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BY O. N. WORDEN & J. R. CORNELIUS.

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The Winters, and the Aged.

We did not fear them, over the dull fair morning
No cherub-bird in our spirit laid;
Long night watches did not bring us warning
That we were tenants of a house decayed;
The early snows like dreams to us descended,
The frost did fall on lawn and bench,
Beauty, and youth, and wonder have not ended—
How is it that we fear the Winters now?

The Chronicle.

FRIDAY, FEB. 8, 1856.

A Speaker at Last!

The Congressional House of Representatives, on Saturday last, adopted (on motion of Mr. Smith, Dem. of Tenn.) the plurality rule by a vote of 113 to 104. WILLIAM AIKEN, Ex-Governor of South Carolina—owning thirteen hundred human "chattels," and worth two millions of dollars—was agreed upon as the Slavery candidate, altho' he refused to be cathechised, or to present any platform, and was ardently sustained by the South Americans. In opposition to South Carolina's aristocrat—FULLER and others having declined—was a Massachusetts mechanic, N.P. BANKS. The ONE HUNDRED and THIRTY-THIRD vote was finally taken, and resulted as follows:

States	Wills	Allen	Fuller	Seely
6 Maine	3	0	0	0
3 New Hampshire	3	0	0	0
3 Vermont	3	0	0	0
11 Massachusetts	10	0	1	0
2 Rhode Island	2	0	0	0
4 Connecticut	4	0	0	0
2 New York	22	3	0	169
5 New Jersey	4	1	0	0
25 Pennsylvania	16	3	2	11
21 Ohio	17	0	2	11
11 Indiana	7	2	0	12
9 Illinois	4	3	0	12
4 Michigan	2	1	0	0
3 Wisconsin	3	1	0	0
2 Iowa	1	1	0	0
2 Arkansas	0	2	0	0

Slave States	Wills	Allen	Fuller	Seely
1 Delaware	0	0	1	0
1 Maryland	0	5	1	0
13 Virginia	0	12	0	1
8 North Carolina	0	7	0	15
6 South Carolina	0	5	0	1
1 Florida	0	1	0	0
8 Georgia	0	7	0	1
7 Alabama	0	7	0	0
4 Louisiana	0	3	0	1
2 Texas	0	2	0	0
5 Mississippi	0	3	0	0
10 Tennessee	0	10	0	0
7 Kentucky	0	10	0	0
7 Missouri	0	6	0	1
2 Arkansas	0	2	0	0

[A vacancy; *some present, did not vote; and some absent from sickness, &c.]

SYNOPSIS OF THE VOTE.

BANKS—North Americans, Republicans, and 1 Anti-Nebraska Democrat. 103
AIKEN—4 North Dem., elected as Anti-Nebr., 13 North Adm. Dem., 52 South Dem., 30 South Americans and Whigs. 106
FULLER—4 North and 2 South Am., 4 Campbell, 1 North Anti-Nebr. men 4
WELLS—1 North Anti-Nebr. Dem. 1
ABSENTE, &c.—7 Reps., 3 North and 1 South Am., 3 N. and 5 S. Dem. 19
VACANCY—1 Anti-Nebr. Dist. in Ill. 231

NOTE OF PENNSYLVANIA.

For Mr. BANKS—John R. Tyson, Samuel C. Bradshaw, Anthony E. Roberts, John C. Knebel, James H. Campbell, Galusha A. Grow, John J. Pearce, Lemuel Todd, David F. Robinson, John R. Edie, John Covode, Jona. Knight, David Ritchie, Samuel A. Purviance, John Aitken, John Dick—16
For Mr. AIKEN—Thomas B. Florence, Jno. Caldwell, J. Gilkey Jones—3
For Mr. FULLER—Wm. Millard, Jacob Broome—2
Nor Voters—Henry M. Fuller, Asa Packler, David Barclay—3

Upon the announcement that Massachusetts had again triumphed in a fair contest with South Carolina, deafening shouts arose on the Republican side and in other quarters, and the waving of handkerchiefs by ladies in the crowded galleries heightened the wild disorder that reigned for several moments.

A. K. Marshall, of Ky., the leading South American who had voted for Ex-Gov. Aiken, smarting under defeat raised the objection that a Speaker could not be chosen under a plurality vote; when a motion to declare Mr. Banks the duly elected Speaker, was carried—156 to 39.

Messrs. Aiken, Fuller and Campbell conducted Speaker Banks to the Chair

and profound silence, when after the subsiding of the hearty cheers which arose, he spoke as follows:

Gentlemen of the House of Representatives: Before I proceed to complete the acceptance of the office which you have conferred upon me, I avail myself of your indulgence to express my thanks for the honor. It would afford far greater pleasure were it accompanied even by the self-assurance that I would bring to the discharge of the arduous and delicate duties, always difficult, but now enlivened with unusual difficulties, any capacity commensurate with their responsibility and dignity. I can only say that I will bear myself, so far as possible, with fidelity to the interests and institutions of the country and the government, and with impartiality, so far as regards the rights of the members of this House. I have no personal objects to accomplish. I am animated by a single desire of contributing, in some little degree, to the maintenance of the well established principles of our government in their original American significance; in developing that portion of the contract we occupy, so far as we may do within the capacity conferred on us, enlarging and swelling its capacities for beneficial influence at home and abroad, and maintaining intact and in perpetuity, the inestimable privileges transmitted to us. I am aware that neither myself nor any other man is equal to the perfect accomplishment of these duties. I am, therefore, as a man must be in such a position, a supplicant for your indulgence and support. I again return you my thanks for the honor conferred upon me. [Applause, deafening and long continued.]

Mr. Giddings, the oldest member, administered the oath of office to the Speaker.

A vote of thanks to the Clerk, Jno W. Forney, for his ability and impartiality in discharging his late delicate duties, was unanimously adopted, and the House adjourned.

The noble band of over One Hundred men who retained their fidelity, for eight long weeks, against Official and social snares from without, and inexperience, errors, misconceptions, and treachery from within, are worthy of all praise. With the vantage they now have, let past errors and jealousies be forgotten, and all true Republicans and Americans unite to preserve the true Union—as it can only be preserved—by restoring to Kansas the freedom of which she is robbed, and guarding Liberty against any further encroachments of Slavery.

—The treatment of WEBSTER by the South, is again exhibited in her disposal of RICHARDSON and FULLER in this contest. So long as those gentlemen were serviceable to Slavery by dividing the North, it was profuse in its adulation, but when the test vote for Speaker came, they were cast like a worthless weed away, and the Slavery strength thrown—with the Northern Administration Democracy, its Platform kicked aside to make room for him—for that incarnation of Slavery, WM. AIKEN.

—And notwithstanding the minority South has had the Speaker 43 out of 66 years past, she sought it again, and on the trial test gave NOT ONE VOTE for the Northern candidate, tho' the North gave EIGHTEEN votes for the Southern candidate. After these exhibitions, let no one prate about the "SECTIONALISM of the North," which has the power to control the Government whenever it chooses so to do.

Nathaniel Prentiss Banks, Jr.

Was born in Waltham, Middlesex Co., Mass., 13th Jan. 1816. He attended the public school until he was twelve years of age, and was considered an apt scholar. At the age of twelve he began to work in a cotton factory—afterwards assisted his father, who was a house carpenter—then acquired the trade of a machinist, working at it in Waltham and in Boston. Having improved his leisure hours, by studying law with Robert Rantoul, Jr., in 1848 he was admitted to the Boston bar. Although he never attended a school after the age of twelve, yet he has obtained a good knowledge of the principal languages of Northern and Southern Europe.

Mr. Banks is fond of retirement, and of literary pursuits, and yet has led a boisterous political life. Reared in the Democratic party, he earnestly supported Van Buren and Cass, and in 1848 was elected to the Assembly. In 1851 he was elected to both Senate and Assembly; he accepted the last, and was chosen Speaker by a Fusion of Democrats and Free Soliers—the same in 1852. In 1853, he was the successful Democratic candidate for Congress, and was also elected to the Convention to revise the Constitution of Massachusetts, over which he was chosen President. In 1854, both the Democrats and Know Nothings put his name on their Congressional ticket, and he was re-elected to the station he now holds by 7,000 majority. Last fall, he co-operated with the Republican party. Fearless and independent, he has proved an able representative.

Mr. Banks has something of a clerical appearance, makes and keeps a favorable impression, wears a pale, intellectual countenance, and although not known as an advocate of a Maine law, it is said never drank of intoxicating liquors. He has a small family.

Speakers of the House.

The office of Speaker of the popular branch of the United States Congress, is regarded as secondary only to the Presidency itself. The first permanent parties were styled Federal and Anti-Federal; the latter afterwards styled themselves Republicans, and subsequently Democrats. From 1820 to 1850, there were strictly speaking no national parties—personal preferences determining the choice of the Presidency. The following is a catalogue of all the Speakers chosen:

1. 1789—Fred. A. Muhlenberg, Pa., no party.
2. 1791—Jonathan Trumbull, Conn., Fed.
3. 1793—Fred. A. Muhlenberg, re-elected.
4. 1795—Jonathan Dayton, N.J., Fed.
5. 1797—Jonathan Dayton, re-elected.
6. 1799—Theodore Sedgwick, Mass., Fed.
7. 1801—Nathaniel Macon, N.C., Repub.
8. 1802—Nathaniel Macon, re-elected.
9. 1805—Nathaniel Macon, re-elected.
10. 1807—Joseph B. Varnum, Mass., Dem.
11. 1809—Joseph B. Varnum, re-elected.
12. 1811—Henry Clay, Ky., Dem.
13. 1813—Henry Clay, re-elected.
14. 1814—Langdon Cheves, S.C., Dem.
15. 1815—Henry Clay, re-elected.
16. 1817—Henry Clay, re-elected.
17. 1819—Henry Clay, re-elected.
18. 1820—John W. Taylor, N.Y., no-party.
19. 1821—Philip P. Barbour, Va., no-party.
20. 1822—Terry R. Lyndon, no-party.
21. 1823—John W. Taylor, re-elected.
22. 1825—Andrew Stevenson, Va., Jackson.
23. 1829—Andrew Stevenson, re-elected.
24. 1831—Andrew Stevenson, re-elected, Dem.
25. 1833—Andrew Stevenson, re-elected.
26. 1835—John Bell, Tenn., Anti-V. B. Dem.
27. 1836—James K. Polk, Tenn., Dem.
28. 1837—James K. Polk, re-elected.
29. 1839—Robert M. T. Hunter, Va., Conserv.
30. 1841—John W. Weller, Ky., Whig.
31. 1843—John W. Weller, re-elected.
32. 1845—John W. Weller, re-elected, Dem.
33. 1847—Robert C. Winthrop, Mass., Whig.
34. 1849—Howell Cobb, Ga., Dem.
35. 1851—Lynn Boyd, Ky., Dem.
36. 1853—Lynn Boyd, re-elected.
37. 1855—Nathl P. Banks, Jr., Mass., Repub.
[Which, in the late division of parties.]

There have been 37 Elections for Speaker, and 21 different Speakers.

South	North
The South has had 12 serving 43	The North " 9 " 25

(including Mr. Banks.)

State	Years	Speakers
Kentucky	3	13
Virginia	4	16
Massachusetts	4	10
North Carolina	1	6
Tennessee	2	5
New Jersey	1	4
Pennsylvania	1	4
New York	1	3

Clay was Speaker 10 years, Stevenson 7, Macon 6, Muhlenberg, Dayton, Varnum, Polk, and Boyd, 4 each; Taylor 3 years, and Cheves 1.

The Presidency.

The foregoing shows that the South has had the Speaker 43 out of 68 years. The following shows a still larger monopoly of the Presidency:

Party	Years
Washington	8
Jefferson	8
Madison	8
Monroe	8
J. Q. Adams	4
Jackson	8
Van Buren	4
Harrison	1
Tyler	3
Polk	4
Taylor	1
Fillmore	3
Pierce	4

8 Presidents. Yrs 48. 6 Presidents. Yrs 20

Washington was chosen by a unanimous vote of North and South, all then being Slave-holding States, but also all under the expectation that Slavery would gradually be abolished. The North has honorably fulfilled that expectation, while the South has by a skillful hold upon the reins of power doubled its strength and influence, under color of "Democracy." No one we suppose now thinks of giving the South the next President. Nor is it expected by the South, they believing it to be policy to divide the North—which has the strength—and secure a "Northern man with Southern principles," out of one or two parties.

In the Democratic party, PIERCE is bidding high, by the most ultra Slavery messages, for a re-nomination by the South. BUCHANAN, whose course on the Slavery question has hitherto been satisfactory to the South, is his chief if not his only opponent. As Mr. Buchanan has been absent during the Kansas contest, his position with reference to it can be adapted to the exigency of the occasion. With the two-thirds rule, the South—one third—can worry the majority into acquiescence with their choice.

The American party is already divided at the North on the question of Slavery, and the Pro-Slavery delegates from the North will probably be admitted, and FILLMORE, LAW, STOCKTON or some other man deemed "safe" by the South will be chosen. Fillmore having "approved" the Fugitive Slave Law, and kept out of the Kansas difficulty, stands No. 1, although his late visit to "Rome," and his protracted sojourn among the "foreigners," may damage him among the "natives" who really believe in it. At all events, Slavery will be protected—as Yellow Fever should be, for similar reasons—because it is "American," "National,"

The Whig party north, purged by Americanism of its aristocracy, will in that issue strike hands with the Liberty-loving Democracy under the honored name of "REPUBLICANS." A good Ticket could easily be formed from their ranks. JOHN McLEAN of Ohio and NATHANIEL P. BANKS of Mass. GEORGE N. BRIGGS of Mass., and FRANCIS P. BLAIR of Maryland, WILLIAM H. SEWARD of New York, and SALMON P. CHASE of Ohio, PRESTON KING of New York, and CASSIUS M. CLAY of Kentucky. Men of tried integrity and capacity, like these, are to be selected from.

Eulogy on Capt. Thoms.

[We have been favored with a copy of the Western Chronicle, of Centerville, Mich. 31 ult., containing an Eulogy pronounced by L. C. CORRISSAULT, Esq., 27th Dec. A. D. 1855, being the anniversary of St. John the Evangelist, on the Life and Character of CHARLES F. THOMS, recently deceased. Mr. Thoms having resided many years in Lewisburg, (where he is still remembered with affection and veneration by many,) a few extracts from the Eulogy will be read with interest.—Ed. Lewis. Chron.]

CHARLES FREDERICK THOMS, the subject of this address, was born at La Chaud Font, in the Cantonment of Neuchâtel, one of the French provinces in Switzerland. It was here, where the deep blue waters of the Lemane—emblem of truth—reflected the rays of the meridian sun, on the one hand, and the craggy peaks of the everlasting Alps—emblem of integrity—reared their towering heads, and pierced the very sky to catch the last rays of the setting sun on the other, that his young mind was trained in those lessons of truth and integrity, and his soul imbued with that sincerity and virtue, which in after life so signally characterized the man. It was here, among the towering vines of his native hills, that he was impressed with that overflowing benevolence, and generous urbanity which so remarkably distinguished his character and elevated him to so prominent a position in the affection of his fellow men. It was here that he for many years pursued a quiet and humble life. But the tocsin of war was sounded throughout Europe, and here, in his native village, its reverberations first caught his ear and awoke the fires of patriotism within his breast; he laid aside his pruning hook, donned the sword and epaulette and rushed to the red field of battle, there to defend his country's rights. It was in the grand army of the Empire, from the hand of Napoleon, that he received his Captaincy in the invincible "Swiss Guards." It was under the auspices of Marshal Massena that he was first led to battle, and proved himself a worthy follower of that indomitable and cool tempered chieftain, at the brilliant battles of Rivoli and Zurich. He passed unscathed the carnage of Marengo, the slaughter of Arcola, and the sanguinary passage of Lodi. He survived the disastrous Spanish campaign, in which the brave Scourge was pitched against Wellington, that distinguished chieftain who won the brightest laurels on the field of Waterloo that ever graced a hero's brow. But it was at the battle of Wagram, where the bravest hearts had cause to tremble, and where the iron nerves of heroes had need to shrink in consternation from the fearful terror and devastation which two hundred cannon scattered across that fatal field.

The non-tide of the second day had arrived, and still the fortunes of the battle were against the Imperial armies of France. Still that semi-circle of Austrian bayonets extended unbroken before them. It was then that Napoleon resolved upon a decisive stroke, which was not only to determine the fortunes of the day, but to decide his own destiny, and the fate of Europe. He ordered McDonald, with eight battalions, to charge the centre of the Austrian army. McDonald moved forward with sixteen thousand men. In that devoted column might have been seen at the head of his company, that stout-built Frenchman, who, but a few weeks since greeted us in the streets, with his military bow, and his blind "bon jour." Yes, there, with McDonald, he pushed forward against a shower of iron from the throats of a hundred cannon, which were brought to bear upon the head of the advancing column. In vain the heroic McDonald covered his advance with a battery of one hundred pieces; a little time was sufficient to dismount every piece and leave the head of the charge again exposed to the Austrian battery. In vain the column advanced; for although the rear gained ground, the advance melted away in the terrible fire from the Austrian guns. The fate of France rested upon the success of that charge, and every Frenchman felt it. There was but one thought that dwelt in the minds of those heroes, who stood there while the fate of Europe rested on their shoulders; and that was a brilliant thought, although unaccompanied by shouts, huzzas, or *à la Bayonne*; that thought was the silent offering of determined will, and fixed resolution; that thought was victory. And though those veteran heroes, after they had advanced a mile and a half, stood still a moment amidst the carnage to rest; and

though they gazed back to the starting point, from whence they could trace their course across the green fields, by a broad dark streak of stiffening corpses, and the nine of every cloven of those sixteen thousand men, who had started in the charge, lay lifeless behind them, leaving but fifteen hundred of that surried host to advance; still, the only thought was victory. Again that shattered column moved forward, and victory perched upon the banners of the French army, as it pierced the centre of the Austrian line of battle. The victory was won, and the fate of Europe was decided by that victory. None were engaged in that important charge but heroes, and none but heroes survived it. Of the latter was our departed friend CAPTAIN THOMS. From this charge he bro't off the Austrian leads, deeply implanted in his flesh; these he carried as souvenirs of the field of Wagram the remainder of his days, and these were deposited by his friends, with his last remains in this village a few days ago.

[From 1818 to 1835, Capt. Thoms lived in Lewisburg, Union Co., Pa., following at first the occupation of a shoemaker, subsequently a merchant, and in every relation winning and retaining the good will of all with whom he met. Drawn by the tide of migration to the then "West," he removed to Michigan.]

Turn your eyes from the Danube, to the banks of the quiet St. Joseph, three miles north of this village, there where you find a secluded cottage reflected upon its pure waters, surrounded by fruitful vines and ornamental shrubbery; there is where the veteran warrior bent his sword into a pruning hook, and directed the plow-share through the soil. It was the hand of CAPTAIN THOMS, one of the surviving heroes of Wagram, that pruned those trees; it was the same hand that dealt death in McDonald's fearful charge on that memorable day, that trained those vines.

We do not claim perfection for the subject of our eulogy; for no man was ever perfect, and he was but a man. But we do claim for him a sincerity, and a candor, that raised his soul above the concealment of his greatest faults. He carried his foibles in his hand, as some men do their virtues, and hid his virtues away in the deep recesses of his noble heart. It was but few men that were ever permitted to penetrate to the recesses of that good man's bosom, which shone with the richest gems of virtue and benevolence. He was long a patriotic member of our glorious government, a true friend in the social circle, a kind neighbor in the community, a pious Christian in the bosom of his church, an affectionate husband, and a kind father in the domestic hearth. But we have laid the frail form which tabernacled so many excellencies, away out of our sight for ever. It was time he should go; he had done all he could for mankind, and had done all well, and it was meet that he should ascend to the enjoyment of a higher and a better world, a purer and holier life, there to reap the reward of his many virtues. He had labored long, and it was time that he should rest. He had waited long, and patiently, and cheerfully, for his crown of glory, and it was time that he should be taken triumphantly to his eternal coronation. Weep not, then, for our friend stricken down, but rejoice for the conqueror crowned, and glorified; bid the grave to send forth shouts of victory, and death to inscribe with his holy finger upon his monument, a song of rejoicing, and there to trace a conqueror's crown.

Worshipful Masters, Wardens, and Brethren: At an early period of his life, Brother THOMS attached himself to the order of Free and Accepted Masons, to which he through his entire life evinced a warm devotion, and for which to his last moments he evinced a high veneration. He was present at the organization of the first Lodge in this county; of this Lodge, (Mount Hermon Lodge, No. 24,) he was a member from the day of its constitution to the day of his death. Of this Lodge he was the first, and the last Treasurer. From the day of his death until a week ago, his key, and his jewel, draped in mourning, hung idle in the archives. But now his station has found an occupant; and the treasurer's key is again in use, and the jewel again worn, but, brethren, you have lost a treasure in that breast whereon, for the last seven years, that jewel reposed, which can never be replaced within Mount Hermon's walls. That jewel will never again rise and fall above the pulsations of so noble a heart as throbbed within the bosom of your first Treasurer. But that heart has ceased to throb, that eye is closed, and that warm and friendly hand is cold in death. In vain may the brethren of Harmon look in human eyes for that deep, meaning, and unutterable beam of affection; in vain seek that warm, cordial and sincere grip of friendship, until they again unite with our departed brother in the Grand Lodge above, where the Supreme Architect of the universe presides. That they may all there again meet their Treasurer, who has gone before them, is my humble prayer. Amen!

The cause of Freedom in Kansas has no longer any hope from any source but the stalwart arms and sure rifles of the people of the Free States. Let them not be wanting!

Mr. Banks, catechised.

(On the 11th ult., Mr. ZOLLICOFFER, a Whig-American Congressman from Tennessee, propounded a series of carefully-prepared questions to the principal candidates for Speaker. The next day, they responded. RICHARDSON and FULLER replied greatly to the satisfaction of the South. Mr. BANKS' able and eloquent reply, we copy in full from the Globe.)

MR. BANKS. Mr. Clerk, I voted for the resolution presented by the honorable gentleman from Tennessee [Mr. Zollicoffer] yesterday, with pleasure. It embodies a principle which I think sound. As understood by me, when reported at the Clerk's desk, it was nothing more nor less than simply this: that any gentleman who votes for any candidate for any office ought to know the opinions of that candidate. I recognize the right of every gentleman in this House who has been voting for Speaker during this protracted contest, to ascertain the opinions of any man for whom he casts his vote. Sir, I should claim it as my right to know the opinions of my candidate to such an extent as should be satisfactory to myself, at least.

But, Sir, as a member of the House, I have other rights. I offer myself as a candidate for no office; I solicit no man's suffrage; and I am not, therefore, called upon as a candidate to solve such difficulties as gentlemen supporting other persons may find in the existing condition of public affairs. Those who have honored me by their confidence and votes are themselves responsible for the course they have chosen, and, I doubt not, they are able to meet that responsibility. It is not for me to provide for their defence. I can only say, as Othello said of his wife, they "had eyes, and chose me."

I have convictions—convictions of duty, convictions of principle—upon the great matters in which the country is interested; and, as a member of the House, representing a District in the Commonwealth of Massachusetts, I have no hesitation in responding to any of the inquiries propounded by the honorable gentleman from Tennessee to the honorable gentleman from Illinois. I ask the Clerk to read the first question.

THE CLERK read as follows:

An Inquirer suggests that the gentleman from Illinois regards the Kansas-Nebraska bill as promotive of the formation of Free States in the Territories of Kansas and Nebraska?

MR. BANKS—I will be understood, of course, that the phraseology of this inquiry applies rather to the gentleman from Illinois (Mr. Richardson) than to myself. I answer, distinctly, that I do not regard the Kansas-Nebraska bill as promotive of the formation of Free States, inasmuch as it repeals the prohibition of the Institution of Slavery over the section of country to which that statute applies. I think it does not tend to the formation of Free States. That is my answer.

An Inquirer in supposing he advocates the Constitutionality of the Wilmot Proviso; that in 1850 he opposed its application to the Territories acquired from Mexico, only upon the ground that it was unnecessary, inasmuch as the Mexican local laws in those Territories already abolished Slavery—which ought to be sufficient for all Free-Soil men; and that he committed himself to the position, that if Territorial bills (silent upon the subject of Slavery, and leaving the Mexican law to operate) were defeated, he would vote for bills with the Wilmot Proviso in them?

MR. BANKS—I could give a general answer in the affirmative to that interrogatory. I believe in the constitutionality of that act which is known and generally understood as the Wilmot Proviso. I believe that it is within the power of Congress to prohibit the institution of Slavery in a Territory belonging to the United States. Whether I would advocate the passage of such an act in regard to a Territory where it was clearly unnecessary, where by local, pre-existing laws it had been prohibited; or, in other words, whether I would advocate a double inhibition, I have only to say, that if a doubt existed as to its exclusion, by valid municipal law, I should sustain an act which embodied the prohibition known as the Wilmot or Jefferson Proviso. In regard to the measures of 1850, I can only say, that, being called upon here or elsewhere, I should have voted for the prohibition in the Territories covered by those measures, if I had entertained a doubt as to the exclusion of Slavery by existing municipal law. That is my answer.

THE CLERK read as follows:

An Inquirer in supposing that his theory is, that the Constitution of the United States does not carry Slavery to, and protect it in, the Territories of the United States?

MR. BANKS—I do not believe that the Constitution of the United States carries the institution of Slavery to the Territories of the United States. My understanding is based on the declaration of Mr. Webster that even the Constitution of the United States itself does not go to the Territories until it is carried there by an act of Congress. Standing on the principle of the English law governing the same interest, I do not believe the Constitution of the United States carries to any Territory of the States any right to hold slaves there.

In order, sir, that my answer should be full and satisfactory, I ought perhaps to put the negative of the proposition of the distinguished gentleman who leads the Government party on this floor and in this crisis. I recognize the right, sir, to protection of property on the part of the South

as well as on the part of the North in the Territories of the U.S.; and when I speak of property I mean that which is considered property by universal law; I do not mean that which is property only because it is held as such under the laws of a particular State, and which loses its character of property so soon as it extends beyond the limits of that State, except under certain reservations covered by the Constitution of the United States. When I speak of property I do not refer to that species. I describe that which is recognized as property by universal laws of men, and not that which is property only when it is made such by local laws of limited sections of the country. I have no disposition to disturb its existence—no purpose to diminish or increase it there. I will acknowledge all its rights there, accepting for that purpose the charters established by Southern Statesmen; but I deny that it is such property as, independent of local law or Congressional enactment, is protected by the Constitution in the Territories of the United States.

I have nothing further to say on this very nice and delicate question. I believe that the Constitution of the United States was intended to do justice to all sections of the country—to the South equally with the North. I am for that to-day; and I adopt the language of my friend (Mr. Richardson) who has always treated me with distinguished courtesy in all discussions on this subject, that we should do justice to the South as well as to the North. In no speech or declaration that has fallen from my lips, so far as I can remember it, have I ever expressed a different sentiment; but, sir, I can not shut out from my memory the great fact that the Constitution of the United States is an instrument of Freedom, contemplated as such by its framers, and interpreted as such by all men of the South and the North until within the last few years. It is a chart of Freedom, established to secure the blessings of Liberty to ourselves and our posterity, giving liberty to the States to do what they shall think to be proper within their own localities, under such circumstances as to them shall seem to be right and just, but claiming no right and conceding no right to them to carry their own peculiar institutions beyond the limitations conferred by the doctrine of the sovereignty of States.

No, Sir! The Constitution of the United States is an instrument, not of immediate, but of ultimate and universal Freedom. It was so contemplated by the great men who framed it, and the world has so regarded it. The national flag, that is its symbol, that waves the land over which it floats, in whatever quarter of the globe, so long as it covers an American citizen, American territory, is the banner of ultimate and universal Liberty—its white and red folds symbols of Revolutionary trials, of the crests of victory, and the blood of sacrifice. MAY ITS STARRY UNION FOR EVER STAND AS LUSTROUS AND IMPERISHABLE AS THE GOLDEN FILICES OF GOD'S FIRMAMENT! [Great applause.] That is my answer to that question.

THE CLERK then read as follows:

*That in the territory acquired from Mexico and France (including Kansas and Nebraska) the Missouri Restriction was necessary to make the territory free, because Slavery existed there under France at the time of the acquisition, but that the Kansas and Nebraska bill, which repeals that restriction—but neither legalizes Slavery into those Territories, nor excludes it therefrom, in his opinion—leaves those Territories without either local or constitutional law protecting Slavery; and that, therefore, the Kansas and Nebraska bill promotes the formation of slave States in Kansas and Nebraska?

MR. BANKS. I did not see that question, Mr. Clerk, until it was brought to me by a page from the desk. It is but a repetition of the first interrogatory, with the addition of a statement of fact. In regard to that statement, I will say that it is doubted whether the institution of Slavery existed in these Territories at the time they were acquired. Without going into the question whether France, by the decree of 1794, abolished the institution of Slavery there, I will say that, if it were necessary that the Congress of the United States should interdict that institution in those Territories in order to make them free, I think that Congress was right in doing it. If it were necessary, in order to give to the South the right to carry the institution of Slavery there, that the interdict of 1820 should be removed, I think that the Congress of 1853 was wrong in making that repeal; and I can not, sir, but say, with the light that has come to me upon this question, that the interdict of 1820 forbade and abolished the institution of Slavery, if it existed there; that the repeal of that prohibition in 1853, inasmuch as it allowed Slavery to go there under certain possible circumstances, was an act not promotive of the formation of Free States. That, Sir, is my answer to that question.

[Mr. BARKSDALE, of Miss., proposed the following additional questions.]

*Are you now a member of the American or Know Nothing party?—Are you in favor of abolishing Slavery in the District of Columbia, the United States, and all the Territories of the United States, and do you wish to promote that equality by legislation?—Are you in favor of the entire exclusion of adopted citizens and Roman Catholics from office?—Do you favor the same modification of the tax law which you did at the last session of Congress?

[SEE 4TH PAGE.]