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DOUGLAS & POPULAR SOVEREIGNTY.—Speech of Carl Schurz, of Wisconsin.—In Hampden Hall, Springfield, Mass., January 4, 1860.

When great political or social problems, difficult to solve and impossible to put aside, are pressing upon the popular mind, it is a common thing to see a variety of theories springing up, which purport to be unfailing remedies, and to effect a speed cure. Men, who look only at the surface of things, will, like bad physicians, pretend to remove the disease itself by palliating its most violent symptoms, and will astonish the world by their inventive ingenuity, no less than by their amusing assurance. But a close scrutiny will in most cases show that the remedies offered are but new forms of old mistakes.

Of all the expedients which have been invented for the settlement of the slavery question, Mr. Douglas's doctrine of popular sovereignty is certainly the most remarkable, not only by the apparent novelty of the thing, but by the pompous assurance with which it was offered to the nation as a perfect and radical cure.—Formerly, compromises were made between the two conflicting systems of labor, by separating them by geographical lines. These compromises did indeed produce intervals of comparative repose, but the war commenced again with renewed acrimony, as soon as a new bone of contention presented itself. The system of compromises as a whole proved a failure. Mr. Douglas's doctrine of popular sovereignty proposed to bring the two antagonistic elements into immediate contact, and to let them struggle hand to hand for the supremacy on the same ground. In this manner, he predicted the slavery question would settle itself in the smooth way of ordinary business.—He seemed to be confident of success; but hardly is his doctrine, in the shape of a law for the organization of Territories, put upon the statute book, when the struggle grows fiercer than ever, and the difficulties ripen into a crisis. This does not disturb him. He sends forth manifestoes upon manifestoes; and even during the State campaign of last fall, he mounts the rostrum in Ohio, in order to show what he can do; and, like a second Constantine, he points his finger at the great principle of popular sovereignty, and says to his followers: "In this sign you will conquer." But the tendency of events appeared unwilling to yield to his prophecy. There seemed to be no claim in his command; there was certainly no victory in his sign. He had hardly defined his doctrine more elaborately than ever before, when his friends were routed everywhere, and even his great party is on the point of falling to pieces. The failure is magnificently complete.

There certainly was something in his theories that captivated the masses. I do not speak of those who joined their political fortunes to his, because they saw in him a man who some day might be able to scatter favors and plunder around him. But there were a great many, who, seduced by the plausible sound of the words "popular sovereignty," meant to have found there some middle ground, on which the rights of free labor might be protected and secured, without exasperating those interested in slave labor. They really did think that two conflicting organizations of society, which are incompatible by the nature of things, might be made compatible by legislative enactments. But this delusion vanished. No sooner was the theory put to a practical test, when the construction of the Nebraska bill became no less a matter of fierce dispute than the construction of the Constitution had been before. Is it pro-slavery, or is it anti-slavery? It was asked. The South found in it the right to plant slave labor in the Territories unconditionally, and the North found in it the right to drive slavery out of them. Each section of the country endeavored to appropriate the results of the Nebraska bill to itself, and the same measure, which was to transfer the struggle from the halls of Congress into the Territories, transferred it from the Territories back into Congress; and there the Northern and the Southern versions of the Nebraska bill fight each other with the same fury with which the Southern and the Northern versions of the Constitution have fought each other before. What does the Constitution mean in regard to slavery?—That question remains to be settled. What does the Nebraska bill mean?—This question depends upon the settlement of the former.

Of all men, Mr. Douglas ought to be the first to know what the true intent and meaning of the Nebraska bill and the principle of popular sovereignty is. He is said to be a statesman, and it must be presumed that his measure rests upon a positive idea; for all true statesmanship is founded upon positive ideas.

In order to find out Mr. Douglas's own definition of his own "great principle," we are obliged to pick up the most lucid of his statements as we find them scattered about in numerous speeches and manifestoes. After multifarious cruising upon the sea of platitudes and arguments, Mr. Douglas has at last landed at the following point:

"A slave," says he, in his famous Harper Magazine article, "a slave within the meaning of the Constitution, is a person held to service or labor in one State, under the laws thereof—not under the Constitution of the United States, or under the laws thereof, nor by virtue of any Federal authority whatever, but under the laws of the particular State where such service or labor may be due." This is clear; and with his eyes firmly fixed upon the people of the North he goes on:—"If, as Mr. Buchanan asserts, slavery exists in the Territories by virtue of the Constitution of the United States, then it becomes the imperative duty of Congress, to the performance of which every member is bound by his conscience and his oath, and from which no consideration of expediency or expediency can release him, to provide by law such adequate and complete protection as is essential to the enjoyment of an important right secured by the Constitution—in one word to enact a general slave code for the Territories." But Mr. Douglas is not satisfied with this. In order to strengthen his assumption, and to annihilate Mr. Buchanan's construction of the Nebraska bill still more, he proceeds:—"The Constitution being uniform everywhere within the dominions of the United States, being the supreme law of the land, anything in the Constitutions or laws of any of the States to the contrary notwithstanding, why does not slavery exist in Pennsylvania, just as well as in Kansas or in South Carolina, by virtue of the same Constitution, since Pennsylvania is subordinate to the Constitution in the same manner and to the same extent as South Carolina and Kansas?"

Just so. Mr. Douglas having been so positive, he cannot deny us the privilege of making a few logical deductions from his own premises. We expect him to proceed in the following manner:—"Since a slave is held under the laws of a State, and not under the Constitution or the laws of the United States, slavery exists only by virtue of local law," or, as the Court of Appeals of Kentucky expressed it, "the right to hold a slave exists only by positive law of a municipal character, and has no foundation in the law of nature, or the unwritten and common law." If slavery cannot exist except by virtue of local law of a municipal character, it follows, as an irresistible consequence, that a slaveholder cannot hold a slave as property in a Territory where there is no local law of a municipal character establishing that right of property. And, further, the right to hold a slave having no foundation in the law of nature, or the unwritten and common law, we are forced to the conclusion that a slave brought by his owner upon the soil of a Territory before the Territorial Legislature have enacted laws establishing slavery, becomes of necessity free, for there is no local law of a municipal character under which he might be held as a slave. This principle is recognized by the decisions of several Southern courts. Having gone so far, (and, indeed, I cannot see how a logical mind can escape these conclusions from Mr. Douglas's own premises.) Mr. Douglas would be obliged to define his popular sovereignty to be the right of the people of a Territory, represented in the Territorial Legislature, to admit slavery by positive enactment, if they see fit, but it being well understood that a slaveholder has no the least shadow of a right to take his slave property into the Territory before such positive legislation has been had.—This definition would have at least the merit of logical consistency.

But what does Mr. Douglas say? "Slavery," so he tells us in his Harper Magazine article, "slavery being the creature of local legislation, and not of the Constitution of the United States, it follows that the Constitution does not establish slavery in the Territories beyond the power of the people to control it by law." What? The Constitution does not establish slavery in the Territories beyond a certain something? What does that mean? If slavery is the creature of local law, how can the Constitution, by its own force permit slavery to go into a Territory at all?

Here is a dark mystery—a pit-fall; and we may well take care not to fall into the trap of some sophistry. Why does he not speak of the admission of slavery by positive enactments? Why not even of the power of the people to exclude it by law? We look in vain for light in Harper's Magazine, (and is it indeed true, what Judge Black intimates, that that article is one of the obscurest documents by which ever a politician attempted to begof his followers?) but we may gather Mr. Douglas's real opinion from another manifesto preceding this. In his New Orleans speech, delivered after his recent success in Illinois, he defined his position, in substance, as follows:—"The Democracy of Illinois hold that a slaveholder has the same right to take his slave property into a Territory as any other man has to take his horse or his merchandise."

What? Slavery is the creature of local law, and yet a slaveholder has the right to take his slave property into a Territory before any local law has given him that right? A slave does not become free, when voluntarily brought by his owner upon the soil of a Territory where no positive local law establishing slavery exists. How is this possible?—How can even the elastic mind of a Democratic candidate for the Presidency unite these contradictory assumptions?—

[Applause.] And yet there it stands, and nothing that Mr. Douglas ever said can be more unequivocal in its meaning. And here again we may claim the privilege of drawing a few logical deductions from Mr. Douglas's own premises. If as Mr. Douglas distinctly and emphatically tells us, a slaveholder has a right to take his slave, as property, into a Territory, and to hold him there as property, before any legislation on that point is had, from what source does that right arise? Not from the law of nature, for the right to hold a slave is "unfounded in the law of nature, and in the unwritten and common law;" and even Mr. Douglas, little as he may care about nature and her laws, will hardly dare to assert that the system of slave labor is the natural and normal condition of society. It must then spring from positive law? Not from what kind of positive law? Not from any positive law of a local and municipal character, for there is none such in the Territory so far. Where is its source, then? There is but one kind of positive law to which the Territories are subject before any local legislation has been had, and that is the Constitution of the United States. If, therefore, Mr. Douglas asserts, as he does, that a slaveholder has a right to take his slave as property into a Territory he must, at the same time, admit that in the absence of local legislation positively establishing slavery, the Constitution of the United States, the only valid law existing there, must be the source of that right. What else does Mr. Buchanan assert, but that slavery exists in the Territories by virtue of the Federal Constitution? Where is, then, the point of difference between Mr. Buchanan and Mr. Douglas? Why all this pomp and circumstance of glorious war? Whence these fierce battles between the Montezumi and Capulet of the Democratic camp? Are ye not brothers?

But Mr. Douglas is a statesman, (so they are all, all statesmen,) and pretends that the Constitution does not establish slavery in the Territories, "beyond the power of the people to control it by law."—What does that mean? It means that the people of a Territory shall have the power to embarrass the slaveholder in the enjoyment of his right by "unfriendly legislation."—"The right to hold slaves," says he in another place, "is a worthless right, unless protected by appropriate police regulations. If the people of a Territory do not want slavery, they have but to withhold all protection and all friendly legislation." Indeed, a most ingenious expedient.

But, alas! Here is one of those cases where the abstract admission of a right is of decisive importance. Suppose, for argument's sake, a slave might escape from his owner in a Territory, without being in actual danger of recapture; would that in any way affect the constitutional right of the slaveholder to the possession and enjoyment of his property? I have already quoted Mr. Douglas's own answer to this question:

"If," says he, "slavery exists in the Territories by virtue of the Constitution," (that is, if a slaveholder has a right to introduce his "slave property" where there is no other law but the Constitution,) then it becomes the imperative duty of Congress, to the performance of which every member is bound by his oath and conscience, and from which no consideration of policy or expediency can release him, to provide by law such adequate and complete protection as is essential to the enjoyment of that important right."

And Mr. Douglas, after having emphatically admitted the right of property in a slave, where that right can spring from no other law but the Constitution, then dares to speak of unfriendly legislation. Where is his conscience? Where is his oath? Where is his honor? [Applause.]

But Mr. Douglas says more:—"The Constitution being the supreme law of the land, in the States as well in the Territories, then slavery exists in Pennsylvania just as well as in Kansas and in South Carolina, and the irremediable conflict is there!"

Aye, the irremediable conflict is there, not only between the two antagonistic systems of labor, but between Mr. Douglas's own theories; not only in the States and Territories, but in Mr. Douglas's own head. [Laughter and cheers.] Whatever ambiguous expression Mr. Douglas may invent, the dilemma stares him in the face, (and here I put myself on his own ground,) either slavery is excluded from the Territories so long as it is not admitted by a special act of Territorial legislation, or, if a slaveholder has the right to introduce his slave property there before such legislation is had, he can possess that right by virtue of no other but the only law existing there, the Constitution of the United States. Either slavery has no rights in the Territories, except those springing from positive law of a local or municipal character, or, according to Judge Douglas's own admission, the Southern construction of the Constitution and of the principle of popular sovereignty is the only legitimate one, that the Constitution, by its own force, carries slavery wherever it is the supreme law of the land, that Congress is obliged to enact a slave code for its protection, and that popular sovereignty means the power of the people to vote for slavery, but by no means against it. There is no escape from this dilemma.

will be honest enough to concede that, according to his own proposition in his New Orleans speech, slavery exists in the Territories by virtue of the Federal Constitution! He will neither be bold enough to do the first, nor honest enough to do the second; he will be cowardly enough to do neither. [Applause.] He is in the position of that Democratic candidate for Congress in the West, who, when asked, "Are you a Buchanan or a Douglas man?" answered, "I am." [Great laughter and cheers.] If you ask Mr. Douglas, "Do you hold that slavery is the creature of local law, or that a slaveholder has the right to introduce his slave property where there is no local law?" he will answer, "I do." [Continued laughter and applause.]

Such is Mr. Douglas's doctrine of popular sovereignty. But after having given you Mr. Douglas's own definitions in his own words, I see you puzzled all the more, and you ask me again: "What is it?"—I will tell you what judgment will be passed upon it by future historians, who may find it worth while to describe this impotent attempt to dally and trifle with the logic of things. They will say:—"It was the dodge of a man who was well aware that, in order to be elected President of the United States, the vote of a few Northern States must be added to the united vote of the South. Knowing by experience that the Democratic road to the White House leads through the slaveholding States, he broke down the last geographical barrier to the extension of slavery. So he meant to secure the South. But in conceding undisputed sway to the slaveholding interests, he saw that he was losing his foothold in the Northern States necessary to his election; he availed himself of the irresistible pressure of the Free-State movement in Kansas, and opposed the Lecompton Constitution. So he saved his Senatorship in Illinois, as the champion of free labor.—But the South frowned, and immediately after his victory he went into the slaveholding States, and admitted in his speeches that slavery may go into the Territories without a special act of Territorial legislation. Believing the South satisfied, and seeing his chances in the North endangered, he wrote his Harper Magazine essay, assuming that slavery can exist only by virtue of local law. The South frowning again, he endeavored to make his peace with the slaveholders by declaring that he would submit to the Charleston Convention, and instructing his nearest friends in the House to vote for the Administration candidate for the Speakership. So he endeavored to catch both sections of the Union successively in the trap of a double-faced sophistry.—tried to please them both in trying to cheat them both. But he placed himself between the logic of liberty on one and the logic of slavery on the other side.—He put the sword of logic into the hands of his opponents, and tried to defend himself with the empty scabbard of "unfriendly legislation." [Applause.] Unfriendly legislation, which in one case would have been unnecessary, in the other unconstitutional—the invention of a mind without logic, and of a heart without sympathies; recognised on all sides as a mere subterfuge, behind which the moral cowardice of a Presidential candidate entrenched itself. [Cheers.]

Such will be the verdict of future historians. They will indulge in curious speculations about the times when such doctrines could be passed off as sound statesmanship—a statesmanship, indeed, the prototype of which may be found, not in Plutarch, but in Aristophanes—but they will be slow to believe that there were people dull enough to be deceived by it. [Applause.]

Leaving aside the stern repudiation which Mr. Douglas's popular sovereignty has received at the hands of the people at the last State elections all over the Union, it is a characteristic sign of the times, that even one of his political friends, an Anti-Lecompton Democrat, recently went so far as to declare, on the floor of Congress, that he would not vote for Mr. Douglas, if nominated by the Charleston Convention, unless a clear and unequivocal construction were affixed to the reaffirmation of the Cincinnati platform. A wise precaution, indeed! But whatever construction might be given to the Cincinnati platform, what will that gentleman do with the double-faced platform which Mr. Douglas has laid down for himself! What will the abstract pledge of a Convention be worth to him, if Mr. Douglas's principles pledge him to nothing? What will he do with a man who, when pressed to take an unequivocal position, is always ready to sneak behind a superior authority, declaring that "these are questions to be settled by the courts!" [Laughter and applause.]

Mr. Douglas's situation is certainly a very perplexing one. On one side, he is ostracised by the Administration Democracy for his illogical and unconstitutional doctrine, that the Legislature of a Territory has control over slavery; and, on the other hand, one of his nearest friends, Mr. Morris, of Illinois, in his recent speech on the President's message, denounces the doctrine, that slave property may be carried into the Territories just like other property, as an atrocious "abomination." Was Mr. Morris not aware that this "abomination" is the identical doctrine advocated by Mr. Douglas in his New Orleans speech! Let Mr. Morris examine the record of Judge Douglas,

and he will find out that whatever abomination Mr. Buchanan brings forward in his message, he advocates none that is not a direct logical consequence of Mr. Douglas's own admissions.

I see the time coming when those who rallied around Douglas's colors, because they believed in his principles, will, from his most devoted friends, become his most indignant accusers. They are already, unwittingly, denouncing his doctrines, when they intend to defend him; they will not be sparing in direct denunciations as soon as they discover how badly they have been deceived, and how injuriously they were to be sold. We might, indeed, feel tempted to pity him, if we had not to reserve that generous emotion of our hearts for those who are wrong by mistake and unfortunate without guilt. [Applause.]

Mr. Douglas's ambiguous position, which makes it possible for him to cheat either the North or the South, without adding a new inconsistency to those already committed, makes it at the same time necessary for him to put his double-faced theories upon an historical basis, which relieves him of the necessity of expressing a moral conviction on the matter of slavery either way. To say that slavery is right, would certainly displease the North; to say that slavery is wrong, would inevitably destroy him at the South. In order to dodge this dangerous dilemma, he finds it expedient to contrue the history of this country so as to show that this question of right or wrong in regard to slavery had nothing whatever to do with the fundamental principles upon which the American Republic was founded. Dealing with slavery only as a matter of fact, and treating the natural rights of man and the relation between slavery and republican institutions as a matter of complete indifference, he is bound to demonstrate that slavery never was seriously deemed inconsistent with liberty, and that the black never was seriously supposed to possess any rights which the white man was bound to respect.

But here he encounters the Declaration of Independence, laying down the fundamental principles upon which the Republic was to develop itself; he encounters the ordinance of 1787, the practical application of those principles; both historical facts, as stern and stubborn as they are sublime. But as Mr. Douglas had no logic to guide him in his theories, so he had no conscience to restrain him in his historical constructions. To interpret the Declaration of Independence according to the evident meaning of its words would certainly displease the South; to call it a self-evident lie would certainly shock the moral sensibilities of the North. So he recognises it as a venerable document, but makes the language, which is so dear to the hearts of the North, express a meaning which coincides with the ideas of the South.

We have appreciated his exploits as a logician; let us follow him in his historical discoveries.

Let your imagination carry you back to the year 1776. You stand in the hall of the old Colonial Court-house of Philadelphia. Through the open door you see the Continental Congress assembled; the moment of a great decision is drawing near. Look at the earnest faces of the men assembled there, and consider what you may expect of them. The philosophy of the eighteenth century counts many of them among its true adepts. They welcomed heartily in their scattered towns and plantations the new ideas brought forth by that sudden progress of humanity, and, meditating them in the dreary solitude of virgin nature, they had enlarged the compass of their thoughts, and peopled their imaginations with lofty ideals. A classical education (for most of them are by no means illiterate men) has put all the treasures of historical knowledge at their disposal, and enabled them to apply the experience of past centuries to the new problem they attempt to solve. See others there of a simple but strong cast of mind, whom common sense would call its truest representatives.—Went to grapple with the dangers and difficulties of an early settler's life, or, if inhabitants of young uprising cities, went to carry quick projects into speedy execution, they have become regardless of obstacles and used to strenuous activity. The constant necessity to help themselves has developed their mental independence; and, inured to political strife by the continual defence of their colonial self-government, they have at last become familiar with the idea, to introduce into practical existence the principles which their vigorous minds have quietly built up into a theory.

(Conclusion next week)

Douglas Dumb.
We would by no means imply that the eminent Squatter Sovereign has ceased to make his regular three speeches per day, with perhaps a brief response to a serenading party at midnight—but he was asked a question at Augusta, Maine, during his late "stamping" tour through New England, which he admitted to be courteous and pertinent, and promised to answer, but (though he spoke an hour and a half) did not answer. The following letter to the *N. Y. Tribune*, from one of the most estimable citizens of Augusta, setting forth facts within the personal cognizance of the writer, embodies a history of the matter:

Augusta, Maine, Aug. 10, 1860.
As Judge Douglas, when he was here on Thursday last, declared with strong emphasis that, as a National candidate for the Presidency, he had no opinions to conceal, none but he was willing to avow in any part of the Union, a very respectable citizen of this place who was invited to sit on the stand with him, put into his hands the following Question, which he was most respectfully requested to answer in the course of his remarks. The Judge on receiving it, (it was before he rose to speak) read it very attentively, and, resuming his conversation with the gentleman who offered it, respectfully acquiescence of the propriety of the question, and promised to reply to it in the course of his speech:

"Will Judge Douglas be so kind as to oblige a fellow citizen by stating before the people here assembled his ANSWER to the following

QUESTION:
Do you hold, and if elected President of the United States, would you carry out, the doctrine that the people of a Territory, before it becomes a State, have the power, under the Federal Constitution, and notwithstanding the Dred Scott decision, to prohibit or exclude Slavery therefrom?"

"In other words:
"Do you affirm that the people of a Territory have the Constitutional right to crush the cockatrice's eggs, as soon as they are deposited in its nest by the propagandists of Slavery, or must they tolerate the incubation, and wait till the eggs become full grown and active vipers, that can be pursued and exterminated only by the newly-created sword of State authority?"

With this question before him, which he promised to answer, the Judge arose and addressed the people for an hour and a half; but for some cause or other—you can judge what as well as I—he not only did not answer the QUESTION, but carefully avoided all allusion to it! I merely give you the fact, with my comment of my own, preferring that you will bestow such reflections upon it as honor and fidelity to truth require. But it seems to me the public should know what questions Judge Douglas refuses to answer, and conjecture as best they may, the reason why he chooses to "conceal his opinions" on that most interesting point.

The Fruit Crop of the Connecticut Valley.
The apple and other fruit crops of the Connecticut valley promise an abundant yield this season. Farmers who have been in town during the week seeking buyers for their crops have felt bad at the low prices offered for them, and not a few are holding on to their fruit for better prices. It is predicted, within less than a month the best apples of the valley will be sold for between twenty-five and thirty cents per bushel. On the route of the different rail roads running from this city the trees near the track are loaded to overflowing, and all along the Connecticut river to the extreme north end of Franklin County, the apple trees are actually broken under the weight of their fruit. In the mountainous towns in Berkshire County, old trees which have not borne for two years, are this season loaded with apples, and many hundred bushels will be manufactured into cider.—*Springfield Republican.*

A Snake Story.
A gentleman living in the south-western part of Texas, who was out hunting recently, saw a fawn standing as if fascinated, and noiselessly creeping near the spot, he saw the head of a large serpent projecting from the bushes within a few feet of the animal. After a short time the snake seized the fawn by the body, threw it down, and quickly coiled around its body, when a ball from the gentleman's rifle suddenly stopped the game. The reptile was eighteen feet long.

Rev. A. Bowley, Methodist Superintendent and missionary in Texas, was hung by a mob a short time since on the charge of being an abolitionist. The N. Y. Christian Advocate says he was a devoutly inoffensive man.

A Costly Half Dime.
Daniel Colkins has been convicted in the U. S. Court, at Auburn, N. Y., of passing a counterfeit half dime, upon a fruit dealer, and sentenced to three years' imprisonment in the State prison.

A Toast.—Woman. To her virtues, we give our love; to her beauty, our admiration; and to her hoops, the whole sidewalk.

Bad News.

The *Rural New Yorker* speaks at length of the disasters that have befallen the potato crop in several sections of the State. In many places the rot has almost entirely destroyed them, and especially is this the case where the hills were close together.