Tiffin Tribune--Extra.

SPEECH OF

HON. LYMAN TRUMBULL,

OF ILLINOIS.

A SOUND DOCUMENT.

Hon. Lyman Trumbull, United States Senator of Illinois, spoke to a large and attentive audience at the Court House, in Sandusky, Friday evening last. He was introduced to his hearers by Hon. J. M. Root, Chairman of the meeting, and arose and said:

FELLOW CITIZENS:—In consenting to speak for a few days, on my return to the State of Illinois, from which I have been absent, for several weeks, and mix a little with the people of Ohio, I have done so not so much for the purpose of addressing you, or supposing I should be able to communicate anything new or particularly interesting to the people of this State, but rather that I might mingle with the citizens of Ohio, and learn something from them, and catch, if possible, a little of that spirit and fire which have made Ohio the great Empire State of the West, and the foremost state of the Union, in the advancement of Constitutional rights and Human Liberty. (Applause.)

I know that the people of this State are in the habit of being addressed by eloquent men. You have in the State of Ohio some of the most popular speakers in the Union. I cannot, therefore, expect that I shall say anything to excite particularly your admiration, nor shall I attempt to call forth your applause by anything I say. My object will be rather to converse with you in an earnest way, and to lay before you what I understand to be the position of parties, and to ask you to co-operate with me, if you agree with me in sentiment, in establishing those principles which seem to me to be right. I do not claim to be infallible. I may be in error. I care little about party names. I was a Democrat and always acted with the Democratic party while the names Democrat and Whig were applied to parties as they existed before the present organization. It makes no difference to me whether a man is a Democrat, or a Whig, or an American, or a Republican. We are all members of a common country, and all, I trust, actuated by a desire so to conduct the affairs of this common country as will redound to the best interests of the great masses of the people all over the Union.

Without taking up time in preliminary remarks, I will call your attention to the present organization of parties, and the question which divides them. I say *question*, for parties are now organized and divided upon a single question. Both parties as now existing are of but comparatively recent origin. They are both of the same age, twins born together; both date their existence from 1854. I will take a moment to illustrate this, not that I care anything for party names, but there are those who seem to attach importance to the word Democratic and the word Republican. I use these words as they represent principles. You all know that in 1850, there were passed by the Congress of the United States a series of measures known as the Compromise Measures. There were five of them, which it is not necessary to enumerate. And although some of these five measures were acceptable to one portion of the country, and some to another, and although there were persons in all parts of the Union who were very much disinclined to acquiesce in them, yet when the struggle in 1850 was over, and the measures were passed, both parties agreed to acquiesce in them. The great principle then was said to be established, of non-intervention on the subject of slavery by the Congress of the United States. Some in one portion of the Union disliked the Fugitive Slave Law, some disliked the abolition of the slave trade in the District of Colombia, and others took exceptions to the admission of California as a free State. And after these measures had passed, the people of this great country, the masses of both parties, actuated by a common desire to be at peace upon this vexed question of slavery, resolved they would resist any and every attempt to agitate this question in Congress, or out of Congress, no matter under what pretence it should be attempted. This was in 1852, when resolutions to that effect were adopted in the National Conventions of both parties. And it was supposed then that we should have quiet and peace upon this subject. We were told that this subject of slavery should be banished from the halls of Congress. Franklin Pierce was elected President of the United States, and on being inaugurated, he announced in his message that the Compromise measures should receive no shock during his administration, which he had the power to prevent.

In the fall of 1853 a measure was introduced in Congress for the organization of the new Territories of Kansas and Nebraska, and a report was prepared by the committee which introduced that measure, and that report set forth, that inasmuch as the slavery question had been settled by the measures of 1850, the committee, in introducing this bill for the organization of these Territories, or one Territory, as originally proposed—had not thought proper to interfere with the Missouri Compromise, because it would be a departure from the policy adopted in 1850. What was the policy of 1850? The policy of non-intervention. When the measure of that year passed, and the Territories of Utah and New Mexico were organized, there was not a Territory belonging to the United States in which slavery was not excluded by law. Washington, Oregon, and Minnesota had been organized, with a clause prohibiting slavery inserted in their organic acts, and Utah and New Mexico had laws prohibiting slavery before we acquired the territory, and which continued in force after its acquisition by us. The great parties had agreed they would not agitate, but would leave those Territories free, to be settled by freemen.

Who interfered to disturb this peaceful condition of things? Was there anybody ready to interfere and violate this treaty which had been agreed upon by both parties? Somebody did it. The very next month after that report was made, stating that it would be a departure from the policy of 1850 to disturb the Missouri Compromise, the author of the report introduced a proposition to repeal that compromise, and open the Territory of Kansas-Nebraska to the introduction of slavery. And when that proposition was made, both the old parties were disorganized at once. The question came before Congress; and instead of slavery agitation being banished from its halls, they have not ceased to resound the speeches upon that subject from that time to this. That measure was not supported by any party as a party. It received the united support of both Whigs and Democrats from the South, while from the North a majority of Democrats, and nearly all the Whigs voted against the repeal of the Missouri Compromise. This compromise was repealed. Those who united in its repeal were then baptized into what was then called the Democratic family. What was the Democratic family? Prior to 1854, it was a family advocating a particular line of policy. After 1854, what was it? It was composed of all men who were in favor of admitting slavery into the Territories. This man here who wishes to get into the Democratic party, whether he be Whig, Federalist, or American, he has only to swear allegiance to the Kansas-Nebraska bill, and he is admitted to the communion table at once. (Laughter.) Hence you find such men as Mr. Toombs, of Georgia, Mr. Pearce, of Maryland, formerly very good Whigs, who are now the high priests of the Democracy. On the other hand, those who were opposed to the repeal of the Missouri Compromise, took the name of Republicans, and ceased to be Democrats. The moment a man refused to favor the Kansas-Nebraska bill, he was turned out of the Democratic church. Well, they got up a new church, and invited all persons to come into it, Whigs, Democrats, Americans, and whoever were opposed to the repeal of the Missouri Compromise. This was the origin of the Democratic and Republican parties—each party being five years old. No other question now divides the parties but that of slavery. That question did not divide them until 1854.

How are they divided on this question? The division first arose on the question of extending slavery into the Territories; and this is the question that now divides the parties. It is not in regard to slavery in the States, although Democracy is often made to mix up States with Territories. You will find in the Kansas-Nebraska bill a pompous declaration that it was the true intent and meaning of this act, not to introduce slavery into the States or Territories, nor to exclude it therefrom. But suppose it was the intention to introduce or exclude it from *States*? What power has Congress to interfere with slavery in the States? Why was this declaration inserted? For the purpose of catching somebody who thought somebody wanted to introduce slavery into States. (Laughter.) The question now, however, though primarily raised in regard to the introduction of slavery into the Territories, extends further. It was started there, but the power which repealed the Missouri Compromise has gone on demanding more, and now not only is the attempt made to introduce slavery into Territories, but all the powers in this great government, in all its departments, are being exerted for strengthening and giving perpetuity to this institution. Not a foreign minister is appointed without first knowing what his views are upon the slavery question; not a treaty is made but its bearings upon the subject of slavery are looked to. These attempts to seize, whether rightly or by wrong, the whole foreign policy of the government, are directed with reference to giving strength to the slaveholding interest. Every officer of the government is appointed with reference to this. Not a Judge of the Supreme Court is appointed unless he is known to be in favor of the doctrine of letting slavery go into the Territories. Not a man is permitted to hold office unless his influence is known to coincide with the slaveholding Democracy on this question.

Now the Republican party advocates directly the reverse of this. That party is for keeping the Territories free, and is for managing the affairs of the Federal Government for the advancement of the interests of freedom and free men, not only in the North but in the South.—It is not for encroaching upon the rights of the slaveholders, but looks to the interests of the great mass of people in the North and South.—One party is for building up an aristocracy, the other is for sustaining the masses. I mean by this that the legislation of this so-called Democratic party looks exclusively to the interests of the slaveholders, and they constitute but a very small portion of the people of the United States. If you will refer to the census of 1850, you will find that only 350,000 persons hold slaves. Of the 20,000,000 of the white population of the United States, only about one in sixty owns slaves, and only one in about ten in the slaveholding States owns property in man. Now shall it be said we are for encroaching upon the rights of the South, when we are for promoting the advancement of the interests of nineteen out of twenty of the white population of that section of the Union? And shall that party be permitted to name itself Democracy which legislates for the benefit of only one man in sixty of the whole population of the United States? Which is Democracy? With what sort of face can encroachment be charged upon the Republican party, who would shape the whole country for the advancement of the interests and welfare of fifty-nine out of sixty of our entire population? This is the issue between the parties; and if there was not a negro the fence, there would be no division in the country. It seems to me if there were any other aristocratic institution to be built up in this country, in which only 350,000 were interested, and the Congress of the United States were called upon to shape its legislation in regard to that interest at the expense of more than nineteen millions, it would be scouted from Congress and trampled under foot. Why is it that this aristocratic institution of slavery—this combination of capital of a few men to be invested in other men, should receive the unreserved favor of the government? I would not encroach upon the rights of slaveholders. I am willing to stand by the Constitution in all its parts, as our fathers left it; and I know slavery exists by State laws, and let the people have it where it exists, and hug it to their bosoms until they are tired of it. But when you ask me to extend it for the benefit of 350 00 men, it is a very different question.

It is now insisted by the great Democratic party that Slavery goes into all the Territories of the United States, and that Congress has no right to keep it out so long as the territorial condition continues. It is also the doctrine of the Democratic party, that the people of the Territory have no right to keep slavery out through the action of the Territorial Legislature, and that there is no power anywhere to exclude slavery, so long as the Territory continues. It is admitted, however, now, that when it comes to form a State Government, it can prohibit slavery.

A portion of the Democratic party insist that it is the duty of Congress to pass a slave code for the protection of slavery in the Territories; and another insist upon the revival of the African slave trade; but neither of these measures has become a principle of the Democratic party as a party, and I have no idea myself, that the Convention which meets to nominate a candidate for the Presidency, at Charleston, will accept either of them. The party is not ready for that now, any more than it was to favor the repeal of the Missouri Compromise in 1852. I would like to ask this audience, if you had been told that such results would have followed that repeal which have actually followed it, would you have countenanced the measure? But you were told then that that the object was not to extend slavery into Kansas, but simply to get rid of the odious distinction made against the South, and leave the people of the Territories to do just as they please. Now they tell you that popular sovereignty, or self-government, cannot keep slavery out of the Territories. And this is the doctrine of the present Democratic party. They did not then announce it; nor are they ready to announce now the revival of the African slave trade and a slave code for the Territories as Democratic doctrine. Whether they will by and by demand them, I will not undertake to say. Perhaps they will not demand a slave code. They think slavery is sufficiently protected without a slave code. I think if the Constitution of the United States extends slavery into Territories, and if slavery is to be treated as any other species of property, then slavery is protected. Let me illustrate this: Suppose one of you gentlemen goes to-morrow into the neighboring State of Indiana with his horse, do you need any law of that State to protect your horse? Are not horses recognized as property over the whole civilized world? If negroes are as much property as horses, have you any need of law? If a man takes your horse away cannot you bring your action for trespass or trover and recover damages? And if a negro is property, will not the same remedy apply? So long as we have courts which will decide that there is no distinction between slave property and other property, so long slavery needs no law to protect it. No proposition has been introduced into Congress for a slave code. So long as these men can appoint Judges who will protect them in their property, they want no other law. I believe I have stated fairly what is the creed of the Democratic party? but there is a fragment of that party—a mere fraction, that proclaims another kind of doctrine here in the Northern States. They preach it in Illinois, and I understand it has been discussed in this State. They are not ready to come up to the doctrine of the party, but must have some pretense or other to mislead the people. It would be immaterial what they were called. I care not what a man's individual opinions are, so long as he acts with a party whose doctrines are known to all. Suppose the entire delegation sent from this State to Congress was to favor of popular sovereignty, and when they got there they should vote against the principle, and contrary views, what would their action amount to? They would simply give strength and power to the organization which is the instrument used to crush out popular sovereignty.

But the doctrine of popular sovereignty, as advocated by this fragment, is absurd, it is contradictory, impracticable, inconsistent, revolutionary, and destructive of all civil liberty and constitutional government. I shall occupy your attention for a short time on this question of popular sovereignty, or self-government in the Territories, as it is called, which has no foundation upon which to stand. I do not mean by this that popular sovereignty is not an element in our government; but that it is the basis upon which our government rests, I deny; and there is not a man here that does not repudiate it—not one. Not a man of you would be one of nine who would enter into a government wherein five—the majority—should have absolute control of four—the minority; or where five hundred and one should exercise unlimited dominion, simply by force of a bare numerical majority, over the remaining four hundred and ninety-nine of a thousand persons. The despotism of five men over four is as bad as the despotism of one man over four. Our government rests upon no such basis. It restupon a broader principle than that numerical majorities shall rule absolutely. How was our government formed? How was the Constitution of the United States formed? Did a majority of the people make it? Can a majority of the people of the United States pass a law? I ask you, law abiding men, you Constitution-loving men—are you willing that the Constitution of the United States shall depend for its existence upon the caprice of the majority of the day? Or are you for that Constitution as your father's made it? full of checks and balances to protect the minority against the majority. Constitutions are made to protect minorities, not majorities. Let us look at the history of the formation of the Constitution of the United States. When that was formed, by resolutions of the old Confederation it was provided that it should be ratified by nine States at least, and should go into operation among the States only which ratified it;—not among the whole thirteen. It was ratified by eleven States and went into operation. Subsequently the other two States came into the Union.

The powers of the Federal Government are defined in that Constitution. Your people stated what powers it should have. You did not authorize a popular majority to pass a law. In the House of Representatives this popular principle is represented. It is composed of members according to population. The Senate is composed of members selected from States as corporate bodies, not according to numbers at all. The little State of Florida has as many representatives in the United States Senate as the great State of Ohio, with forty times the former's population. The President of the United States is not elected by a popular majority. He is chosen by electors, corresponding in number to that of Representatives and Senators in Congress. Can a majority of these popular Representatives pass a law? Certainly not. It must be acquiesced in by the Senate, representing the State Rights principle in our Confederation, and receive the sanction of the President before it goes into operation. Thus careful were the fathers of the republic to interpose all these checks and balances.

Our government is based upon the consent of the governed. All consented to the government we formed. Are you for the Constitution of the United States, or are you for overturning and rendering this republic as unstable as that of Mexico? The man who advocates popular sovereignty as the substratum of our government is mistaken, and if he carries out this doctrine, he is a traitor to the Constitution and the Union. (Applause.) There is not a State in the Union that allows a popular majority to make a law, and I do not believe there is a man in this house who would give his consent to a government where his rights depended upon a popular majority. Away with this dogma of popular sovereignty—this catch-word to dupe the unthinking. I do not mean by this that it is not one element in our government; but that the foundation of the government is a principle broader than this single element. Every State in this Union has a Constitution adopted by the people themselves which restrains the action of popular majorities. Now, in a Territory the organic act which gives it existence stands in the place of a Constitution to the people of the Territory. State Constitutions call into being Legislatures, provide a judiciary, and Governor, and all the machinery of government; in a Territory, the Congress of the United States provides all this. The Legislature of a Territory, called into existence by the organic act of Congress, can no more violate that organic act than a State Legislature can violate the Constitution which gave it existence. A Territory has such powers, and such only, as the Federal Constitution confers upon it, just as the Legislature of Ohio has such powers as its State Constitution confers. But perhaps you say popular sovereignty means something else.—Lest I might be misunderstood, I have brought along a sort of patented popular sovereignty, [holding up a number of *Harper's Magazine*,] to which I wish to call the attention of this attentive audience. That I may not deal with it unfairly, I hope it will not be any infringement of the copyright if I read some extracts from it.

"The relative powers and functions of the Federal and State governments have become well understood and clearly defined by their practical operation and harmonious action for a long series of years; while the disputed question—involving the right of the people of the Territories to govern themselves in respect to the local affairs and internal polity—remains a fruitful source of partizan strife and sectional controversy."

The question is not as to the rights between the States and the Federal Government; that is harmonious. But the question is as to the rights of the people of the Territories. Now see what the author next says:

"The political organization which was formed in 1854, and has assumed the name of the Republican party, is based on the theory that African slavery, as it exists in this country, is an evil," &c.

Now what was this inserted here? The writer first said the dispute is in regard to the right of the people of a Territory to govern themselves; and now he says the Republican party is based upon the idea that African slavery in this country is an evil. He of course did not mean to mislead anybody! Then he quotes from the platform of principles adopted at Philadelphia by the Republican National Convention in 1856:

"That the Constitution confers upon Congress sovereign power over the Territories of the United States for their government, and that in the exercise of this power it is both right and the duty of Congress to prohibit in the Territories those twin relics of barbarism, polygamy and slavery!"

Do you see anything about making war upon slavery where it exists in that resolution? The writer says the harmonious Democracy have disputes in regard to the power of the people of the Territories, and these different opinions arise from different interpretations of the Constitution. I want you to notice the language of the extract from this manifesto which I read to you:

"Those who believe that the Constitution of the United States neither establishes nor prohibits slavery in the Territories beyond the power of the people *legally* to *control* it." Do you see that word *legally* put in there?

"There are those in the United States," says the writer, "who believe the Constitution neither establishes nor prohibits slavery in the Territories beyond the power of the people legally to control it." Do you believe anybody thinks that? If they control it *legally*, it will be according to the Constitution, will it not? Notice the word *control*—"beyond the power of the people legally to control it." Can you control a thing you have not possession of? The doctrine is, there are those who believe the Constitution neither establishes nor prohibits slavery beyond the power of the people legally to control it. Senator Brown, of Mississippi, believes this. He says the people of the Territories can control slavery but cannot exclude it, because it goes there under the Constitution. This magazine manifesto, you will notice, is silent upon the power to *exclude* slavery from the Territories.

What is the dispute? As to the particular interpretation of the Constitution of the United States? How is it to be interpreted? To illustrate: I will go to my friend and ask what my right to a horse is which is in dispute between a neighbor and myself. I claim that the horse is mine. He says, "Sir, you are free to take your horse and the with of you please, subject to the legal rights of your neighbor." What right have I got? The same right that those popular sovereignty men give, leaving the people of the Territories perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States. Popular sovereignty is set up in opposition to fundamental law; and in that shape it is to be scouted as destructive of constitutional liberty. As it is here written, it means just nothing at all.

But this doctrine is not only, as I said, subversive of government, and absurd, but it is utterly impracticable. I do not say these who advocate it are all dishonest. Men are sometimes sincere in error. Nor do I claim to be infallible. But the idea that the people of a Territory are left to do as they please, and that parties who advocate this doctrine are in favor of any such practical application of it, it will be seen upon examination is all a mistake.

It is said by this same writer that the provisions of this act are believed to be in entire harmony with the Constitution, and under them that the people of Kansas possess every right in respect to their domestic institutions. I presume these popular sovereignty men thought they were doing self-government a great service when they imposed upon the people of Kansas a Governor. The Kansas-Nebraska bill provides for the organization of the Territory of Kansas, and directs that the President of the United States shall appoint—with the consent of the Senate—a Governor for the people of that Territory. Now what do you imagine the people of Pennsylvania would think if the President should send them a Governor? What would you think in Ohio, now while your State is being canvassed by gentlemen for the office of Governor, if some one should tell you that you had a right to do as you please, but that a Governor would be appointed for you? This Governor in Kansas has the veto power of two-thirds, and is a part of the legislative department.

It takes a two-thirds vote to overcome his veto. The same bill provides even the number of members composing the Territorial Legislature. Is this consistent with self-government? The popular sovereignty men no doubt think this is permitting the people of Kansas to do as they please. What do you think of it? Not only is the Governor, but the Judges and the Marshal are appointed by the General Government, and a Legislature provided for the people of Kansas. According to this, the Czar of Russia is one of the greatest upholders of self-government, for he releases the people from all care in selecting rulers, Judges, and the executors of the laws.

When the Kansas-Nebraska bill was pending in the United States Senate, Gov. Chase, then a Senator from Ohio, introduced an amendment that the people of the Territory should have the right to select their own Governor and Judges—which was, indeed, the only truly self-government feature of the bill. This was voted down by these popular sovereignty men, and yet they have the face to come before an intelligent community, and claim that the people of Kansas can do any act which the people of Pennsylvania can do. The people of Pennsylvania, Quakers though they be, would fight and die in the ditch before they would allow any one to appoint a Governor for them. Who can swallow this? [holding up the popular sovereignty manifesto printed in Harper's Magazine.]

How is this party acting in regard to this great principle of popular sovereignty upon other governments? The author of the Kansas-Nebraska bill is the very man who, when Texas was about to be annexed to this Union, moved an amendment providing that in all that territory lying North of 36 deg. 30 min., and States to be formed out of it, slavery is forever prohibited. No man ever did this but the author of this doctrine of self-government. What is this but making war upon slavery in the States? I believe none of the Abolitionists go so far as to ask prohibition by Congress of slavery in the States. But here it was put into a resolution for the annexation of Texas. The same person repeatedly moved to extend the Missouri Compromise line to the Pacific Ocean, and voted for it. No doubt he thought he was doing self-government a service, as good old St. Paul thought, when he was persecuting the Christians, he was doing God-service. This man also voted for the Wilmot Proviso. I mean this as an application to the advocates of popular sovereignty, and do not use it as personal to any individual at all. I speak of the party that advocates this doctrine of popular sovereignty or self-government in the Territories. These men have practically trampled under foot the very doctrines which they preach.

Some persons understand this article as conceding the right to exclude slavery from the Territories. If any person is being misled, I ask him to read this magazine article carefully. It does not advocate the doctrine that the people of a Territory have the right to exclude slavery. This is not the ground upon which it is based. I will tell you what it does say:—"It follows according to the decision of the Court, that slave property stands upon the same footing as other property, and is entitled to the same rights and immunities, and in like manner is dependant upon the local authorities and laws for protection." This is the language of the author of this article on popular sovereignty. If you concede that, then slavery is in the Territories, the same as any other property.—How are you to get rid of it? Is other property subject to confiscation? Can the Legislature of Ohio confiscate your property? If slave property is upon the same footing as other property, slaves can be no more confiscated than other property. The most that can be done is to control slavery, not exclude it. Here is the fundamental error at the basis of this article.

Judge Black, in an article which first appeared in the Washington *Constitution*, in reply to this article in the Magazine, takes the same ground as the author of this latter article, that slave property is like any other kind of property, and has the right to exist in the Territories of the United States, and that the Territorial Legislature nor Congress has the right to confiscate it. Judge Black says slave property is the same as any other species of property, and is entitled to the same protection. This magazine writer says the Courts have no jurisdiction except such as is conferred upon them by law, which means the Territorial laws. So if the Legislature of the Territory confer no jurisdiction upon the Courts, then how can those Courts have jurisdiction upon this subject? If he will look at the Kansas Nebraska bill, he will find it says the Territorial Courts shall have jurisdiction in all cases arising under the Constitution. If you will look a little further, you will find that this act protects slave property as other property. No other property whatever has an especial provision for its benefit. If you will read the Kansas-Nebraska bill, you will find an appeal is allowed from the Territorial Courts to the Supreme Court of the United States, but is limited to cases where the amount in controversy exceeds a thousand dollars.—A little further on it is provided that in cases involving a negro the right of appeal is given with out regard to the amount in controversy. The man claiming to be his master can take him up to the United States Court and secure another Dred Scott decision. A man may come up from South Carolina with some negro not worth ninety-nine cents, and if the Territorial Courts decide he is free, his master can take the case up to the Supreme Court of the United States and establish his right to the slave. But on the other hand, a citizen of the Territory may have other property involved in litigation to the amount of nine hundred and ninety-nine dollars and ninety-nine cents, and if the Territorial Courts do him injustice he is without remedy.

According to the Cincinnati Platform, which was the creed of the Democratic party until the Dred Scott decision was made, have the people of a Territory the right to exclude slavery? If you look, you will find it carries out the doctrine of the Democratic party in every point. [Here the speaker searched his pockets for a clipping which contained the provision of the platform to which he wished to refer; but not finding it he remarked it "was no wonder he had lost it—it was so slippery." But he would give it substantially.] This great Democratic party resolved that the people of the Territories, including Kansas and Nebraska, when the number of the population justifies it, have a right to form a Constitution, with or without slavery. When have they a right to declare for or against slavery? Does not that imply that they have no such right until the population justifies the formation of a State? That is the way your child would understand it if you told him when he had hoed three rows of corn he might come to the house. If he came in when he had hoed only two rows, you would whip him and send him back. If you undertake to exclude slavery from a Territory before you have enough people there to make a State, my popular sovereignty friends, the slave interest will whip you and send you back. (Applause.)

But this is at war with the Democratic doctrine, and is preached nowhere, except in the Northern States. This Kansas-Nebraska Bill has a double meaning. It means and is understood in the South as opening the Territories to slavery. There is no difficulty in introducing slavery into the Territories, for the bill admits that if any property can be admitted into the Territories, slave property can.

We deny that slave property is the same as any other species of property. The right of property in men depends upon local law, and it is not an axiomatic principle of common law, as Judge Black says, that one man can have property in another. Marriage, which is legal in Germany, and children that are legitimate under the laws of Germany, would be regarded as legal and legitimate here, because both countries recognize the marriage relation.—A horse which belongs to a man by virtue of the laws of one country, would be his property under the laws of any other country. But no such principle holds good in regard to the property of man in man. This difference is derived from the Great Author of all. He gave man dominion over every other living creature that moveth on the face of the earth; over the fowls which fly in the air; the fishes which swim in the sea; over every tree and herb; but nowhere gave he man dominion over man. (Sensation.)

It was in accordance with this great principle that the Declaration of Independence was made, wherein it is declared that all men are born equal, and endowed by their Creator with certain inalienable rights. All men are born equal. What is meant by that? I do not suppose it is meant that all men are equal in organized society. The very idea of organization implies rules and regulations by which some govern and others are governed. In every government you must have governors and those who are to be governed. The men who framed the Declaration of Independence meant to put their protest against the system in the Old World where men claim to rule by Divine right, and to lord it over others. They meant to repudiate, then and forever, that man is born with the right to rule over man. He may have dominion over property, and over the animal creation; but no man, in the absence of law, has dominion over his fellow man. He derives that dominion from the force of power When nations went to war, and an army of one nation captured that of another, the captives were held at the mercy of the captors. They could put them to death or reduce them to slavery. It is by virtue of the exercise of this power, by local law, that slavery exists, and it cannot exist in any other way. This was proclaimed years ago as the law of England. Lord Mansfield declared that slavery could not exist in England; that a slave could not breathe in England; that the moment a slave touched British soil his shackles fell.

This magazine article, the language of which I had intended to note more fully than time will now permit, goes on to show that the Territorial Legislature has some rights which Congress does not possess—that that Legislature has power to exclude slavery from the Territory and that Congress has not. I say Congress has the power to exclude slavery from a Territory, and so has a Territorial Legislature, and that by virtue of a grant from Congress. How did the Legislature get this power to exclude slavery? It seems that some power has been given to the Territorial Legislature that Congress has not the authority to give.

The writer says there are a great many things that Congress may authorize others to do, which it cannot do itself; and that there are things which Congress can do that it cannot authorize another to do for it. There can be no greater fallacy. What a preposterous idea that Congress can authorize something to be done which it has no authority to do itself. You have created a government with certain specific powers to give authority to some other government; let this go on, and there would be no limit to the power it might convey away, although it had not anything to give away.

I deny that Congress can confer legislative power upon any body of men it cannot itself exercise. It may confer legislative power upon a Territorial Legislature, and it may, if it think proper, exercise legislative power itself. In the Kansas-Nebraska bill, Congress declares what the jurisdiction of the Justices of the Peace shall be. It passes a law prescribing the number of the members of the Territorial Legislature, and Judges of the Courts. Until 1854, all laws passed by Territorial Legislatures were required to be submitted to Congress, and originally had no force unless approved by that body. Afterwards it was declared that the laws should be submitted to Congress, and go into effect unless disapproved. Does anybody doubt that Congress could repeal the Territory of Utah, Kansas, or Nebraska? If Congress can pass a law organizing a Territory, cannot it annul that law? It seems absurd that the Territorial Legislature has the power to exclude slavery and that Congress has not.

The history of the colonies prior to the Revolutionary War, is gone into by the writer of this magazine article. It is said in this article the colonies went to war with Great Britain for the purpose of establishing the right chiefly to regulate the slave trade; that the great complaint against the mother country was, that she would not permit the colonies to regulate the African slave trade for themselves; and the writer argues to show, not that the colonies were opposed to slavery, but that they were contending for the great principle of self-government, and the right to regulate the slave trade as they pleased. It was principally for this, he contends, that the colonies went to war. I think it a very great pity myself, that some of these little modern histories were not introduced into the district schools of Vermont when the writer went to school. He might then have found out it was because the mother country undertook to force taxes upon the people of the colonies, that they went to war; and that one of the causes was that his majesty, George III., forced Judges upon them, and made those Judges removable at his will, just what the author of this article did with the Kansas people in his Kansas-Nebraska bill. If this historical record be true, and the Territories of the United States are to be likened to the colonies; and if the colonies contended for the right to regulate the African slave trade, why have not the people of the Territories the same right? If the Congress of the United States forced Africa upon them have them. What right have you to prevent it? Was not that the question the colonies went to war about? You say you are for popular sovereignty, subject to the Constitution. What right have you to impose the Constitution upon the people of Kansas? Have the people of Kansas ever submitted to the Constitution of the United States? Is it any less a grievance to their great rights of popular sovereignty, or self-government, to have a law in the shape of a Constitution put over them, than a law in the shape of an act of Congress?—Do you see you are bound to allow the people a revival of the African slave trade according to your own argument? Are you for allowing the people of Utah to set up a government upon their own notions of polygamy? You have no right to impose a constitution upon the people of Kansas. They have never assented to the Constitution. The States of this Union have all assented to the Constitution of the United States, but the Territories have not. The writer, in order to sustain his position, misconstrues, I will not say falsifies. Probably he is sincere, I have no doubt these popular sovereignty men think they are perfectly honest.—He may have supposed he was stating historical facts.

He undertakes to show the true plan for the government of the Territories, is to leave them to do as they please on the subject of slavery. The writer says Mr. Jefferson in 1784 proposed a plan for the government of the Territories, and in that plan he had a clause excluding slavery from them, and says that was voted out. True, but how was it voted out?—There were thirteen States belonging to the Confederacy. It required a majority of the States to pass the resolution. Only ten States were represented, six voted to retain it, three against it, and one did not vote. The next year, 1785, which the writer of this article *overlooked*, when twelve States were represented, a motion was made to re-affirm the clause excluding slavery; eight States voted for it, and it was adopted. It was, however, only a report made by a committee. The plan was put in force, not until in 1787.

The writer of this article says that in no public document is the word Territory used to mean anything more than a tract of land, until after the Constitution was adopted. This is a slight mistake. The word occurs in the ordinance of 1787, for the government of the Northwest Territory; and is one of the clauses of the ordinance of 1785, excluding slavery from all the territory embraced within that ordinance.

The Federal Constitution was adopted in 1789; in the same year George Washington was inaugurated first President of the United States; and one of the first acts of the first Congress under the Constitution was to re-affirm the ordinance of 1787. In 1800 the territory of Indiana was organized and the clause prohibiting slavery re-affirmed. In 1805, the Territory of Michigan was organized, Thomas Jefferson being President, and the clause prohibiting slavery was re-affirmed.

In 1809, the Territory of Illinois was organized, James Madison being President, and the clause prohibiting slavery was re-affirmed. In 1820, James Monroe being President, the Missouri Compromise was adopted, excluding slavery from all the territory acquired from France lying North of 36 deg. 30 min. In 1836, Andrew Jackson being President, the Territory of Wisconsin was formed, and slavery was excluded from it by act of Congress. In 1838, Martin Van Buren being President, the Territory of Iowa was organized, and slavery was excluded by act of Congress. In 1845, Texas was annexed, with a clause in the annexation resolution, prohibiting slavery North of 36 deg. 30 min., Mr. Douglas making the proposition. In 1848 Oregon was organized, James K. Polk being President, and slavery therein was prohibited by act of Congress. With this history before you, all spread out upon the statutes of the country, what do you think of the statement that our fathers fought the battles of the Revolution to maintain the principle of allowing each community to regulate its domestic affairs in its own way? When you see the man who fought the battles of the Revolution, the Commander-in-Chief, Jefferson, Madison, and all the patriots of that day participating in the passage of acts excluding slavery from the Territories, what do you think of the statement that they went to war to establish the rights of the colonies to have slavery if they wanted it?

I will not detain you longer with the discussion of this magazine document. I have said enough to show that this thing called popular sovereignty, or self-government, if meant to be popular sovereignty or self-government according to the Constitution, means nothing at all. If it means the right to do as one pleases, it would be destructive of the Constitution and the Union. I have said enough to show that it is utterly impracticable, because its authors cannot carry it out. Sovereignty implies supreme power. If the Territories are sovereign, the United States Government is not superior to them. They are not States belonging to the Union. The men who advocate this doctrine are inconsistent, for they impose restrictions upon the people of the Territories. The Kansas-Nebraska bill is an utter refutation of the doctrine of popular sovereignty.

I will undertake to state what is the true theory of the government of the Territories. They are not to be likened to the colonies at all. The colonies were forever to remain dependencies of the British crown. A Territory is only to remain under Congress until it has enough population to come in and be one of the United States. Territories are like the children of a household. Do you think it wrong that children should be under the control of their parents?—Would any one think it right to advocate that a child should do as he pleased, and that there was no difference between controlling a child and an adult person? Is not this very different from saying that children should be controlled by their parents as long as they live? The colonies were forever to be under the control of the crown; the Territories under the control of the General Government only until their population will justify the formation of a State government, when they become sovereign in their jurisdiction over domestic affairs.

In regard to the power of the Constitution over the Territories: The Constitution of the United States, fellow citizens, was not made for Territories at all It was made for States. The preamble of the Constitution reads—"We, the people of the United States, in order to form a more perfect union, do ordain and establish this Constitution" "for the United States of America." It was made between the original thirteen States, and for the States. It contained provisions that the government which they created should have certain powers in regard to themselves, and certain other powers in regard to Territories. It was to secure to them the blessings of liberty.—They conferred upon the government power to do things outside of the States. We have interests lying beyond the States, and exercise authority, and send men beyond the States to attend to those interests. Agents are sent to China and to England, although the Constitution of the United States does not govern in Canton or London. So with the Territories. They were outside of the States; and they conferred upon that government the power to make all needful rules and regulations respecting the Territories. This is the language of the Constitution. The men who made that Constitution knew they had this territory. The ordinance of 1787 was adopted while the Convention to frame the Constitution was in session. Many of the members of the legislative body which passed this ordinance, were members of the Constitutional Convention. Congress, when it comes to make these needful rules, must make such rules and regulations as are best for the interests of the people who go to those Territories, and for the interests of the whole country. Should we not all agree to frame for those Territories such acts as would be for the interests of the people who go there? Is that ruling the people as the colonies were ruled? Who make the laws for the government of a Territory? It is an unsettled country. The older States of the Union are to fill it up with population. Our poor people who are unable to purchase farms here, are anxious to go there. They say to Congress, here is a rich and fertile country; we desire to go there. We ask that a Territorial Government may be established, under which we may be secure. Who make these laws?

The men who are to go there. That Territory belongs to the United States. It has not yet got a population to form any sort of Government Now, all the people of the Union cannot get together for the purpose of forming rules and regulations to govern those who are to go from Carolina and other States. We have a Congress to make needful rules and regulations, and we say to our members there, adopt such rules. Perhaps some of the members of Congress may themselves go to this Territory. In that case they make the laws for themselves. And you make them, and agree to these rules before you go there.

When we come to adopt these rules, one man sets down and writes—"We will prescribe these boundaries." All agree to that. Another says, "I will draw up a rule for the appointment of a Governor, with the two-thirds veto power." Another says, "I will introduce provisions for the appointment of Judges." The self-government man says, "I am for that." Another says, "I will prescribe the jurisdiction of Justices of the Peace." Popular sovereignty says, "I am for that."

And so they go on drawing up the rules.—You come to the slavery question. One man says the Free States are more prosperous than the slave States. He draws a comparison between New York and Virginia, and finds that the land in the former is worth ten times that in the latter State. He finds slavery is demoralizing, that labor is better respected, and that the poor man occupies a better position in society, where he has not negro labor to compete with. He says "I will draw up a rule excluding slavery from these places where I and my children are to go." "Ah, but" you have no right to do this," is the answer. "That violates the principles of self-government." Now the self-government man is shocked. The moment you tell him he must not reduce another man to slavery, you violate the first principles of self-government. The idea is you must have a right to make a slave of somebody or else you cannot govern yourselves. If I had not a great deal of charity, I would think these self-government men were not sincere. (Applause.)

What does the Constitution say? It says Congress shall have power to make all needful rules and regulations respecting the territory. All means, among other things, to rule and regulate to keep out negro slavery. With Congress the power to do this rests. "Ah, but," says the slaveholder, "I have another objection. This Territory is the common property of the United States, acquired by the common blood and treasure of the people of all the States. I will go there with my negro slaves." Sixty other free white persons rise and say: "We do not want slavery there; it is prejudicial to our interests; we are going there to buy farms, and our one hundred and sixty acres each will be worth ten dollars an acre if you do not go there with your negroes. But if you do it will not be worth three dollars. We want emigration to go there, and I know if you go there with your negroes, foreign population, and the people of the Free States will not go there. Your institution is debasing and demoralizing, politically, morally, and every other way." Another one says, "The thing is wrong. We have slavery in the States, it is true; but we do not propose to interfere with it there; and I don't believe there is a Slave State, were it now free, which would embrace slavery." A white man from the South who owns no slaves comes up and says, "I see the people who do not own slaves, get along better than we of the South; and I do not want slaves in the Territory." So nine-tenths of the people of the South, and the whole population of the North are opposed to extending slavery into the new Territory, seeing that we are not to be benefitted by it. Now the rule comes to be fixed.—How shall we fix it? You popular sovereignty men say we will fix a rule for the benefit of one man, and we are called hard names because we want to legislate for the benefit of fifty-nine. How can you refuse to adopt a rule which shall conserve the interests of the fifty-nine?

I would like to ask you who are living here in this flourishing State,—this wealthy and great State—who have been blessed with prosperity ever since the Territorial Government has been formed, and who have built up these large cities upon the borders of the State, whether there is a man of you, who can lay his hand upon his heart and say, "I am sorry that Jefferson, Washington, and these old patriots excluded slavery from Ohio?" Is there a man who would dare to say it? Is there a man here who would rise and heap such curses on his ancestors for keeping Ohio