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SCOTT & SON,

EDITORS & PROPRIETORS.

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SPEECH of HON. J. M. ASHLEY,

OF OHIO,

In the House of Representatives,

MAY 29TH, 1860.

The House being in the Committee of the Whole on the state of the Union.

Mr. ASHLEY said;

Mr. CHAIRMAN: Respect for legislative, executive, and judicial authority is a peculiar characteristic of the constituency I have the honor to represent. Indeed respect for all constitutional obligations, and for the laws passed in pursuance of the Constitution, as well as for all authoritative judical decisions, may with propriety be said to be a leading trait in the character of the American people. Especially is this respect habitual with the great body of the people of the free States:

Trained in the school of loyalty, taught to venerate the teachings of the fathers, guided in their daily walk and in all their public and private intercourse with their follow man by the stern principles of that wise Christian morality which has made New England at once the hope and glory of our country, it could not be that the citizens educated within her jurisdiction and the States founded by her wisdom and enterprise, should be otherwise than loyal to the Constitution and the Union. Asking for themselves nothing that they would not concede to the humblest, they make the community of interest identical, and the loyalty of every inhabitant of the State a necessity.

This grand consummation has been practically achieved in eighteen States of the American Union. The system of government adopted by them, in my judgement, is the best system known to man. It is the best, because it rests upon labor and is created and controlled by the free and untrameled will of the laborer. It is the best, because experience has demonstrated that it is the only foundation upon which States and governments can safely and securely rest. In such a government the labors must not only be free, but they must be citizens; having rights which the government and all classes of citizens are bound to respect and defend—the poorest and humblest inhabitant being equal, before the law, with the richest and most powerful; sharing in its burdens, enjoying its protection, and feeling individually responsible for its good or bad management. This theory is daily growing stronger among all civilized nations, and "the world beginning to understand that injuring one class for the immediate benefit of another, is ultimately injurious to that other; and that, to secure prosperity to a community, all interests must be consulted." This truly republican idea of consulting the interests and obeying the wishes and wants of the people, was recently acquiesced in to an extent before unknown, by the leading Powers of Europe, when they recognized the right of the people of the Roman States to declare by ballot, whether they desired separate governments, or a united Italy, with Victor Emanual as their chief. The state of society necessary to form such governments as we have in eighteen States of this Union, can only be secured where an untrameled press and free speech are guaranties, and public schools and a free church is secured to every inhabitant in the Commonwealth. These institutions the free States have to an extent unknown to any government or people on earth; and to them, more than to any other cause are they indebted for their unsurpassed development, and for that prosperity and growth which have been the wonder and admiration of the world. It is impossible that such a people, living under such government as is secured by the laws and constitutions of the free States, no matter what their former nationality may have been, should be otherwise than loyal citizens, or that they should be otherwise than the firmest defenders of the principles which lie at the foundation of these States, and the jealous guardians of that Constitution and Union which our fathers ordained to secure and perpetuate these blessings.

In fifteen States of the American Union, practically, the reverse of all this is true. The exceptions are only in a few of the border counties of slave States, adjoining the free States, and in three or four cities whose commercial intercourse is extensive in the North. In all these fifteen slave States, a class is dominant which fills all the offices, and controls the legislative, executive, and judicial departments of the Government. They do not pretend to be loyal to the national Constitution, or obedient to the laws passed in pursuance thereof, but claim that their first and highest allegiance is due to their several State governments and their institution of human slavery. They care nothing for the Union, except so far as it subserves their purposes of building up and extending their peculiar institution, and perpetuating their own political power. They trample upon all treaties, compacts, and compromises on this continent, and neither respect or obey any law or judicial decision that does not sustain their imperious demands for special legislation and protection.

Trained in the disunion school of Calhoun, they reject not only the teachings of the fathers, but the doctrines of that Christianity which enjoins upon all, whether as individuals, communities, or States the duty of doing unto the least and weakest as they would that others should do unto them. Hence in all the slave States the constitutional rights of an American citizen are not respected; the constitutional gusarantee for free speech and a free press is a mockery; free schools and an enlightened Christianity an impossibility. The laws to suppress the slave trade are openly disregarded; and violence and mob law reign supreme. The laborers upon whose toil these States exist are slaves, and have been declared not to be citizens though born upon the soil, but simply persons with no moral, social, or natural rights, that the dominant race are bound to respect, if the mere *ipse dixit* of the Supreme Court is to be regarded as law. Their obedience and subjugation are secured by enactment and usages the most barbarous and tyrannical ever known to man. A reign of terror secures the obedience and cooperation of the poor whites; and because of this submission, they are claimed as loyal friends of the institution of slavery. But their loyalty is, in fact a humiliating submission to the privileged class—a submission as abject in most of these fifteen States as is the submission of the most spirit-humbled slave. The guarantees of the national Constitution, so far as they affect the individual rights of an American citizens, are denied alike to all men who are not of this privileged class or their open allies; and to be an American citizen secures no protection from insult and outrage unjust imprisonment and terrible punishments, and even death. So complete is this reign of terror that no man can print, or speak, or preach, or pray, unless he does it in the manner prescribed by this privileged class. These two forms of government and society are the antipodes of each other, and cannot co-exist and peacefully endure. There must, of necessity, be serious conflicts and constant struggles for the ascendancy; and eventually the one must give way to the other. There is then, an "*irrepressible conflict*," as the distinguished Senator from New York has said between the two forces or forms of government and society; and it will continue until freedom or slavery shall have complete domination in every department of the Government.

This privileged class, with Calhoun and his political disciples, have had, with the exception of one or two short intervals, almost complete possession of every department of the national Government for the past twenty years. Taking advantage of the well-known loyalty of the people of the free States to the Constitution and the Union, and their habitual respect for all laws and decisions of the judicial department of the Federal and State governments, they have, by threatening to dissolve the Union, and by appeals made in the sacred name of Democracy, secured the co-operation and aid of thousands of patriotic citizens in the free States who are conscientiously opposed to the institution of slavery. They have thus been enabled to obtain and keep possession of every department of the Government, and so to shape its legislative, executive, and judicial action as to foster, build up, and extend this monstrous wrong of human slavery, and make it a national, instead of a State and local institution, if the Dred Scott decision is to be taken and held, as the President and his party declare it is, the correct interpretation of the Constitution.

I propose, Mr. Chairman, to show the House and the country how one department of the Government has been taken possession of by this privileged class—I mean the supreme judiciary. I propose to show that, while they have been preaching concessions and compromises to us, they have for years been secretly and cautiously at work to obtain complete control of this important, as well as most dangerous, department of the Federal Government. That this department of the Government is dangerous, I think the history of its usurpations since its organization will show.

The opinions of some of the ablest men of the Revolution—many of whom opposed the organization of this court with the powers granted to it, and predicted with singular foresight the dangers to which the rights of citizens and sovereign States would be exposed if it was established—have been more than realized. It had been well for the present and future of our country if the admonitions of those who opposed the organization of this department of the Government with its immense power had been regarded with more favor. It were well even now for our future peace if the warnings of Jefferson, Madison, Henry, Franklin, Grayson, and other distinguished men, should be heeded. But alas for freedom! their admonitions and warnings have not only been unheeded, but the scheme of a sectional and privileged class, aided by northern Representatives, has been accomplished so far as securing complete control of this department of the Government is concerned; and they now demand of the party, whose every movement they imperviously dictate, a change in their action and tone towards this judicial department. In compliance with this demand, we find the party to-day, which for years so vehemently denounced the usurpations of this court and opposed and disregarded its decisions, have come to regard it, if the declaration of their Presidents and Representatives and party conventions are to be credited, as the most "august tribunal" in the world—a tribunal whose opinions are infallible, from whose judgment there is no appeal, and before whose decisions and political decrees citizens and parties, and even sovereign States, are requfred to bow. On failure to acquiesce in this claim of prerogative, the Representatives of sovereign States are denounced on this floor by the leaders of this privileged class as traitors to the Government, and as perjurers, who have sworn to support a Constitution they intend to violate.

And here let me ask what there is in this tribunal, composed as it is by nine men, that should entitle it, as a political authority, to the veneration and unquestioned obedience claimed for it by the present Administration party, any more than to the same number of Senators and Representatives that might with ease be selected as gentlemen possessing at least equal, if not superior, legal and natural abilities? Is there anything in the character of these judges, in their services to the country, in their learning or qualifications as lawyers, that should entitle them to the appellation of an "august tribunal?" Is it not a fact, well known to every one, that so far from this court being composed of men of superior abilities, or the ablest lawyers in the country, a majority of them were partisans, and selected because of their partisanship when placed upon the bench? It is certainly a fact not unknown to the House and the country, that men of better legal abilities, whose nomination had been submitted to the Senate for confirmation, have often been rejected. The committee on the Judiciary, (a majority of which has been pro-slavery for the last twenty years,) to which said nominations are always referred, have, by some means unknown to the public, succeeded in prevailing on the acting President, whoever he may have been, to withdraw objectionable nominations, and substitute others more acceptable for the purpose contemplated by them, while some of the present partisans of this court were confirmed instead of those whose names were thus withdrawn or rejected. Before I take my seat I expect to show that a purpose was to be accomplished by those who secured the rejection, on a direct vote for confirmation in the Senate, of men of spotless characters, of great learning, and eminent judicial abilities, or their defeat by the withdrawal of their names by the President, at the dictation of this class interest. Debate was sought to be avoided on this delicate point, that their ulterior purposes might thus remain undiscovered, even in the secret archives of the United States Senate. Sir, if the country could understand how a majority of these judges were placed upon the bench, and the schemes resorted to by this class interest to secure men to represent their views and interests, the people would scorn their political decrees, and treat their usurpations as they deserve.

Sir, I expect to show that no man whose nomination has for years been submitted to the Senate for confirmation as a judge of this court has been rejected for his want of learning, or character as a citizen, or ability as a lawyer; but that they have been rejected solely on the ground of their known or supposed unsoundness on the question of slavery; every man known to entertain liberal views on that question being rejected; and partisans, without the eminent abilities or other requisite qualifications for the bench, have been nominated and confirmed in their stead, simply because they were either supposed or known to be reliable on the question of sustaining the claims of the slave power in the judicial decisions. Such is the extent to which this scheme has been carried—and I regret to say, successfully carried—by the carelessness, or incompetency, or criminal complicity, of northern Senators, some of whom have had southern plantations well stocked with slaves, while claiming to represent a free people. I say but for the indifference or the inability of northern Senators to defend and guard the interests of those they were commissioned to represent, or their criminal complicity, this scheme never could have been accomplished as it has been; for it required the votes of northern Senators to do it, and by their action or non-action this court, which in former years stood so high in the estimation of the American people, is now looked upon by the great body of citizens with distrust, and regarded by many of the best men of the nation as little else than a partisan political tribunal.

Mr. Chairman, it is no pleasant task for an American Representative to declare on this floor, and to the country, as I now do, and as candor compels me to do, that I have lost all confidence in, and veneration for, this Supreme Court; and I could wish that even before the expiration of the next presidential term I could see this Supreme Court reorganized. I wish I could see all laws repealed creating inferior United States district courts, so that we might be able to get rid of the whole batch of these United States judicial officials as summarily as the Republican party under Jefferson got rid of the swarm of district judges created by what is familiarly known as the midnight judiciary act, passed on the night of 3d of March, 1801. For while we cannot deprive these officials of their life tenures or titles by removal, it is an established principle in the national as well as State Governments—and the act under Jefferson to which I have referred is one of the earliest precedents on record establishing the right of the power that created and prescribed the duties of these courts—to repeal the law, and thus legislate these judges and clerks out of office by the power that breathed into them the breath of life. After a full investigation of this subject, I believe the only practical way, without a change in the Constitution, to reform the gross abuses, not only of the Supreme Court, but of the United States district courts, is: first, to reorganize the Supreme Court, and either create additional judges, or redistrict the circuits in such a manner as to equalize the business, and require the judges to be residents of the districts for which they were respectively appointed, or in which, by law, they are required to attend courts; and, second, to repeal the laws creating district courts and defining their jurisdiction and duties; thus legislating your judge Kanes, Magraths, and Joneses, out of office.

If new district courts are indispensable let them be carefully organized, and the judges be clothed with just a little power and as limited a jurisdiction as possible. We should make business and the wants of the country only a basis for creating districts; and not create districts and offices for broken down politicians, as has been done to an extent that would astonish the country could it be known. As an evidence to this fact, look at the State of Florida; with less than half the population of my congressional district, she has two United States district courts, and, of course, two judges; Tennessee, three; Missouri, two; and so on to the end of the list. Sir, unless a man has carefully examined this subject he cannot conceive, and even after an examination will be reluctant to come to the conclusions, which I confess I have, to wit, that the Supreme Court is, as Jefferson declared it to be, "a subtle corps of sappers and miners, constantly working under ground to undermine the foundation of our confederated fabric." "They are constructing our Constitution," he added, "from a co-ordination of a general and special Government to a general and supreme one alone." I feel confident that if these usurpations of this court be not speedily checked, the rights of the States and the liberties of the people will be endanged; and the danger is the more imminent, from the fact that a class interest have secured the absolute control of this court; and having secured it, now demand that the party which they also control shall proclaim, through their Presidents, and party conventions, and party press, the doctrine that the political decisions of a majority of these nine men are infallible and binding upon the party, without the benefit of an appeal to the people. The extraordinary spectacle is presented to the world of a once great party, which cherished and defended the rights of the masses, having been taken possession of by an oligarchy, and the doctrine proclaimed that there must be an uncontrolled absolute power in the Government somewhere, from which there can be no appeal; and that power they claim to-day must be vested, not in Congress, or in the States, or in the people, but in the nine men who constitute this Supreme Court.

Sir, the Republican theory is, that the government is not the master, but the servant. Every department was created by the people, not for the benefit of any class interest, but for the safety and happiness of the whole, and every department is subordinate to their will. Government is but a means to an end, and whenever it ceases to answer the purposes for which it was erected, the people can alter or abolish it.

Sir, neither the executive, nor judicial, nor law making power is supreme. The Constitution is above them; and the people, who made the Constitution, and vested temporarily the authority of enacting, executing, and adjudicating the laws, are above and superior to all. This absolute power, therefore, claimed for the Supreme Court by the Administration party, must be resisted, because there cannot with safety be any department of a republican Government from which an appeal to the people cannot be taken. If there is an absolute power in any Government that is above and superior to the people, it is a despotism. In an oration delivered by John Quincy Adams, July 4, 1831, and cited by Judge Story in a note to section 208 of his Commentaries, he says, in referring to this subject:

"It is not true, that there must reside in all Governments an absolute, uncontrollable, irresistible, and despotic power; nor is such power in any manner essential to sovereignty. Uncontrollable power power exists in no Government on earth. The sternest despotisms in any region, and in every age of the world, are and have been under perpetual control.—Unlimited power belongs not to man; and rotten will be the foundation of every Government leaning upon such a maxim for its support. Least of all can it be predicated of a Government professing to be founded upon an original compact.—The pretense of an absolute, irresistible, despotic power, existing in every Government somewhere, is incompatible with the first principles of right."

Sir, these well-considered reflections, made by one of the wisest and best statesmen who since the days of Washington adorned and dignified the the presidential office, are well worthy of the serious consideration of the people at this important crisis in the history of our country; when a great party, who have had possession of the Government, have declared through their present Chief Executive that there is a power in the Government to which every department must yield, and to whose opinions the people of all political parties must give implicit obedience.

The anti-Democratic doctrine was broadly announced by Mr. Buchanan in that most remarkable passage in his late annual message to Congress, in which he said:

"I cordially congratulate you upon the final settlement, by the Supreme Court of the United States, of the question of slavery in the Territories," &c.

And strange to say, this dangerous anti-Republican, and anti-Democratic doctrine, recieves the support of the great body of Representatives on this floor claiming to be Democrats.

Mr. Chairman, the efforts of Mr. Calhoun to enlist all the Southern States in his disunion movement of 1832, under color of opposition to the tariff act of 1828 having failed, and the scheme exposed and effectually crushed out by the boldness and decision of General Jackson, and this desperate faction and their leader excluded from the Democratic party during the Administration of that old hero, other expedients were resorted to by Mr. Calhoun to secure the accomplishment of his cherished purpose, namely, either a dissolution of the Union and the organization of a southern slaveholding confederacy, or the recognition of the present Government of his theory, that slavery is recognized by the Constitution, and that Congress had no power to abolish or exclude it from the Territories, or the District of Columbia. After the election of Van Buren to the Presidency, Mr. Calhoun and his followers were again received into a kind of *quasi* fellowship with the Democratic party and supported the leading measures of that Administration. The express ground upon which this support was given, was the alleged fact that Mr. Van Buren was disposed to favor Mr. Calhoun's theory that the Constitution of the United States recognized property in man.—Whether such were Mr. Van Buren's views, or not, I am unable to say; but certain it is, that he pledged himself in his inaugural address, unasked by the Democratic party, to veto any law which Congress might pass abolishing slavery in the District of Columbia; and before he had been one year in the presidential office he acquired, for the first time in the history of the Government, the unenviable appellation of a "northern man with southern principles."

Failing, however, to secure the open indorsement by the Democratic party of that day of the favorite theory of the slave power, Mr. Calhoun hit upon the plan of getting possession of the Supreme Court, Because it is a power the furthest removed from the people, is held in great esteem by them, and such acts of aggression as Mr. Calhoun contemplated, if committed by the Supreme Court, he knew would be so quietly done as to excite no alarm and pass almost unnoticed.

In the scheme, as the history of the country will show, Mr. Calhoun was successful.

Let us look at this point a few moments:

The Supreme Court was organized by an act of Congress passed on the 24th of September, 1789, by which act the court was made to consist of one chief justice and five associates.

By an act of April 29, 1802, districts, (each State being then called a district,) were formed into circuits, as follows:

"The districts of New Hampshire, Massachusetts, and Rhode Island, shall constitute the first circuit.

"The districts of Connecticut, New York and Vermont shall constitute the second circuit.

"The districts of New Jersey and Pennsylvania shall constitute the third circuit.

"The districts of Maryland and Delaware shall constitute the fourth circuit.

"The districts of Virginia and North Carolina shall constitute the fifth circuit.

"The districts of South Carolina and Georgia shall constitute the sixth circuit.

It will be noticed that this law gave the North and South each three judges and three circuits.

By the act of February 28, 1807, the Supreme Court was made to consist of seven judges; and the seventh circuit comprised the States of Tennessee, Kentucky, and Ohio.

By act of 3d of March, 1837, two additional judges and southern circuits were created, and the district of Ohio detached from the circuit of Kentucky and Tennessee, and the seventh circuit made to consist of the States of Ohio, Indiana, Illinois, and Michigan. In this act it was declared that "the districts of Kentucky, Tennessee, and Missouri, shall form, and be called the eighth circuit;" and "the districts of Alabama, Louisiana, Mississippi, and Arkansas, shall form, and be called, the ninth circuit.

By the creation of the eighth and ninth circuits, the South, with less than half the population, and not more than one fourth of the business in the Supreme Court, obtained a majority of the judges. Since the organization of the eighth and ninth circuits, the free States of Iowa, Wisconsin, California, Minnesota, and Oregon, have been admitted into the Union; and although these States contain a population, and have an amount of judicial business equal at least to one third of those of the entire fifteen slave States, they have not been erected into or attached to judical circuits, and have no representative on the bench of the Supreme Court. The reason for refusing or neglecting to place these States upon an equal footing with the new southwestern States, whose populations are far less, will be manifest, I trust, before I get through.

When Mr. Tyler, by the death of General Harrison, became President, and betrayed the party which elected him, by throwing himself into the arms of the disunion wing of the Democratic party, and placing Mr. Calhoun in the office of Secretary of State, for the purpose of acquiring Texas, a point was gained by this faction which they have not only never lost, but having secured the control of the succeeding Administration of Mr. Polk, they have advanced with rapid strides from a small and once powerless minority, as they were when treated as General Jackson treated them, until they have for years completely controlled the Democratic organization and changed its fundamental principles.

For the first time in this history of the Government under Mr. Tyler's administration, the opinions of men selected for the Supreme Court on the question of slavery were made a test of their promotion to that exalted position. No man who was known to entertain views hostile to the interest and political opinions of the privileged class represented by Mr. Calhoun could be nominated, or if nominated, confirmed to a seat on the bench of the Supreme Court. And two of the present judges—Justice Daniel, of Virginia, and Justice Nelson, of New York—were selected by Mr. Tyler, with the approval of Mr. Calhoun, because of their reputed fidelity to this class interest. Having secured, by accident, the executive branch of the Government, their next step was to obtain and keep control of the Senate committees, especially the Judiciary, Committee, to whom all nominations for the Supreme Court are referred; and as a result of this policy, the Judiciary Committee for the last twenty years has been completely in the hands of this faction. The following Senators were members of the Judiciary Committee at the time of which I am speaking. Ashley of Arkansas, chairman; Breese of Illinois, Berrine of Georgia, Westcott of Florida, and Webster of Massachusetts They recommended the confirmation of Robert C. Grier, of Philadelphia, and the rejection or withdrawal, by the President, if not of each of the following names, at least of such men as John M. Read, Edward Key, and George W. Woodward, of Pennsylvania, who were severally nominated and rejected or withdrawn because of their known opposition to slavery, and their relief that Congress had the power under the Constitution, and that it was their duty to abolish and prohibit slavery in all national Territoris.

During Mr Fillmore's administration the Judiciary Committee recommended the rejection or postponement or withdrawal of the nomination of E. A. Bradford, of Louisiana, one of the most distinguished lawyers of that State, and also the indefinite postponement of the nomination of William C. Micou of the same State, *on the same day the nomination was sent to the Senate.* Mr. Micou was at that time a law partner of Senator Benjamin, of Louisiana, and a distinguished member of the bar. This was disposing of a man summarily. These nominations were made by Mr. Fillmore, as was also the nomination of Hon. George E. Badger, of North Carolina, whose confirmation was refused and the consideration of it postponed on the recommendation of this committee by a test vote of 26 to 25, simply because he believed, with Henry Clay, that Congress had the power to exclude slavery from the Territories. So close was this vote, that the slave interest were compelled to telegraph to Alabama for Senator Fitzpatrick to come on and aid in his defeat by postponing the consideration of the subject until the inauguration of Mr. Pierce, who at that time was elected. After Mr. Pierce came into office he submitted the name of John A. Campbell, of Alabama, and he was confirmed. This committee were Butler of South Carolina, Downs of Louisiana, Bradbury of Maine, Geyer of Missouri, and Badger of North Carolina. It will be observed that on this important committee but one member was from the free States, and he a supporter of the Administration.

How many of the best and most distinguished men have been rejected during the past twenty years, after having been nominated for seats on the supreme bench, the public have no means of determining, as the official action of the Senate is locked up in the secret archives, into which the people are never permitted to look by the leaders of the Democracy, for fear of being called to an account for their base betrayal of the interests and wishes of their constituents. Many things have been said and done in the secret sessions of the United States Senate, which, if made public at the time, would have consigned the utterer to the shades of private life, and the party to a hopeless minority. This practice of holding secret sessions of the Senate is a feature in our system of government for which I have no partiality, and for which there is, in my judgement, no justification, except perhaps when the country is engaged in a foreign war, or discussing the proposed ratification of a treaty. No business touching or affecting the interest of the country at home should be done in secret, and kept from the people. The following are some of the names which I remember although there are doubtless more, of the persons who have been nominated for places on the supreme bench and either rejected or their names withdrawn John C. Spencer, of New York, Ruben Walworth for many years chancellor of the State of New York: Edward Key, George W. Woodward and John M. Read, of Pennsylvania; E. A. Bradford and William C. Micou, of Louisiana; George E. Badger, of North Carolina, and others whose names I cannot now recall.

And in the places of such distinguished jurists and most worthy and learned citizens, we have to-day, as the result and success of the Calhoun conspiracy, Nelson of New York, Grier, of Pennsylvania Campbell of Alabama, Daniel of Virginia, and Clifford of Maine; some of whom certainly would never have been thought of for a seat on the Supreme bench, but for their loyalty and devotion to the interest and wishes of the slave power To the political opinions of a court thus constituted, the people of the United States are called upon by the President and the so-called Democratic party to bow in submission; and are denounced as traitors to the Constitution and the Union, unless they yield up their political views, and embrace those of a majority of this packed and irresponsible tribunal.

If the neglect to organize the five free States I have named into circuits, and give them representatives on the bench, and the unfair manner in which the present nine circuits are constituted, in order, as must be apparent to every one to secure a majority of the Supreme Court judges to the South, is not of itself sufficient to satisfy any impartial mind of the covert designs of those who control and dictate the policy of the Democratic party, a glance at the population of one or two of the judicial circuits, and the business before the court, will satisfy the most skeptical that this inequality is not the result of mere accident, but of a deliberate well-laid, persistently-pursued scheme.

Take the population of the ninth circuit composed of the States of Arkansas and Mississipi, and compare it with the seventh, Judge McLean's circuit, which comprises the States of Ohio, Indiana, Illinois, and Michigan. The ninth circuit, Justice McLean's contain's over six millions. The second circuit Justice Nelson's composed of the States of New York, Connecticut, and Vermont, contains over five millions of freemen, while the fifth circuits, Justice Campbell's, composed of the States of Louisiana and Alabama, has but little over a million white inhabitants.

* * * * * *

What justification, excuse, or apology, can the members of the Democratic party in the North, give for this shameful neglect or betrayal of the interest of their constituents?

Let any impartial man answer the question, "how ought these circuits to be constituted?" and he will answer you, "in proportion to the amount of business done by each judge of the several circuits." If this, just principle should be adopted; and will some day be adopted, and the averaged business of the present five southern circuits should constitute the basis for creating new judicial circuits and judges of the Supreme Court, the North would be entitled to at least fourteen or fifteen more circuits and judges, without including the States of Iowa, Wisconsin, California, Minnesota and Oregon which I have not included in the calculation.

Why is it that this inequality is permitted to continue? Why is it that the Representatives of the so-called Democratic party from the North have not long ago moved to equalize this department of the Government; and obtain for their constituents a representation on the bench equal to their numbers, business, and wealth?

To say that all this is the result of accident, and the unexpected increase of population in the North, is a mockery. I tell, you, as all reflecting and observing men who are not partisans will tell you, that it is but one of the many schemes to which the Democratic party, since its surrender to the Calhoun faction, has lent the use of its great name and influence to establish and make permanent and universal the institution of human slavery in all the States and Territories of this Republic.

Mr. Chairman, the time was, and that, too, within the memory of many members on this floor, when slavery was regarded and admitted by the majority of the American people, by men of all parties, and all religious creeds, to be a moral, social, and political evil, from which it was the duty of the States to free themselves as speedily as possible, and for whose existence and continuance the national Government should in no way be held responsible before the world. Now all this is changed; and a great party to-day thro' its Representatives in this Hall, with here and there an exception, claim that slavery is a moral, a Christian, and desirable political institution, established by the Great Supreme for the happiness alike of the white and black races. And not only this, but they claim that the national Constitution, which our fathers declared they ordained to secure the blessings of liberty, carries, sustains, and protects, of its own force, the right of the master to the person and service of slave on every foot of soil, and wherever floats the national ensign, save only in sovereign States where, by positive enactments, its existence is prohibited: in other words, that slavery is a natural, legal, and universal relation, and freedom unnatural, exceptional, and local, and only made exceptional by the exercise of arbitrary will of the electors of sovereign States, expressed in the form of positive legislative inhibition. Even this pretended right, unsustained as it was by any respectable number of men from the organization of the Government until the birth of the Calhoun party, in 1844, has become the cardinal point in the Democratic creed.

This desperate faction was unfortunately recognized and negotiated with at that time, and its leaders succeeded in making a secret treaty with the recognized chief of the Democratic party, from the bad effects of which the party never recovered. Since that time this mere faction—a clique that twenty years ago could be easily numbered—have been constantly gaining in power and strength, until at last they have been able to force from the party an authoritive recognition of their doctrines.—They have baptized them in the name of Democracy; and from this time forward not only are the living principles of the old Democratic party to be abandoned, but the doctrine is to be maintained that the Dred Scott decision is the true interpretation of the Constitution; that the logical result of that decision prevents the people of a sovereign State from excluding slavery.

[TO BE CONTINUED NEXT WEEK.]

☞A young musical prodigy is attracting a good deal of attention in the vicinity of Salem, Massachusetts. A little girl aged three years and seven months, who plays upon the piano more than fifty separate airs, having composed two or three herself. She learns very readily; can play in the dark or blindfolded. He name is Martha S. Story, 2d, of Essex, Mass. She had exhibited her wonderful talents on several occasions to the great entertainment of her auditors.