

# FREEDOM v. SLAVERY.

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## SPEECH

OF

## JOHN HUTCHINS, OF OHIO.

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Delivered in the U. S. House of Representatives, May 2, 1860.

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MR. CHAIRMAN: When the distinguished Senator from New York, [WILLIAM H. SEWARD,] in his Rochester speech in 1858, defined the antagonism between free and slave labor to be an irrepressible conflict, he announced a truth inherent in the two systems, and cœval with slavery. The same idea has been frequently expressed in different forms by the opponents and advocates of slavery, in their discussions of the subject. If Mr. SEWARD, in the statement of this truth, is entitled to the claim of originality, it is in the use of words expressive of the idea. He has been represented as originating the antagonism, instead of defining it. He in apt words clearly defined what is patent to a student of history and to a careful observer of passing events, namely: that there is an irreconcilable antagonism between freedom and slavery. It is being demonstrated, if it never were before, by the logic of events now transpiring. The words freedom and slavery are expressive of opposite ideas; and wherever the two systems come in contact, there must necessarily be conflict and antagonism. A line of policy which would encourage free labor would discourage slave labor; hence the conflict as to measures in the legislation of Congress, affecting the two systems of labor. When, in fixing a tariff of duties upon imports, with a view to make the annual revenues of the Government equal its annual expenditures, a discrimination is made upon such articles as free labor produces, so as to afford incidental protection, then we find the advocates of free labor and the advocates of slave labor in antagonism on this floor. When it is proposed to encourage free labor by inviting it to occupy and improve our unoccupied public domain, by the passage of a homestead law, then we encounter the same antagonism. And so it is with every measure proposed, having the least relation to either system of labor. The establishment of the fact of a conflict between freedom and slavery does not, as a logical sequence, determine which is

right or which is wrong. I propose, therefore, briefly to examine that question, and address myself to that inquiry.

The advocates of slavery upon this floor have frankly and ably presented the question for our consideration; and I propose to meet it. If the system of free labor, as it exists in the free States of this Union, is wrong, we ought, as honest men, to abandon it, and adopt that higher type of civilization, as it is claimed, which exists in the slave States. If the system of slave labor, as it exists in the slave States, is right, we ought, under the Constitution of the United States, to extend to it that protection which its advocates claim for it. I maintain that slavery, as it exists in the slaveholding States, is wrong in every aspect in which it can be viewed; wrong to the slave; wrong to the slaveholder; an injury to the material, industrial, political, social, educational, moral, and religious prosperity of any people who encourage or tolerate it; and, like all other sins which afflict society, the sum total of its results is evil, and only evil. Slavery originated in motives of selfishness, of avarice, and of ambition; in an age when, by the teachings of those motives, might was a synonym for right—when the weak and unfortunate, and the conquered, had no rights which the strong were bound to respect. It is sustained at the present day, in and out of this Hall, by the same logic, and by the same motives.

When the colonists of this country were experiencing the oppressive effects of the tyrannical measures of the Parliament and King of England, tending to reduce them to political slavery, they naturally began to inquire into the *inherent* rights of man, as a subject of civil government; and that inquiry, with the discussion incident to it, in the light of the learning which the progress of society up to that time had developed, resulted in the adoption of "a platform" of political principles, in harmony with the Divine law, which was incorpo-

rated into the Declaration of Independence. The language is familiar to all, and I will not quote it. It is a clear and concise statement of the natural equality of *all men* to protection from Government, and to the enjoyment of "life, liberty, and the pursuit of happiness." It is erroneously asserted and unfairly contended that the broad application, which the opponents of slavery make of this language, secures to all classes and conditions of people equality of social relations and of political rights. Social relations are prompted by natural affinities, and it is not the appropriate object of Government to interfere with them. Political rights emanate from Government, and the extent which they are to be enjoyed by, and applied to, particular persons, is addressed to the sound discretion of the law-making power. Natural rights emanate from the Creator, and Government cannot therefore improperly interfere with them; and this is the sense in which the Declaration of Independence declares all men created equal. We do not deny to women their equality with men as to natural rights because we do not allow them the civil right to vote; and the same remark will apply to minors and unnaturalized foreigners. This statement, in the Declaration, of the natural equality of men, was the platform upon which the Revolution was fought. Its inspiring sentiments were its war-cry. This platform determines the wrongfulness of chattel slavery as an institution everywhere, for it cannot exist without a destruction of those natural rights it declares to be inalienable. This sentiment, anterior to July, 1776, pervaded the discussions of the colonies, growing out of their relations to the mother country, and they clearly saw that chattel slavery was inconsistent with it. The colonies found it here in violation of that just and cardinal maxim of civil government, which, in 1776, they so truthfully, clearly, and boldly, announced to the world. So sensible was Mr. Jefferson of this, that in his original draft of the Declaration, he inserted as one of the causes of complaint against the King of Great Britain, that he had interposed his veto power to prevent the colonies from suppressing by legislation "this execrable commerce" in human beings. This was his language:

"He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of infidel Powers, is the warfare of the Christian King of Great Britain. Determined to keep a market where men should be bought and sold, he has at length prostituted his negative for suppressing any legislative attempt to prohibit and restrain this execrable commerce."

I need not further quote from the writings of the prominent men who inaugurated and carried forward the Revolution, to show that

this sentiment was general. It is conceded by intelligent men from the South. I assert, without the fear of successful contradiction from any source, that the preponderance of public sentiment in a majority of the States, at the close of the Revolution, and for a long time afterwards, was against the policy and against the rightfulness of chattel slavery, as it then existed in those States. I assert further, as the corollary of that sentiment, that it was the general expectation that slavery would gradually disappear from all the States, through the instrumentality of our republican form of government, and through the humanitarian influence of our Christian civilization.

The framers of the Constitution excluded from it the word slavery, as a hateful term, and it was left out, as Mr. Madison said, because they did not wish to recognise the rightfulness of property in man. I have no doubt they had in view the future state of the country, when slavery should be abolished in all of the States, and adapted the Constitution to that state of things. It has been conceded by Southern men, in the House and in the Senate, this session, that the leading men of the slave States, before and after the adoption of the Constitution, uttered anti-slavery sentiments; but it is contended that they really were not opposed to slavery *per se*—that it was sentimentalism merely, an abstraction, or speculation, and not intended as a condemnation of the system. They clearly expressed themselves as opposed to it *per se*; and if they did not mean what they said, then they added to the practice of the wrong of slavery the hypocrisy of double dealing. I do not charge them with that, for they were *honest men*.

The gentleman from Alabama, [MR. CURRY,] in his able speech, delivered here on the 14th day of March last, upon this point, said:

"Scarce a speech has been made or an essay written, for ten years, against slavery, in which the opinions of the early fathers of the Republic are not introduced. These, however, were but mere speculations, and were not engrafted upon the organic law; and actual results are a safer standard by which to measure abstract principles. Besides, times have changed since this Government was first inaugurated as an experiment, not yet satisfactorily tested. Then there were but little over half a million slaves, and scarce a pound of raw cotton exported.

"African slavery is now a great fact—a political, social, industrial, humanitarian fact. Its chief product is king, and freights Northern vessels, drives Northern machinery, feeds Northern laborers, and clothes the entire population. Northern, no less than Southern, capital and labor are dependent, in great degree, upon it, and these results were wholly unanticipated by the good men who are so industriously paraded as clouds of witnesses against the institution.

"Slavery has altered, and men's opinions have altered."

Senator MASON, of Virginia, in a debate upon



the President's message, at this session, in the Senate, said:

"The opinion once entertained, certainly in my own State, by able and distinguished men and patriots, that the condition of African slavery was one more to be deplored than to be fostered, has undergone a change, and that the uniform—I might almost say universal—sentiment in my own State upon the subject of African bondage, is that it is a blessing to both races, one to be encouraged, cherished, and fostered; and to that extent, the opinion of Virginia is different from the opinion entertained by those distinguished men who have gone; but who, we believe—best knowing their sentiments—if they lived at this day, would concur with us. That is the present opinion."

In impressive contrast with this sentiment, which, Senator MASON says, is "the present opinion" of Virginia statesmen, I refer to the opinion of one of her earlier but not less distinguished statesmen, George Mason, the grandfather of the present Senator, and a member of the Convention which framed the Constitution of the United States:

"Slavery discourages arts and manufactures. The poor despise labor when performed by slaves. They prevent the immigration of whites, who really enrich and strengthen a country. They produce the most pernicious effects on manners. Every master of slaves is born a petty tyrant. They bring the judgment of Heaven on a country."

Senator HUNTER, of Virginia, in the same debate, admitted the same fact as to the state of public opinion in the earlier days of the Republic, and that public opinion in the South had undergone a change. Honorable Alexander H. Stephens, of Georgia, one of the ablest men of the South, in a speech delivered to his constituents after his return from the last Congress, admitted the same fact.

The Republican party, then, has the opinion of the fathers of the Republic on its side, that slavery is an evil "more to be deplored than to be fostered;" but the gentleman from Alabama says, "these were but mere speculations; and were not engrafted upon the organic laws; and actual results are a safer standard by which to measure abstract principles." The Congress of the Confederation gave practical effect to its sentiment of hostility to slavery, by prohibiting it in all the territory the Congress then had jurisdiction over, by the ordinance of 1787. The first session of the First Congress, in order that the provisions of the ordinance might continue, and have full effect, adopted it, and enacted certain provisions to adapt it to the Constitution of the United States.

These "were actual results engrafted upon" the legislation of the country. The fathers of the Republic, before and after the adoption of the Constitution, by opinion and action, treated slavery as contraband wherever they could, without violation of existing relations and arrangements. At the second session of the First Congress, an act was passed for the government

of the territory of the United States south of the Ohio river. This act was passed May 26, 1790, and extended over this territory the ordinance of 1787, "except so far as is otherwise provided in the conditions expressed in an act of Congress" of that session, "accepting a cession of the claims of the State of North Carolina to that territory." The conditions of that act, so far as the same related to slaves, were as follows:

"Provided, always, That no regulations made, or to be made, by Congress, shall tend to emancipate slaves."

I refer to these acts for two purposes: first, to show that Congress, in extending over this Southern territory the ordinance of 1787, except the anti-slavery proviso, would probably have extended the entire ordinance, had it not been for the proviso in the act of cession of North Carolina; and, second, to show that the Legislature of North Carolina supposed Congress had the power, under the Constitution, to prohibit slavery in the Territory. This act of cession was passed in December, 1790. The first session of the First Congress commenced March 4, 1789; so that the Constitution was in full force when this act of cession was passed; and the State of North Carolina had but recently ratified it, and her statesmen who composed her Legislature in 1790 were presumed to know something about the provisions of the Constitution; and if they had not supposed that Congress possessed the power to abolish slavery in a Territory, they would not have inserted this proviso.

Following up the abstractions of the fathers, that slavery was an evil, "more to be deplored than to be fostered," and to show, by "actual results," that they intended to prohibit and restrict it wherever they legally could, I refer to the act of March 22, 1794. The object of this law was, "to prohibit any citizen or resident of the United States from equipping vessels, within the United States, carrying on trade or traffic in slaves to any foreign country." (1 Wash. C. C. R., 522.) The next act to the same purport was passed May 10, 1800. This act extends the prohibitions of the act of 1794 to citizens of the United States in any manner concerned in this kind of traffic, either by personal service on board of American or foreign vessels, wherever equipped, or to the owners of such vessels, citizens of the United States.

Next in the order of time was the act of February 28, 1803. The object of this act was to prohibit the importation of negroes, mulattoes, or other persons of color, into any State which by law had prohibited or should prohibit the admission or importation of such persons of color. The object of Congress seemed to be to aid the States in getting rid of the evil of slavery.

The next action of Congress bearing upon the subject was the act providing for the temporary government of the Louisiana Territory, ceded by France to the United States, passed March 26, 1804. I invite special examination of the tenth section of this act. The first clause

of this section prohibits the importation or bringing into the Territory, from any port or place within the limits of the United States, any slaves. The second clause prohibits the importation or bringing into the Territory, from any port or place within the limits of the United States, any slaves which shall have been imported since the 1st of May, 1798, into any port or place within the United States, or which may hereafter be so imported. The third clause prohibits the introduction of slaves into the Territory, except by a citizen removing into the Territory for actual settlement, and being, at the time of removal, the *bona fide* owner of the slaves. This section was an unmistakable restriction to the introduction of slavery into that Territory. It had respect to existing relations, and did not interfere with citizens in the Territory *bona fide* owning slaves, and citizens removing therein *bona fide* owning slaves. The treaty stipulations with France compelled Congress to respect the right of property of the citizens of the Territory; and as slaves existed there by the laws of France, to that extent slavery was permitted there by Congress, and in other respects it was discouraged. Congress could not, prior to the year 1808, prohibit the migration or importation of such persons as any of the States, existing at the time of the adoption of the Constitution, should think proper to admit; but, by a reference to the acts above stated, it will be seen that it prohibited the traffic in slaves, foreign and domestic, wherever it constitutionally could, thus stigmatizing slavery as an evil to be discouraged and prohibited. On the 2d day of March, 1807, Congress passed the act to prohibit the foreign slave trade as to all the States, after the year 1808, the first moment they could so prohibit it. April 20, 1818, Congress amended this law, making its provisions more effectual; and in 1819, a more stringent law was passed. On the 15th of March, 1820, the last act on the subject of the slave trade was passed, making it piracy, and punishing a conviction of being engaged in it with death. These acts, severally and jointly, show that the early fathers of the Republic regarded slavery as an evil and a crime, and, acting upon that conviction, they were eager to punish it as a crime, where they supposed they had a right to do so.

The advocates of slavery are not satisfied with the opinions and practices of the fathers; and the gentleman from Alabama [Mr. CURRY] adopts the saying, "that it is necessary for each generation to discuss anew the great problems of human speculation, which continually come back, after certain intervals, for re-examination." Suppose we accept this philosophy, and meet the question on its merits, untrammelled by the opinions and teachings of the fathers; if they were wrong in opinion or action, we are not bound to follow them. They were honest men, but they may have made mistakes. From our stand-point, it would seem to me that it would have been better if a provision had been inserted in the Constitution for the gradual abolition of slavery in all the States; and I think, had

the framers of the Constitution foreseen what we now see, they would have so provided. The words of Pitt, on the East India bill, quoted approvingly by the gentleman from Alabama, were wise: "Good principles might sleep, but bad ones never. It is the curse of society, that when a bad principle is once established, bad men will always be found to give it its full effect." The spread and increase of slavery in this country, against the wish and against the expectation of the early fathers of the Republic, verify the truth of the remark.

Now, Mr. Chairman, to the question, were our fathers wrong, has the sentiment of Christendom been wrong, and is the Republican party wrong, in regarding slavery as an evil to be deplored and a crime to be prohibited? I cannot take time to define slavery, except that it reduces persons to chattels to all intents, purposes, and constructions whatever; ignores their rights to family, wife, or children, except for the interest of others, and does not recognise the marriage relation among slaves. There are no laws in slave States regulating or legalizing such relation among slaves. I understood the gentleman from Kentucky [Mr. SIMMS] to say, in the debate on the polygamy bill, he did not admit the legality of any such relation among colored people. This is, necessarily, the law of chattel slavery; for the legalization of that relation interferes with the property character of slaves, obstructs their unlimited transfer and sale, and concedes to the slave rights inconsistent with the rights of the master. Now, to undertake to prove that such an entire disregard, upon any pretext, of the rights of any class in society is right, is like arguing that two and two are four, or undertaking to demonstrate a self-evident proposition. I understood the gentleman from Mississippi [Mr. LAMAR] to admit, in his learned argument in defence of slavery, that the enslavement of Anglo-Saxons would be wrong, for they are entitled to freedom because they are capable of governing themselves. But Africans are incapable of self government, and therefore a superior race may rightfully enslave them. It is not within the range of what I propose to say to reply to this diabolism. My friend, Mr. LOVEJOY, made some remarks upon that, which are worthy of consideration. But I would like to ask the learned gentleman a question upon his governmental philosophy. It is an admitted fact that there is in the slave States "a visible admixture" of Anglo-Saxon with African blood, and quite likely there is as much Anglo-Saxon as African blood enslaved there. What must be the proportion of admixture to make slavery right?

The advocates of slavery discard theories, speculations, and abstractions; they prefer actual results. I am glad of an opportunity to test slavery by the standard which its advocates set up. Let slavery and freedom be judged by their fruits. I will institute a comparison between freedom and slavery from statistics—from official documents—about which there is no dispute. The statistics which I shall present



are from the Compendium of the Census of 1850, by J. D. B. De Bow, and from the Postmaster General's report accompanying the President's annual message, made at the commencement of this Congress. These statistics will show the "actual results" of freedom and slavery, respectively, upon the prosperity of the States; their material growth, their educational and moral condition. I challenge gentlemen to show a single fact incorrectly taken from the documents alluded to. I will first take the States of New York and Virginia. The former adopted the "theories and abstractions" of the "able and distinguished men and patriots" of Virginia, and treated slavery, as they regarded it, "more to be deplored than to be fostered," and consequently got rid of it; while the latter repudiated these teachings, and regarded African bondage "a blessing to both races; one to be encouraged, cherished, and fostered;" and, consequently, has continued it to the present time, and now defends it as a wise and beneficent institution; and one of her Representatives [Mr. PRYOR] upon this floor, at this session, declared it to be "the highest type of civilization."

New York contains an area of 47,000 square miles, and Virginia 61,352 square miles. In soil, climate, and natural advantages, Virginia is equal, if not superior, to New York. At the taking of the first census, 1770, the population of these States was as follows: Virginia, 748,308; New York, 340,320. In the year 1850 the population was as follows: Virginia, 1,421,661; New York, 3,097,394. The value of real estate in those States, in 1850, was: in Virginia, \$252,105,824; in New York, \$564,649,649. The value of personal and real estate was: in Virginia, \$391,646,438; in N. York, \$1,080,309,246. The value of church property was: in Virginia, \$2,902,220; in New York, \$21,539,561. Virginia had 2,930 public schools, with 67,353 pupils; New York has 11,580 public schools, with 675,221 pupils. The annual income of the school fund, in Virginia, was \$314,625; in New York, \$1,472,657. The post office statistics of any country afford good evidence of its business activity, intelligence, and educational progress. Total annual transportation of mails for the year ending June 30, 1859, in Virginia, 4,006,725 miles, at an annual cost of \$378,872; and in New York, 6,686,488 miles, at an annual cost of \$462,806. The Government expended, for the year ending June 30, 1859, for postal service in Virginia, \$510,801.03; and received during the same period, \$255,075.70; being an excess of expenditures over receipts of \$255,725.33. The Government expended, during the same period, and for the same purpose, in the State of New York, \$1,107,886.79, and received \$1,553,680.34; being an excess of receipts over expenditures of \$445,793.55. Will the Representatives of Virginia explain the cause of the difference between that State and New York upon any other basis than the superiority of free over slave labor? I submit to the judg-

ment of the American people of all sections, that it is owing solely to the cause that Virginia, against the opinion of her early statesmen, has encouraged and fostered the curse of human slavery; while New York, in accordance with that opinion, and in the spirit of the Revolution, has abolished it.

For the purpose of showing that, in comparison with freedom, slavery affects injuriously the prosperity of a State, I will institute a comparison between fourteen free States and fourteen slave States, namely: free States—Connecticut, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont; slave States—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Missouri, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. These free States have an area of 402,693 square miles, and the slave States have 849,328.

In soil, climate, and natural advantages, these fourteen slave States are equal to the fourteen free States named, and I think, in some respects, better.

In 1850, the population of the free States named was 13,036,934; and of the slave States, 9,521,237.

The value of real estate in the free States was \$2,408,309,987; in the slave States, \$1,416,102,421. The moral, social, and educational condition of the same States compare as follows: value of churches in the free States, \$66,972,525; in the slave States, \$21,234,226. Public schools in the free States, 61,008, with 2,711,035 pupils; public schools in the slave States, 18,313, with 572,891 pupils. The annual income of public schools in the free States, \$6,663,603; in the slave States, \$2,676,173. The white population at the same period was: in the free States, 12,842,279; in the slave States, 6,113,308. The number of scholars in colleges, academies, and public schools, was: In the free States, \$2,878,291; and in the slave States only 687,891. The number of free white persons, over the age of twenty-one, at this period, who could not read or write, was: in the free States, 411,036; in the slave States, 508,346.

The Postmaster General's report of this year, to which I have before referred, shows the following facts: total annual transportation of mails in these free States, 38,773,154 miles, at an annual cost of \$3,127,060; in these slave States, 37,017,511, at an annual cost of \$4,745,329—being carried in the free States, 1,765,643 miles further, at a cost of \$1,618,269 less than in the slave States.

The postal expenditures for the same period were as follows: in the free States, \$5,513,169.68; and in the slave States, \$5,942,092.65; and receipts as follows: in the free States, \$3,052,958.14; in the slave States, \$1,908,037.98—the expenditures in the slave States being \$428,932.97 more than in the free States, and the receipts \$3,144,920.16

less. The table which I have prepared will show the result in each State, and a comparison can be instituted, severally or in the aggregate, and the result will be about the same.

If the system of slavery, as it exists in the fourteen slave States I have named, is right—best for the master and slave, and one to be fostered and encouraged upon the principles of humanity and true political economy—why is it that these slave States compare so unfavorably, severally and in the aggregate, with the free States I have named? I think it would be well for some of the mercurial-tempered advocates of slavery upon this floor to answer this question, and others of a similar import which might be put to them, relative to the effect of slavery upon the prosperity of the slave States, instead of applying to us, who oppose the system, all the unparliamentary billingsgate which a bad taste and a worse temper can suggest. The disparity between freedom and slavery is too uniform to be accidental. I have only given a few of “the actual results” of slavery, which might be “industriously paraded as clouds of witnesses against the institution.” The census statistics now being collected will show more unfavorably against slavery than those of 1850, and every returning decade will widen the gap between freedom and slavery. The reason is too obvious to need argument to show it. Slave labor is forced and mere hand labor, and has none of the motives of reward which stimulate free labor; and the consequence is, that slave labor does not originate, and cannot bring to its aid, the numberless labor-saving inventions which have contributed so much to the industrial enterprise and prosperity of the free States.

I refer the gentleman from Alabama [Mr. CURRY] to the Patent Office for “clouds of witnesses against the institution.” Slavery is a war of one class of the community against the other, and slaveholding States are constantly in a state of war, and are, in fact, under the terrors of martial law. Their means are wasted in patrol surveillance and overseism. The history of the free and slave States in this country shows to my mind, conclusively, what ethical writers have contended to be true, that just dealing, for States as well as for individuals, is the best policy in the end. It is time the American people and politicians were beginning to understand, what Dr. Davy long since asserted to be true, “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.” Upon this point I therefore conclude, upon a re-examination of the opinions and speculations of the early fathers of the Republic; and “from actual results,” they were right in pronouncing slavery an evil to be deplored and to be got rid of as soon as practicable. The advocates of slavery, with a view to shield their system from attack, and to add sanction to it in the popular mind, assume for it a constitutional recognition; that, as a

system, the Constitution gives it a legal guaranty. This is mere assumption, and has no foundation in fact. I deny that the Constitution, upon any fair construction, regards slaves as property; but, on the contrary, it treats them as persons; allows them to be counted as a basis of representation. The article relating to fugitives from labor is sometimes referred to as recognising the property character of slaves; but here again they are regarded as persons, and not property. It is admitted that this clause relates to minors and apprentices, as well as slaves; and will any one claim that children and apprentices are treated as property, and are declared to be property? They are, as much as slaves are by this clause. The Constitution found slavery existing in the States by force of the laws thereof, and there it left it; giving to no department of the General Government direct control over it; and there the Republican party, as a political question, are willing to leave it. It is admitted by all—at least I have not heard it denied—that a State can abolish slavery whenever it may desire to do so; but if the Constitution of the United States recognises slaves as property, how could a State legally abolish slavery? The Constitution would be superior to the State law; and as there seems to be no end to the assumptions of slavery, this may be the next plank to be spiked on to a Democratic platform.

According to the gentleman from Alabama, slavery is superior to the Constitution or law, and not dependent upon either. His position is, “Slavery exists in the State where the owner dwells; exists out of the State; exists in the Territories; exists everywhere, until it comes within the limits of sovereignty, which prohibits it.” Slavery, then, according to this new dogma, like our atmosphere, occupies all the unoccupied space on the globe, and fully possesses the attribute of ubiquity.

The gentleman gives us no authority but his assertion, which I suppose is the result of his re-examination of the question. I quote against it the records of the decisions of every court of respectability in Christendom since courts of law have been represented as holding the scales of justice. I quote against it the opinions of every elementary law writer and every ethical writer of note, from the dawn of civilization to the present time. And there I am willing to leave this modern postulate of human bondage, except so far as it forms the predicate of the Territorial policy of the Democratic party.

The Republican party propose, to the extent of its constitutional power, to limit and restrict slavery, and thereby return to the policy of the fathers, which made freedom the rule and slavery the exception. The dictates of humanity and the policy of enlightened statesmanship alike urge the party forward. We have seen that the controlling element of the unexampled prosperity of our country has been free labor, and we have prospered in spite of slavery, and



not in consequence of it. If the predicates of slavery and the Democratic party be true; if the Constitution, *proprio vigore*, extends slavery into the Territories, as claimed in the Dred Scott case; if slavery exists in Kansas and other Territories by the same rule that it does in the slave States, as asserted by President Buchanan, then slavery is the rule and freedom the exception in this Government, and there is nothing to prevent its domination and control everywhere in the Republic.

These positions, and the policy which it logically leads to, would reverse the motive power of our civilization and progress, and run our institutions rapidly back into the dark ages.

The leading politicians of the Democratic party have so far reversed the principles and policy of that party, by incorporating into its platform the increasing demands of slavery, that they have run the party as far back as Charleston; and there, if our telegrams are to be relied upon, they have run it off the track, and a break-up is the result. This event, which may be regarded as a calamity by some, by the inscrutable dispensations of Him who can make the wrath of man to praise him, may result in saving much of the valuable material of which the Democratic party is composed from further destruction. It will at least teach men the folly of attempting to jump on to the platform of a train having a backward motion. It is difficult for us here, among the confused rumors which reach us, to determine what the Charleston Convention has done or will do. The Democrats North will, I have no doubt, as heretofore, yield substantially to the demands of the slave power; and the party will incorporate into its platform the protection of slavery in the Territories. The contest is now mainly between those who maintain the position that slavery exists in the Territories by virtue of its property character, under the Constitution, and those who deny the predicate and the conclusion. There is, or has been, a middle ground of policy, (for I cannot discover any principle in it,) of which Senator DOUGLAS is the expounder, if not the originator, which I cannot at this moment better characterize than to call it the Priest and Levite policy; passing by on the other side of slaves in the Territories, and allowing them to perish, as persons or property, as the case may be, among the thieves of Jericho, who may first happen to squat upon the public domain, "not caring whether slavery is voted up or down." This position, and its artful author and advocate, will soon be, if they are not already, politically ground to powder between the controlling forces of the upper millstone of freedom and the nether millstone of slavery.

Mr. Chairman, slavery has sought refuge, as a last hiding place, under the protection of the Supreme Court; and if the present policy of the Democratic party is to prevail, that tribunal is hereafter to control and determine what laws

shall be enacted by the law-making power for the government of the Territories. The slaveholding power expect to convert the national domain into slave Territories by the decree of a court, instituted to determine the rights of individuals properly before them. Neither Congress nor the people of a Territory are hereafter to have any say or responsibility upon the question of slavery. The slave power is unwilling to trust the popular will, as reflected through Congress or the people of a Territory, who are more immediately interested with this question.

Mr. Chairman, it is not the first time we have heard of an effort of despotism to shield itself behind technicalities and courts for protection; and I point gentlemen to a noted case in English history, where Charles I contended, unconstitutionally, that he had a right to exact ship-money from English subjects without the authority of an act of Parliament. He undertook to do it; and the question was submitted to the Court of Exchequer. John Hampden tested the matter; and he and his lawyers argued it for twelve days with the lawyers of the Crown. The King got his decision from a perhaps venal, at all events a willing, judiciary. The judges stood eight to four—about the same majority as there was in the Dred Scott case.

But did he succeed in collecting his ship-money? He did not; and an indignant public opinion compelled a reversal of the judgment; and this will be the result of the Dred Scott ruling. The people have the lawful power to reorganize the Judiciary, if necessary, giving all the people a fair representation on the bench; and the inevitable course of events will vacate the seats now filled by the present judges, and other men will occupy their places, and then we shall see how long the Democratic party and the slave power will sing hosannas to the judgment of the Supreme Court. The slave power will then repudiate it, as the Democratic party did when it decided a bank constitutional. While I admit that a decision made by that court, in a case properly before it, is binding upon the parties, I fully concur with the able argument submitted to this House a few days since, by the gentleman from New York, [Mr. CONKLING.] that it is not binding upon Congress. We are bound to support the Constitution as we understand it. The gentleman from Virginia [Mr. MILLSON] very pleasantly told us yesterday, and I have no doubt sincerely, for his candor and ability command the respect of this side of the House, that the Republicans were about as powerless as if struck with lightning, on account of that decision. If that court is not struck with something worse than lightning, then I am mistaken in the effect of popular thunder. The free people of this country will not submit to have their Territories converted into slave States, at the dictation of the Supreme Court of the United States.

FREE STATES.

|                    | Area in square miles. | Population, 1850. | Value of real estate. | No. of public schools. | No. of pupils. | Annual income of public schools. | White population. | No. scholars in colleges, academies, and public schools. | No. white persons over 21 who can not read and write. | Value of churches. | Annual transportation, &c.—miles. | Annual costs. | Postal expenditures. | Postal receipts. |
|--------------------|-----------------------|-------------------|-----------------------|------------------------|----------------|----------------------------------|-------------------|--|---|--------------------|-----------------------------------|---------------|----------------------|------------------|
| Connecticut.....   | 4,674                 | 370,792           | \$36,419,947          | 1,635                  | 71,989         | \$231,920                        | 363,039           | 79,003   | 4,739   | \$3,599,330        | 1,333,124                         | \$114,003     | \$202,392 05         | \$189,306 61     |
| Illinois.....      | 55,405                | 851,470           | 81,524,835            | 4,052                  | 125,725        | 349,712                          | 846,034           | 130,411  | 40,054  | 1,533,305          | 4,928,170                         | 391,546       | 681,625 17           | 446,535 77       |
| Indiana.....       | 33,809                | 988,416           | 112,947,740           | 4,832                  | 161,500        | 316,955                          | 977,154           | 168,794  | 70,540  | 1,865,906          | 2,975,512                         | 277,660       | 379,056 05           | 206,969 55       |
| Iowa.....          | 50,914                | 192,914           | 15,672,332            | 740                    | 29,556         | 51,492                           | 191,881           | 30,767   | 8,120   | 235,412            | 2,965,327                         | 303,829       | 383,663 57           | 139,446 68       |
| Maine.....         | 31,766                | 583,169           | 64,336,119            | 4,012                  | 192,815        | 314,436                          | 581,813           | 199,745  | 6,147   | 1,794,209          | 1,809,696                         | 120,096       | 208,864 83           | 154,523 21       |
| Massachusetts..... | 7,800                 | 994,514           | 319,129,032           | 3,679                  | 176,475        | 1,006,795                        | 985,450           | 190,924  | 27,539  | 10,504,888         | 2,166,400                         | 189,062       | 449,626 89           | 607,249 40       |
| Michigan.....      | 56,343                | 397,654           | 25,680,371            | 2,714                  | 110,555        | 166,944                          | 395,071           | 112,382  | 7,912   | 793,180            | 2,122,746                         | 174,360       | 269,448 52           | 168,554 45       |
| New Hampshire..... | 8,320                 | 489,555           | 153,151,619           | 1,473                  | 77,920         | 216,972                          | 465,509           | 88,244   | 2,967   | 1,483,866          | 888,992                           | 56,555        | 110,902 93           | 103,319 27       |
| New Jersey.....    | 47,000                | 3,097,394         | 564,649,640           | 11,580                 | 675,921        | 1,472,657                        | 3,948,325         | 727,222  | 91,293  | 21,539,561         | 6,656,488                         | 462,806       | 1,107,886 79         | 1,523,680 34     |
| New York.....      | 39,964                | 1,980,329         | 337,521,075           | 11,661                 | 484,153        | 743,974                          | 1,955,050         | 502,826  | 61,020  | 5,860,039          | 5,544,180                         | 565,848       | 806,414 15           | 519,998 78       |
| Ohio.....          | 46,000                | 2,311,786         | 427,865,660           | 9,061                  | 1,348,706      | 1,948,949                        | 2,958,160         | 440,977  | 66,928  | 11,853,291         | 5,420,725                         | 373,737       | 671,532 28           | 661,832 54       |
| Pennsylvania.....  | 10,212                | 314,120           | 57,329,269            | 2,731                  | 93,457         | 176,111                          | 313,402           | 100,785  | 6,189   | 1,251,655          | 1,037,400                         | 81,837        | 137,742 34           | 103,218 30       |
| Vermont.....       | 1,306                 | 147,545           | 54,358,231            | 416                    | 23,130         | 100,480                          | 143,875           | 25,014   | 3,340   | 1,293,600          | 353,968                           | 19,204        | 47,175 47            | 66,665 69        |
| Rhode Island.....  | 492,633               | 19,033,934        | \$2,408,300,957       | 61,008                 | 2,711,035      | \$6,663,603                      | 12,842,279        | 2,878,291  | 411,026   | \$86,972,525       | 38,772,154                        | \$2,127,060   | \$5,513,169 68       | \$5,052,958 14   |

SLAVE STATES.

|                     |         |           |                 |        |         |             |           |         |         |              |            |             |                |                |
|---------------------|---------|-----------|-----------------|--------|---------|-------------|-----------|---------|---------|--------------|------------|-------------|----------------|----------------|
| Alabama.....        | 50,722  | 771,923   | \$7,870,716     | 1,152  | 28,380  | \$35,692    | 426,514   | 37,237  | 33,757  | \$1,344,711  | 2,956,392  | \$340,029   | \$383,628 90   | \$129,103 23   |
| Arkansas.....       | 59,198  | 209,897   | 17,372,524      | 353    | 8,493   | 43,763      | 162,189   | 11,050  | 16,819  | 149,686      | 2,868,308  | 304,672     | 329,312 32     | 42,532 13      |
| Florida.....        | 59,268  | 87,445    | 7,924,588       | 69     | 1,873   | 23,886      | 47,303    | 3,129   | 3,859   | 193,600      | 682,612    | 154,640     | 172,184 76     | 25,932 41      |
| Georgia.....        | 53,000  | 906,185   | 121,619,739     | 1,251  | 32,705  | 182,231     | 521,572   | 43,299  | 41,200  | 1,227,112    | 2,916,355  | 278,533     | 358,180 03     | 168,664 73     |
| Kentucky.....       | 37,680  | 982,405   | 177,013,407     | 2,224  | 71,429  | 911,852     | 761,413   | 85,914  | 66,687  | 2,295,353    | 2,655,466  | 275,835     | 365,675 40     | 151,717 46     |
| Louisiana.....      | 41,255  | 517,762   | 176,623,654     | 664    | 25,946  | 349,679     | 255,491   | 31,003  | 21,221  | 1,910,495    | 2,405,362  | 503,843     | 777,517 50     | 196,301 63     |
| Maryland.....       | 11,124  | 533,034   | 139,026,610     | 898    | 33,111  | 218,836     | 417,943   | 45,025  | 20,815  | 3,974,116    | 2,061,132  | 247,553     | 299,766 98     | 180,258 28     |
| Mississippi.....    | 47,156  | 606,226   | 65,171,438      | 782    | 18,746  | 254,159     | 295,718   | 26,236  | 13,401  | 832,622      | 2,084,284  | 323,522     | 370,003 88     | 101,549 12     |
| Missouri.....       | 67,380  | 668,044   | 66,802,223      | 1,570  | 51,754  | 160,770     | 592,004   | 61,429  | 36,983  | 1,730,135    | 3,749,491  | 643,202     | 727,000 97     | 227,876 63     |
| North Carolina..... | 50,704  | 869,039   | 71,702,740      | 2,657  | 104,095 | 158,564     | 523,028   | 112,430 | 73,566  | 907,785      | 2,304,434  | 191,228     | 270,702 21     | 88,491 02      |
| South Carolina..... | 29,385  | 666,507   | 105,737,492     | 724    | 17,838  | 200,600     | 274,563   | 26,025  | 15,684  | 2,181,476    | 1,997,913  | 291,170     | 319,068 10     | 107,536 12     |
| Tennessee.....      | 45,600  | 1,003,717 | 107,981,793     | 2,680  | 104,117 | 198,518     | 756,836   | 115,750 | 77,522  | 1,246,994    | 2,367,843  | 347,570     | 334,830 04     | 132,502 17     |
| Texas.....          | 237,504 | 212,992   | 28,149,671      | 349    | 7,946   | 154,034     | 154,034   | 11,500  | 10,525  | 408,944      | 4,140,764  | 654,860     | 729,380 44     | 100,897 35     |
| Virginia.....       | 61,322  | 1,421,661 | 552,105,824     | 2,930  | 67,353  | 314,625     | 894,800   | 77,764  | 77,005  | 2,902,220    | 4,006,725  | 378,872     | 520,301 03     | 255,075 70     |
|                     | 819,328 | 9,521,237 | \$1,416,102,421 | 18,313 | 572,891 | \$2,676,173 | 6,113,308 | 687,291 | 506,346 | \$21,334,236 | 37,017,521 | \$4,745,329 | \$5,942,092 65 | \$1,906,037 98 |