WHEELING, WEDNESDAY MORNING, JULY 4, 1860. NUMBER 268.

Daily Intelligencer.

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[For the Intelligencer.]

SECTIONAL STRIFE—No. 15.

THE DRED SCOTT DECISION.

Messrs Editors:—The necessity for a clear understanding of the constitution of the country on the subject of Slavery, has become urgent, imperious. Basing their claims on the Dred Scott Decision, a large and influential party in the Southern States, demand the complete Africanization of the Northern American territory. They demand every inch of National territorial domain for Slavery, they demand statutory protection, as they call it, for their property in the territories. In short words, they demand a stringent, Congressional slave code for the territories. And, to do them justice, they are not slow to warn us of the consequences of our refusal. They continually make the sword glitter and the bayonet gleam in our eyes. If dreadful war and bloodshed shall come, as they seem likely to come, we at least cannot say that they come without warning. Let justice be done, if the Heavens fall. If the Southern men are making just and Constitutional demands upon us, grant their demands instantly; no delay, no hesitation, no evasion. The weakest, if not the wickedest counsel, which we could give, would be to acknowledge their constitutional claims and then to propose to drive their phony hosts out of the territories by "friendly legislation." These demands make the Dred Scott decision, on which they are founded, assume immensurable importance. In their light it looms up into gigantic proportions. That case occupies two hundred and forty one closely printed pages of Howard's Reports. It is not to be supposed, therefore, that any man could adequately discuss such a question in a few paragraphs. If the discussion shall throw any light on the subject, it must be a work of time and labor. I bespeak the patient attention of the reader. It is time that the citizens should thoroughly understand a question out of which black politicians are constructing a feeling of inextinguishable hate.

The subscriber does not object indiscriminately to everything contained in the Dred Scott decision. Some portions of the syllabus have our hearty assent. "Congress has no right to give privileges" in the territories, "to one class of citizens, which it refuses to another." The territory is acquired for their equal and common benefit, and if open to any, must be open to all upon equal and the same terms." If this principle had been carried out by all the branches of the federal government, including the Executive and the Supreme Court, we should not now be on the brink of dissolution and civil war.—If Mr. Taney had set himself to work to find apt language, in which to describe Free soil sentiment, here it is. Every Northern man will instantly disclaim any idea of asking any, the least or slightest advantage, preference or privilege in the territories for himself or his posterity, which is denied to the Southern man or his posterity. But Mr. Taney's intentions are the direct reverse of what his words indicate. He intends to employ all his talents, all his influence personal and political, to set up over the entire territory of the Union, a close and exclusive aristocracy, whose vital idea is inequality of rights and privileges, and which treats the poor white man, as the non-slaveholder is called, with more contempt, with more contumely, with more scorn, if possible, than is heaped upon the sore, and scourged and trembling slave. Inconsistency is the badge of error. "On what grounds," it may be asked, "does the Supreme Court arrive at such conclusions?" The judges are not slow to tell you. On this subject they speak out. However cloudy and misty, and incomprehensible their language on some other points, may be, on this it is clear and unmistakable. They proceed upon the principle that divers States, having excluded the African from the pale of humanity, and made him property; Congress, as they say, has no power to exclude the property of any citizen from any portion of the National Territory. Judge Campbell says: "These States, at the adoption of the Federal Constitution, were organized communities, having distinct systems of municipal law, which, though widely derived from a common source and recognizing in the main similar principles, yet in some respects had become unlike, and *on a particular subject promised to be antagonistic.*" Then he goes on to enumerate divers powers of the Federal government, such as the power to coin money, to regulate its value, to regulate foreign and federal commerce, to grant patents to authors and inventors, "and to make rules concerning captures in war;" and he affirms that, "within the limits of these powers, it, (Congress) has exercised rightly to a greater or less extent, the power to determine what shall and what shall not be property." In the next paragraph, he proceeds: "But the great powers of war and negotiation, finance, postal communication, and commerce in general, when employed in respect to the property of a citizen, refer to and depend upon the municipal laws of the States, to ascertain and determine what is property and the rights of the owner, and the tenure by which it is held." "Whatever these constitutions and laws (that is the constitutions and laws of the States,) "validly determine to be property, it is the duty of the federal government, through the domain of jurisdiction merely federal to recognize to be property." See 19th Howard, page 515. Then after some further observations, he adds on the next page, "A proscription, therefore, of the constitution and laws of one or more states, determining property, on the part of the Federal government, that the stability of its social system may be endangered, is plainly inapplicable to the conditions on which the Federal constitution was adopted, on which that Government was designed to accomplish. In addition with the language of Judge Campbell, we have the same difficulty as in dealing with the language of other artful advocates.—The acuteness of such men teaches them to mingle some unquestionable propositions, along with their own doubtful and disputable dictums, in hopes that the latter may pass muster under cover of the former. What remote tendency had the eighth section of the act of the sixth of March, 1820, commonly called the Missouri Compromise, to endanger the stability of the social system of our State? What State was thus endangered in its social system? Has not slavery grown and flourished, and extended itself ever since the date of that act. The territory on which it was designed to operate was a wilderness, without any social system except that of the red savages. Judge Campbell well knows that every influential man, we might say every man, in the party which he opposes, disclaims any intention or idea, all intention of bringing the power of the Federal Government to disturb or endanger, or overthrow the social institutions of any State. But it merely called Judge Campbell to the stand, as a witness, to show that, in the opinion and judgment of the Supreme Court of the United States, while any State of the Union choose to enact and enforce certain slave laws, those laws must dominate and prevail in every inch of National territory, and must exclude and abrogate all laws of an opposite nature. Having fully performed this duty, we dismiss him from the stand. But in the absence of such testimony, upon what other foundation could the Dred Scott decision possibly be based? Slavery is the creature of positive law.—By the law of nature, all men are free. And a difference of color between the parties does not abrogate this law of nature. Hence, when the brown and black men on the southern shores of the Mediterranean, enslaved our white fellow-citizens, which, formerly, they were very prompt to do, whenever they were able, we pronounced them guilty of a violation of natural law, and no sure ever wrought by the National Government, were so universally acceptable to the National conscience, as the wars which we waged with these people in 1803 and 1815, to avenge the enslavement of our fellow-citizens. Yet the Barbary Powers were clearly justified, as far as difference of race and color could justify them in making slaves of their fellow creatures.

But the slave laws of the slave States, were not the only laws with which the Supreme Court had to deal in the Dred Scott decision. One State declares by its organic laws, that neither slavery nor involuntary service shall ever be permitted in this State, except for the punishment of crime, after due and legal conviction. And fifteen or sixteen other States substantially concur in the same principle in their organic laws. These States respectively contain seventeen millions of white population. Another State makes the following fundamental declaration on the subject "Be it enacted by the General Assembly, That no persons shall henceforth be slaves within this Commonwealth, except such as were so, on the seventh day of October, in the year one thousand seven hundred and eighty-one, and the descendents of the females of them, and such persons and their descendents being slaves as since have been, or hereafter may be brought into this State, or held therein pursuant to law." Fifteen or sixteen other States substantially concur in adopting the same system of bondage. And this latter class of States probably contain a white population of between four and five millions. We have the testimony of Judge Campbell, quoted above, that these two systemst are antagonistic, if forced to encounter on the same soil, collision and conflict are inevitable. Now it would be highly convenient that the States and people concerned in these two systems, could make a peaceable arrangement to divide the National territory between them. Such an agreement would conduce to a spirit of harmony, equality, fraternity and cordiality between the people and States, North and South. If such an agreement could be made, it all, it would take the shape of an act of Congress, for Congress is the only agency which can pretend to combine the wills of the whole people in all parts of the Union. But the Supreme Court says that such a thing cannot be done. Such an arrangement cannot be made. If Congress undertakes to ratify such an agreement by reducing it to the forms of a statute, and thus bringing compliance with the wishes of an immense majority of the people, it is still mere usurpation, an unauthorized exercise of undelegated power. The laws of the slave States, so far as they are inconsistent with the authority of the master over the slave, so far as they reduce the latter to the situation of a mere chattel, are the fundamental laws of all the territories of the Union, so long as they continue in a territorial condition. And as the laws of the free States forbid the creation and continuance of this relation of master and slave, they are as a matter of course, null and void, and, void, frustrate and ineffectual in the territories, to all intents and purposes. Whatever any of the States chooses, by law, to regard as property, that is property. It would be monstrous that a slave holder should be prevented from entering the National territories with his property.—And if the Northern emigrant repines at the absence of the institutions of his native State, if he is reluctant and unwilling to pursue his labors in the midst of crouching and degraded slaves, he can stay at home. He is not bound to emigrate, that's all." Congress, by prohibiting a citizen of the United States, from taking with him his slaves when he removes to the territory in question, to reside, is an exercise of authority over private property, which is not warranted by the Constitution."

Of course if the Court is correct we must submit to the consequences however calamitous, however fatal to the peace and prosperity and stability of the Union. But the historical fact that the entire nation, with no known exception, held the opposite opinion for the first sixty years of the existence of the Constitution, should admonish us not to be too ready in yielding our assent. Such a national mistake so long continued, so universal it its prevalence, is little short of miraculous. We do not adopt the doctrine of David Hume, that no human testimony can prove a miracle; but we do say that the proof of such a phenomenon should be cogent and invincible. Reader, is it possible to make a more obvious or invidious distinction between the laws and institutions of different States than this.

The motives which induced Congress in 1820, to devote the northern portion of the Louisiana purchase to freedom, were not slight or trivial. The debates were able, ingenious, and eloquent, and the discussion and consideration mature. The immense domains of Louisiana, Missouri and Arkansas, each with sufficient territorial extent, if blessed with free institutions, to found an empire, had been in law and in fact devoted to slavery. The national treasury had been laid under contribution about thirteen months before the passage of the act in question, to purchase a vast large domain for slavery, by obtaining from Spain the cession of east and west Florida. General Jackson once declared that the most just, fair and *fearless* distribution that could possibly be made of the proceeds of the sale of the public lands was to place them in the National treasury for National use, under the direction and control of Congress, to be used for such just, fair, federal and National disposition that could possibly be made of the National domain, was to devote it to National use in the very manner in which it was actually done. As the institutions of the two sections, on the subject of slavery, were, in the language of Judge Campbell, "antagonistic," let each section enjoy its equitable share or the immense national territorial acquisitions in its own way, in fact in the only practicable way, in the only mode equally agreeable to both sections. As East and West Florida, Louisiana, Missouri and Arkansas had been devoted to slavery, why not let Kansas and Nebraska be devoted to freedom. The purpose could be accomplished as to those two Northern Districts, by simply extending the laws of nature should prevail in them, while remaining in a territorial condition. This re-enactment of the law of nature, is the law of pretended exclusion, which apparently fills the breast of the Supreme Court with so much horror. It would be a stringent law of exclusion, indeed, which would exclude Southern emigrants as effectually as the aristocracy, founded of chattel slavery, set up in a territory, excludes Northern emigrants. Where the free-labor system would exclude one, the slave-labor system would exclude hundreds. If any section of the country had reason to complain of the act of the sixth of March, 1820, it was not the South.—Towards that section the arrangement was eminently liberal. What better could Congress do? Without such a power of extending equity and justice to the different sections of the Union, and of attending to their wants and wishes, the national government would be essentially defective, and incapable of providing against national exigencies or securing national happiness and safety. It would be as incapable of performing its proper functions as a large man with broken and shattered limb. No logic is so invincible as the logic of stubborn facts. Where the Divine wisdom was incarnate upon earth, he said, "by their fruits shall ye know them." Now, the fruits of the Missouri Compromise were peace, concord, harmony, good feeling amongst all sections of the Union, during a very long comparative period of our national history.

If any heart-burning or hard feeling arose at all, it was transient, passing away like the morning cloud or the early dew. For the quarrel carried on between a few immune and benevolent, but ill judging abolitionists, was confined to more than two or three per cent. of our people, and the Southern fire eaters, who choosed to engage in a logomachy with them, cannot be regarded as a national affair. During the long interval between the passage of the Missouri compromise act and the Mexican war, slave States and free States entered the Union without opposition, without repining or complaint, and we enjoyed a higher measure of happiness and prosperity than ever before, in earth's annals, was unchafed to a nation consisting of a dominant and enslaved race. In 1846 the idiot folly of Mexico, brought an eagle war with that power which ended as every man knew it must end, in an immense conquest of territory. The disposition of that territory occasioned a momentary disturbance in the national mind, but this question settled, the national feeling became as calm and unruffled as the surface of our BEAUTIFUL RIVER, and so continued until December last. Before that time, the last of our great old statesmen had been carried to his long home, and it required all the art, all the skill, of the cunning, selfish, mousing politicians, who at that time met in Congress at Washington, to blow the flames of sectional strife into a wide wasting conflagration. Then, and not till then, did a feeling very near akin, alas, to undying and implacable hate, take possession of the public mind in both sections of the Union. This they effected by penuing up the friends of liberty and of slavery, upon the same soil and compelling them to fight like game cocks, or fighting in a pit or boxers in a ring. And this they did *perfidiously* in spite of their own pledge, by which they had stolen the heart of the nation, and by which they had bound themselves to oppose all further agitation of the slavery question, either in or out of Congress, under whatever color or pretext it might be attempted. Then it was that a neutral feeling of injustice and of wrong, took possession of millions of Northern minds. Then it was that Southern politicians were encouraged and incited to announce in express or over endings, still beginning aggressive encroachments, until even their Northern allies at Charleston, not very scrupulous, not very delicate and bound together, as they were, by the seductive attractive hopes of public plunder, were compelled to say: "Men, neighbors, your demands are exorbitant and cannot be complied with."

This essay must be brought to a close. The next will contain a brief sketch of the history of Congressional Legislation for the Territories, derived from original sources, in order that we may fairly estimate the astounding miracle brought to light by the Supreme Court. Of course, I mean the truly miraculous mistake as to its organic law made by the entire nation during the first sixty years of the existence of our national constitution. We must set acquainted with this subject, for Southern miracles are multiplying upon us. Judge McGrath, I believe they call him, or some other nameless nondescript at Charleston, has lately made another miraculous discovery, very similar to that of the Supreme Court. He has discovered that our anti-slavetrading laws scarcely forbid slavetrading, or if they do oppose that *beautiful* and *benevolent* system of commerce at all, they just may "roar against it like a sucking dove; they roar like any nightingale."

In closing, I indulge in a digression. It may be asked what will be the termination of this pro-slavery propagandist controversy. I can not tell except in a general way. The law of humanity is progress. "A point, which, yesterday was invisible, is the goal to-day and will be the starting post to-morow." Men in all future ages will be more just more generous, more benevolent, and more *human* than they have ever been in any past age. The doctrines and opinions of those grim and grizly tyrants and scourgers of the human race, Cato the Elder, Domitic and Torquemada, the Duke of Guise and Alva, Philip the Second, Louis the Fourteenth, Charles the First, James the Second and George the Third, are not only becoming obsolete, but are beginning to excite horror. It was a sense of this in the conscience of the last named royal bigot, that, during the life-time of a whole generation of men, prevented Catholic emancipation to Ireland, and thereby filled the "Emerald Isle of the Seas" with bayonets and blood. He is mentioned with infinite but well merited approbrium, by the Supreme Court in this same Dred Scott case, as a great friend of the slave trade, as a pro-slavery propagandist, deserves to take rank with the most zealous Southern fire-eater in existence. In hostility to a very large portion of the human race, his opinions and feelings were precisely those of the Supreme Court at present. Sympathy of sentiment, therefore, ought to have mitigated their censures. But the doctrines of the whip, the handcuff, the fetter and the slave pen are so nauseous, so odious, that a slight difference of opinion makes the disciples of the same political pro-slavery church bite and devour each other. The genus tyrannus is altogether so odious, so nauseous, that its different species are ever ready to make war upon each other.

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