LANSING STATE REPUBLICAN.

BY HOSMER & KERR. LANSING, MICHIGAN, WEDNESDAY, JUNE 13, 1860. VOL. 6, NO. 8.—WHOLE NO. 268.

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SPEECH OF ABRAHAM LINCOLN.

Of Illinois, delivered at the Cooper Institute, Monday, February 27, 1860.

MR. PRESIDENT AND FELLOW CITIZENS OF NEW YORK: The facts with which I shall deal this evening are mainly old and familiar; nor is there anything new in the general use I shall make of them. If there shall be any novelty, it will be in the mode of presenting the facts, and the inferences and observations following that presentation.

In his speech last autumn, at Columbus, Ohio, as reported in the N. Y. *Times*, Senator Douglas said:

"Our fathers, when they framed the Government under which we live, understood this question just as well, and even better than we do now."

I fully endorse this, and I adopt it as a text for this discourse. I so adopt it because it furnishes a precise and agreed starting-point for a discussion between Republicans and that wing of Democracy headed by Senator Douglas. It simply leaves the inquiry: "What was the understanding those fathers had of the question mentioned?"

"What is the frame of Government under which we live?"

The answer must be: "The Constitution of the United States." That Constitution consists of the original, framed in 1787 (and under which the present Government first went into operation), and twelve subsequently framed amendments, the first ten of which were framed in 1789.

Who were our fathers that framed the Constitution? I suppose the "thirty nine" who signed the original instrument may be fairly called our fathers who framed that part of the present Government. It is almost exactly true to say they framed it, and it is altogether so to say they fairly represented the opinion and sentiment of the whole nation at that time. Their names being familiar to nearly all, and accessible to quite all, need not now be repeated.

I take these "thirty-nine," for the present, as being "our fathers who framed the Government under which we live."

What is the question which, according to the text, those fathers understood just as well and even better than we do now?

It is this: Does the proper division of local from federal authority, or anything in the Constitution, forbid our Federal Government to control as to Slavery in our Federal Territories?

Upon this Douglas holds the affirmative, and Republicans the negative. The affirmative and denial form an issue; and this issue—this question—is precisely what the text declares our fathers understood better than we.

Let us now inquire whether the "thirty-nine," or any of them, ever acted upon this question; and if they did, how they acted upon it—how they expressed that better understanding.

In 1784—three years before the Constitution—the United States then owning the Northwestern Territory—and no other—the Congress of the Confederation had before them the question of prohibiting slavery in that Territory; and four of the "thirty-nine" who framed the Constitution were in that Congress and voted on that question. Of these, Roger Sherman, Thomas Mifflin, and Hugh Williamson voted for the prohibition—thus showing that, in their understanding, no line dividing local from federal authority, nor anything else, properly forbade the Federal Government to control as to slavery in federal territory. The other of the four—James McHenry—voted against the prohibition, showing that, for some cause, he thought it improper to vote for it.

In 1787, still before the Constitution, but while the convention was in session forming it, and while the Northwestern Territory still was the only Territory owned by the United States—the same question of prohibiting slavery in the territory came again before the Congress of the Confederation; and three more of the "thirty-nine" who afterwards signed the Constitution, were in that Congress and voted on the question. They were William Blount, William Few and Abraham Baldwin; and they all voted for the prohibition—thus showing that, in their understanding, no line dividing local from federal authority, nor anything else, properly forbids the Federal Government to control as to slavery in federal territory. This time the prohibition became a law, being part of what is now well known as the ordinance of '87.

The question of federal control of slavery in the territories, seems not to have been directly before the Convention which framed the original Constitution; and hence it is not recorded that the "thirty-nine," or any of them, while engaged on that instrument, expressed any opinion on that precise question.

In 1789, by the first Congress which sat under the Constitution, an act was passed to enforce the Ordinance of '87, including the prohibition of slavery in the Northwestern Territory. The bill for this act was reported by of the "thirty-nine," Thomas Fitzsimmons, then a member of the House of Representatives from Pennsylvania. It went through all its stages without a word of opposition, and finally passed both branches without yeas, and nays, which is equivalent to an unanimous passage. In this Congress there were sixteen of the "thirty-nine" fathers who framed the original Constitution. They were John Langdon, Nicholas Gilman, W. S. Johnson, Roger Sherman, Robt. Morris, Thos. Fitzsimmons, William Few, Abraham Baldwin, Rufus King, William Patterson, George Clymer, Richard Basset, George Read, Pierce Butler, Daniel Carroll, Jas. Madison.

This shows that, in their understanding no line dividing local from federal authority, nor anything in the Constitution, properly forbade Congress to prohibit Slavery in the Federal territory; else both their fidelity to correct principle, and their oath to support the Constitution, would have constrained them to oppose the prohibition.

Again, George Wasington, another of the "thirty-nine," was then President of the United States, and, as such approved and signed the bill, thus completing its validity as a law, and thus showing that, in his understanding, no line dividing local authority, nor anything in the Constitution, forbade the Federal Government, to control as to slavery in the Federal Territory.

No great while after the adoption of the original Constitution, North Carolina ceded to the Federal Government the country now constituting the State of Tennessee; and a few years later Georgia ceded that which now constitutes the States of Mississippi and Alabama. In both deeds of cession it was made a condition by the ceding States that the Federal Government should not prohibit slavery in the ceded country. Besides this, slavery was then actually in the ceded country. Under these circumstances, Congress, on taking charge of these countries, did not absolutely prohibit slavery within them. But they did interfere with it—take control of it—even there, to a certain extent. In 1798, Congress organized the territory of Mississippi. In the act of organization, they prohibited the bringing of slaves into the Territory, from any place without the United States, by fine, and giving freedom to slaves so brought. This act passed both branches of Congress without yeas and nays. In that Congress were three of the "thirty-nine" who framed the original Constitution. They were John Langdon, George Reed and Abraham Baldwin. They all, probably, voted for it. Certainly they would have placed their opposition to it upon record, if, in their understanding, any line dividing local from Federal authority, or anything in the Constitution, properly forbade the Federal Government to control as to slavery in federal territory.

In 1803, the Federal Government purchased the Louisiana country. Our former territorial acquisitions came from certain of our own States; but this Louisiana country was acquired from a foreign nation. In 1804, Congress gave a territorial organization to that part of it which constitutes the State of Louisiana. New Orleans, within that part, was an old and comparatively large city. There were other towns and considerable settlements, and Slavery was extensively and thoroughly intermingled with the people. Congress did not, in the Territorial Act, prohibit Slavery; but they did interfere with it—take control of it—in a more marked and extensive way than they did in the case of Mississippi. The substance of the provision therein made, in relation to slaves, was:

1st. That no slave should be imported into the Territory from foreign parts.

2d. That no slave should be carried into it who had been imported into the United States since the first day of May, 1798.

3d. That no slave should be carried into it, except by the owner, and for his own use as a settler; the penalty in all the cases being a fine upon the violator of the law, and freedom to the slave.

This act was also passed without yeas and nays. In the Congress which passed it, there were two of the "thirty-nine." They were Abraham Baldwin and Johnathan Dayton. As stated in the case of Mississippi, it is not probable they both voted for it. They would not have allowed it to pass without recording their opposition to it, if, in their understanding, it violated either the line proper dividing local from federal authority or any provision of the Constitution.

In 1819–20, came and passed the Missouri question. Many votes were taken, by yeas and nays, in both branches of Congress, upon the various phrases of the general question. Two of the "thirty-nine"—Rufus King and Charles Pickney—were members of that Congress. Mr. King steadily voted for Slavery prohibition and against all compromises, while Mr Pinckney, as steadily voted Sgainst slavery prohibition and against all compromises. By this Mr. King showed that, in his understanding, no line dividing local from federal authority, nor anything in the Constitution, was violated by Congress prohibiting Slavery in federal territory; while Mr. Pinckney, by his votes, showed that in his understanding there was some sufficient reason for opposing such prohibition in that case.

The cases I have mentioned are the only acts of the "thirty-nine," or any of them, upon the direct issue, which I have been able to discover.

To enumerate the persons who thus acted, as being four in 1784, three in 1708, two in 1804, and two in 1819–20—there would be thirty-one of them. But this would be counting John Langdon, Roger Sherman, William Few, Rufus King, and George Reed, each twice, and Abraham Baldwin four times. The true number of those of the "thirty-nine" whom I have shown to have acted upon the question, which, by the text they understood better than we, is twenty-three, leaving sixteen not shown to have acted upon it in any way.

Here, then, we have twenty-three out of our "thirty-nine" fathers who framed the Government under which we live, who have, upon their official responsibility and their corporal oaths, acted upon the very question which the text affirms they "understood just as well, and even better than we do now;" and twenty-one of them—a clear majority of the whole "thirty-nine"—so acting upon it as to make them guilty of gross political impropriety, and willful perjury, if, in their understanding, any proper division between local and federal authority, or anything in the Constitution they had made themselves, and sworn to support, forbade the Federal Government to control as to slavery in the federal territories. Thus the twenty-one acted; and, as actions speak louder than words, so actions under such responsibility speak still louder.

Two of the twenty-three voted against Congressional prohibition of slavery in the federal territories, in the instances in which they acted upon the questions. But for what reasons they so voted is not known; they may have done so because they thought a proper division of local from federal authority, or some provision or principle of the Constitution, stood in the way; or they may, without any such question, have voted against the prohibition, on what appeared to them to be sufficient grounds of expediency. No one who has sworn to support the Constitution, can conscientiously vote for what he understands to be an unconstitutional measure, however expedient he may think it; but one may and ought to vote against a measure which he deems unconstitutional, if, at the same time, he deems it expedient. It, therefore, would be unsafe to set down even the two who voted against the prohibition, as having done so because, in their understanding, any proper division of local from federal authority, or anything in the Constitution, forbade the Federal Government to control as to slavery in the federal territory.

The remaining sixteen of the "thirty-nine," so far as I have discovered, have left no record of their understanding upon the direct question of Federal control of slavery in the Federal territories. But there is much reason to believe that their understanding upon that question would not have appeared different from that of their twenty-three compeers, had it been manifested at all.

For the purpose of adhering rigidly to the text, I have purposely omitted what ever understanding may have been manifested, by any person, however distinguished, other than the thirty-nine fathers who framed the original Constitution; and, for the same reason, I have also omitted whatever understanding may have been manifested by any of the "thirty-nine" even, on any other phase of the general question of Slavery. If we should look into their acts and declarations on those other phases, as the foreign slave trade, and the morality and policy of Slavery in Federal territories, the sixteen if they had acted at all, would probably have acted as the twenty-three did. Among the sixteen were several of the most noted anti-slavery men of those times, as Dr. Franklin, Alexander Hamilton and Gouverneur Morris, while there was not one now known to have been otherwise, unless it may be John Rutledge, of South Carolina.

The sum of the whole is that of our "thirty nine" fathers who framed the original Constitution—a clear majority of the whole—certainly understood that no proper division of local from Federal authority, nor any part of the Constitution, forbade Federal Government to control Slavery in the Federal territories; while all the rest probably had the same understanding. Such, unquestionably, was the understanding of our fathers who framed the original Constitution; and the text affirms that they understood the question better than we.

But, so far, I have been considering the understanding of the question manifested by the framers of the original Constitution. In and by the original instrument, a mode was provided for amending it; and, as I have already stated, the present frame of Government under which we live consists of that original, and twelve amendatory articles framed and adopted since. Those who now insist that Federal control of Slavery in Federal territories violates the Constitution, point us to the provisions which they suppose it thus violates; and as I understand, they all fix upon provisions in these amendatory articles, and not in the original instrument. The Supreme Court, in the Dred Scott case, plant themselves upon the fifth amendment, which provides that "no person shall be deprived of property without due process of law; while Senator Douglas and his peculiar adherents plant themselves upon the tenth amendment, providing that "the powers not granted by the Constitution, are reserved to the States respectively, and to the people."

Now, it so happens that these amendments were framed by the first Congress which sat under the Constitution—the identical Congress which passed the act already mentioned, enforcing the prohibition of slavery in the Northwestern territory.—Not only was it the same Congress, but they were the identical, same individual men who, at the same session, and at the same time within the session, had under consideration, and in progress towards maturity, these Constitutional amendments, and this act prohibiting slavery in all the territory the nation then owned. The Constitutional amendments were introduced before, and passed after the act enforcing the Ordinance of '87; so that during the whole pendency of the act to enforce the Ordinance the Constitutional amendments were also pending.

The Congress, consisting in all of seventy-six members, including sixteen of the framers of the original Constitution, as before stated, were pre-eminently our fathers who framed the Government under which we live, which is now claimed as forbidding the Federal Government to control slavery in the federal territories.

Is it not a little presumptuous in any one at this day to affirm that the two things which that Congress deliberately framed, and carried to maturity at the same time, are absolutely inconsistent with each other? And does not such affirmation, from the same mouth, that they who did the two things alleged to be inconsistent understood whether they really were inconsistent better than we—better than he who affirms that they are inconsistent?

It is surely safe to assume that the "thirty-nine" framers of the original Constitution, and the seventy-six members of the Congress which framed the amendments thereto, taken together, do certainly include those who may be fairly called "our fathers who framed the Government under which we live." And so assuming, I defy any man to show that any one of them ever, in his whole life, declared that, in his understanding, any proper division of local from Federal authority, or any part of the Constitution, forbade the Federal Government to control as to Slavery in the Federal territories I go a step further. I defy any one to show that any living man in the whole world ever did, prior to the begining of the present century (and I might also say prior to the begining of the last half of the present century), declare that, in his understanding, any proper division of local from federal authority, or any part of the Constitution, forbade the Federal Government to control as to slavery in the federal territories. To those who now so declare, I give, not only "our fathers who framed the Government under which we live," but with them all other living men within the century in which it was framed, among whom to search, and they shall not be able to find the evidence of a single man agreeing with them.

Now, and here, let me guard a little against being misunderstood. I do not mean to say that we are bound to follow implicity in whatever our fathers did. To do so would be to discard all the lights of current experience—to reject all progress—all improvement. What I do say is, that if we would supplant the opinions and policy of our fathers in any case, we should do so upon evidence so conclusive and argument so clear, that even their great authority fairly considered and weighed, cannot stand; and most surely not in a case whereof we ourselves declare they understand the question better than we.

If any man, at this day, sincerely believes that a proper division of local from Federal authority, or any part of the Constitution, forbids the Federal Government to control as to slavery in the federal territories, he is right to say so, and to enforce his position by all truthful evidence and fair argument which he can. But he has no right to mislead others, who have less access to history and less leisure to study it, into the false belief that "our fathers, who framed the Government under which we live," were of the same opinion—thus substituting falsehood and deception for truthful evidence and fair argument. If any man at this day sincerely believes "our fathers who framed the Government under which we live," used and applied principles, in other cases, which ought to have led them to understand that a proper division of local from federal authority or some part of the Constitution, forbids the Federal Government to control as to slavery in the federal territories, he is right to say so. But he should, at the same time brave the responsibilities of declaring that, in his opinion he understands their principles better than they did themselves; and especially should he not shirk the responsibility by asserting that they "understood the question just as well, and even better than we do now."

But enough. Let all who believe that "our fathers, who framed the Government under which we live, understood this question just as well and even better, than we do now,"—speak as they spoke, and act as they acted upon it. This is all Republicans ask—all Republicans desire—in relation to Slavery. As those fathers marked it, so let it be again marked, as an evil not to be extended, but to be tolerated and protected only because of and so far as its actual presence among us makes that toleration and protection a necessity. Let all the guarantees those fathers gave it, be, not grudgingly, but fully and fairly maintained. For this Republicans contend, and with this, so far as I know or believe, they will be content.

And now, if they would listen—as I suppose they will not—I would address a few words to the Southern people.

I would say to them: You consider yourselves a reasonable and a just people; and I consider that in the general qualities of reason and justice, you are not inferior to any other people. Still, when you speak of us Republicans, you do so only to denounce us as reptiles, or at the best, as no better than outlaws. You will grant a hearing to pirates or murderers, but nothing like it to "Black Republicans." In all your contentious with one another, each of you deems an unconditional condemnation of "Black Republicans" as the first thing to be attended to. Indeed, such condemnation of us seems to be an idispensable prerequisite—license, so to speak—among you to be admitted or permitted to speak at all.

Now, can you or not, be prevailed upon to pause and consider whether this is quite just to us, or even to yourselves?

Bring forward your charges and specifications, and then be patient long enough to have us deny or justify.

You say we are sectional. We deny it. That makes an issue; and the burthen of proof is upon you. You produce your proof, and what is it? Why, that our party has no existence in your section. The fact is substantially true; but it does not prove the issue? If it does, then in case we should, without change of principle, begin to get votes in your section, we should thereby cease to be sectional. You cannot escape this conclusion; and yet, are you willing to abide by it? If you are, you will probably soon find that we have ceased to be sectional, for we shall get votes in your section this very year. You will then begin to discover, as the truth plainly is, that your proof does not touch the issue. The fact that we get no votes in your section is a fact of your making, and not of ours. And if there be fault in that fact, that fact is primarily yours, and remains so until you show that we repel you by some wrong principle or practice. If we do repel you by any wrong principle or practice, the fault is ours; but this brings you to where you ought to have started—to a discussion of the right or wrong of our principle. If our principle, put into practice, would wrong your section for the benefit of ours, or for any other object, then our principle, and we with it, are sectional, and are justly opposed and denounced as such. Meet us, then, on the question of whether our principle, put into practice, would wrong your section; and so meet it if it were possible that something may be said on our side. Do you accept the challenge? No? Then you really believe that the principle which our fathers who framed the Government under which we live, though so clearly right as to adopt it, and endorse it again and again, upon their official oaths, is, in fact so clearly wrong as to demand your condemnation without a moment's consideration.

Some of you delight to flaunt in our faces the warning against sectional parties given by Washington in his Farewell Address. Less than eight years before Washington gave that warning, he had, as President of the United States, approved and signed an act of Congress, enforcing the prohibition of slavery in the Northwestern Territory, which act embodied the policy of the Government upon that subject, up to and at the very moment he penned that warning; and about one year after he penned it he wrote Lafayette that he considered that prohibition a wise measure, expressing in the same connection his hope that we should some time have a confederacy of free States.

Bearing this in mind, and seeing that sectionalism has since arisen upon this same subject, is that warning a weapon in your hands against us, or in our hands against you? Could Washington himself speak, would he cast the blame of that sectionalism upon us, who sustain his policy, or upon you who repudiate it? We respect that warning of Washington, and we commend it to you, together with his example pointing to the right application of it.

But you say you are conservative—eminently conservative—while we are revolutionary, destructive or something of the sort. What is conservatism? Is it not adherence to the old and tired, against the new and untired? We stick to, contend for, the identical old policy on the point in controversy which was adopted by our fathers who framed the Government under which we live; while you with one accord, reject and scout, and spit upon that old policy, and insist upon substituting something new. True, you disagree among yourselves as to what that substitute shall be. You have considerable variety of new propositions and plans, but you are unanimous in rejecting and denouncing the old policy of the fathers. Some of you are for reviving the foreign slave trade; some for Congress forbidding the Territories to prohibit Slavery within their limits; some for maintaining Slavery in the Territories through the Judiciary; some are for the "great principle" that "if one man should enslave another, no third man should object," fanastically called "Popular Sovereignty;" but never a man among you in favor of federal prohibition of slavery in federal territories, according to the practice of our fathers who framed the Government under which we live. Not one of all your various plans can show a precedent or an advocate in the century within which our Government originated. Consider, then, whether your claim of conservatism of yourselves, and your charge of destructiveness against us, are based on the most clear and stable foundations.

Again, you say we have made the slavery question more prominent than it formerly was. We deny it. We admit that it is more prominent, but we deny that we made it so. It was not we, but you, who discarded the policy of the fathers. We resisted, and still resist, your innovation; and thence comes the greater prominence of the question. Would you have that question reduced to its former proportions? Go back to that old policy. What has been will be again, under the same conditions. If you would have the peace of the old times, readopt the precepts and policy of the old times.

You charge that we stir up insurrections among your slaves. We deny it; and what is your proof? Harper's Ferry? John Brown! John Brown was no Republican; and you have failed to implicate a single Republican in his Harper's Ferry enterprise. If any member of our party is guilty in that matter you know it, or you do not know it. If you do know it, you are inexcusable to assert it, and especially to persist in the assertion after you have tried and failed to make the proof. You need not be told that persisting in a charge which one does not know to be true, is simply malicious slander.

Some of you admit that no Republican designedly aided or encouraged the Harper's Ferry's affair; but still insist that our doctrines and declarations necessarily lead to such results. We do not believe it. We know we hold to no doctrine, and make no declarations, which were not held to and made by our fathers who framed the Government under which we live.—You never dealt fairly by us in relation to this affair. When it occurred, some important State elections were near at hand, and you were in evident glee with the belief that by charging the blame upon us, you could get an advantage of us in those elections. The election came, and your expectations were not quite fulfilled. Every Republican man knew that, as to himself at least, your charge was a slander, and he was not much inclined by it to cast his vote in your favor. Republican doctrines and declarations are accompanied with a continual protest against any interference whatever with your slaves. Surely, this does not encourage them to revolt. True, we do, in common with our fathers, who framed the government under which we live, declare our belief that slavery is wrong; but the slaves do not hear us declare even this. For anything we say or do, the slaves would scarce know there is a Republican party. I believe they would not, in fact, generally know it but for your misrepresentations of us, in their hearing. In your political contest among yourselves, each faction charges the other with sympathy with Black Republicanism; and then, to give point to the charge, defines Black Republicanism to simply be insurrection, blood and thunder among the slaves.

Slave insurrections are no more common now than they were before the Republican party was organized. What induced the Soutampton insurrection, twenty-eight years ago, in which at least three times as many lives were lost as at Harper's Ferry?—You can scarcely stretch your very elastic fancy to the conclusion that Southampton was got up by Black Republicans. In the present state of things in the United States, I do not think a general, or even a very extensive slave insurrection is possible. The indispensible concert of action cannot be attained. The slaves have no means of rapid communication; nor can incendiary free men, black or white, supply it. The explosive materials are everywhere in parcels; but there neither are, nor can be supplied, the indispensable connecting trains.

Much is said by Southern people about the affection of slaves for their masters and mistresses; and part of it, at least, is true. A plot for an uprising could scarcely be devised and communicated to twenty individuals before some one of them, to save the live of a favorite master or mistress, would divulge it. This is the rule, and the slave-revolution in Hayti was not an exception to it, but a case occuring under peculiar circumstances. The gunpowder-plot of British history, though not connected with slaves, was more in point. In that case, only about twenty were admitted to the secret; and yet one of them in his anxiety to save a friend, betrayed the plot to that friend, and, by consequence, averted the calamity. Occassionally poisonings from the kitchen, and open or stealthy assassinations in the field, and local revolts extending to a score or so, will continue to occur as the natural results of Slavery; but no general insurrection of slaves, as I think, can happen in this country for a long time. Whoever much fears, or much hopes, for such an event, will be alike disappointed.

In the language of Mr. Jefferson, uttered many years ago: "It is still in our power to direct the process of emancipation, and deportation, peaceably, and in such slow degrees as the evil will wear off insensibly; and their places be, *pari passu*, filled up with white laborers. If, on the contrary, it is left to force itself on, human nature must shudder at the prospect held up."

Mr. Jefferson did not mean to say, nor do I, that the power of emancipation is in the Federal Government. He spoke of Virginia; and, as to the power of emancipation, I speak of the slaveholding States only.

The Federal Government, however, as we insist, has the power of restraining the extension of the institution—the power to insure that a slave insurrection shall never occur on any American soil which is now free from slavery.

John Brown's effort was peculiar. It was not a slave insurrection. It was an attempt by white men to get up a revolt among slaves, in which the slaves refused to participate. In fact it was so absurd that the slaves, with all their ignorance, saw plainly enough that it could not succeed. That affair, in its philosophy, corresponds with the many attempts, related in history, as the assassination of Kings and emperors. An enthusiast broods over the oppression of the people till he fancies himself commissioned by Heaven to liberate them. He ventures the attempt, which ends in little else than in his own execution. Orsini's attempt on Louis Napoleon, and John Brown's attempt at Harper's Ferry, were, in their philosophy, precisely the same. The eagerness to cast blame on old England in the one case, and and on New England in the other, does not disprove the sameness of the two things.

And how much would it avail you, if you could, by the use of John Brown, Helper's book, and the like, break up the Republican organization? Human action can be modified to some extent, but human nature cannot be changed. There is a judgment and feeling against slavery in this nation, which cast at least a million and a half of votes. You cannot destroy that judgment and feeling—that sentiment—by breaking up the political organization which rallies around it. You can scarcely scatter and disperse an army which has been formed into order in the face of your heaviest fire, but if you could, how much would you gain by forcing the sentiment which created it out of the peaceful channel of the ballot box into some other channel? What would that other channel probably be? Would the number of John Browns be lessened or enlarged by the operation?

But you will break up the Union rather than submit to a denial of your Constitutional rights.

That has a somewhat reckless sound: but it would be palliated, if not fully justified, were we proposing, by the mere force of numbers, to deprive you of some rights, plainly written down in the Constitution. But we are proposing no such thing.

When you make declarations you have a specific and well understood allusion to an assumed Constitutional right of yours, to take Slaves into the Federal territores, and to hold them there as property. But no such right is specifically written in the Constitution. That instrument is literally silent about any such right. We, on the contrary, deny that such a right has any existence in the Constitution, even by implication.

Your purpose, then, plainly stated, is that you will destroy the Government, unless you be allowed to construe and enforce the Constitution as you please, on all points in dispute between you and us. You will rule or ruin in all events.

This plainly stated, is your language to us. Perhaps you will say the Supreme Court has decided the disputed Constitutional question in your favor. Not quite so. But waiving the lawyer's distinction between dictum and decisions, the Courts have decided the question for you in a sort of way. The Courts have substantially said, it is your Constitutional right to take Slaves into the Federal territories, and to hold them there as property.

When I say the decision was made in a divided Court by a bare majority of the Judges, and they are not quite agreeing with one another in the reasons for making it; that it is so made as that its avowed supporters disagree with one another about its meaning; and that it was mainly based upon a mistaken statement of fact—the statement in the opinion that, "the right of property in a Slave is distinctly and expressly affirmed in the Constitution."

An inspection of the Constitution will show that the right of property in a slave is not distinctly and expressly affirmed in it. Bear in mind the Judges do not pledge their judicial opinion that such right is impliedly affirmed in the Constitution; but they pledge their veracity that it is distinctly and expressly affirmed there—"distinctly" that is not mingled with anything else—"expressly" that is in words meaning just that, without the aid of any interference and susceptible of no other meaning.

If they had only pledged their judicial opinion that such right is affirmed in the instrument by implication, it would be open to others to show that neither the word "slave" nor "slavery" is to be found in the Constitution, nor the word "property" even, in any connection with language alluding to things slave, or slavery, and that wherever in that instrument the slave is alluded to, he is called a "person;" and whenever his master's legal right in relation to him is alluded to, it is spoken of as "service or labor due," as a "debt" payable in service or labor. Also, it would be open to show, by contemporaneous history that this mode of alluding to slaves, and slavery, instead of speaking of them, was employed on purpose to exclude from the Constitution the idea that there could be property in man.

To show all this is easy and certain.

When this obvious mistake of the Judges