cannot suppress this or any other agitation if we would. As well might we attempt to dam up the mighty Mississippi. For a moment we might check its onward torrent, but *only* for a moment, until it should gather sufficient head to break away our feeble barrier, when it would pour its accumulated flood with redoubled fury upon the plains below. These attempts arbitrarily to check this agitation, have given it its present strength and violence, and the continued efforts to do so will but augment that strength. Sir, we would not stop it if we could, because the South have no right to complain of it so long as it spends itself in discussion among ourselves, (elsewhere we are not responsible for it;) and because, if we should curtail the liberty of speech and of the press upon this subject, we should soon be called upon to place a similar limit upon another; and so on, until this bulwark of our liberties would be swept away and not a vestige left. Its only safety consists in maintaining it unimpaired and inviolate.

Sir, in conclusion, let me say, I have listened with pain to the constantly-reiterated threat to dissolve this Union, unless these questions shall be settled to suit some southern gentlemen. This is not the course which the representatives of a great, intelligent, and patriotic people should pursue towards each other. It only serves to irritate and to wound; it cannot bring us together. I love this Union, not for itself, but as a means of securing and preserving what I hold dearer than aught else on earth—the liberties of the American people; and when it shall fail to secure these, not only for the people of my section, but of all sections, my affection for it will cease. If we of the North are not to be allowed to think for ourselves, exercise our own judgment, construe the Constitution according to the dictates of our own consciences, subject to the supervision of the tribunal provided for that purpose—if, in short, we are to legislate according to southern dictation and under awe of southern threats, we might as well be their slaves. Indeed, we should be but little else. When the bonds of our Union cease to unite our affections; when they become the chains of our servitude, I care not how soon it shall be dissolved—the sooner the better, for it will have lost its value. It will have become a curse to freedom. Sooner than submit to this, let it be rent into a thousand fragments—let these hills and valleys become desolate—let these houses become tenantless—let these Halls cease to reverberate with the voice of the people's representatives. We are ready to take counsel with you; we will listen to your reasoning; we may yield to your arguments or your persuasions; we will conciliate and compromise if met in a like spirit; we will submit to the judgment of that common arbiter provided for us by our fathers. But to submit to your dictation, to be awed by your threats, to yield to your denunciations, we cannot, we ought not, we will not; and it is as well you understood it at once, and forever.

Sir, I have heard honorable gentlemen coolly attempt to calculate the value of this Union—its value in dollars and cents—this Union purchased at a price in suffering, toil, and blood,—in comparison with which the mines of the Indies sink into insignificance! The value of this Union, in comparison with the moral influence of which upon mankind, the wealth of the universe is but as the dust in the balance! This Union, which is the germ that is leavening the world with the spirit of freedom! This Union, which is the nucleus of the liberties of mankind—which is at once the model for the successful patriot in his struggles against the tyranny of the old world! This Union, as to whose future, when you attempt to judge by its past, the imagination falters and our fancy in its boldest flight, like the dove from Noah's ark, returns with weary wing, having found no resting place! Why, sir, what was this Union a few years ago, but thirteen feeble colonies upon this Atlantic coast? "Westward the star of empire took its way." The hardy sons of liberty scaled the rugged heights of yon blue Alleghanies, and poured themselves into the immense valleys below, and already are they filled with as noble a race as the sun of heaven ever shone upon. Still westward they take their way. They have scaled the snow-capped peaks of the Rocky Mountains, and poured themselves down their western slopes to the shores of the majestic Pacific. And already are our ears greeted with the hum of busy industry, coming up from those distant hills and valleys. Already, as if by magic, rich and teeming cities, prosperous villages, and thriving hamlets are springing up all over that country, bedecking it like the glittering jewels of some gorgeous diadem. Soon the immense commerce of Asia and the Indies, which has so long supplied the coffers of England, and sustained her tottering power, will pour its golden treasures in upon that western coast, and through yon rocky barriers into the laps of these our eastern valleys. Whilst we yet deliberate, sir, States are springing into existence, as if in obedience to the *fiat* of Him who speaks and it is done. Calculate the value of such a Union! As well might you attempt to number the sands upon the sea shore, or the sparkling hosts of yon blue arch above us. Can it be possible, that any man who claims to be an American citizen, in whose veins courses American blood, in whose bosom throbs an American heart, who has felt the exhilerating influence of the genius of our free institutions, can fall so low as to attempt to calculate the value of such a Union? Sir, such a man has not soul enough to appreciate the value of this Union, which is a pearl above all price, and his efforts to do so should be regarded as the unmeaning babble of the maniac.

INDIANAPOLIS.—We spent several days at the Capital of the State last week, and were pleased to see so many evidences of improvement and prosperity. We predicted several years ago that Indianapolis was bound to become one of the most flourishing places in the State, and our expectations, we believe, are to be more than realized. Railroads will centre there from every part of the State; plank roads are being constructed to several points; public buildings are going up, everything calculated to promote the growth and prosperity of the city, is receiving due attention. The people there need one more work—a rail road to Cincinnati through the rich and populous counties of Hancock, Shelby, Rush, Fayette and Union, and nothing will be wanting to crown their prosperity and promote the growth of their young and vigorous city. We hope they will soon have an opportunity of co-operating with the people of Eastern Indiana in securing that important work—the last they need to place them in the van of all Indiana cities. —*Rushville Republican.*

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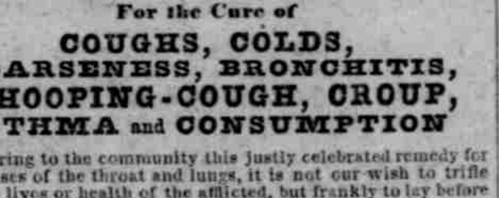
AYER'S



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For the Cure of

COUGHS, COLDS, HOARSENESS, BRONCHITIS, WHOOPING-COUGH, CROUP, ASTHMA and CONSUMPTION

IN offering to the community this justly celebrated remedy for diseases of the throat and lungs, it is not our wish to trifle with the lives or health of the afflicted, but frankly to lay before them the opinions of distinguished men, and some of the evidences of its success, from which they can judge for themselves. We sincerely pledge ourselves to make no wild assertions or false statements of its efficacy, nor will we hold out any hope to suffering humanity which facts will not warrant.

Many *proofs* are here given, and we solicit an inquiry from the public into all we publish, feeling assured they will find them perfectly reliable, and the medicine worthy their best confidence and patronage.

FROM BENJ. SILLIMAN, M.D., L.L.D., ETC.,
Professor of Chemistry, Mineralogy, &c., Yale College, Member of the Lit. Hist. Med. Phil. and Scien. Societies of America and Europe.

"I deem the CHERRY PECTORAL an admiral composition from some of the best articles in the Materia Medica, and a very effective remedy for the class of diseases it is intended to cure." *New Haven, Ct., Nov. 1, 1849.*

PROF. CLEAVELAND, of Bowdoin College, Maine,
Writes—"I have witnessed the effects of your CHERRY PECTORAL in my own family and that of my friends, and it gives me satisfaction to state in its favor that no medicine I have ever known has proved so eminently successful in curing diseases of the throat and lungs."

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Writes—"That he considers CHERRY PECTORAL the best medicine for Pulmonary Affections ever given to the public," and states that "his daughter, after being obliged to keep the room four months with a severe settled cough, accompanied by raising of blood, night sweats, and the attendant symptoms of Consumption, commenced the use of the CHERRY PECTORAL, and has completely recovered."

THE REMEDY THAT CURES.
PORTLAND, ME., JAN. 10, 1847.

Dr. Ayer:—I have been long afflicted with ASTHMA which grew yearly worse until last autumn; it brought on a cough which confined me in my chamber, and began to assume the alarming symptoms of Consumption. I had tried the best advice and the best medicine to no purpose, until I used your CHERRY PECTORAL, which has cured me, and you may well believe me,
Gratefully yours, J. D. PHELPS.

If there is any value in the judgment of the wise, who speak from experience, here is a medicine worthy of the public confidence.

PREPARED BY J. C. AYER, CHEMIST, LOWELL, MASS.
Sold in Indianapolis by
july24 CRAIGHEAD & BROWNING, Druggists.

FOUNTAIN OF HEALTH.—Sons, Daughters and Cadets of Temperance, and all others who wish, can get a good article of Soda Water fresh from the Fountain of Health, at SIDDALL'S Drug Store,
june1 *Under Odd Fellows' Hall.*

THRESHING MACHINES.
Farmers, Take Notice.

THAT at the *NEW FOUNDERY*, at Indianapolis, are manufactured the far-famed and justly celebrated Watson & Hoover's Threshing Machines. It is only necessary for us to say, that we manufacture *five* kinds of Horse Powers for threshing, or threshing and cleaning Wheat, *all by the same operation*. We are also prepared to make three different kinds of Separators, viz: Pitt's, Townsend's and Whitman's Patterns, all of which are stationary. The Powers, Threshers, and Separators are the same patterns as those manufactured at Rochester, N. Y., and Miamisburg, Ohio. Joseph Watson, who has manufactured the above machines for the last eight years at Miamisburg, Ohio, is now a partner in the finishing Shop, Foundery, &c. It is useless for us to say that those machines are the best in the United States. No other machine can be compared to them for speed and utility. One of the machines will thresh from 4 to 500 bushels of wheat in a day, ready for market.

Also, Steam Engines, with or without boilers of any size desirable—warranted perfect, and to operate well. Saw and Grist Mill Castings, of all kinds, fitted up to any draft furnished; Grate Bars, Fire Fronts, &c. Also, the celebrated and far-famed

PARKER'S WATER WHEEL.

Kept constantly on hand; also, Corn Shellers, with Separators, to carry away the cobs, &c., and Clover Hullers that every farmer should have. We make Hand Lathes and Slide Lathes of every description. Horse Powers and Threshing Machines of all kinds repaired on the shortest notice; Screw Plates and Taps of any size or thread; Screws for Hay Presses for any description of Press, from a 1000 pound screw to any smaller size. Come one, come all, and see that work can be done as cheap and as neat by us, as it can be done in older cities.

june1 WATSON, VOORHES & CO.

ATTENTION, WHEAT GROWERS!
A. GAAR & CO.,

WOULD respectfully call the attention of Wheat Growers and the public generally, to the fact that they are now manufacturing, at the "SPRING FOUNDERY," in Richmond, Wayne county, Indiana, all the various kinds of

THRESHING MACHINES

now in use in the Western country, among which may be found the following:

The *Traveling* or *Field-Threshing Machine*, (upon which the patent has now expired,) which threshes and cleans the Grain, and requires a less number of hands to tend than any Machine in use.

Two kinds of *Six Horse Powers*, gotten up in the best style, designed for running the Stationary Separating and Cleaning Machine, which they are now manufacturing in a superior manner.

The well known Four-Horse Power *Tumbling Shaft*, and Four, Five, and Six-Horse Power *Belt Machines*, the reputation of which is so well established, as to render it useless to say a word in their favor.

All kinds of Machines repaired on the shortest notice, and on the most reasonable terms. They think they can offer greater inducements to any person wishing to purchase a machine than any other shop in the country.

Castings of every description, and Woollen Machinery, such as double and single Carding Machines, Condensers and Jaw Jacks, Power Looms, Wrapping Machines, &c., made to order on a style not to be excelled.

☞ Wheat or good horses taken in exchange for work.

Richmond, May 1, 1850. 103-3m

NEW HARDWARE STORE.—*New Firm and New Goods!!!*—The subscribers have just opened an entire New Stock of Hardware, comprising the latest styles and most approved patterns of house trimmings of every description. Builders will please do them the favor to call and examine quality, prices, &c.

Farmers can also be furnished with almost every agricultural implement, such as shovels, spades, hoes, axes, and scythes, (warranted to cut without whiskey,) hay forks, grain cradles, sickles, &c. &c.

Carpenters, Joiners, Coopers, Masons, Carriage and Cabinet Makers, Black, White and all other Smiths, either by trade or name, and the invitation is extended to the entire alphabet of names in the city and surrounding country, to call at the sign of the GILT ELEPHANT and COOK STOVE, south side of Washington street, opposite D. Craighead's, and examine goods, prices, and form acquaintance with the occupants; one of the firm being a stranger in this community, is very desirous to become acquainted with the citizens and residents of Marion and adjoining counties.

In addition to the above they will keep for sale a good stock of assorted iron, steel, and nails. Also, continue to manufacture copper, tin, and sheet iron ware, and do all kinds of job work in their line to order; and lastly, they do not intend being outdone in the selection of the most approved kinds of Cooking Stoves, warranted to please, or no sale. Being well acquainted with the latest improved patterns made in New York, Pennsylvania, and Ohio, and having had twenty years practical experience in the sale of stoves and other merchandize in the hardware trade, they hope to please ALL who may favor them with a call. PLATT & WAINWRIGHT.

Indianapolis, July 6, 1850.—w.

HARDWARE, CUTLERY, IRON, AND STOVES, WHOLESALE AND RETAIL.

With the enlargement of his room, (extended to 120 feet in depth,) the subscriber has increased largely his stock of *Hardware, Cutlery*, &c., and is just receiving a large stock of *Iron, Nails, Castings*, &c., direct from Pittsburg, which, with his large stock of *Cooking and Parlor Stoves*, of every size and pattern, he offers very respectfully to his old customers, with his thanks, and the public generally, at prices that he will make satisfactory if it is possible. He earnestly solicits attention to his *stock and prices*. He will sell as low as the lowest, and warrant his goods. He has facilities to furnish heavy goods at river prices, adding freight only. Thanking country merchants for their former patronage, he desires them to give his present large stock an inspection.

HENRY S. KELLOGG,
june1 *Sign of the Big Padlock and Cooking Stove.*

FRENCH BURR MILL STONES.
J. BRADFORD & CO.,

IMPORTERS and Manufacturers of French Burr Mill Stones—the genuine Dutch Anchor Brand—Bolting Cloths of all numbers, Mill Irons, Castings, Mill Screws, Tempering Screws, Damsel Irons, Screen Wires, Plaster of Paris, and all articles in the Milling line, at the lowest prices, and we think a better article than can be got at any other establishment East or West. Being practical workmen ourselves, and devoting all our time and attention to the business, we think our friends and the public will have no reason to retract that patronage, and the confidence they have so liberally bestowed upon us for the last ten years. All orders and communications will be thankfully received and promptly attended to, and all work got from us, will be warranted of the best quality, or the money refunded. JAS. BRADFORD & CO.

Walnut street, east side, between Second and Pearl streets, Cincinnati, Ohio. june1

Removal and New Arrival.

J. M. BRAMWELL & Co. have removed three doors east, to the Checkered Store lately occupied by Messrs. Vandegrift & Greer, where they are now receiving and opening one of the largest and best selected stocks of goods in this place, among which are,

Dry Goods, Notions and Trimmings,
Of almost every variety and style.
Boots, Shoes and Hats, Queensware, Glass and Glass Ware, Nails, Groceries, Salt, &c. &c.

All of which they are selling at the lowest possible rates for cash or approved country produce.

Cash paid for Wheat, at the highest market prices.

J. M. BRAMWELL & CO.,
june1 *At the Checkered Store.*

Queensware Establishment—To Country Merchants.

THE subscribers are receiving, and have now on hand, a large and general stock of Queens and Glass ware. The purchases have been made expressly for this market, and can be furnished to customers at reduced prices. Our aim is to establish a permanent business, and the inducements we offer to our customers will, we trust, secure to us their patronage. Arrangements have been made with houses in this country which will enable us to have a regular supply of ware, at all times, also to receive from Europe importations which will warrant us to sell as low as any other establishment in the West. Hotels furnished at wholesale prices.

june1 MANSUR & FURGUSON.

STEAM ENGINES.—A superior quality of Steam Engines can be had at the New Foundery, at Indianapolis. We boldly assert that our Engines cannot be surpassed by any that have been manufactured and brought to this section of country. Having supplied ourselves with the best of mechanics, we are capable of doing the best of work. Persons coming to the city can see one of our Engines at work at the peg and Last Factory of Crawford & Osgood. Terms reasonable, and work prompt.

june1 WATSON, VOORHES & CO.

HARDWARE.—ALEXANDER GRAYDON is just opening at the old stand, sign of the Saw, corner of Meridian and Washington streets, an excellent assortment of Hardware, just purchased in the East, and will be sold upon the most accommodating terms. Prices to correspond with the times. june1.

HARDWARE.—We have received a heavy stock of leading articles, such as Spades, Shovels, manure and hay Forks, Scythes, Sickles, Sneathes, Hoes, Trace Chains, Collins's New York Axes, Coffee Mills, Hames, Curry Combs, Pen and Pocket Knives, Table Knives and Forks, and lots of other articles.

N. B. We have Bed Pans for the sick, and a neat article of Spittoon.

P. S. We are the Agents for Brandreth's Pills, wholesale and retail. june1 SMITH & HANNA.

TO CARPENTERS AND COOPERS.—The subscriber is now receiving a very large supply of Carpenter's and Cooper's Tools, of the most approved make, which he offers at very reduced prices, at the sign of the Big Padlock and Cook Stove.

june1 HENRY S. KELLOGG.

IN QUANTITY.—Waldron's Grain and Grass Scythes, Sneaths, and Cradles. Ames's Shovels, Grain Shovels, Manure and Hay Forks, Rakes, &c. Mill and Cross Cut and Hand Saws, Broad and Chopping Axes, Planes and Plane Bitts, Coopers' Tools of all descriptions, &c. All will be sold low for cash. H. S. KELLOGG,
june1 *Sign of the Big Padlock and Cook Stove.*

SECOND-HAND ENGINE AND BOILERS FOR SALE.—A good second-hand Engine and Boiler can be had on reasonable terms by calling immediately at the New Foundery of
june1 WATSON, VOORHES & CO.

SAWS! SAWS!! SAWS!!!—From the finest Web to the heaviest Mill, can be found at the sign of the gilt elephant.
july13 PLATT & WAINWRIGHT.

WANTED, Two or three Boys of suitable age, good morals and industrious habits, who wish to learn the Tinning business.

N. B. We want no 6 or 12 months' boys. Satisfactory reference will be required. july13 PLATT & WAINWRIGHT.

BLACKSMITH'S Can find Anvils with faces that will bear hammering, and vices that will screw up to a tight pinch, at july13 PLATT & WAINWRIGHT'S.

AXES Made expressly to order, for Hoosiers and Buckeyes, warranted to make a hole in the woods by the aid of manual power, rightly applied, at
july13 PLATT & WAINWRIGHT'S.

GLASS.—"A right smart chance" of Window Glass at
july13 PLATT & WAINWRIGHT'S.

TOPLIFF'S late invented Log Rule, a great convenience to Lumber Merchants and Sawyers; a few can be had at the sign of the Gilt Elephant.
july13 PLATT & WAINWRIGHT.

NEW DRUG STORE.—The subscriber would respectfully solicit the citizens of Indianapolis and surrounding country, to call and examine his stock of *Fresh Drugs, Medicines, Paints, Oils, Varnishes, Dye Stuffs, Perfumery, and Fancy Articles*, which he will sell as low as can be bought in any other house in this city wholesale or retail.

Country Merchants, Pedlars, and others, would do well to call and examine his stock and prices before purchasing. All articles sold are warranted.

The highest market price paid for Feathers, Rags, Flaxseed, Mustard Seed, Beeswax, Ginseng, and other merchantable produce
J. P. SIDDALL, Druggist,
june1 *South side Washington street, Indianapolis.*

NEW STOCK OF DRUGS.—Just received, a well selected stock of medicines and drugs, well calculated for the demands of the public for summer use, including many new and valuable articles of medicines, chemical extracts, and family medicines. If good articles, fresh goods and cheap prices will attract customers, they would do themselves a favor by looking at these articles.
june1 A. F. MORRISON.

FAMILY QUICK YEAST.—This article answers all the purpose of good fresh Brewer's Yeast, in making all kinds of light bread, cakes, and biscuit. It is free from the impurities usual in common yeast, and is more healthful as well as more prompt and convenient. Prepared and for sale at SIDDALL'S Drugstore,
june1 No. 1, Odd Fellows' Hall.

10 GROSS B. A. Fahnestock's Vermifuge;
5 gross McLane's Vermifuge;
5 gross McLane's Liver Pills, on hands and for sale by
july10 CRAIGHEAD & BROWNING.

CIDER VINEGAR.—15 Barrels Cider Vinegar on hand and for sale low at june1 W. HANNAMAN'S Drugstore.