

TERMS OF THE GLOBE.

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—PERSYDRE—

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ding States, Territories, and the District of Columbia—including every inch of ground within our limits and jurisdiction—against foreign invasion.

In the eight section of the first article of the Constitution you will find that "Congress shall have power to declare war, &c.; Congress shall have power to raise and support armies; Congress shall have power to provide and maintain a navy; Congress shall have power to make rules for the government and regulation of the land and naval forces; Congress shall have power to provide for calling forth the militia, to execute the laws of the Union, suppress insurrection, and repel invasion." These various clauses confer upon Congress the power of using the whole military force of the country for the purposes specified in the Constitution. First, they provide for the execution of the laws of the Union; second to suppress insurrection.—The insurrections referred to are insurrections against the authority of the United States, insurrections against State authority being provided for in a subsequent section, in which cases the United States cannot interfere, except on the application of the State authority. The invasion which is to be repelled under this clause of the Constitution is an invasion of the United States. The language is, "Congress shall have power to provide for repelling invasion." That gives the authority to repel the invasion, no matter whether the enemies land within the limits of Virginia, within the District of Columbia, within the Territory of New Mexico, or anywhere else within the jurisdiction of the United States. The power to protect every portion of the country against invasion from foreign nations having thus been specifically conferred, the framers of the Constitution proceeded to make guarantees for the protection of the several States by Federal authority.—I will read the 4th section of the 4th article of the Constitution: "The United States shall guarantee to every State of this Union a republican form of government; shall protect each of them against invasion, and, on application of the Legislature, or of the Executive when the Legislature cannot be convened, protect them against domestic violence."

The clause contains three distinct guarantees. First, that the United States shall guarantee to every State of this Union a republican form of government; second, that the United States shall protect each of them against invasion; third, that the United States shall, on application of the Legislature, or of the Executive when the Legislature cannot be convened, protect them against domestic violence. Now, sir, I submit to you whether it is not clear, from the very language of the Constitution, that that clause was inserted for the purpose of making it the duty of the Federal Government to protect each of the States against invasion from any other State, Territory, or place within the jurisdiction of the United States? For what other purpose was that clause inserted? The power and duty of protection, as against foreign nations, had already been provided for. This clause occurs where there is a guarantee from the United States to each State, for the benefit of each State, and necessarily for the protection of each State from other States, inasmuch as the guarantee had been given previously as against foreign nations. If any further evidence is needed to show that such is the true construction of the Constitution, it will be found in the forty-third number of *The Federalist*, written by James Madison. Mr. Madison copies this clause of the Constitution which I have read, giving these three guarantees, and, after discussing the one insuring to each State a republican form of government, proceeds to consider the second, which makes it the duty of the United States to protect each of the States against invasion. Here is what he says upon that subject:

"A protection against invasion is due from every society to the parts composing it. The latitude of the expression here used seems to signify each State not only against foreign hostility, but against ambitious or vindictive enterprises by its more powerful neighbors. The history of both ancient and modern confederacies proves that the weak members of the Union ought not to be insensible to the policy of this article."

This number of the *Federalist*, which I have quoted from, like all the others of that celebrated work, was written after the Constitution was made, and before it was ratified by the States, and with a view of securing its ratification. Hence the people of the several States, when they ratified this instrument, knew that this clause was intended to bear the construction which I now place upon it. It was intended to make it the duty of every society to protect each of its parts, the duty of the Federal Government to defend each of the States, and he says the smallest States ought not to be insensible to the policy of this article of the Constitution. Then, sir, if it be made the imperative duty of the Federal Government, by the express provision of the Constitution, to protect each of the States against invasion or violence from other States or from combinations of desperadoes within their limits, it necessarily follows that it is the duty of Congress to pass all laws requisite and proper to render that guarantee effectual.

While Congress, in the early history of the Government, did provide legislation which it is supposed is sufficient to protect the United States against invasion from foreign countries, or the Indian tribes, it has failed, up to this time, to make any law for the protection of each of the States against invasion from within the limits of the Union. I am at a loss how to account for this omission. I presume that the reason is to be found in the fact that no Congress ever dreamed that such legislation would, at any time, become necessary for the protection of one State of this Union against invasion and violence from its sister States. Who, until the Harper's Ferry outrage, ever conceived that the American States could be so forgetful of their duties to themselves, their country, and the constitution, as to plan an invasion of another State with a view of stirring up servile insurrection, murder, treason, and every other crime that disgraces humanity? While, therefore, no blame can justly be attached to our predecessors for their failure to provide the legislation necessary to render this guarantee of the Constitution effectual, still, since the experience of the last year, we cannot stand justified in

omitting longer to perform this sacred duty. The question remaining, then, is to know what legislation is required to render this guarantee of the Constitution effectual. I presume there will be very little difference of opinion in respect to the necessity of placing the whole military power of the Government at the disposal of the President, under proper guards and restrictions against abuse, to repel and suppress an invasion when the hostile forces shall be actually in the field. But, sir, that is not sufficient. Such legislation would not be a full compliance with this guarantee of the Constitution. The framers of that instrument meant more when they gave the guarantee. Mark the difference in language between the provision for protecting the United States against invasion, and that for protecting the States. When it provided for protecting the United States, it said: "Congress shall have power to repel invasion;" when it gave this guarantee to the States it changed the language and said: "The United States shall protect each of the States against invasion." In the one instance the duty of the Government is to repel; in the other, the guarantee is that it will protect. In other words, the United States are not permitted to wait until the enemy shall be upon your borders; until the invading army shall have been organized and drilled and put on the march, with a view to invasion, but they must pass all laws necessary and proper to insure protection and domestic tranquility to each State and Territory of this Union against invasion or hostility from other States or Territories. Then, sir, I hope it will not be necessary to use the military power to repel any such invasion if we authorize the judicial department of the Government to suppress all conspiracies and combinations in the several States, with intent to invade a State, or molest or disturb its Government, its peace, its citizens, its property, or its institutions. You must punish the conspiracy, the combination with the intent to do the act, and you will suppress it in advance. There is no principle more familiar to the legal profession than that where ever it is proper to declare an act to be a crime, it is proper to punish a conspiracy and combination entered into for the purpose of perpetrating such act.

Look upon your statute-books, and I think you will find an enactment to punish the counterfeiting of the coin of the United States; one section of which provides for the punishment of a man having counterfeit coin in his possession, with an intent to pass it; and another section for having the mould, die, or instrument for counterfeiting, with intent to use them. This is a familiar principle in legislative and judicial proceedings. If the act of invasion is criminal, the conspiracy to invade should also be criminal. If it be unlawful and illegal to invade a State, or to run off a fugitive, why not make it unlawful to form conspiracies and combinations in the several States with intent to do the act? We have been told that a notorious man who has recently suffered death upon the gallows in Virginia, boasted, in a public lecture in Cleveland, Ohio, a year ago, that he had then in existence an organized body of men employed in running off horses belonging to the slave-holders of Missouri from that State; and pointed to a livery stable in Cleveland which was full of stolen horses at that time. I think it is within our competency, and consequently that it is our duty, to pass a law, making any combination or conspiracy, in any State or Territory of this Union, to invade another with intent to steal and run off property of any kind, whether it be negroes or horses, into another State, a crime punishable by indictment of the conspirators in the United States courts, as well as confinement in the prisons or penitentiaries of the State or Territory where the conspiracy may have been formed. Sir, I would carry this provision of the law as far as our constitutional power will reach. I would make it a crime to form conspiracies with a view of invading States or Territories to control elections, whether they be under the garb of the Emigrant Aid Societies of New England, or the Blue Lodges of Missouri. [Applause in the galleries.] In other words, this provision of the Constitution means more than the mere repelling of an invasion when the invading army shall cross the borders of the State.—The language is that it is to protect the State against invasion, which, to use the language of the preamble to the Constitution, means to insure to each State domestic tranquility against external violence. There can be no peace, there can be no prosperity, there can be no safety to any community unless it be secure against violence from without. Why, sir, it has been a question seriously mooted in Europe whether it was not the duty of England—a power foreign to France—to pass laws for the punishment of conspiracies in England against the lives of the princes of France. I shall not argue the question of comity between foreign States. I predicate my argument upon the Constitution by which we are governed, and which we are sworn to obey, and demand that that Constitution be executed in good faith, so as to punish and suppress every combination, every conspiracy, every invasion of a State, or to molest its inhabitants, or to disturb its property, or to subvert its institutions, or its laws. I believe this can be effectually done by authorizing the United States courts, in the several States, to take jurisdiction of the offences, and accompany a violation of the law with appropriate penalties. It cannot be said that the time has not yet arrived for such legislation. It cannot be said with truth, that the Harper's Ferry case will not again be repeated, or is not in danger of repetition. It is only necessary to inquire into the causes which produced that outrage, and ascertain whether these causes are yet in active operation, and then you can determine whether there is any ground for apprehension that that invasion will be repeated. Sir, what were the causes which produced the raid in Virginia? Without stopping to adduce evidence in detail, I have no hesitation in expressing my firm and deliberate conviction that the Harper's Ferry crime was the natural, logical and inevitable result of the doctrines and teachings of the Republican party,

as explained and enforced in their platforms, their partisan presses, their pamphlets and books, and especially in the speeches of their leaders, in and out of Congress. [Renewed applause in the galleries.]

Mr. Mason, of Virginia, with great gravity, here made his usual threat that he would insist that the galleries should be cleared if there was any more applause.

The Vice President said that it was impossible for him to preserve order in the galleries, unless with the concurrence of Senators.

Mr. Tombs, of Georgia, hoped that the presiding officer would place officers in the gallery to preserve order. It was high time that this interference with the deliberations of Congress was stopped. It was an insult to this body and to a free people.

Mr. Douglas, I would suggest, and I hope the Senate will pardon me for the digression, that the presiding officer station officers in different parts of the gallery with instructions that whenever they see any person giving any signs of approbation or disapprobation, calculated to disturb, they shall instantly lead the offender out of the gallery.

The Vice President. The order has been given.

Mr. Douglas. I remarked that I considered this outrage at Harper's Ferry a logical, natural, and necessary consequence of the teachings and doctrines of the Republican party. I am not making this statement for the purpose of crimination, or for partisan effect. I desire to ask the members of that party to reconsider the doctrines they are in the habit of enforcing, with a view of obtaining their fair judgment as to whether they do not lead directly to the consequences we have lately witnessed, by engaging in their execution those deluded persons who think that all they say is meant in real earnest, and ought to be carried out. The great principle which underlies the organization of the Republican party is the violent, irreconcilable, eternal warfare upon the institution of American slavery, with a view of its ultimate extinction throughout the land—a sectional war to be waged until the cotton fields of the South shall be cultivated by free labor, or the rye fields of New York and Massachusetts shall be cultivated by slave labor. In furtherance of this article of their creed, you find a political organization, not only sectional in its location, but one whose vitality consists in appeals to Northern passion, Northern prejudice, and Northern ambition against Southern States, Southern institutions, and Southern people. I have had some experience in fighting this element within the last few years, and I find that the source of its power consists in exciting the prejudices and passions of the Northern section against those of the Southern section. They not only attempt to excite the North against the South, but they invite the South to assault, abuse, and traduce the North.—The abuse of violent men from the South of Northern Statesmen and the Northern people is, essentially, a triumph of the Republican cause. Hence, we have not only to answer their appeals to Northern passion and prejudice, and to prevent the desired effect, but we have to encounter their appeals to Southern men to assault us in order that they may justify their assaults upon the plea of self-defence.

Sir, when I returned home in 1858, for the purpose of canvassing Illinois with a view to a re-election, I had to meet this issue of the irrepressible conflict. It is true that the Senator from New York had not then made his Rochester speech, and did not for four months afterwards. It is true that he had not given the doctrine that precise character, but the principle was in existence and had then been proclaimed by the ablest and most guarded men of the party. I will call your attention to a single passage from a speech to show the language in which this doctrine was stated in Illinois, before it received the name of the irrepressible conflict. The Republican party assembled in State Convention in June, 1858, in Illinois, and unanimously adopted Abraham Lincoln as their candidate for United States Senator. Mr. Lincoln appeared before the Convention, accepted the nomination, and made a speech, which had been previously written and agreed to in caucus by most of the leaders of that party. I will read a single extract from that speech:

"In my opinion it (the slavery agitation) will not cease until a crisis shall have been reached and passed. 'A house divided against itself cannot stand.' I believe this Government cannot endure permanently half slave and half free. I do not expect the house to fall, but I do expect it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction, or its advocates will push forward until it shall become alike lawful in all the States—old as well as new—North as well as South."

The moment I landed upon the soil of Illinois, before a vast gathering of many thousands of my constituents to welcome me home, I read that passage, and took direct issue with the doctrine as being revolutionary and reasonable, and inconsistent with the perpetuity of this Republic. That is not the individual opinion of Mr. Lincoln, or the individual opinion merely of the Senator from New York, who, four months afterwards, asserted the same thing, in different language; but so far as I know, it is the opinion of the members of the Abolition or Republican party.

They tell the North, that, unless we rally as one man, under a sectional banner, and make war upon the South, with a view to the ultimate extinction of slavery, it will overrun the whole North, and fasten itself upon our free States. Then, they tell the South, that, unless you rally as one man, combining your whole Southern people into a sectional party, and establish slavery all over the free States, the inevitable consequence will be that we will abolish it in the slaveholding States. This is the same doctrine which by the Senator from New York in his Rochester speech. He tells us that the States must all become free, or all become slave; in other words, that the South must conquer and subdue the North, or the North must triumph over the South, and drive slavery from its limits. In order to show that I have not misinterpreted the position of the Senator from New York,

in notifying the South that if they wish to maintain slavery within their own limits, they must also fasten it upon the Northern States, I will read an extract from his speech to which I have alluded. He says: "It is an irrepressible conflict between opposing and enduring forces, and it means the United States must, and will, sooner or later, become either entirely a slaveholding nation, or entirely a free-labor nation. Either the cotton and rice fields of South Carolina, and the sugar plantations of Louisiana, will ultimately be tilled by free labor, and Charleston and New Orleans become marts for legitimate merchandise alone, or else the rye fields and the wheat fields of Massachusetts and New York, must again be sur-endered by farmers to slave culture and the production of slaves, and Boston and New York once more become markets for the trade in the bodies and souls of men."

Thus, Mr. President, you perceive that the theory of the Republican party is, that there is a conflict between two different systems of institutions in the different States, and that conflict in the same State, but an irrepressible conflict between the free States and the slave States. They will argue that these two systems of States cannot permanently exist in the same Union—that the sectional warfare must continue to rage, increasing in fury until the free States shall surrender, or the Slave States shall be subdued. Hence, while they appeal to the passions of our own section, their object is to alarm the people of the other section, and drive them to madness with the hope that they will invade our rights, and thus furnish them with an excuse to carry on their aggressions upon their rights. I appeal to the candor of Senators, whether this is not a fair exposition of the tendency of the doctrines proclaimed by the Republican party. The creed of that organization is founded upon the theory that, because slavery is not desirable in the free States, it is not desirable anywhere; because free labor is a good thing with us, it must be the best thing everywhere. In other words, their creed rests upon the theory that there must be uniformity in the domestic institutions and internal policy of the several States of this Union. Here, in my opinion, is the fundamental error upon which their whole system rests. I asserted everywhere, in the Illinois campaign, and now repeat, that uniformity in the domestic institutions of the different States is neither possible nor desirable. That is the very issue upon which I conducted the canvass at home, and it is the question which I desire to present to the Senate.

Was such the doctrine of the framers of the Constitution? I wish the country to bear in mind that when the Constitution was adopted, the Union consisted of thirteen States, twelve of which were slaveholding States, and one a free State. Suppose that this doctrine of uniformity on the slavery question had prevailed in the Convention, do the gentlemen on the Republican side of the house think that freedom would have triumphed over slavery? Do they imagine that the one free State would have out-voted the twelve slaveholding States, and thus have abolished slavery by a constitutional provision throughout the land? On the contrary, if the test had then been made, if this doctrine of uniformity on the slavery question had then been proclaimed, and believed in the twelve slaveholding States against the one free State, would it not have resulted in a constitutional provision fastening slavery irrevocably upon every inch of American soil, North as well as South? Was it quite fair for the friends of free institutions in those days to claim that the Federal Government must not touch the question, but leave each State free to do as it pleased, until, under the operation of that principle, they secured a majority, and then wield that majority to abolish slavery in the other States of the Union? Sir, if uniformity in respect to the domestic institutions had been desirable when the Constitution was adopted, there was another mode by which it could have been obtained. The natural mode of obtaining uniformity would have been to have blotted out the State Governments, to have abolished the State Legislatures, and to have conferred upon Congress legislative powers over the municipal and domestic concerns of all the people of all the States, as well as upon the Federal questions affecting the whole Union. And if this doctrine of uniformity had been entertained and favored by the framers of the Constitution, such would have been the result. But the framers of that instrument knew at that day, as well as we know now, that in a country as broad as this, with so great a variety of climate, soil, and productions, there must necessarily be a corresponding diversity of institutions and domestic regulations adapted to the wants and interests of each locality. They knew that the laws and institutions which were well adapted to the mountains and valleys of New England were but ill suited to the rice plantations and the cotton fields of the Carolinas; they knew that our liberties depended upon reserving the right to the people of each State to make their own laws, establish their own institutions and control them at pleasure, without interference from the Federal Government, or from any other State or Territory, or any foreign country.

The Constitution, therefore, was based, and the Union was founded on the principle of dissimilarity in the domestic institutions and internal polity of the several States. The Union was founded on the theory that each State had peculiar interests, requiring peculiar legislation, and peculiar institutions different and distinct from every other State.—The Union rests upon the theory that no two States will be precisely alike in their domestic policy and institutions. Then I assert that this doctrine of uniformity among the domestic institutions of different States is repugnant to the States, subversive of the principles upon which the Union was based, revolutionary in its character, and leading directly to despotism if it is ever established.

Uniformity, sir, in local and domestic affairs, in a country of this extent, is despotism always. Show me centralism prescribing uniformity from the capital to all of its provinces in their local and domestic concerns, and I will show you a despotism as odious

and as insufferable as that of Austria or Naples. Dissimilarity is, therefore, the principle upon which the Union rests. It is founded upon the idea that each State must necessarily require different regulations; that no two States have precisely the same interests, and hence do not need precisely the same laws. How can you account for this Confederation of States upon any other principle? What becomes, then, of this doctrine that slavery must be established in all the States, or prohibited in all the States? If we will only conform to the principles upon which the Federal Union was based, there is no conflict—there can be no conflict. All you have to do is to recognize and obey the right of the people of every State to have just such institutions as they please, without consulting your wishes, your views, or your prejudices; and there can be no conflict. And, sir, inasmuch as the Constitution of the United States confers upon Congress the power, coupled with the duty of protecting each State against external aggression; inasmuch as that includes the power of suppressing and punishing conspiracies in one State against the institutions, property, people, or Government of every other State, I desire to carry out that power vigorously. Give us a law—such a law as the Constitution contemplates and authorizes—and I will show the Senator from New York (Mr. Seward) that there is a constitutional mode of repressing the "irrepressible conflict." [Suppressed applause in the galleries.] I would open the prison-doors and tell those conspirators against the peace of the Republic and the domestic tranquility of other States, to select their cells, in which to drag out a miserable life, for the punishment of their crimes against the peace of society. Can any man say to us that, although this outrage has been perpetrated at Harper's Ferry, there is no danger of its recurrence? Sir, is not the Republican party still embodied, organized, sanguine, confident of success, and defiant in its professions? Do they not now boldly proclaim the same creed that they did before this invasion? It is true that they do come forward and disavow the acts of John Brown at Harper's Ferry. I am glad that they do that. I rejoice that they have gone that far; but I must be permitted to say to them that it is not sufficient that they disavow the act, unless they also repudiate and denounce the doctrines and teachings which produced it. Those doctrines and those teachings are still being poured into the minds of men throughout the country, in the shape of speeches, pamphlets, books, and partisan presses. The causes which produced the Harper's Ferry invasion are now in active operation. Is it true that the people of all the border States are required by the Constitution to have their hands tied, without the power of self-defence, and to remain impatient both day and night under a threatened invasion? Can you expect a people to be composed when they dare not lie down to sleep at night without first, like a sentinel on duty, marching around their houses and buildings, to see if a band of marauders are not approaching with torch and pistol. Sir, it requires more patience than a free man should ever show to submit to a state of constant annoyance, irritation and apprehension. If we desire to preserve this Union, we must remedy every evil within the Union and in obedience to the Constitution. If the Federal Government fails to act, either from choice or from an apprehension of a want of power, it cannot be expected that the States will be content to remain unprotected.

I see no hope, therefore, of peace, of fraternity, of preserving good feeling between the different portions of the Union, except by bringing the power of the Federal Government to the extent authorized by the Constitution to protect the people of all the States against any external violence of aggression. I repeat, that if the theory of the Constitution shall be carried out, and the right of the people of every State upheld to have just such institutions as they choose, there never can be a conflict, much less an irrepressible conflict between the free and the slaveholding States. Then, sir, the mode of preserving the peace is clear. This system of sectional warfare must cease. The Constitution has given the power, and all we ask of Congress is to give the means. By indictment and conviction, in the courts of our several States, of these conspirators, we will make such examples of the leader as will strike terror into the hearts of the others, and there will be an end of this excitement. You must check it by crushing out the conspiracy, the combination, and then there can be safety. When this is accomplished we will be able to restore that spirit of fraternity which inspired our Revolutionary fathers upon every battle-field, and which presided over the deliberations of the convention which framed the Constitution. Then we will be able to demonstrate to you that there is no evil unredressed in this Union, for which the Union furnishes a remedy. Let us execute the Constitution in the spirit in which it was made; let Congress pass all the laws necessary and proper to give full and complete effect to every guarantee of the Constitution; let it authorize the punishment of combinations or conspiracies in any State or Territory against the property, institutions, people or Government of every other State or Territory, and there will be no excuse, no desire for dissolution. Let us leave the people of every State perfectly free to form and regulate their own domestic institutions in their own way let each of them retain slavery; just as long as it pleases, and let abolish it when it chooses; let each act as that good old golden principle which teaches all men to bind their own business, and let their neighbors alone, then this Union can endure forever as our fathers made it, divided into free and slave States, just as the people of each may determine for themselves.

Mr. Fessenden, of Maine, said he was somewhat at a loss to imagine the necessity for the resolution introduced by the Senator from Illinois. A committee had been appointed to investigate the Harper's Ferry outbreak, and he was willing to await their report. The Senator, however, apparently distrusting their capacity, had undertaken to instruct them in their duty, and availed himself of the opportunity to make a political speech for political effect. His argument as to the power of Congress was nothing new. No Senator was more anxious than himself to protect States from invasion. On that point he agreed with the Senator from Illinois, but would wait the report of the committee. He denied that the Republican party was responsible for the Harper's Ferry invasion. There was nothing new in that charge. It had been made repeatedly here and in the newspapers. It had got to be a dogma of the Democratic party, and part of its scheme for the next campaign. It was intended to effect the fall election. Prior to 1854 the slavery agitation had been quieted. Both parties had declared for peace, when the excitement was renewed by the introduction of the Kansas-Nebraska bill, and kept up by the subsequent attempt to force slavery upon a free territory by force of arms. Then it was that John Brown learned the lesson which he practised at Harper's Ferry. There