

THE BRADFORD REPORTER.

ONE DOLLAR PER ANNUM, INVARIABLY IN ADVANCE.

"REGARDLESS OF DENUNCIATION FROM ANY QUARTER."

VOL. XVII.—NO. 28.

PUBLISHED EVERY THURSDAY AT TOWANDA, BRADFORD COUNTY, PA., BY E. O'MEARA GODDRICH.

TOWANDA:

Wednesday Morning, December 18, 1856.

PRESIDENT'S MESSAGE.

DEBATE IN THE SENATE.

DECEMBER 3, 1856.

On the motion to print fifteen thousand additional copies of the President's Message, for the use of the Senate.

Mr. MASON. Mr. President, the constant and obstinate agitation of questions connected with the institution of slavery has brought, I am satisfied, the public mind, in those States where the preservation of that institution rests with themselves and with themselves only.—Therefore, at this day, when it is the pleasure of Senators again to bring that institution under review upon this floor, in any connection whatever, as one of the representatives of the South I take no further interest in the discussion, or in the opinion which is entertained at the North in relation to it, than as it may confirm the hope that there is a public sentiment at the North yet remaining which unites with the South in the desire to perpetuate the Union, and that, by the aid of that public sentiment at the North, the Union will be preserved. But further than that, as a statesman, and as one representing a southern State where that institution prevails more largely than in any other, the public sentiment of the North is a matter indifferent to me, because, I say again, we have attained the conviction that the safety of that institution will rest, must rest and should rest, with the people of the States only where it prevails.

I should have taken no part in this debate, but that I am indisposed to allow any opinion to go abroad that we of the South entertain a very great interest in the lines of discrimination or the shades of distinction which may be drawn as to the extent of the alleged power of the part of the Government of the United States to interfere with the institution at all, in any form or shape, or to have it supposed that we take an interest in having it narrowed down to the question whether that interference, when it is exerted, is to be confined to the institution outside of the States, and is not to affect it within the States. I know, as has been said by the Senator from New Hampshire, in the course of the last canvass, occasionally in public discussions, or in the newspapers, a disclaimer has been made of any purpose to interfere with slavery in the States. I know, as has been said by the honorable Senator from Mississippi, that others at the North, perhaps a few, and perhaps of those who may be styled the fanatical portion, have assumed a right or have declared that a right exists to interfere with the institution with the States. What I want to declare here in my place on the floor is, that to the South such distinctions are matters of immaterial concern. If the Federal Government assumes a right, or if those who get into power who assume a right with a purpose to exercise it to interfere with that institution anywhere where it exists within the United States, it is a matter perfectly indifferent to us whether it is to be done within the States or outside of the States. I take not the slightest interest in the distinction which is sought to be drawn.

Mr. WILSON. Mr. President, the Senator from Mississippi [Mr. BROWN] has alluded to opinions which he says are entertained and have been expressed by me. I cannot allow this debate to pass without saying here what I have said everywhere wherever I have alluded to this question, that I do not entertain, and never have entertained, and never have expressed the opinion that the Congress of the United States has the power to abolish slavery in the States of this Union. I never, at any time, or on any occasion, have uttered a sentiment claiming power for the Federal Government to abolish slavery in the States, or asserting that those with whom I act ever intended to assume or to exercise that power. I admit that there are men in the free States of this Union who maintain that doctrine. The Senator from New Hampshire says he does not know such men; I do. I know Mr. Spooner, to whom the Senator from Mississippi has referred. I know his opinions and his sentiments. I have read his volume with some little care, and while I admit it to be a work of great learning and power, I do not assent to it.—There is a small class of men in the free States who agree with the sentiments avowed in the book written by Mr. Spooner. Their candidate, in the last election, was Mr. Gerrit Smith, of New-York. I do not know how many votes he received, but I take it not two thousand in all the free States of this Union. The monthly publication to which the Senator from Louisiana and others have referred, published in New-York—a publication supported and conducted by Mr. Tappan, Mr. Goodell, and others who agree with them—claims the right on the part of the Federal Government to abolish slavery in the States, and advocates that policy; but the people of the free States, the one million three hundred thousand men who voted for John C. Fremont in the last presidential election, maintain no such doctrine, never have maintained it, do not claim any such power, and never intend to usurp it.

The party to which reference has been made in this message—for I take it this assault of the President of the United States is upon the Republican party, and the people who have supported that organization in the last election—stands before the country with its opinions clearly expressed and openly avowed. It has a right to claim from the President of the United States—it has a right to claim from honorable Senators here—it has a right to claim before the country that it shall stand upon its broad and open declarations of principle. How does it stand? It accepts the Declaration of Independence and the Constitution of the United States as its fundamental creed of doctrine. It claims that Congress has a right to legislate for the Territories of the United States, and to exclude slavery from them. It avows its determination to exercise that power. It has a right to ask of the President, and the country, that it shall be judged by its open and avowed declarations, and shall not be misrepresented, as it has been misrepresented in this document by the President of the United States. The declaration is broadly made here, not only that these men are sectionalists—not only that they have gotten up a sectional warfare, but that they are maintaining doctrines hostile to the perpetuity of the Union. Now, sir, let me say here today, that I do not know a man in the free States who supported John C. Fremont in the last presidential election, not one of the one million three hundred thousand intelligent freemen who supported that nomination, that ever avowed his intention to go for a dissolution of

this Union; but all times, on all occasions, in public and in private, they have avowed their devotion to the Union, and their intention to maintain and defend it.

Let me say further, that the men in this country, who avow themselves to be disunionists, that squad which during the last thirty years, on all fit and unfit occasions, in moments of excitement and moments of calm, have avowed themselves disunionists, have, as a body, *en masse*, supported the Democratic party. The whole southern heavens have been darkened during the last four months by the black banners of disunion that have floated in the breeze. Public men, members of the Congress of the United States, who had sworn to support the Constitution of our common country, have made the declaration, that if John C. Fremont were elected President, the Union would be, and ought to be, dissolved. The Senator from Virginia has to-day expressed his hope that a class of men in the free States, in the future as in the present, will so act in cooperation with the South as to preserve the policy which he supports, and thus preserve the unity of the States; I remember reading during the canvass a letter from that honorable gentleman, in which there was a bold declaration for a dissolution of the Union, immediate, absolute, and eternal, in certain contingencies. That is not all: the Senator from Georgia, not now present, [Mr. TOMES,] and the Senator from Louisiana, [Mr. STIDELL,] have united in these declarations; and leading men, Governors of States, have made the same avowal. The men who threaten dissolution are supporters of this Administration, and of Mr. Buchanan; but yet the Chief Magistrate in this document arraigns the members of the Republican party as men whose policy tends to a dissolution of the Union. I say these charges against us are not only unjust, but they are a libel upon the intelligent freemen of the United States.

It has been claimed here to-day that the people of New-Jersey, Pennsylvania, Indiana, Illinois—central States—have voted in this election upon the square issue of the power to prohibit slavery in the Territories. Let me say here, what I know to be true, that in some portions of these very States public meetings were called of persons in favor of Buchanan, Breckenridge, and free Kansas. I have read these calls. I have in my possession one of them, which was issued in the State of Pennsylvania. There are others in the possession of members of this house or the other. Throughout the whole canvass in these very States the issue was blighted; and not only that, but it was claimed that those members of the House of Representatives who voted for Mr. Dix's bill were pro-slavery men; and men have been elected to the next House of Representatives under professions of stronger hostility to slavery than those very Republican members.

Sir, the President claims, in this message, that the country has pronounced its verdict in favor of his policy. I admit that the issue was more clearly and distinctly made than at any other period in our history. It was made, but the Democracy of the North in hundreds of localities denied that issue, and tens of thousands of men voted for Mr. Buchanan who agree with us in principle, but who would not admit that this great question was an issue in the canvass. I hold in my hand an extract from the *Detroit Free Press*, one of the leading Democratic journals of the country, in which the doctrine is distinctly laid down, that the President cannot justly claim the result of the present election as any justification of the policy he has pursued. Let me read a few words from this article. Speaking of the President, it says:—

"Had General Pierce, at the outset, and at every succeeding step, discarded the idea of a second term, we think he would have pursued a different policy touching New-York politics, the Kansas question, the improvement of rivers and harbors, &c. that he would go out of office with an almost universal plaudit of 'well done, instead of having to go out 'unhonored, unwept, and unsung,' by tens of thousands who aided his election. The overweening desire of a second term has been fatal to him; and it seemed at one time that his blunders—to employ a term not more offensive—might be fatal to the Democratic party. He must not, he will make a great mistake if he does—regard the election of Mr. Buchanan an endorsement of that part of the conduct of his Administration to which we more particularly refer. Had that been the issue, or had General Pierce been the candidate, whether Pennsylvania, nor New-Jersey, nor Indiana, nor Illinois, nor Delaware, nor Kentucky, nor Tennessee, nor Missouri, nor Louisiana, could have been saved; and Mr. John Charles Fremont would have walked into the presidential mansion by an electoral majority nearly as large as that given to General Pierce four years ago. It is an unpleasant truth to tell, but it is a truth of which everybody in the North is aware, that the late policy of the Democratic party arose chiefly from the untoward policy of the Administration regarding affairs in Kansas. Had Mr. Fremont been elected, the failure of General Pierce to do his plain duty towards Kansas would have been the cause of it."

Before the President makes this claim that the people have endorsed his policy it would be well for him to contemplate his own position. He went before the country as a candidate for the nomination at Cincinnati. He brought to bear, as every man in the Senate, supporter or opponent of this Administration knows, the whole power and patronage of the Government to secure that nomination. The Administration went so far as to turn out of office men in this very city, because they were known to be in favor of Mr. Buchanan. The President's name went before the Cincinnati Convention. He was rejected by the Democratic party; for they dared not run him, because he was the exponent of the principles which they now claim has been sanctioned by the country.—They nominated Mr. Buchanan. They dodged the great issue in thousands of localities in the free States; and now, when the people have been deceived, the President claims the result,—the Senator from Virginia claims it, as a verdict in favor of his policy. The Senator from Virginia says the country will thank the President for what he has done. I think the President would have been more thankful to the Commonwealth of Virginia, if she had been so thankful to him at the Cincinnati Convention as to give him her support, and thus decide the contest in favor of the nomination which he sought with such "overweening desire."

Mr. BROWN. * * But the Senator from Massachusetts says, and he challenges denial, that in the late canvass in several parts of the Union banners were floated with "Buchanan, Breckenridge and Free Kansas," displayed at

the mast head. I know not what banners may have been reared, nor by what hands; but I undertake to say that if any banner was displayed throughout the whole length and breadth of this Confederacy, from the Arrostook to the Rio Grande, or from the Atlantic to the Pacific, with such an inscription, it found no response in the heart of the American Democracy. That mere neighborhood politicians should have put up such a banner is barely possible. Mark you, I say, "barely possible." It is much more likely they were up by men in disguise—men like the fellow in Kentucky, of whom a personal friend of mine in the other House told an anecdote. Being of low degree and of bad habits himself, he courted a most excellent girl. She was neither pretty nor rich; and being a dashing blade, he was asked by a friend why he courted this lady. His friend said to him, "She has no money, and is not pretty; you certainly do not mean to marry her?" He replied, "I will marry her, but not for love, and not for money, but just to disgrace her family." [Laughter.] That banners of this sort may have been put up by the enemy, to disgrace the Democratic family, is possible; but that they were put up by any man who has a true genuine Democratic Buchanan and Breckenridge spirit in his heart, is not possible. It may have been done by men who voted the ticket, but they were men who belonged rather to the school of the Senator from Massachusetts, than that to which you, Mr. President, and I belong.

Mr. TRUMBULL. Mr. President, if I supposed that this message was aimed simply at a few Abolitionists in the North, who wish, as it is said, to interfere with the existing institution of slavery, I certainly should not give it any of my attention. Not only the President, but Senators here, may abuse the Abolitionists as roundly as they please, and they will never find me defending them on any occasion. But this document, emanating from the Chief Magistrate of the nation, here on the first days of the session, has thrust upon us the slavery question, the agitation of which the Senator from Virginia seems to deprecate. He speaks of Senators agitating this question. Could he expect otherwise than that Senators would agitate the question which the President of the United States makes the leading and prominent question of his message? Did he expect that we should be still here when a message was read professing to give a historical account of the United States makes the leading and prominent question of his message? I shall not go into an argument to prove here that the great party which has swept the North, and I say has swept the States which the gentleman has designated as having sustained Mr. Buchanan, entertain no views hostile to the Union or the Constitution, or that they do not wish to interfere with slavery in any of the States of this Union. They adopted a platform; they inscribed upon it their principles; they published it to the world, and every man can read it. A part of that platform is that the rights of the States, the union of the States, and the Constitution of the country, must and shall be preserved. That is our creed. Will you tell us that we want to interfere with the rights of the States? You impute to us that which we have solemnly declared we are opposed to.

I think it is just such remarks as those to which we have now listened from the Senator from Mississippi, that are alienating one section of the Union from the other. He is arguing here to show that the northern sentiment wishes to interfere with the institutions of the South. Does the Senator desire that state of things? Why does he seek to fasten on us sentiments and opinions which we disclaim and disavow? He asks why we did not disavow this at the time in the North? We did it at the outset; we did it everywhere, and on all occasions.

But, sir, this message—and I shall not now take time to discuss its various positions—contains the most unwarrantable assumptions as to fact, and it states conclusions of law not sustained by the authorities. The President of the United States undertakes to say that the Missouri compromise, the act of 1820, under which Missouri came into the Union, was obsolete and was unconstitutional. Where did he get the authority for saying so? The Supreme Court of the United States has said, in so many words, that in regard to the Territories of the United States Congress possesses all the powers both of the Federal and State governments as to a State. That is the language of the Supreme Court of the U. S. States. Is it denied by any body that the Federal and State governments together have authority to keep slavery out of a State.

Mr. CASS. I should like to hear that decision read. I never saw it.

Mr. TRUMBULL. It is in the first volume of Peters' Reports. I desire the pages to bring it to me from the Library. Never has it been said by the Supreme Court—no such decision can be found—that Congress had no authority to exclude slavery from the Territories. I have now the book for which I sent. I do not know, however, that I shall be able to turn to the decision at once. I ask my friend from Connecticut [Mr. FOSTER] to oblige me by looking for it. When it is found I shall furnish it to the Senator from Michigan, and shall be very glad to have him read it and ponder on it; I hope it will convince him.

Much of the President's message is taken up with a discussion as to the equality of the States and the rights of the States. The Senator from New Hampshire has well exposed this portion of the message in commenting on that part of it which professes to set forth what was settled by the recent election. The President says:—

"The people of the United States have asserted the constitutional equality of each and all of the States of the Union as States."

Did anybody dispute it? The message proceeds to say:—

"They have affirmed the constitutional equality of each and all of the citizens of the United States as citizens."

Who ever disputed it? Was any such question in issue before the American people?

"—whatever their religion, wherever their birth, or their residence; they have maintained the inalienability of the constitutional rights of the different sections of the Union as States."

—who proposed to interfere with them?—and they have proclaimed their devoted and unalterable attachment to the Union and to the Constitution." I trust they have—

"as objects of interest superior to all subjects of local or sectional controversy, as the safeguard of the rights of all, as the spirit and essence of the liberty, peace, and greatness of the Republic."

The President makes the same charge here, which is reiterated in the Senate, that

"Under the shelter of this great liberty, and protected by the laws and usages of the Government they assailed, associations have been formed in some of the States of individuals who, pretending to seek only to prevent the spread of the institution of slavery into the present or future inhospitable States of the Union, are really inflamed with desire to change the domestic institutions of existing States."

How did he find that out? Where is the evidence of it? Sir, I assert that, so far as I know, there is no foundation for the accusation. It is untrue.

My friend from Connecticut has found the decision to which I made allusion. In the case of the American Insurance Company and others vs. Canter, 1st Peters, p. 546, the opinion of the Supreme Court was pronounced by Mr. Chief Justice Marshall. In that opinion is this sentence in regard to the Territories: "In legislating for them; Congress exercises the combined powers of the General and of a State Government." I commend it and the whole case to the careful examination of my distinguished friend from Michigan.

Mr. CASS. The honorable Senator will perceive that it asserts no power. It does not say how the Constitution limits their action.

Mr. TRUMBULL. It does not assert any power further than this: it says expressly that, as to a Territory, Congress exercises the combined powers of the General and of a State Government. If Congress has the combined powers of the General Government and of a State government, in regard to a Territory, I ask if it has not power sufficient to keep slavery out of a Territory?

Mr. CASS. No; unless the Constitution gives it. The power that is exercised must be a power within the Constitution, or there is no authority for it.

Mr. TRUMBULL. Let us follow that up. There is no such escape for the distinguished Senator. There is no quibbling in this opinion about "under the Constitution." The declaration is broad and unqualified, that in regard to a Territory Congress exercises all the powers both of the General and of a State Government. Now, the Senator tells me that even that being so, you cannot under the Constitution prevent slavery. Will he deny the right of the State of Michigan to keep slavery out of her limits? According to the decision of Chief Justice Marshall, all the power which the State of Michigan has in regard to its own citizens is possessed by Congress in regard to the Territories of the United States, and if the State of Michigan can exclude slavery from its borders, then, if the Supreme Court of the United States be any authority, Congress can exclude it from one of the national Territories, because it possesses in a Territory all the power which a State possesses over its inhabitants, and possesses also the power which the Federal Government exercises over the States. When it is said that Congress cannot exercise this power unless the Constitution gives it, that is begging the question. The decision of the court, the language of the judge, is that Congress has the power. He could not say that if the Constitution did not give it. If the Constitution denied the power, how could the judge say that Congress possessed it? He had the Constitution in view when writing this opinion. Sir, the doctrine now advanced is a new and a modern discovery. Congress formerly possessed and exercised this power, and nobody doubted it. For the first fifty years of the Government the power was undisputed. It is a new discovery that Congress does not now possess it.

But, sir, let me resume the consideration of the message. The President tells us that "it was impugned" that the measure of which he is speaking, the repeal of the Missouri compromise, "originated in the conception of extending the limits of slave labor beyond those previously assigned to it; and that such was its natural as well as intended effect; and these baseless assumptions were made in the northern States the ground of menacing assault upon constitutional right." Here the President informs us that the charge made against those who repealed the Missouri compromise, that it was intended or conceived with the purpose of extending the limits of slavery beyond those previously assigned to it, was a baseless assumption.

Now what does the Senator from Virginia tell us? He says that under the Constitution the South has a right to a legitimate expansion of slavery, and it is the right to expand the institution upon which he insists. When we charge that the design was to extend slavery to the free Territories of Kansas and Nebraska, the President says it is a baseless assumption. The Senator from Virginia informs us that he insists on the right to the expansion of slavery. Who is right? He tells us further that the people in four of the northern States united in keeping out of power that party which would have severed the Union into fragments. How would they have severed it into fragments, I should like to know? Did they propose to dissolve it? Did they propose to encroach on the rights of the States? They declared that the rights of the States should be preserved. How were they going to dissolve the Union? Was it in any other way than this; it has been stated here, to-day, in the Senate, that if Colonel Fremont were elected the Union must be and ought to be dissolved! Because a particular man is elected President of the United States, is that any reason for dissolving the Union?

Mr. MASON. Will the Senator allow me to interrupt him for a moment?

Mr. TRUMBULL. Certainly.

Mr. MASON. What I said was this: that if that party came into power avowing the purposes which they did avow, it would necessarily result in a dissolution of the Union, whether they desired it or not. It was utterly immaterial who was their President; he might have been a man of straw; I alluded to the purpose of

the party. What I said in the letter to which one of the Senators has alluded, and what I said substantially in the remarks which I have made in this debate, was merely, that if the party came into power avowing the purposes which they avowed, and prepared to execute them, it would necessarily result in a dissolution of the Union, and then, so far as the South was concerned, it should be immediate and eternal.

Mr. TRUMBULL. I wish to examine that position. It is this—I will endeavor to state it in the language of the Senator—that if the Republican party came into power with the principles which they avowed, it would necessarily result in the dissolution of the Union, and that, as far as the South were concerned, it should be immediate and eternal.—Now what principles did we avow? Is there any one hostile to the South? I say we avow no principle upon this subject about which we are now speaking, except those avowed by Thomas Jefferson himself, by Washington, and by Monroe. Is it any cause for a dissolution of the Union that a particular man is elected President? Manifestly not; and the Senator from Virginia does not contend for that.

Mr. RUSK. Will the Senator from Illinois allow me to ask him a question?

Mr. TRUMBULL. Certainly.

Mr. RUSK. He and others have attributed the sentiment on which he is now commenting so eloquently to the southern States. I desire to ask him if he does not know that it had its origin in the northern States with one of the candidates for the Presidency? Did he not first make the declaration that the event alluded to would dissolve the Union?

Mr. TRUMBULL. I am not the defender any third party, whose candidate may have made declarations as to the dissolution of the Union. I say that the great Fremont party entertained and avow no such sentiment.

Mr. RUSK. The Senator misunderstands me. I do not ask him to defend Mr. Fillmore; but I ask him to make the charge not against the South, but against the individual who committed the offense.

Mr. HALE and Mr. SEWARD. That is fair.

Mr. TRUMBULL. I do not care who makes the charge that the election of Colonel Fremont to the Presidency would dissolve the Union. I say it is a baseless charge; and manifestly it could not prevail, come from what party it may. The Senator from Virginia does not put himself now on the fact of any particular man being elected, but on the principles avowed. To that I will pay attention in a moment; but I wish first to dispose of the clamor which has been raised in some parts of the country, that the election of a particular man is a cause for a dissolution of the Union.

Why, sir, neither Col. Fremont nor any other person can be elected President of the United States except in the constitutional mode; and if any individual is elected President in the mode prescribed by the Constitution, is that cause for a dissolution of the Union? Assuredly not. If it be, the Constitution contains within itself the elements of its own destruction. The great principle lying at the bottom of the institutions of the country, and of the Constitution itself, is that we must acquiesce in the decisions of the majority, constitutionally expressed, in the selection of officers; and until the person elected does some overt act violating the Constitution, had he set on foot some measure destructive of the Government, the fact that he is elected President in the constitutional mode affords no reason whatever for the dissolution of the Union. Then would there have been any reason for its dissolution if the Republican party had succeeded with its avowed sentiments?

Now, what were their avowed sentiments on the subject of slavery? Opposition to its extension; opposition to the spread of slavery into the Territories, and a declaration of the right of Congress to prohibit slavery in the Territories of the United States. Is that a cause for a dissolution of the Union? I know that the Senator has said that it matters not to him whether the interference is with slavery outside of the States or within the States; but I think the cases are very different. I think we have no right, and that there is no intention on the part of the great body of the people of the North, to interfere with slavery in the States; but I think there is an intention to prevent its extension outside of States into free Territories; and there is a very great difference between these positions.

Well sir, if the prevalence of these opinions be a cause for a dissolution of the Union, which should be immediate and eternal, why, I ask, was not this Government dissolved the year of its formation? How did it happen that the very first Congress which ever met under the Constitution of the United States adopted and reaffirmed that ordinance excluding slavery from the whole Northwest? Why was not the Union then dissolved? If it is a cause in 1856 for a dissolution of the Union to exclude slavery from Kansas and Nebraska, was it not a cause in 1789 when slavery was excluded from the territory now covered by the States of Ohio, Indiana, Illinois, Wisconsin, and Michigan? Why, I ask again, in 1820, when Mr. Monroe was President of the United States, was not the Union dissolved immediately and eternally? Slavery was then by act of Congress excluded from the free territory from which we now wish to exclude it. If this be a reason for dissolving the Union now, was it not a reason for dissolution then? How did Mr. Monroe, from the State of Virginia himself, approve a bill excluding it from that territory? Why, sir, it is manifest that the public sentiment of this country has very much changed if this is a cause for dissolution of the Union now. In former times these acts of Congress excluding slavery from the Northwest and from the Territories of Kansas and Nebraska were deemed judicious and proper acts of legislation, voted for by the South, and carried by southern votes. Now we are told that the same legislation is cause for a dissolution of the Union. This shows how the Constitution, which our fathers made, and understood, and have put into operation, is prop-

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Mr. TRUMBULL. Let us follow that up. There is no such escape for the distinguished Senator. There is no quibbling in this opinion about "under the Constitution." The declaration is broad and unqualified, that in regard to a Territory Congress exercises all the powers both of the General and of a State Government. Now, the Senator tells me that even that being so, you cannot under the Constitution prevent slavery. Will he deny the right of the State of Michigan to keep slavery out of her limits? According to the decision of Chief Justice Marshall, all the power which the State of Michigan has in regard to its own citizens is possessed by Congress in regard to the Territories of the United States, and if the State of Michigan can exclude slavery from its borders, then, if the Supreme Court of the United States be any authority, Congress can exclude it from one of the national Territories, because it possesses in a Territory all the power which a State possesses over its inhabitants, and possesses also the power which the Federal Government exercises over the States. When it is said that Congress cannot exercise this power unless the Constitution gives it, that is begging the question. The decision of the court, the language of the judge, is that Congress has the power. He could not say that if the Constitution did not give it. If the Constitution denied the power, how could the judge say that Congress possessed it? He had the Constitution in view when writing this opinion. Sir, the doctrine now advanced is a new and a modern discovery. Congress formerly possessed and exercised this power, and nobody doubted it. For the first fifty years of the Government the power was undisputed. It is a new discovery that Congress does not now possess it.

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Now what does the Senator from Virginia tell us? He says that under the Constitution the South has a right to a legitimate expansion of slavery, and it is the right to expand the institution upon which he insists. When we charge that the design was to extend slavery to the free Territories of Kansas and Nebraska, the President says it is a baseless assumption. The Senator from Virginia informs us that he insists on the right to the expansion of slavery. Who is right? He tells us further that the people in four of the northern States united in keeping out of power that party which would have severed the Union into fragments. How would they have severed it into fragments, I should like to know? Did they propose to dissolve it? Did they propose to encroach on the rights of the States? They declared that the rights of the States should be preserved. How were they going to dissolve the Union? Was it in any other way than this; it has been stated here, to-day, in the Senate, that if Colonel Fremont were elected the Union must be and ought to be dissolved! Because a particular man is elected President of the United States, is that any reason for dissolving the Union?

Mr. MASON. Will the Senator allow me to interrupt him for a moment?

Mr. TRUMBULL. Certainly.

Mr. MASON. What I said was this: that if that party came into power avowing the purposes which they did avow, it would necessarily result in a dissolution of the Union, whether they desired it or not. It was utterly immaterial who was their President; he might have been a man of straw; I alluded to the purpose of

the party. What I said in the letter to which one of the Senators has alluded, and what I said substantially in the remarks which I have made in this debate, was merely, that if the party came into power avowing the purposes which they avowed, and prepared to execute them, it would necessarily result in a dissolution of the Union, and then, so far as the South was concerned, it should be immediate and eternal.

Mr. TRUMBULL. I wish to examine that position. It is this—I will endeavor to state it in the language of the Senator—that if the Republican party came into power with the principles which they avowed, it would necessarily result in the dissolution of the Union, and that, as far as the South were concerned, it should be immediate and eternal.—Now what principles did we avow? Is there any one hostile to the South? I say we avow no principle upon this subject about which we are now speaking, except those avowed by Thomas Jefferson himself, by Washington, and by Monroe. Is it any cause for a dissolution of the Union that a particular man is elected President? Manifestly not; and the Senator from Virginia does not contend for that.

Mr. RUSK. Will the Senator from Illinois allow me to ask him a question?

Mr. TRUMBULL. Certainly.

Mr. RUSK. He and others have attributed the sentiment on which he is now commenting so eloquently to the southern States. I desire to ask him if he does not know that it had its origin in the northern States with one of the candidates for the Presidency? Did he not first make the declaration that the event alluded to would dissolve the Union?

Mr. TRUMBULL. I am not the defender any third party, whose candidate may have made declarations as to the dissolution of the Union. I say that the great Fremont party entertained and avow no such sentiment.

Mr. RUSK. The Senator misunderstands me. I do not ask him to defend Mr. Fillmore; but I ask him to make the charge not against the South, but against the individual who committed the offense.

Mr. HALE and Mr. SEWARD. That is fair.

Mr. TRUMBULL. I do not care who makes the charge that the election of Colonel Fremont to the Presidency would dissolve the Union. I say it is a baseless charge; and manifestly it could not prevail, come from what party it may. The Senator from Virginia does not put himself now on the fact of any particular man being elected, but on the principles avowed. To that I will pay attention in a moment; but I wish first to dispose of the clamor which has been raised in some parts of the country, that the election of a particular man is a cause for a dissolution of the Union.

Why, sir, neither Col. Fremont nor any other person can be elected President of the United States except in the constitutional mode; and if any individual is elected President in the mode prescribed by the Constitution, is that cause for a dissolution of the Union? Assuredly not. If it be, the Constitution contains within itself the elements of its own destruction. The great principle lying at the bottom of the institutions of the country, and of the Constitution itself, is that we must acquiesce in the decisions of the majority, constitutionally expressed, in the selection of officers; and until the person elected does some overt act violating the Constitution, had he set on foot some measure destructive of the Government, the fact that he is elected President in the constitutional mode affords no reason whatever for the dissolution of the Union. Then would there have been any reason for its dissolution if the Republican party had succeeded with its avowed sentiments?

Now, what were their avowed sentiments on the subject of slavery? Opposition to its extension; opposition to the spread of slavery into the Territories, and a declaration of the right of Congress to prohibit slavery in the Territories of the United States. Is that a cause for a dissolution of the Union? I know that the Senator has said that it matters not to him whether the interference is with slavery outside of the States or within the States; but I think the cases are very different. I think we have no right, and that there is no intention on the part of the great body of the people of the North, to interfere with slavery in the States; but I think there is an intention to prevent its extension outside of States into free Territories; and there is a very great difference between these positions.

Well sir, if the prevalence of these opinions be a cause for a dissolution of the Union, which should be immediate and eternal, why, I ask, was not this Government dissolved the year of its formation? How did it happen that the very first Congress which ever met under the Constitution of the United States adopted and reaffirmed that ordinance excluding slavery from the whole Northwest? Why was not the Union then dissolved? If it is a cause in 1856 for a dissolution of the Union to exclude slavery from Kansas and Nebraska, was it not a cause in 1789 when slavery was excluded from the territory now covered by the States of Ohio, Indiana, Illinois, Wisconsin, and Michigan? Why, I ask again, in 1820, when Mr. Monroe was President of the United States, was not the Union dissolved immediately and eternally? Slavery was then by act of Congress excluded from the free territory from which we now wish to exclude it. If this be a reason for dissolving the Union now, was it not a reason for dissolution then? How did Mr. Monroe, from the State of Virginia himself, approve a bill excluding it from that territory? Why, sir, it is manifest that the public sentiment of this country has very much changed if this is a cause for dissolution of the Union now. In former times these acts of Congress excluding slavery from the Northwest and from the Territories of Kansas and Nebraska were deemed judicious and proper acts of legislation, voted for by the South, and carried by southern votes. Now we are told that the same legislation is cause for a dissolution of the Union. This shows how the Constitution, which our fathers made, and understood, and have put into operation, is prop-

—who proposed to interfere with them?—and they have proclaimed their devoted and unalterable attachment to the Union and to the Constitution." I trust they have—

"as objects of interest superior to all subjects of local or sectional controversy, as the safeguard of the rights of all, as the spirit and essence of the liberty, peace, and greatness of the Republic."

The President makes the same charge here, which is reiterated in the Senate, that

"Under the shelter of this great liberty, and protected by the laws and usages of the Government they assailed, associations have been formed in some of the States of individuals who, pretending to seek only to prevent the spread of the institution of slavery into the present or future inhospitable States of the Union, are really inflamed with desire to change the domestic institutions of existing States."

How did he find that out? Where is the evidence of it? Sir, I assert that, so far as I know, there is no foundation for the accusation. It is untrue.

My friend from Connecticut has found the decision to which I made allusion. In the case of the American Insurance Company and others vs. Canter, 1st Peters, p. 546, the opinion of the Supreme Court was pronounced by Mr. Chief Justice Marshall. In that opinion is this sentence in regard to the Territories: "In legislating for them; Congress exercises the combined powers of the General and of a State Government." I commend it and the whole case to the careful examination of my distinguished friend from Michigan.

Mr. CASS. The honorable Senator will perceive that it asserts no power. It does not say how the Constitution limits their action.

Mr. TRUMBULL. It does not assert any power further than this: it says expressly that, as to a Territory, Congress exercises the combined powers of the General and of a State Government. If Congress has the combined powers of the General Government and of a State government, in regard to a Territory, I ask if it has not power sufficient to keep slavery out of a Territory?

Mr. CASS. No; unless the Constitution gives it. The power that is exercised must be a power within the Constitution, or there is no authority for it.

Mr. TRUMBULL. Let us follow that up. There is no such escape for the distinguished Senator. There is no quibbling in this opinion about "under the Constitution." The declaration is broad and unqualified, that in regard to a Territory Congress exercises all the powers both of the General and of a State Government. Now, the Senator tells me that even that being so, you cannot under the Constitution prevent slavery. Will he deny the right of the State of Michigan to keep slavery out of her limits? According to the decision of Chief Justice Marshall, all the power which the State of Michigan has in regard to its own citizens is possessed by Congress in regard to the Territories of the United States, and if the State of Michigan can exclude slavery from its borders, then, if the Supreme Court of the United States be any authority, Congress can exclude it from one of the national Territories, because it possesses in a Territory all the power which a State possesses over its inhabitants, and possesses also the power which the Federal Government exercises over the States. When it is said that Congress cannot exercise this power unless the Constitution gives it, that is begging the question. The decision of the court, the language of the judge, is that Congress has the power. He could not say that if the Constitution did not give it. If the Constitution denied the power, how could the judge say that Congress possessed it? He had the Constitution in view when writing this opinion. Sir, the doctrine now advanced is a new and a modern discovery. Congress formerly possessed and exercised this power, and nobody doubted it. For the first fifty years of the Government the power was undisputed. It is a new discovery that Congress does not now possess it.

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