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The Press.

MONDAY, SEPTEMBER 26, 1859.

The Black Pamphlet.

JUDGE BLACK'S DOCTRINE REPUDIATED BY THE PRESIDENT AND LEADING MEMBERS OF HIS CABINET, AND SUSTAINED BY THE OPINIONS OF WILMOT, SEWARD, GIDDINGS, &c.

Our readers are aware that shortly after the appearance of Judge DOUGLAS's article in *Harper's Magazine* on Popular Sovereignty in the Territories, a lengthy reply, written by Hon. JEREMIAH S. BLACK, Attorney General of the United States, appeared in the Washington *Constitution*. It has since been extensively circulated throughout the country in pamphlet form, and is popularly known as "The Black Pamphlet." The answer of Judge DOUGLAS to some of the misrepresentations and strange positions of this pamphlet will be found in his Wooster speech. We propose also to show that one of the most important positions put forward by the law officer of the Administration is in direct conflict with the opinions heretofore expressed by the President, by his Secretary of State and Secretary of the Treasury, and in close harmony with the idea of Territorial Governments held by leading members of the Republican party. Thus Judge BLACK says:

"A Territorial government is merely provisional and temporary. It is created by Congress for the necessary preservation of order and the purposes of police. The powers conferred upon it are expressed in the organic act, which is the charter of its existence, and which may be changed or modified at the pleasure of Congress. In most of those acts the power has been expressly reserved to Congress of revising the Territorial laws, and the power to repeal them exists without such reservation. This was asserted in the case of Kansas by the most distinguished Senators in the Congress of 1856. The President appoints the Governor, judges, and all other officers whose appointment is not otherwise provided for, directly or indirectly, by Congress. Even the expenses of the Territorial government are paid out of the Federal treasury. *The truth is they have no attribute of sovereignty about them.* The essence of sovereignty consists in having no superior. But a Territorial government has a superior in the United States Government, upon whose pleasure it is dependent for its very existence—in whose *light and moves and has its being*—who has made and can unmake it with a breath."

This doctrine that a Territorial government has no attribute of sovereignty whatever about it, our readers have repeatedly heard heretofore—but almost invariably from Republican orators and statesmen. It will be found, on examination of the *Congressional Globe and Appendix*, that a similar opinion abounds in the speeches of SEWARD, HORACE MANN, GIDDINGS, etc., and it is strongly expressed in a speech of Hon. DAVID WILMOT, delivered in the House of Representatives, August 3, 1848, "on the restriction of slavery in the new Territories." Mr. WILMOT said:

"*Territories possess no inherent political sovereignty.* Sovereignty appertains to *organized States*. It is that power which prescribes laws, and to which the citizen is required to yield obedience. The power no more resides in a Territory than it does in a county or township. As well might the inhabitants of a township claim the right to make laws and regulate their own affairs, as that the people of a Territory should assume to themselves such high prerogatives and powers. Such a doctrine is unknown to the legislation of this country. During the whole period of our national existence, not one example can be found in which a Territory has been permitted to exercise a single act of independent political sovereignty. This doctrine is of recent origin, and is entirely original in the necessities of the occasion, as a cover behind which to take shelter, and avoid the responsibility of meeting directly the great question of the extension of slavery in Territories now free. It is not the doctrine of the Constitution. It is unsupported by authority, and wholly at variance with the teachings of those who have gone before us."

In thus falling back upon the old theory of the Republican party, Judge BLACK has merely *antagonized the views of many leading Democrats*, as we could prove by numerous quotations. For the present, however, we will content ourselves with but a few specimens. The first is from Mr. BUCHANAN's letter of acceptance of the nomination of the Cincinnati Convention:

"The agitation on the question of domestic slavery has too long distracted and divided the people of this Union, and alienated their affections from each other. This agitation has assumed many forms since its commencement, but it now seems to be directed chiefly to the Territories; and, judging from its present character, I think we may safely anticipate that it is rapidly approaching a finality. The recent legislation of Congress respecting domestic slavery, derived, as it has been, from the original and pure fountain of legitimate political power, the will of the majority, promises ere long to allay the dangerous excitement. *This legislation is founded upon principles as ancient as free government itself*, AND IN ACCORDANCE WITH THEM, *has simply declared that* THE PEOPLE OF A TERRITORY, *like those of a State, shall decide for themselves*, WHETHER SLAVERY SHALL OR SHALL NOT *exist within their limits.*

"The Nebraska-Kansas act does no more than *give the force of law to this elementary principle of self-government*; declaring it to be 'the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the *Constitution of the United States.*' *This principle* will *surely not be controverted by any individual of any party professing devotion to popular government.* Besides, how vain and illusory would any other principle prove in practice in regard to the Territories! This is apparent from the fact admitted by all, that after a Territory shall have entered the Union and become a State, *no constitutional* means exist which could prevent it from either abolishing or establishing slavery, as the case may be, according to its sovereign will and pleasure."

This principle, however, of Popular Sovereignty in the Territories, which Mr. BUCHANAN thought, in 1856, would "*not be controverted by any individual of any party professing devotion to popular Government,*" is considered one of the greatest of political heresies by his Attorney General!

The opinion of Hon. HOWELL COBB, Secretary of the Treasury, as delivered at West Chester, September 19th, 1856, is, if possible, still more explicit than that of the President, showing conclusively, as it does, that the people of a Territory, who, according to Judge BLACK, possess no attribute of sovereignty whatever, clearly possess the right and power of deciding whether slavery shall or shall not exist among them. We quote from the report, as follows:

"A gentleman has interrupted Mr. Cobb, with his consent, to inquire whether he meant *that the people of the Territory, before forming their Constitution, should have the power to exclude slavery, or that they should have the power to pass upon it when they form their Constitution.* He also desired the speaker to explain not only his view on the subject, but also the view which is advocated by those who stand with him in the Southern States, and support Mr. Buchanan.]

Mr. Cobb, resuming, said: "Fellow-citizens, there never has been, in all the history of this slavery matter, a more *purely theoretical issue* than the one involved in the question propounded to me by my friend, and I will show it to you. I will state to you the positions of the advocates of this doctrine of non-intervention, on which there are different opinions held; but I will show you that it is the purest abstraction, in a practical point of view, that ever was proposed for political discussion. There are those who hold that the Constitution carries all the institutions of this country into all the Territories of the Union; that slavery, being one of the institutions recognised by the Constitution, goes with the Constitution into the Territories of the United States; and that when the Territorial Government is organized, the people have no right to prohibit slavery there, until they come to form a State Constitution. That is what my friend calls 'Southern doctrine.' There is another class who hold that the people of the Territories in their Territorial state, and whilst acting as a Territorial Legislature, have a right to decide upon the question whether slavery shall exist there during their Territorial state; and that has been dubbed 'squatter sovereignty.' Now you perceive that there is but one point of difference between the advocates of the two doctrines. Each holds that the people have have the right to decide the question in the Territory; one holds that it can be done through the Territorial Legislature, and whilst it has a Territorial existence, the other holds that it can be done only when they come to form a State constitution. BUT THOSE WHO HOLD THAT THE TERRITORIAL LEGISLATURE CANNOT PASS A LAW PROHIBITING SLAVERY, ADMIT THAT UNLESS THE TERRITORIAL LEGISLATURE PASS LAWS FOR ITS PROTECTION, SLAVERY WILL NOT GO THERE. THEREFORE, PRACTICALLY A MAJORITY OF THE PEOPLE REPRESENTED IN THE TERRITORIAL LEGISLATURE DECIDES THE QUESTION. WHETHER THEY DECIDE IT BY PROHIBITING IT, ACCORDING TO THE ONE DOCTRINE, OR BY REFUSING TO PASS LAWS TO PROTECT IT, AS CONTENDED FOR BY THE OTHER PARTY, IS IMMATERIAL. THE MAJORITY OF THE PEOPLE, BY THE ACTION OF THE TERRITORIAL LEGISLATURE WILL DECIDE THE QUESTION; AND ALL MUST ABIDE THE DECISION WHEN MADE. [Great applause.]

"My friend, you observe that—no matter what the issue which is presented—I stand upon a principle. There I planted myself in the commencement of his argument—the right of the people to self-government. I intend to maintain it, to stand by it, to carry it out, to enforce it. If it operate to the exclusion of the people of my section of the country from these Territories, be it so; it is the Constitution of the country, and they have no right to complain. *If it operate* in their behalf and for their protection, I call upon you to say, it is not right that they should have the benefit of it?"

But the most conclusive answer to Judge BLACK's whole argument will be found in the speeches of Gen. CASS, Secretary of State, whose published opinions, as may be seen by the *Congressional Globe and Appendix*, are in direct conflict with the ideas of the learned Attorney General. Thus he disposes of the favorite dogma that Congress can confer no power that it does not itself possess, in *Appendex to Congressional Globe*, vol. 29, page 279, as follows:

"But again, sir, with respect to this objection—that we cannot grant a power we do not possess—I have to remark that, as a general principle, it is contradicted by the legislative experience of every day. *We confer a vast variety of powers which we have not the shadow of authority to execute ourselves.* And going to the Territories, what do we there? Why, sir, the most important of all their rights—the right to establish a constitution for themselves preparatory to their admission into the Union—is provided for by Congressional legislation. What, then, becomes of this objection? Because we *enable them to exercise their supreme power of legislation, does it thence follow that we possess it in the first instance, and could form a constitution which should bind and control them?* Every man instinctively answers that question in the negative as soon as hears it, and *that answer refutes this proposition without further argument.*"

Many striking passages in defence of the right of the people of the Territories to form and regulate their domestic institutions, will be found in the speeches of Gen. CASS. For the present we content ourselves with the following from his speech on the Kansas-Nebraska bill, delivered February 20, 1854:

"The power of the people to legislate for themselves upon all these questions of domestic policy is the inevitable result of the two prevailing principles, and of American institutions. If Congress has no jurisdiction over the subject, the people must have it, or the most important concerns of social life would be left without control or protection. No one has ever questioned their just claim to regulate, by their immediate representatives, the various questions connected with their civil and social relations, except this relation of master and servant, and *this exception cannot stand the test of any reasonable scrutiny.* I am aware of the objections which have been urged *against the existence of this right of self-government founded on the restriction of the people of the Territories with the Government of the United States; and I have been amazed at the subtle arguments, politico-metaphysical, indeed, which have been presented against the enjoyment of one of the most sacred rights which God has given to man.* The inseparable union between representation and the regulation of the domestic affairs of a community, including taxation, is one of the cardinal principles of American political faith laid down in our State papers, taught in our schools, and triumphantly asserted and defended on the battlefield; a principle which the Continental Congress, in 1774, declared in these words:

"'The English colonists are entitled to a free and *exclusive* power of legislation in their several Provincial Legislatures, where their right of representation can alone be preserved in all cases of taxation and internal polity,' &c.

"And strange is it, in the vacillation of human opinions, that from defenders we are urged to become offenders, and, with the practice, to adopt the principle of Lord North in this crusade against human rights. *For there is scarcely an argument which can be urged against the claim of local legislation which the British Ministry did not urge against the demands of our fathers to be allowed to legislate for themselves.* We have been told with due gravity, and, I have no doubt, with due sincerity, that the United States are the 'foreign;' and we have been asked, 'and how can sovereignty, the ultimate and supreme power of a State, be divided?' Sovereignty indeed! And who can find the word in the Constitution, or who *can deduce any power from its use?* It is a process of constructive authority which cannot be too severely reprobated, at war, as it is, with the fundamental basis of the Confederation. Once establish *its operation as the foundation of Congressional* action, and other and nearer rights than those of distant, feeble communities would soon be prostrated before it."

The Great Eastern at Sea.

Our readers thanked us, we believe, for having given them, in our impression of Saturday, as full particulars of the progress made by the *Great Eastern*, on her trial-trip, as we could collect from the English journals. This monster of the deep left her moorings at Deptford, on the Thames, early on Wednesday, September four seventh. She made a triumphant voyage down the Thames—a naval ovation it may be called—and anchored at Purfleet, not far from Gravesend, that night, not very far from Tilbury Fort, where Queen ELIZABETH, in demi-armor and on horseback, harangued her troops at the time when PHILIP the Second of Spain had sent out his Armada against England. Early next morning, the voyage was resumed, and the ship anchored off the Nore, that night. On Friday, September 9th, she passed Margate, Deal, and Dover, and was expected to reach Portland, Dorsetshire, early on Saturday, the 10th inst.

So far her performance has been excellent. The London *Times* calculates, from the rate at which she went down the Thames—with a necessarily limited amount of steam pressure, and the paddles and screw much under what they will be—that her sea-going speed will be about eighteen to nineteen miles an hour. There was no "swell" in her wake, and scarcely any vibration on the vessel. So that, "as far as could be gathered from outward objects, one might much easier have imagined one's-self writing in a Parisian salon than in the cabin of the *Great Eastern* flying down to the Nore."

The calculation is that she will require 250 tons of coal a day. Happily, if report be true, an English *savant* has discovered a mode of economizing fuel, in steamboat consumption, which will render it necessary to use only a fifth moiety of what is now found requisite.

We observed, with satisfaction, the beautiful tribute to the scientific genius of FULTON which the *Liverpool Journal* paid, when noticing the performances and prospects of the *Great Eastern*. Our readers will be grateful, no doubt, for the politico-geographical information, supplied by the *London Morning Herald*, that the State of Maine was ceded by England to the United States, by the Ashburton capitulation. Had the brilliant *London Morning Advertiser* made this blunder, we should not have been surprised. We had previously been impressed with the belief that Maine was admitted into the Union in August, 1821. We fear that the facts of the *Herald* of London are not more reliable than those of its namesake in New York!

PERSONAL.

The *South Carolinian*, of last Wednesday, says: "The numerous friends of Hon. W. C. Preston will be highly gratified to learn that his health within these few months has been better than for some years. He is now on his way home to Charleston.

Mr. William Whitney, one of the oldest merchants in Boston, died last Friday.

Mr. Everett spoke the whole of his oration upon Webster without referring to notes. The Providence *Journal* says: "The wonderful exertion of memory is not without precedent; but such power of memory, combined with such other great power, may challenge comparison with anything in the history of oratory."

The members of the deputation from Ireland preached yesterday at several of the churches in New York.

Ex-President Fillmore is detained at Newport, R. I., on account of the illness of his wife.

Hon. Humphrey Marshall, of Kentucky, is at the Spencer House, Cincinnati, Ohio.

Mr. Ten Brook writes from England to a friend in Memphis, Tennessee, that his winnings in England this year have topped $140,000, to gain which he risked but $20,000.

Mr. Augustus Schell, of New York, has gone to Washington, probably to confer with our venerable President on the result of the Syracuse Convention.

A COMPANY have been boring for salt on the grounds of Mr. T. L. Drake, on the New Haven Conn., railroad, last week, at the depth of 71 feet, they struck a fissure in the rock through which they were boring, when they tapped a vein of water and oil, yielding 400 gallons of pure oil every 24 hours. The pump now in use throws only five gallons per minute of water and oil into a large vat, when the oil rises to the top, and the water runs out from the bottom. In a few days they will have a pump of three times the capacity of the one now in use, and then from ten to twelve hundred gallons of oil will be the daily yield.

MASTER EBEN DALE SUTTON, whose singular infirmity of limbs has excited so much notice and sympathy, has again, and for the seventh time, had his leg fractured. This time the thigh bone was broken. One of his limbs has been broken four times, the other three, and he is but eleven years of age. Four times the fractures have happened in the month of September. No amount of watchfulness and precaution is found sufficient to prevent the recurrence of these accidents. The young sufferer bears his injuries manfully and seems forgetful of his own calamity in witnessing the anxiety of his friends.—*Salem (Mass.) Register.*

THE late rains have raised the Connecticut river so that the Hartford steamers are now able to reach their docks at that city. They have been running only to Middleton the past few days.

A FULL AND CORRECT REPORT

OF THE

GREAT SPEECH

OF

JUDGE DOUGLAS,

AT

WOOSTER, OHIO,

ON THE 16TH INST.

HIS REPLY TO THE "BLACK PAMPHLET."

LADIES AND GENTLEMEN: I regret, as much as any of you possibly can, the delay in the arrival of the cars. The only excuse I can make for putting you to this inconvenience in waiting is, that the Democratic party is not responsible for the delay. [Laughter.] Nor can it be charged to the account of Popular Sovereignty. [Renewed Laughter.] I must say, however, in justice to the Pittsburg and Fort Wayne Railroad, that it is one of the best in the country; and the only reason why we could not arrive earlier is that the great National fair had collected more people in Chicago yesterday than could sleep in the streets last night, and the railroad had to bring them out of town.

When I was received at the cars to-day and during my passage up the streets through your beautiful town, I was reminded of the scenes that I witnessed in my own beloved Illinois last year. I almost fancied that you were Illinoisians, right from the heart of Egypt. [" Good! Good!" and much applause.] For such a reception no man has ever received or can receive except from the genuine Democracy of the Northwest. I rejoice, therefore, that I have the opportunity of addressing you upon those great fundamental principles which bind all Democrats together, no matter what may be their locality.

It is not my purpose to discuss any question pertaining to your internal policy or domestic concerns. Those questions are matters for you to determine for yourselves, without the interference of anybody outside of the limits of your own State. I might say that I have rather a debt of gratitude which I ought to pay to this State—one of long standing—which has been accumulating interest. Your fellow citizens, Father Giddings and Mr. Chase, have canvassed Illinois several times for my benefit, and I do not know but that there is any harm in my saying a word in Ohio for their benefit. [Laughter and applause.]

However, my object is not to deal with individuals, but with those principles that separate the Democracy from their opponents. I am one of those who believe that the Democratic party, under the Democratic organization, with the time-honored principles of the party emblazoned on their banner, is the only political organization that can preserve the peace, harmony, and unity of this great Confederacy. If we have any disputes or misunderstandings in respect to the principles or policy of the party, let us settle them ourselves, inside of our own organization, and in conformity with our own usages. ["Hear, hear," and loud cheering.]

The principal question which divides the Democratic party from their opponents, in the North and South, is akin to all the measures that have separated the Democracy from their opponents in all time. So far as the slavery question is involved in this issue, it is simply a proposition of whether *slavery is a Federal or a local question.* The Democratic party stand upon the issue that slavery is a local question, existing in the several States under the laws thereof, by State authority, and not by virtue of the Federal Constitution. They say that if slavery be a local question affecting the internal policy and domestic affairs of the people, then it must be regulated and controlled by local authority. If, on the contrary, it is a Federal question, deriving its validity from Federal authority, existing by virtue of the Constitution of the United States, then it must be regulated and controlled by Federal authority.

The first question to which I wish to call your attention is whether it is a Federal or a local institution. To determine that question it is only necessary for you to read the Constitution of the United States, and instead of listening to every man who denies the Democratic doctrine an excuse for a report the Constitution. The Constitution of the United States recognises the title in slaves as property, and then provides that no man may be slaves, where they may be held, by virtue of what authority slavery may exist, and in what contingency a fugitive slave shall be returned to his owner. You find these all in the same clause of the Constitution. If any gentleman has a copy of the Constitution here I will read it, and if not I will repeat it [Cries of "Read it, read it," "Read it, read it," "Not every person held to service or labor in Ohio, but every person held to service or labor in Ohio, escaping into another, shall, in consequence of any law or regulation therein be discharged, but shall be delivered up to the party to whom such service or labor may be due." There you find the definition of slavery—slave is a person held to service or labor in one State under the laws *thereof*, but under the laws of the United States, not by virtue of the Constitution of the United States, not in consequence of any law or regulation therein recognized, but in spite of it. The Fugitive Slave law provides that the party to whom such service or labor may be due." There you find the definition of slavery—slave is a person held to service or labor in one State under the laws *thereof*, but under the laws of the United States, not by virtue of the Constitution of the United States, not in consequence of any Federal authority, but in a State, *under the laws thereof*. Then you find the Constitution recognises slavery as a local and domestic institution confined to the State whose laws sanction it, and existing by virtue of State authority, and by virtue of no other authority under heaven. If slavery be a local and State institution, it must be managed and controlled by local and State authority. You in Ohio have decided that question for yourselves, as you had a right to do under the Constitution. You have decided that in this State with your climate, your productions, and your surroundings, it is not good for you to have slavery. You had a right to make that decision. No man on earth has a right to question it. It was your business—it affected your own domestic concerns and internal policy. But when you have decided this question to suit yourselves your power ceases. You have no more right to interfere with slavery in Virginia, than Virginia has to interfere with your domestic concerns. If the people of Virginia should get up emigrant aid societies, or in any other manner interfere with your domestic concerns with a view of compelling you to adopt slavery, would you not tell Virginians, that they had better go back across the Ohio river? Then, if your Abolitionists should cross the Ohio river to interfere with the domestic affairs of Virginia, either to steal their slaves or any other property, I trust that they will teach them that they had better return to Ohio. [Cheers.]

Thus you find that the very essence of the Democratic creed upon this slavery question, and upon all other local and domestic questions, is that every distinct political community shall manage its own affairs, regulate them to suit itself, mind its own business, and let its neighbors alone. If you will act on this simple principle there can be peace between all the States and Territories of the Union. But we are all told by the Abolitionists or Republicans that slavery is such a monstrous evil that they cannot permit the people of a Territory to manage their own concerns, they must do it for them. Governor Chase and Father Giddings, when they come to Illinois, tell our people that the people of the Territories cannot be trusted in the management of their own concerns, and that they will ruin themselves if they should permit them to make just such laws as they please in respect to the negro. They have no objection to letting them govern themselves in respect to white men; they can trust the people of a Territory to make the laws relating to husband and wife, parent and child, and guardian and ward, and all other things that effect white men, but they cannot trust them when they come to make laws concerning the negro. ["True," and laughter.]

They seem to think that it requires a higher degree of intelligence and civilization to legislate for the negro than it does for the white man, and hence they will not permit the Territorial Legislature to pass laws determining the relation between the white man and the negro in the several Territories of the United States. Where do they derive the authority of the Federal Government to interfere with the local and domestic institutions of the people either in the States or the Territories? They cannot find any such authority in the Constitution of the United States, and trace back the history of the States to a period anterior to the Revolution, when they were Colonies, and see if you find any sanction for this interference on the part of the Federal Government with the local and domestic concerns of the people. Bear in mind that the first serious controversy that ever arose on the American continent between the American Colonies and the British Government was in regard to the right of the Legislature of Virginia, then a Colony, to regulate the slavery question to suit themselves. Believing they had more slaves than was consistent with their interest or safety, and taking into view the sparse white settlements surrounded by hostile Indian tribes, they passed a law to check and restrain the further introduction of slaves into that Colony. No sooner had that law been passed by Virginia than the British merchants, who were engaged in the African slave trade, petitioned the King to annul it, and to protect them in their rights to emigrate into the Colonies, which were the common property of the empire, acquired by the common blood and the common treasure, and to hold their slaves in defiance of the local law. The King of England, being a good Republican, in the modern sense of the term, [laughter] granted the prayer of the petitioners, annulled the act of the Virginia Legislature, and declared that the Colonies were the common property of the empire, acquired by the common blood and treasure, and therefore that every Englishman had a right to go into those Colonies and carry his slaves with him, and that a more provincial Legislature had no right to exclude him or discriminate between them. What did old Virginia say to that doctrine then? She said that the people of a Colony were not property at all. She denied that a political community, called a Colony, was property in any sense of the term, and claimed that the Colonists were Englishmen, endowed with all the rights of Englishmen, and as such it was their birth-right to make all laws governing themselves in respect to their internal concerns when they were organized into political communities. The battles of the Revolution were all fought in vindication of that great political right—the right of the Colonies, the right of Provinces, the right of dependent Territories to make their own laws and govern themselves in respect to their own internal concerns. Our fathers did not claim that the Colonies were sovereign States. They did not claim the right to exercise independent and sovereign power, but they did claim that although Colonies or Territories, they were entitled to the exclusive right of legislation respecting their internal concerns and domestic policy, slavery included. And because Great Britain would not grant that privilege they resisted her authority—established their independence—and thereby secured to themselves and their posterity the exclusive right, in all time to come, of governing themselves.

The question which I now propound to the American people, is whether the American Territories, under the Constitution of the United States, are not entitled to the same rights and privileges which our fathers claimed for the British Colonies under the British Constitution. We, the advocates of popular sovereignty, claim no more for the American Territories than our fathers fought for as Colonies. If we are not right in the assertion of this doctrine of popular sovereignty in the Territories, then the Tories of the Revolution were right in resisting the claims of our fathers. [Cheers.]

A voice. Have you the documents here for that?

Mr. Douglas. Yes, sir. I have the documents in the head and heart of every American citizen, [immense applause,] and there small school boys standing around here will learn every fact that I have stated in the simplest history of the United States that may be placed in their hands. What man is there who can read and write who does not know that the American Colonies resisted the authority of the British Government merely because it would not concede to them the right to govern themselves in respect to their local and domestic concerns?

I have already remarked that the Republican party, so far as the question of slavery is concerned, in denying the right of the people of a Territory to manage their own domestic affairs, claim the power of Congress to occupy the identical position that George III and the Tories of the Revolution occupied towards the American Colonies. I do not say it in an offensive sense—I am not questioning their motives or their sincerity—I only take that parallel in their history in order to illustrate their doctrine in a light that every man, woman, and child will comprehend. I happened to take up a newspaper this morning in the cars, in which I found the resolutions of the late Republican Convention in the State of New York. They affirm the same doctrine. Remember that the Republican National Convention at Philadelphia, in 1856, declared that Congress possessed sovereign power over the Territories of the United States for their government, and that in the exercise of that power it was their right and duty to prohibit slavery. That is the precise doctrine that the British Parliament asserted in the preamble to the repeal of the Stamp Act. In that preamble they declared that the Parliament of Great Britain had the right to bind the Colonies in all cases whatsoever. The Republicans of this day declare that Congress has the right to exercise sovereign power over the people in the Territories in all cases whatsoever. Are not the positions identical? Can you find a difference between them? I defy the President and one of the ministers of George III in the year 1776? But upon what ground is it that the Republicans claim the right of Congress to exercise civil jurisdiction over a portion of the United States? I find it in the following resolution adopted at the New York Republican State Convention in Syracuse a few days since:

"Resolved, That the Territories of the United States are the property of the people of the United States, that the Constitution has conferred upon Congress the power to make needful rules and regulations respecting said Territories, and that it is the right and duty of Congress to exercise that power, in prohibiting in them free forever from all political and social nuisances, and particularly from the infamous and debasing institution of human bondage."

You find that, in this resolution, the Republicans base their rights to exercise sovereign power over the Territories upon the assertion that the Territories are the property of the people of the States. What are the Territories? What are they composed of? They are political communities of your own citizens living out in the Territories, and which they have brought from the Federal Government and governing themselves under the principles of the Kansas-Nebraska bill. A Territory is a political community with its executive, legislative, and judicial departments, occupying a country subdivided into counties and townships, with all other organizations necessary for sustaining such a political community, and we are told by the Republican party that a Territory thus organized is the property of the United States. How long will it take long will it take the Republicans of the present day to unlearn the doctrines of the British Government and to adopt those of the American States? Well, now, upon what principle do you claim property just because the King of Great Britain thought the Colonies were property, but George Washington taught George III that he was slightly mistaken, and that point I, Mr. Hear, and others.] The Tories of the Revolution claimed that if the Colonies were property, that they were pretty good fighting property at least. [Great applause.] It was that very odious designation to the Tories of the Revolution, and the fact that they claim that the Colonists had no rights to which our fathers took exception. Our fathers said, although we are Colonists although we are Territories, although we are Territories, yet we have political and personal rights, and we claim that we have the inalienable right to govern ourselves in respect to our local and domestic concerns whenever we are formed into political communities, no matter whether you call them States, Territories, Provinces or Colonies. That is all we claim now. The Democratic party claims for the people of the Territories no more than that.

We say that when a Territory is sovereign, we do not claim that it is independent of the Federal Government, any more than the Colonies were sovereign and independent of the British throne, probably it is not to be denied that they have the inalienable right of self-government in respect to their local and domestic concerns, as our ancestors claimed that they had the right in the American Colonies previous to the Revolution.

But a Republican will tell you that the Territories are property because the United States owns the land. That happens to be a mistake also. The United States are a land owner in the Territory of Nebraska, the same as they are in the State of Ohio, and no more. The United States once owned all the land in the State of Ohio, the same as they own all the land in the Territory of Nebraska, but under our laws the moment a settler went into the Territory of Nebraska to plant his home on the land, he became entitled to a pre-emption right, and at the proper time proved it up, paid for his land, and became the owner of it. Hence, land which the United States does own in the Territories is that which is vacant, and has no settlers upon it, and that land upon which the people live is owned by themselves, and to which the United States has no title. [Laughter and cheers.] Just as it is in the State of Illinois to-day. The United States owned hundreds of thousands of acres of land in the State of Illinois, but there are no people living on it. Does that fact give the United States the right to govern Illinois? [Applause.] Does the fact of ownership of a small quantity of land give the right of legislating for the State of Illinois property? Are we the property of the United States merely because the United States own a little land in the State? The United States own land in Virginia, than Virginia has to interfere with your domestic concerns. If the people of Virginia should get up emigrant aid societies, or in any other manner interfere with your domestic concerns with a view of compelling you to adopt slavery, would you not tell Virginians, that they had better go back across the Ohio river? Then, if your Abolitionists should cross the Ohio river to interfere with the domestic affairs of Virginia, either to steal their slaves or any other property, I trust that they will teach them that they had better return to Ohio. [Cheers.]

Thus you find that the very essence of the Democratic creed upon this slavery question, and upon all other local and domestic questions is that every distinct political community shall manage its own affairs, regulate them to suit itself, mind its own business, and let its neighbors alone. If you will act on this simple principle there can be peace between all the States and Territories of the Union. But we are all told by the Abolitionists or Republicans that slavery is such a monstrous evil that they cannot permit the people of a Territory to manage their own concerns, they must do it for them. Governor Chase and Father Giddings, when they come to Illinois, tell our people that the people of the Territories cannot be trusted in the management of their own concerns, and that they will ruin themselves if they should permit them to make just such laws as they please in respect to the negro. They have no objection to letting them govern themselves in respect to white men; they can trust the people of a Territory to make the laws relating to husband and wife, parent and child, and guardian and ward, and all other things that effect white men, but they cannot trust them when they come to make laws concerning the negro. ["True," and laughter.]

They seem to think that it requires a higher degree of intelligence and civilization to legislate for the negro than it does for the white man, and hence they will not permit the Territorial Legislature to pass laws determining the relation between the white man and the negro in the several Territories of the United States. Where do they derive the authority of the Federal Government to interfere with the local and domestic institutions of the people either in the States or the Territories? They cannot find any such authority in the Constitution of the United States, and trace back the history of the States to a period anterior to the Revolution, when they were Colonies, and see if you find any sanction for this interference on the part of the Federal Government with the local and domestic concerns of the people. Bear in mind that the first serious controversy that ever arose on the American continent between the American Colonies and the British Government was in regard to the right of the Legislature of Virginia, then a Colony, to regulate the slavery question to suit themselves. Believing they had more slaves than was consistent with their interest or safety, and taking into view the sparse white settlements surrounded by hostile Indian tribes, they passed a law to check and restrain the further introduction of slaves into that Colony. No sooner had that law been passed by Virginia than the British merchants, who were engaged in the African slave trade, petitioned the King to annul it, and to protect them in their rights to emigrate into the Colonies, which were the common property of the empire, acquired by the common blood and the common treasure, and to hold their slaves in defiance of the local law. The King of England, being a good Republican, in the modern sense of the term, [laughter] granted the prayer of the petitioners, annulled the act of the Virginia Legislature, and declared that the Colonies were the common property of the empire, acquired by the common blood and treasure, and therefore that every Englishman had a right to go into those Colonies and carry his slaves with him, and that a more provincial Legislature had no right to exclude him or discriminate between them. What did old Virginia say to that doctrine then? She said that the people of a Colony were not property at all. She denied that a political community, called a Colony, was property in any sense of the term, and claimed that the Colonists were Englishmen, endowed with all the rights of Englishmen, and as such it was their birth-right to make all laws governing themselves in respect to their internal concerns when they were organized into political communities. The battles of the Revolution were all fought in vindication of that great political right—the right of the Colonies, the right of Provinces, the right of dependent Territories to make their own laws and govern themselves in respect to their own internal concerns. Our fathers did not claim that the Colonies were sovereign States. They did not claim the right to exercise independent and sovereign power, but they did claim that although Colonies or Territories, they were entitled to the exclusive right of legislation respecting their internal concerns and domestic policy, slavery included. And because Great Britain would not grant that privilege they resisted her authority—established their independence—and thereby secured to themselves and their posterity the exclusive right, in all time to come, of governing themselves.

The question which I now propound to the American people, is whether the American Territories, under the Constitution of the United States, are not entitled to the same rights and privileges which our fathers claimed for the British Colonies under the British Constitution. We, the advocates of popular sovereignty, claim no more for the American Territories than our fathers fought for as Colonies. If we are not right in the assertion of this doctrine of popular sovereignty in the Territories, then the Tories of the Revolution were right in resisting the claims of our fathers. [Cheers.]

A voice. Have you the documents here for that?

Mr. Douglas. Yes, sir. I have the documents in the head and heart of every American citizen, [immense applause,] and there small school boys standing around here will learn every fact that I have stated in the simplest history of the United States that may be placed in their hands. What man is there who can read and write who does not know that the American Colonies resisted the authority of the British Government merely because it would not concede to them the right to govern themselves in respect to their local and domestic concerns?

I have already remarked that the Republican party, so far as the question of slavery is concerned, in denying the right of the people of a Territory to manage their own domestic affairs, claim the power of Congress to occupy the identical position that George III and the Tories of the Revolution occupied towards the American Colonies. I do not say it in an offensive sense—I am not questioning their motives or their sincerity—I only take that parallel in their history in order to illustrate their doctrine in a light that every man, woman, and child will comprehend. I happened to take up a newspaper this morning in the cars, in which I found the resolutions of the late Republican Convention in the State of New York. They affirm the same doctrine. Remember that the Republican National Convention at Philadelphia, in 1856, declared that Congress possessed sovereign power over the Territories of the United States for their government, and that in the exercise of that power it was their right and duty to prohibit slavery. That is the precise doctrine that the British Parliament asserted in the preamble to the repeal of the Stamp Act. In that preamble they declared that the Parliament of Great Britain had the right to bind the Colonies in all cases whatsoever. The Republicans of this day declare that Congress has the right to exercise sovereign power over the people in the Territories in all cases whatsoever. Are not the positions identical? Can you find a difference between them? I defy the President and one of the ministers of George III in the year 1776? But upon what ground is it that the Republicans claim the right of Congress to exercise civil jurisdiction over a portion of the United States? I find it in the following resolution adopted at the New York Republican State Convention in Syracuse a few days since:

"Resolved, That the Territories of the United States are the property of the people of the United States, that the Constitution has conferred upon Congress the power to make needful rules and regulations respecting said Territories, and that it is the right and duty of Congress to exercise that power, in prohibiting in them free forever from all political and social nuisances, and particularly from the infamous and debasing institution of human bondage."

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