THE MEMPHIS DAILY APPEAL.

BY M'CLANAHAN & DILL. MEMPHIS, THURSDAY, AUGUST 30, 1860. VOLUME XI.—NUMBER 204.

Daily Appeal.

THE SENATE RESOLUTIONS—PROTECTION TO SLAVE PROPERTY IN THE TERRITORIES.

The celebrated resolutions of Mr. Jefferson Davis, of Mississippi, with respect to slave property in the Territories, are familiar to the country. We propose to insert them here, and show from the record, that their supporters in the Senate refused to protect slave property in Kansas, although it is indisputable that the legislature has repealed all laws for its protection. The resolutions are as follows:

"1. *Resolved*, That, in the adoption of the Federal Constitution, the States adopting the same acted severally as free and independent sovereignties, delegating a portion of their powers to be exercised by the Federal Government for the increased security of each against dangers, domestic as well as foreign; and that any interpolating by any one or more States, or by a combination of their citizens, with the domestic institutions of the others, on any pretext whatever, political, moral, or religious, with a view to their disturbance or subversion, is a violation of the Constitution, insulting to the States so interfered with, endangering their domestic peace and tranquillity—objects for which the Constitution was formed—and by necessary consequence, tends to weaken and destroy the Union itself.

"2. That negro slavery, as it exists in fifteen States of this Union, composes an important portion of their domestic institutions, inherited from their ancestors and existing at the adoption of the Constitution, by which it is recognized as constituting an important element in the apportionment of powers among the States, and that no change of opinion or feeling on the part of the non-slaveholding States of the Union in relation to this institution can justify them, or their citizens, in open or covert acts thereon, with a view to its overthrow; and that all such attempts are in manifest violation of the compact and solemn pledge to protect and defend each other, given by the States respectively on entering into the constitutional compact which formed the Union, and are a manifest breach of faith, and a violation of the most solemn obligations.

"3. That the Union of these States rests on the equality of rights and privileges among its members, and that it is especially the duty of the Senate, which represents the States in their sovereign capacity, to resist all attempts to discriminate either in relation to persons or property in the Territories, which are the common possessions of the United States, so as to give advantages to the citizens of one State which are not equally assented to those of every the State.

"4. That neither Congress nor a territorial legislature, whether by direct legislation or legislation of an indirect and cautiously charade, possess power to annul or impair the constitutional right of any citizen of the United States to take his slave property into the common Territories and there hold and enjoy the same while the territorial condition remains.

"5. That if experience should at any time prove that the judicial and executive authorities do not possess means to insure adequate protection to constitutional rights in a Territory, and if the territorial government should fail or refuse to provide the necessary remedies for that purpose, it will be the duty of Congress to supply such deficiency, within the limits of its constitutional power.

"6. That the inhabitants of a Territory of the United States, when they rightly form Constitution to be admitted as a State into the Union, may then, or at the first time, the people of a State, form a new Constitution, decide for themselves whether slavery, as a domestic institution, shall be maintained or prohibited, or in their jurisdiction; and that shall be for them to decide, and for them alone, without slavery, or their Constitution may prescribe at the time of their admission.

"7. That the provision of the Constitution for the rendition of fugitives from service or labor, without the adoption of which the Union could not have been formed, and that the laws of 1793 and 1850, which were enacted to secure its execution, and the main features of which, being similar, bear the impress of nearly seventy years of sanction by the higher judicatories of the land, should be faithfully and unshrinkingly enforced by all who enjoy the benefits of our compact of Union; and that all acts of individuals or of State legislatures to defeat the purposes or nullify the provisions of that provision, and the laws made in pursuance of it, are hostile in character, subversive of the Constitution, and revolutionary in their effect."

These resolutions were introduced in the Senate on the first day of March, were discussed for several weeks, and finally voted upon and passed on the 20th day of May, 1860.

Mr. Clingman, of North Carolina, then moved the following resolution to come in after the fourth of Mr. Davis' series:

"*Resolved*, That the existing condition of the Territories of the United States does not require the intervention of Congress for the protection of property in slaves."

Mr. Brown, of Mississippi, moved to amend Mr. Clingman's resolution by striking out the word "not," and thus made it affirmative in its character. The amendment was rejected by the following vote:

"Yeas—Messrs. Brown, Clay, Iverson, Johnson of Arkansas, and Yulee—4.

"Nays—Messrs. Benjamin, Bigler, Bingham, Bragg, Bright, Chandler, Clement, Clark, Collamer, Crittenden, Dixon, Doolittle, Fitzpatrick, Foot, Green, Gwin, Hale, Hamlin, Hammond, Henphill, Hunter, Johnson of Tennessee, Iverson, Lane, Lane, Mallory, Mason, Nicholson, Pearce, Polk, Powell, Pugh, Rice, Sebastian, Slidell, Ten Eyck, Toombs, Trumbull, Wade, Wigfall, and Wilson—42."

Mr. Clingman's resolution was then adopted, he was reconsidered at a subsequent stage of the proceedings and rejected. The vote on the adoption was as follows:

"Yeas—Messrs. Bigler, Bingham, Bragg, Chandler, Clark, Clingman, Collamer, Crittenden, Dixon, Doolittle, Foot, Grimes, Henphill, Hale, Harlan, Johnson of Tennessee, Kennedy, Latham, Polk, Pugh, Simmons, Ten Eyck, Toombs, Trumbull, Wade, and Wilson—26.

"Nays—Messrs. Benjamin, Bright, Brown, Chesnut, Clay, Davis, Fitzpatrick, Green, Gwin, Hammond, Hunter, Henphill, Hunter, Iverson, Johnson of Arkansas, Lane, Mallory, Mason, Nicholson, Powell, Rice, Sebastian, Simmons, Slidell, Wigfall, Wilson, and Yulee—20.

The vote upon the motion to reconsider the vote by which Mr. Clingman's resolution had been adopted was as follows:

"Yeas—Messrs. Benjamin, Brown, Chesnut, Clay, Davis, Fitzpatrick, Green, Gwin, Hammond, Hunter, Henphill, Hunter, Iverson, Johnson of Arkansas, Lane, Mallory, Mason, Nicholson, Powell, Rice, Sebastian, Simmons, Slidell, Wigfall, Wilson, and Yulee—26.

"Nays—Messrs. Bragg, Clingman, Crittenden, Johnson of Tennessee, Latham, Polk, Pugh and Toombs—7."

The resolution was then rejected, without a division.

These proceedings, coupled with the rejection of an amendment of Mr. Clingman to the 4th resolution, of Mr. Davis, indicated that the Interventionists were fully in earnest. That amendment was as follows:

"*Provided*, That it is not hereby intended to assert the duty of Congress to provide a system of laws for the maintenance of slavery."

It was rejected by the following vote:

"Yeas—Messrs. Clark, Clingman, Dixon, Foot, Henphill, Hale, Hamlin, Latham, Pugh, Ten Eyck, Trumbull, and Wilson—12.

"Nays—Messrs. Benjamin, Bragg, Bright, Brown, Chesnut, Clay, Davis, Fitzpatrick, Green, Hammond, Hunter, Henphill, Hunter, Iverson, Johnson of Arkansas, Lane, Mallory, Mason, Nicholson, Pearce, Powell, Rice, Sebastian, Slidell, Toombs, Wade, Wigfall, and Yulee—21."

The whole upon, not held pretences the interlocutory in the Senate acted, we shall produce here certain remarks of Mr. Albert G. Brown, of Mississippi, on his amendment to the resolution of Mr. Clingman, which was first passed and then rejected:

"Mr. Brown. Mr. President, I feel a little amazed at gentlemen so often declaring that this amendment is a mere naked declaration of opinion, which does not involve any principle. I think that this whole series of resolutions is nothing but a declaration of opinion. They look to no legislation—certainly no immediate legislation. The public mind is in a state of great anxiety on this subject. It has now dragged here until vast numbers of people have brought their minds to the conclusion *that legislation—immediate, positive, direct legislation—is necessary for their protection in the Territories. That has been the whole question in controversy.* The Senator from North Carolina brings forward a proposition to negative that idea—to declare to the public that, as far as the Senate is concerned, we think no such necessity exists. I, thinking the necessity does exist, propose an to amend his resolution so as to assert the affirmative proposition.

"*But it seems that our friends will neither take the one nor the other horn of the dilemma; they will neither affirm that legislation is necessary nor that it is not necessary.* I pray you, Senators, what is it we have been discussing? Our sole all this controversy, if at last we have no case? It there is nothing upon which we are called to act, why has the public mind been lashed like an ocean tempest tossed into fury? Has the ocean been lashed into a fury "to waft a feather or drown a fly?" Is this a mere controversy about nothing, or is it a controversy having in it deep and lasting and substantial substance? If it be so, then either the one side or the other of this proposition is true, and gentlemen cannot ignore it. After all that has been said in State conventions, in national conventions, in the Senate, in the House of Representatives, and everywhere, until every man in the whole country has taken sides upon the question, *you cannot shuffle it off by simply saying there never was any necessity for the agitation.* Why have you agitated it? Why has the whole session been consumed in the discussion of this question, if there was no necessity for action or expression of opinion on one side or the other? From the beginning of this controversy, I, at least, have been sincere; I, at least, have believed that slave property required protection in the Territories; that it requires it now. That was my opinion fifteen months ago, when standing precisely where I do to-day. I remember that in a discussion with the Senator from Illinois. I thought the necessity existed then. Subsequent events have confirmed that conviction. From that day to this, the whole series of measures that have been concocted in Kansas have been a series of measures against slavery.

"*I showed you the other day that Kansas had abolished slavery; that she had made it a penal offense for a master to seek to exercise his ownership over that property in the Territory, and excludes those if any matter dares to say, "Sir black man is my property." All this and more has been done, and yet we are not convinced that there is any necessity for action. Sir, when will there be? I am struggling in the abyss and calling for help. You stand by and say, "Oh, my dear sir, if I thought you needed help, I would give it." My house is burning down over my head; my wife and children are being driven before the flames. I appeal to my neighbors for help, but they fold their arms and say, "Dear sir, if you would only show us the necessity, we would help you." Sir, if the necessity does not exist now, tell me what state of circumstances will ever convince you that there is a necessity? This looks to me like a thirsting of the responsibility of saying either the one thing or the other.*

"Now, Mr. President, since I am upon this subject, I desire to repel, in the most positive manner, insinuations which have been more than once thrown out against me in connection with this subject. The Senator from Georgia (Mr. Toombs) the other day declared that he had listened with no degree of pleasure to the discussion which we had between the 23d of February, 1859; and in his speech, which now lies before me, he intimated in tolerably broad terms that it was his opinion that I had opened that discussion for the purpose of following the Senator from Illinois in opportunity to explain his course here. I desire to say, once for all, that all such imputations, all such insinuations are totally and entirely erroneous, in nothing that speech, I had the purpose which I imputed at the time. I believed then as I have believed ever since, and do now believe that statutory law was necessary to secure me in the right to slave property in the Territories. So believing, I so conceived, not to give the Senator from Illinois, or any other Senator, an opportunity to speak, but to enunciate a principle which I believed to be sound, and which, and ever since, and now, I have believed to be vital to my property.

"So much for that. The Senator from Texas [Mr. Wigfall] yesterday intimated very much the same thing. I desire to say, to make this general and positive declaration as much in himself as it is designed for the Senator from Georgia. The Senator from Georgia went on to criticise my speech delivered on the 23d of February, 1859, not as it is reported, but as it is represented in the reprinter of my antagonist on that occasion. Now, sir, I say it all kindness to the Senator from Georgia, and I am sure he will see the justice of it when I make the bare suggestion, that when the record was before him it would have been more just to criticise my own language than to criticise my own language put into my mouth by others.

I admit and claim, as loudly as the Senator from Georgia, that my slave property is in a Territory under the aegis of the Constitution, and entitled as much to protection as anybody else's property; but when property in a Territory is protected by the Constitution, unaided by statutory law? This very session I took up the laws of Kansas, and showed that every other species of property known to the land was protected by positive statutory legislation in Kansas except slave property. Sir, they have got their horse code, their cow code, their sheep code, their dog code, and, I think, their wet goods code. They have a code of laws for the protection of everything except slave property. Laws have been denied protection by non-action, but they have repealed the laws affording it protection, and have pronounced penalties, as I have said before, against the master who should undertake to claim his property.

"Now, sir, in this state of things, what is the remedy? He says he utterly repudiates my remedy; utterly repudiates the idea that Congress is to interpose in any direct manner. Then what does he propose?

"In plain English, the Senator from Georgia proposes as a remedy for all these evils, that we repeal the compromises of 1850, and that we date the people of Kansas, who are evidently disaffected to the laws, disregardful of their constitutional obligation, to a mere state of dependency upon the Federal Government. The remedy he suggests is J. H. I understand him to (the President), by and with the advice and consent of the Senate, shall send out a legislative council, a governor and secretary, and three judges, and they shall make the laws for the Territory. That I take to be, in plain terms, the remedy.

Mr. Toombs. One of the modes.

Mr. Brown. Now, sir, he says that the people of a Territory who have shown that they are regardless of their constitutional obligation, would not obey an act of Congress. Would a people, let me ask the Senator, who have shown that they regard the authority of Congress, be obedient to the authority of a legislative council, appointed to rule over them by the President and the Senate? Would your legislative council have more authority, or any greater power, to inforce its edicts than would Congress? If you must send out a military force to compel obedience to the laws of the government and secretary and the judges, why not send the same force to compel obedience to your laws? Look the Senator from Georgia this question: whether he does not believe that the Congress of the United States is in force in Kansas to-day?

Mr. Toombs. Certainly.

Mr. Brown. Then, sir, does not that Constitution guarantee to the people of Kansas the right of trial by jury; and would he not be compelled to such, under a law either passed by the Executive Council, to carry the case to a jury as I should be under an act of Congress? It is in the jury box, I apprehend, that you will find the difficulty in executing your laws. If not, where then? Certainly not in the judiciary, when they are appointed by a Democratic President and Democratic Senate.

"Now, Mr. President, gentlemen tell me that they are opposed to my slave code, as they choose to denominate it; they are opposed to the proposition which I have introduced and which I have so often and so earnestly, not with very feeble ability, advocated to give direct protection to slave property in the Territories by congressional action. Why, sir, they will not vote for it. The Senator from Georgia thinks there is some other remedy. Why has he not brought it forward? He is ready enough to say that he is ready for any proposition; he is ready enough to join in clamors against the policy which I have proposed to carry out; but he moves nothing practical. *Pass anything he pleases that you are to have protection to slave property under these resolutions that you are passing here?* What protection would it afford? Why, sir, these do not even cross the outside semblance of law. What I want is a law which shall point the man who pilfers my slave property to prison. Sir, I want a law which shall say to the thief, "There, sir, will be your resting place if you steal your neighbor's property." If that be not sufficient, then I would point him to the gallows, and say, "Sir, that shall be your end, if you keep not your hands off your neighbor's property."

"But some gentlemen seem to think that the negro thieves in the Territories, who spirit away slave property by the underground railroad, may be driven away gently as you would drive a flock of sheep. Mr. President, you have nothing to do but to pass fine resolutions, and they will scatter. Sir, they will laugh your resolutions to scorn, and go on just as they are doing now. Sir, I want a law which shall be of some avail, which shall have some virtue in it to afford protection to slave property in the Territories, do it now. All else than this is mere moonshine.

"If this be such a purpose, then I would ask the honorable Senator at the head of the committee on Territories, why *is it that a bill of mine, introduced ninety days ago, has been permitted to be from that day to this unacted on? Why was not the proposition of the Senator from Georgia incorporated into it instead of mine? Why not some portion of the Senator from Mississippi himself? Why has not something been done?*

"Mr. Green. How long has it been before us?

"Mr. Brown. IT HAS BEEN BEFORE YOU FOR NINETY DAYS."

"Mr. Green. I think not."

"Mr. Brown. Yes, you say; but here are auburn facts. The bill was referred to the committee on the 23d of February. This is the 24th of May. I think there is an interval of three months."

"Mr. Green. It was not sent to us right away."

"Mr. Brown. It was to the clerk's desk at once, and I suppose the secretary sent it to the committee."

"Mr. Green. The committee is not always in session. It will save time, however, that it has been considered twice."

"*Mr. Brown. Here, sir, we are closing the sixth month of the session, and nothing is done; and there is no purpose to do anything.* This day's proceedings show why it was and does the gentlemen do not think it necessary to act. It would have been better to say so at the beginning, simply pass a short resolution, saying to the country: "whatever may be your opinions, we do not think this slavery question should receive action." That would have saved a vast amount of labor, and trouble, and toil everywhere. I never could have agreed that it was not necessary; but still, if the Senate, at an early day in December, had passed such a resolution, I, of course, would have desisted from all my efforts, simply mentioning that I thought, notwithstanding the resolution, the necessity still existed. Up to to-day, I supposed it was a general opinion that most Senators believed that some action was necessary—perhaps not the action contemplated in my bill; perhaps not that introduced by the Senator from Georgia, or that introduced yesterday by the Senator from Texas—but something. Now we are given to understand that nothing is to be done, that really there is no purpose to do anything except pass these resolutions.

"I am content to give my vote. I think the southern people will give me credit for this: that believing they were entitled to pro cotion, I have labored for it with all the zeal and ability I possess. Many think there is no necessity for positive legislation, and therefore they will not press it. Very well, sir, be it so; I am responsible only for my own conduct, and for nobody else. I act upon my own conviction, and upon nobody else's. I have done what I thought was right, and leave the consequences to take care of themselves."

Whoever reads the remarks of Governor Brown must come to the conclusion that all the clamor and agitation about protection to slave property in the Territories had reference solely to the position of Mr. Douglas. He was known to be an uncompromising advocate of non-interference by Congress with slavery in the States, in the Territories and in the District of Columbia. And this new creed was prescribed in the platform of the Slave Democracy! So let us return to the record. When the fifth resolution of his colleague came up for consideration, Mr. Brown moved to strike out all after the word "resolved," and insert the following:

"That experience having already shown that the Constitution and the common law, unaided by statutory enactments, fail to afford adequate and sufficient protection to slave property, some of the Territories having failed, others having refused, to pass such enactments, it has become the duty of Congress to interpose and pass such laws as will afford to slave property in the Territories that protection which is given to other kinds of property."

There was a practical question—there was something more substantial than abstract resolutions. How did the interventionists vote? Let the vote on the amendment answer. Here it is:

Yeas—Messrs. Brown, Johnson, of Arkansas, and Mallory—3.

Nays—Messrs. Benjamin, Bigler, Bragg, Bright, Chestnut, Clark, Clay, Clingman, Crittenden, Davis, Dixon, Doolittle, Fitzpatrick, Foot, Fraser, Hunter, Iverson, Green, Grimes, Gwin, Hamlin, Harlan, Henphill, Johnson, of Tennessee, Lane Latham, Mason, Nicholson, Pearce, Polk, Powell, Pugh, Rice, Sebastian, Slidell, Ten Eyck, Thompson, Toombs, Trumbull, Wigfall, Wilson and Yulee—41.

So the amendment was rejected.

Well might Mr. Brown, after such a vote, exclaim: "We are times. We are a small band. That is all. Simply he was required to save Sodom. *I think the Republic is safe.*"

To make the proof yet more conclusive, that the design of this agitation was not to compel existing evils, nor even to reach evils apprehended, we present a conversation be ween Mr. Crittenden and Mr. Jefferson Davis, as to the purposes of these senate resolutions. Said Mr. Crittenden:

"I believe my honorable friend from Mississippi, who introduced these resolutions, did at the time he proposed them, *intend that they should stand as a moral pronouncement calling for the interposition of this Government.*"

Mr. Davis, in reply, said—

"As my friend from Kentucky refers to me, I would merely say that *I did not intend either to admit or deny the fact.* I considered the decision of principle to be unconnected with the existence of our Government, and contrasting with the whole country, not necessarily dependent upon the particular fact in relation to any subject in reality; *and neither intended to admit or deny.*"

Mr. Crittenden subsequently observed, with great truth:

"I think, therefore, sir, if there is no case existing now, it will be still less likely to exist hereafter. *All this debate, all this earnest and zealous and heated controversy is merely in prospect of an evil which is only apprehended.* Now exists. When is it likely to exist, and where? With every day, I trust, the danger of such a contingency is diminished. Kansas will soon be taken from the class of territorial governments. Where are we likely to have any such difficulty as that which these resolutions apprehend, of an assault made by territorial legislatures upon slavery within the Territories? Are there any slaves in Washington? Will there be any question about slavery in Utah? In New Mexico? Why, sir, these are not regions to which you could by invitation carry slavery. Well, where is there to be a Territory hereafter formed in which any controversy of this sort should slavery is likely to arise? Kansas she, and *she* does there remain any Territory to which slavery is applied, would you? I know of none. I will not affirm it as an exactly in regard to every portion of our Territory, but I believe there is none of sufficient importance to form a State which would be at all acceptable to the slaveholders, if per ified without the least hindrance to take possession of it. They can find a more genial climate, and a better soil on which to employ their slaves.

It is only necessary to state in conclusion, that Mr. Brown's bill to protect slave property in Kansas, which was a rescript of the territorial statute which had been repealed, was reported adversely upon by Mr. James S. Green, from the committee on Territories, in the last days of the session of Congress, and that the report was concurred in by the Senate. These could the noise and "confusion" ever slave property in Territories, so far as Congress is concerned, and it is probable that little will be heard of it after the presidential election, especially as this election will drive the last nail in the coffin of congressional intervention.

WASHINGTON, August, 1860.

The Memphis Appeal.

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