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OFFICE

IMPORTANT TO STATES AS IT IS TO INDIVIDUALS, AND THE GLORY OF THE ONE IS THE COMMON PROPERTY OF THE OTHER.

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SPEECH OF

SENATOR S. A. DOUGLAS.

REPLY TO MR. FESSENDEN. DELIVERED IN THE U. S. SENATE, JANUARY 23, 1860.

Resolved. That the Committee on the Judiciary be spiracies or combinations in any State or Territory with intent to invade, assail, or molest the Government, inhabitants, property, or institutions of any other State or Territory of this Union.

Mr Douglas. Mr President, on the 25th of November last, the Governor of Virginia addressed an official communication to the President of the United States, in which he said:

which I rely, that a conspiracy of formidable extent, in means and numbers, is formed in Ohio, Pennsylvania, New York and other States, to rescue John Brown and his associates, prisoners at Charlestown, Va. The information is specific enough to be reliable. * * * * occupied as depots and rendezvous by these desperadoes, and obstructed by guards or otherwise, to invade this State, and we are kept in continual apprehension from five and rapine. I apprize you of these facts in order that you may take steps to preserve peace between

To this communication, the President of the United States, on the 28th of Nov., returned a reply, from which I read the following sentence:

"I am at a lass to discover any provision in the Conto preserve peace between the States.]

whether the President meant to declare that the ly as against foreign nations. existing laws confer no authority upon him, or that If any further authority is necessary to show the Constitution empowers Congress to enact no that such is the true construction of the Constitulaws which would authorize the Federal interpo- tion, it may be found in the forty-third number of sition to protect the States from invasion; my ob- the Federalist, written by James Madison. Mr ject is to raise the inquiry, and ask the judgment | Madison quotes the clause of the Constitution of the Senate and House of Representatives on the | which I have read, giving these three guarantees; question, whether it is not within the power of and, after discussing the one guarantying to each Congress, and the duty of Congress, under the State a republican form of government, proceeds Constitution, to enact all laws which may be neces- to consider the second, which makes it the duty of sary and proper for the protection of each and the United States to protect each of the States every State against invasion, either from foreign against invasion. Here is what Mr Madison says Powers or from any portion of the United States.

The denial of the existence of such a power in the Federal Government has induced an inqury among conservative men-men loyal to the Constitution and devoted to the Union-as to what means they have of protection, if the Federal Govexternal violence. It must be conceded that no insensible to the policy of this article.' community is safe, no State can enjoy peace or prosperity, or domestic tranquility, with security against external violence. Every State and nation of the world, outside of this Republic, is supposed to maintain armies and navies for this precise purpose. It is the only legitimate purpose for which armies and navies are maintained in time of peace. They may be kept up for ambitious purposes, for the purposes of aggression and foreign war; but the legitimate purpose of a military force in time of peace is to insure domestic tranquility against violence or aggression from without. The States of this Union would possess that pywer, were it not for the restraints imposed upon them by the Federal Constitution. When that Constitution was made, the States surrendered to the Federal Government the power to raise and support armies, and the power to provide and maintain navies, and thus not only surrendered the means of protection from invasion, but consented to a prohibition upon themselves which declares that no State shall keep troops or vessels of war in time of peace.

The question now recurs, whether the States of this Union are in that helpless condition, with their hands tied by the Constitution, stripped of all means of repelling assaults and maintaining their existence, without a guarantee from the Federal Government to protect them against violence. If the people of this country shall settle down into the conviction that there is no power in the Federal Government under the Constitution to protect each and every State from violence, from aggression, from invasion, they will demand that the cord be severed, and that the weapons be restored to their hands with which they may defend themselves. This inquiry involves the question of the perpetuity of the Union. The means of defence, the means of repelling assaults, the means of providing against invasion, must exist as a condition of the safety of the States and the existence of the

Now, sir, I hope to be able to demonstrate that there is no wrong in this Union for which the Constitution of the United States has not provided a remedy. I believe, and I hope I shall be able to maintain, that a remedy is furnished for every wrong which can be perpetrated within the Union, if the Federal Government performs its whole is necessary and proper to render this guarantee of of the Constitution, that the power is conferred upon Congress, first, to provide for repelling invasion from foreign countries; and secondly, to proteet each State of this Union against invasion from any other State, Territory, or place, within the jurisdiction of the United States. 1 will first turn your attention, sir, to the power conferred upon Congress to protect the United States-including States, Territories, and the District of Columbia: including every inch of ground within our limits and jurisdiction-against foreign invasion. the eighth section of the first article of the Con-

stitution, you find that Congress has power-"To raise and support armies; to provide and maintain a Navy; to make rules for the government and reg-

suppress insurrections, and repel invasions."

Union; and secondly, suppress insurrections. The permitted to wait until the enemy shall be upon mate extinction throughout the land; sectional war one free State, would it not have resulted in a coninsurrections there referred to are insurrections your borders; until the invading army shall have is to be waged until the cotton fields of the South against the authority of the United States-insur- been organized and drilled and placed in march shall be cultivated by free labor, or the rye fields ON THE INVASION OF STATES; AND HIS rections against a State authority being provided with a view to the invasion; but they must pass all of New York and Massachusetts shall be cultivations to claim that the Federal Government must for in a subsequent section, in which the United laws necessary and proper to insure protection and ed by slave labor. In furtherance of this article States cannot interfere, except upon the applica- domestic tranquility to each State and Territory of of their creed, you find their political organization each State to do as they pleased, until under the operation of the State authorities. The invasion which this Union against invasion or hostilites from other not only sectional in its location, but one whose The hour having arrived for the consideration of is to be repelled by this clause of the Constitution | States and Territories. the special order, the Senate proceeded to consider is an invasion of the United States. The language the following resolution, submitted by Mr Douglas is, Congress shall have power to "repel invasions." State and Territory of the Union against invasion by within the Territory of New Mexico, or anywhere with intent to invade a State, or molest or disturb the prejudices and the passions of the northern conferred upon Congress legislative power over the the authorities or inhabitants of any other State or Ter- else within the jurisdiction of the United States. its government, its peace, citizens its property, or section against those of the southern section. municipal and domestic concerns of the people of all ritory; and for the suppression and punishment of con- The power to protect every portion of the country its institutions. You must punish the conspiracy, the protection of each of the States by Federal au- that wherever it is proper to declare an act to be a ern people, is essential to the triumph of the Rearticle of the Constitution:

this Union a republican form of Government, and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive, (when the Legislature cannot be convened,) against domestic

This clause contains three distinct guarantees: Places in Maryland, Ohio and Pennsylvania have been first, the United States shall guaranty to every State in this Union a republican form of Government; second, the United States shall protect each of them against invasion; third, 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 this clause was inserted for she purpose of making it stitution or laws of the United States which would au- the duty of the Federal Government to protect State, Territory, or place within the jurisdiction of the United States? For what other purpose was fon upon the public mind and especially in the therize me to take steps' for this purpose." [That is, each of the States against invasion from any other sion upon the public mind and especially in the the clause inserted? The power and duty of proslaveholding States. It was generally received tection against foreign nations had already been and regarded as an authoratative announcement provided for. This clause occurs among the guarthat the Constitution of the United States confers antees from the United States to each State, for no power upon the Federal Government to protect | the benefit of each State, for the protection of each of the States of this Union against invasion | each State, and necessarily from other States, infrom the other States. I shall not stop to enquire asmuch as the guarantee had been given previous-

upon that subject:

"A protection against invasion is due from every so cty to the parts composing it. The latitude of the exression here used seems to secure each State, not only against foreign hostility, but against ambitious or vinhistory both of ancient and modern confederacies proves ernment is not authorized to protect them against that the weaker members of the Union ought not to be

> This number of the Federalist, 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 to 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 of comity between foreign States. I predicate my by the Senator from New York in his Rochester speech. duty of every society to protect each of its parts, argument upon the Constitution by which we are the duty of the Federal Government to protect each of the States; and, he says, the smaller 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 the other States, or from combinations of desperadoes within their limits, it necessarily follows that it is the duty of law with appropriate punishments. Congress to pass all laws necessary and proper to render that guarantee effectual. While Congress in the early history of the Government, did proride legislation, which is supposed to be ample to to protect the United States against invasion from foreigh countries and the Indian tribes, they have 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 unable to account for this omission; but I presume the | will be repeated. Sir, what were the causes which reason is to be found in the fact that no Congress ever dreamed that such legislation would ever become necessary for the protection of one State of hesitation in expressing my firm and deliberate this Union against invasion and violence from her | conviction that the Harper's Ferry crime was the rage, ever conceived that American citizens could and teachings of the Republican party, as explainbe so forgetful of their duties to themselves, to ed and enforced in their platform, their partisan their country, to the Constitution, as to plan an in- presses, their pamphlets and books, and especially servile insurrection, murder, treason, and every gress. (Applause in the galleries.) other crime that disgraces humanity? While, therefore, no blame can justly be attached to our predecessors in failing to provide the legislation necessary to render this guarantee of the Constitution effectual; still, since the experience of last year, we cannot stand justified in omitting longer to perform this imperative duty.

The question then remaining is, what legislation duty. I think it clear, on a careful examination the Constitution effectual? I presume there will the Constitution effectual? be very little difference of opinion that it will be proper guards and restrictions against abuse, to repel and suppress invasion when the hostile force shall be actually in the field. But, sir, that is not sufficient. Such legislation would not be a full ed this outrage at the Harper's Ferry as the logicompliance with this guarantee of the Constitution cal, natural consequence of the teachings and The framers of that instrument meant more when doctrines of the Republican party. I am not makthey gave the guarantee- Mark the difference in ing this statement for the purpose of crimination United States against invasion and that for protect- of members of that party to a reconsideration of ing the States. When it provided for protecting the doctrines which they are in the habit of enthe United States, it said Congress shall have pow- forcing, with a view to a fair judgment whether ulation of the land and naval forces; to provide for call. er to "repel invasion." When it came to make they do not lead directly to those consequences, ing forth the militia to execute the laws of the Union, this guarantee to the States it changed the lan- on the part of those deluded persons who think These various clauses confer upon Congress pow- each of the States against invasion. In the one and ought to be carried out. The great principle er to use the whole military force of the country instance, the duty of the Government is to repel; that underlies the Republican party is violent, for the purpose specified in the Constitution. They in the other, the guarantee is that they will pro-

use the military power when the actual case of in-That gives the authority to repel the invasion, no vasion shall occur, but to authorize the judicial matter whether the enemy shall land within the department of the Government to suppress all conlimits of Virginia, within the District of Columbia, spiracies and combinations in the several States that the source of their power consists in exciting against invasion from foreign nations having thus the combination with intent to do the act, and then the South, but they invite the South to assail and been specially conferred, the framers of the Con- you will suppress it in advance. There is no prin- abuse and traduce the North. Southern abuse, stitution then proceeded to make guarantees for ciple more familiar to the legal profession than by violent men, of northern statesmen and norththority I will read the fourth section of the 4th | crime, it is proper to punish a conspiracy or com- publican cause. Hence the course of argument | this, with so great a variety of climate, of soil, and of bination with intent to perpetrate the act. Look which we have to meet is not only repelling the "The United States shall guaranty to every State in upon your statute-books, and I presume you will appeals to northern passion and prejudice, but we find an enactment to punish the counterfeiting of have to encounter their appeals to southern men the coin of the United States; and then another to assail us, in order that they may justify their section to punish a man for having counterfeit coin assults upon the plea of self-defence. in his possession with intent to pass it; and another | Sir, when I returned home in 1858, for the section to punish him for having the molds, or dies purpose of canvasing Illinois, with a view to a or instrument for counterfeiting, with intent to use re-election, I had to meet this issue of the "irrethem. This is a familiar principle in legislative pressible conflict." It is true that the Senator and judicial proceedings. If the act of invasion from New York had not then made his Rochester is criminal, the conspiracy to invade should also speech, and did not for four months afterwards. be made criminal. If it be unlawful and illegal to It is true that he had not given the doctrine that invade a State, and run off fugitive slaves, why precise name and form; but the principle was in not make it unlawful to form conspiracies and existence, and had been proclaimed by the most combinations in the several States with intent to clear-headed men of the party. I call your attendo the act? We have been told that a notorious tion, sir, to a single passage from a speech, to show man who has recently suffered death for his crimes | the language in which this doctrine was stated in upon the gallows, boasted in Cleaveland. Ohio, in Illinois before it received the name of the "irrea public lecture, a year ago, that he had then a pressible conflict." The Republican party assemstolen horses at that time.

I think it is within out competency, and con-

conspiracy or combination in any State or Territory of this Union to invade another with intent to run | single extract from that speech: away property of any kind, whether it be negroes, or horses, or property of any other description, into another State, a crime, and punish the conspirators by indictment in the United States courts and confinement in the prisons or penitentiaries of be formed and quelled. Sir, I would carry these provisions of law as far as our constitutional power will reach. I would make it a crime to form conritories to control elections, whether they be un- as well as South." der the garb of Emigrant Aid Societies of New England or Blue Lodges of Missouri. (Applause shall reach the border of a State. The language is, it shall protect the State against invasion; the There can be no peace, there can be no prosperity, there can be no safety in any community, unless it Europe, whether it was not the duty of England. They then tell the South, unless you rally as one man. a Power foreign to France, to pass laws to punish conspiracies in England against the lives of the princes of France. I shall not argue the question governed, and which we have sworn to obey, and demand that the Constitution be executed in good faith so as to punish and suppress every combination, every conspiracy, either to invade a State or to molest its inhabitants, or to disturb its property, or to subvert its government. I believe this can be effectually done by authorizing the United States court in the several States to take jurisdiction of the offence, and punish the violation of the

It cannot be said that the time has not yet arrivtruth that the Harper's Ferry case will not be repeated, or is not in danger of repetition. It is only necessary to enquire into the causes which tain whether those causes are yet in active operation, and then you can determine whether there is any ground for apprehension that that invasion produced the Harper's Ferry outrage? Without stopping to adduce evidence in detail, I have no

Mr Mason. I trust that the order of the Senate will be preserved. I am sure it is only necessary to suggest to the Presiding Officer the indispensable necessity of preserving the order of the Senate; and I give notice that, if it is disturbed again, I shall insist upon the galleries being cleared entire-

Mr Douglas. Mr President-

The Vice President. The Senator will pause for a single moment. It is impossible for the internal polity of the several States of this Union. check it by crushing out the conspiracy, the combinanecessary to place the whole military power of the Chair to preserve order without the concurrence of There, in my opinion, is the fundamental error upon tion, and then there can be safety. Then we shall be Government at the disposal of the President, under the vast assembly in the galleries. He trusts that which their whole system rests. In the Illinois canvass, able to restore that spirit of fraternity which inspired there will be no occasion to make a reference to I asserted, and now repeat, that uniformity in the our revolutionary fathers upon every battle field; which this subject again.

Mr Douglas. I was remarking that I considerlanguage between the provision for protecting the or partisan effect. I desire to call the attention shall provide for the execution of the laws of the tect. In other words, the United States are not tion of American slavery, with a view to its ulti-

vitality consists in appeals to northern passion, Then, sir, I hold that it is not only necessary to northern prejudice, northern ambition against southern States, southern institutions, and southern had been deemed desirable when the Constitution was people. I have had some experience in fighting adopted, there was another mode by which it could this element within the last few years, and I find They not only attempt to excite the North against

Lincoln appeared before the convention, accepted the nomination, and made a speech-which had sequently our duty, to pass a law making every been previously written and agreed to in caucus by most of the leaders of the party. I will read a

"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 the State or Territory where the conspiracy may become all one thing or all the other. Either the opponents of slavery will arrest the further spread of t, 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 till it shall become spiracies with a view of invading States or Ter- alike lawful in all the States-old as well as new, North

The moment I landed upon the soil of Illinois, at a vast gathering of thousands of my constituents in the galleries.) In other words, this provision to welcome me home, I read that passage, and took of the Constitution means more than the mere re- direct issue with the doctrine contained in it as being pelling of an invasion when the invading army revolutionary and treasonable, and inconsistent with the petpetuity of this Republic. That is not merely the individual opinion of Mr Lincoln; nor is it the individual opinion merely of the Senator from New meaning of which is, to use the language of the York, who four months afterwards asserted the same preamble to the Constitution, to insure to each doctrine in different language; but, so far as I know, State domestic tranquility against external violence. | it is the general opinion of the members of the Abolition or Republican party. They tell the people of the North that unless they rally as one man, under a sectional banner, and make war upon the South with a view to s secured against violence from abroad. Why, the ultimate extinction of slavery, slavery will overrun sir, it has been a question seriously mooted in the whole North and fasten itself upon all the free States. binding the whole southern people into a sectional party, and establish slavery all over the free States, the nevitable consequence will be that we shall abolish it in the slaveholding States. The same doctrine is held He tells us that the States must all become free. or all become slave; that the South, in other words, must onquer and subdue the North, or the North must triumph over the South, and drive slavery from within

Mr President, 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 limits, they must also fasten it upon the northern States, I will read an extract from his Rochester speech

"It is an irrepressible conflict between opposing and enduring forces; and it means that the United States of all the border States are required by the constitution tive slave law that had a hole in it big enough to let ad for such legislation. It cannot be said with slaveholding nation, or entirely a free-labor nation. Either the cotton and rice fields of South Carolina, and tilled by free labor, and Charleston and New Orleans become marts for legitimate merchandise alone, or else produced the Harper's Ferry outrage, and ascer- the rye fields and wheat fields of Massachusetts and New York must again be surrendered by their farmers to slave culture and to the production of slaves, and Boston and New York become once more markets for | we expect to preserve this Union, we must remedy, of the policy of the northern Democracy, as well as trade in the bodies and souls of men.'

Thus, sir, you perceive that the theory of the Republican party is, that there is a conflict between two different systems of institutions in the respective classes of States-not a conflict in the same States, but an sister States. Who until the Harper's Ferry out- natural, logical, inevitable result of the doctrines slave States; and they argue that these two systems of States cannot permanently exist in the same Union; that the sectional warfare must continue to race and surrender, or the slave States shall be subdued. Hence, vasion of another State, with the view of inciting in the speeches of their leaders in and out of Con- 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 11 hts as an excuse for some of our people to carry on aggression 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 party is founded upon the theory that, because slavery is not desirable in our 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, will make such examples of the leaders of these conthe creed of their party rests upon the theory that there spiracies as will strike terror into the hearts of others, very well of us if we pretended to be friendly to it. If we must be uniformity in the domestic institutions and and there will be an end of this crusade. Sir, you must were friendly to the institution, we should try to adopt, domestic institutions of the different States is neither possible nor desirable. That is the very issue upon framed the constitution, and filled the hearts of the which I conducted the canvass at home, and it is the people who ratified it. Then we shall be able to dequestion which I desire to present to the Senate. 1 repeat, that uniformity in domestic institutions of the the Union for which disunion would furnish a remedy.

different States is neither possible nor desirable. Was such the doctrine of the framers of the Constitution? I wish the country to bear in mind that when necessary and proper to give full and complete effect to the Republican party appeal to northern passions and the Constitution was adopted the Union consisted of every guarantee of the constitution. Let them author- northern prejudices against southern institutions and thirteen States, twelve of which were slaveholding ize the punishment of conspiracies and combinations in southern people, unless it is to operate upon those in-States, and one a free State. Suppose this doctrine of in any State or Territory against the property, institu- stitutions? They represent southern institutions as no uniformity on the slavery question had prevailed in the tions or people of any other State or Territory, & there better than polygamy; the slaveholder as no better than Federal convention, do the gentlemen on that side of will be no excuse, no desire, for disunion. Then, sir, the polygamist; and complain that we should intimate the House think that freedom would have triumphed let us leave the people of every State perfectly free to that they did not like to associate with the slaveholder over slavery? Do they imagine that the one free State form and regulate their domestic institutions in their any better than with the polygamist. I can see a mongrange and said the United States shall "protect" that all that they say is meant, in real earnest, would have out voted the twelve slaveholding States, own way. Let each of them retain slavery just as long strong lowering of the flag in the Senator's speech and and thus have abolished slavery throughout the land as it pleases, and abolish it when it chooses. Let us explanation. I would respect the concession, if the by a constitutional provision? On the contrary, if the actupon that good old golden principle which teaches fact were acknowledged. This thing of shrinking from test had then been made, if this doctrine of uniformity all men to mind their own business and let their neigh- position that every northern man knows to be true,

stitutional provision fastening slavery irrevocably upon every inch of American soil, North as well as South? Was it quite fair in those days for the friends of free not touch the question, but must leave the people of tion of that principle they secured the majority, and then wield that majority to abolish slavery in the other States of the Union?

Sir, if uniformity in respect to domestic institutions have been obtained. The natural mode of obtaining uniformity was to have blotted out the State governments, to have abolished the State Legislatures, to have the States, as well as upon 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, sir, the framers of that instrument knew at that day, as well as we now know, that in a country as broad as production, there must necessarily be a corresponding diversity of institutions and domestic regulations, adapted to the wants and necessities of each locality. The framers of the Constitution knew that the laws and institutions which were well adapted to the mountains and valleys of New England were 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 and 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, lifferent and distinct from every other State. The Union rests on the theory that no two States would be precisely alike in their domestic polity and institu-

Hence, I assert that this doctrine of uniformity in the domestic institutions of the different States is repugnant to the constitution, subversive of the principles upon which the Union was based, revolutionary in its established. Uniformity in local and domestic affairs in a country of great extent is despotism always Show me centralism prescribing uniformity from the capital to all 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 of Naples. Dissimilarity is the principle upon which the Union rests. It is ounded upon the idea that each State must necessarily require different regulations: that no two States have cisely the same laws; and you cannot account for this confederation of States upon any other principle.

Then, sir, what becomes of this doctrine that slavery must be established in all the States or prohibited all the States? If we only conform to the principles upon which the federal Union was formed there can be us conflict. It is only necessary to recognize the right of the people of every State to have just such such instituions as they please, without consulting your wishes. your views, or your prejudices, and there can be no S. S. confers upon Congress the power coupled with the duty of protecting each State against external aggression, and inasmuch as that includes the power of supthe institutions, property, people, or government of every other State, I desire to carry out that power vigorously. Sir, give us such a law as the constitution contemplates and authorizes. and I will show the Senator from New York that there is a constitutional mode of the Republic and the domestic tranquility of our States

ger of its recurrence? Sir, is not the Republican party still embodied, organized, confident of success, and defiant in its pretensions? Does it not now hold and proclaim the same creed that it did before this invasion? epudiate and denounce the doctrines and teachings which produced the act. Those doctrines remain the and pamphlets and books and through partizan presses. see if a band of marauders and murderers are not ap- affording protection. proaching with torch and pistol? Sir, it requires more to constant annoyance, irritation and apprehension. If being hostile to southern institutions. Sir. it is a part within the Union and in obedience to the constitution, their duty, to speak the truth on that subject. I did every evil for which disunion would furnish a remedy, If the Federal Government fails to act, either from arraign a brother Senator here for representing the choice or from an apprehension of the want of power, it cannot be expected that the States will be content of the institutions of the South. Look to your Philato remain unprotected.

Then, sir, I see no hope of peace, of fraternity, good feeling between the different portions of the U. S. except by bringing to bear the power of the Federal Government to the extent authorized by the constitution-to protect the people of all the States against any theory of the constitution shall be carried out by conthe free and the slaveholding States.

Mr President, the mode of preserving peace is plain. This system of sectional warfare must cease. The constitution has given the power, and all we ask of Congress is to give the means, and we, by indictments and it exists in this country. I do not undertake to deny. convictions in the Federal Courts of our several States, presided over the deliberations of the Convention which monstrate to you that there is no evil unredressed in interfering with the rights of southern men, the States, Then, sir, let us execute the Constitution in the spirit

and slave States, just as the people of each State may determine for themselves. Mr Feseenden, of Maine, having replied at length to

Mr Douglas, he made the following rejoinder: Mr Douglass. Mr President, I shall not follow the

Senator from Maine through his entire speech, but sim-

ply notice such points as demand of me some reply. He does not know why I introduced my resolution; he cannot conceive any good motive for it; he thinks there must be some other motive besides the one that has been avowed. There are some men, I know, who cannot conceive that a man can be governed by a patriotic or proper motive; but it is not among that class of men that I look for those who are governed by motives of propriety. I have no impeachment to make of his motives. I brought in this resolution because I thought the time had arrived when we should have a measure of practical legislation. I had seen expressions of opinion against the power from authorities so high that I felt it my duty to bring it to the attention of the Senate. I had heard that the Senator from Virginia had intimated some doubt on the question of power, as well as of policy. Other Senators discussed the question here for weeks when I was confined to my sick bed. Was there anything unreasonable in my coming before the Senate at this time, expressing my own opinion and confining myself to the practical legislation indicated in the resolution? Nor, sir, have I in my remarks gone outside of the legitimate argument pertaining to the necessity for this legislation. I first showed that there had been a great outrage; I showed what I believed to be the causes that had prodeced the outrage, and that the causes which produged it were still in operation; and argued that, so long as the party to which the gentleman belongs remains embodied in full force, those causes will still threaten the country. That was all.

The Senator from Maine thinks he will vote for the bill that will be proposed to carry out the objects referred to in my resolution. Sir, whenever that Senator and his associates on the other side of the chamber will record their votes for a bill of the character described in my resolution and speech, I shall congratulate the country upon the progress they are making towards sound principles. Whenever he and his associates will make it a felony for two or more men to conspire to run off fugitive slaves, and punish the conspirators by confinement in the penitentiary, I shall consider-that wonderful changes have taken place in this country. I tell the Senator that it is the general tone of sentiment in all those sections of the country where the Republican deem it a crime to rescue a fugitive slave, but to raise mobs to aid in the rescue. He talks about slandering the Republican party when we intimate that they are making a warfare upon the rights guarantied by the constitution. Sir, where, in the towns and cities with Republican majorities, can you execute the fugitive New York risides? Do you remember the Jerry rescuers? Is it at Oberlin, where the mob was raised that made the rescue last year and produced the riot?

Mr Fessenden. I stated, and I believe it was all said on that matter, that I was disposed to agree with the Senator in his views as to the question of power; & that, with my views, I should go very far-far enough to abcomplish the purpose-to prevent the forming of conspiracies in one State to attack another. I did not understand the Senator to say anything about conspiracies to run away with slaves; nor did I understand him to say anything about the fugitive slave law. How should act in reference to that matter I do not know: will meet it when it comes; but I ask the Senator whe ther that was a part of his first speech, or whether it is a part of his reply?

Mr Douglass. The Senator will find it several times epeated in my first speech, and the question asked : Why not make it a crime to form conspiracies and comhorses or any other property? I am talking about conspiracies which are so common in all our Northern States, to invade and enter, through their agents, the repressing the "irrepressible conflict." I will open the slave States, and seduce away slaves and run them of prison door to allow conspirators against the peace of by the underground railroad in order to send them to Canada. It is these conspiracies to perpetrate crime to select their cells wherein to drag out a miserable life | with impunity, that keep up the irritation. John Brown as a punishment for their crimes against the peace of | could boast, in a public lecture in Cleveland, that he and his band had been engaged all winter in stealing Can any man say to us that although this outrage horses and running them off from the slaveholders it has been perpetrated at Harper's Ferry, there is no dan- Missouri, and that the livery stables were then filled with stolen horses, and yet the conspiracy to do it could not be punished.

Sir, I desire a law that will make it a crime, punish able by imprisonment in the penitentiary, after convic-It is true that most of its representatives here disavow | tion in the United States court, to make a conspiracy the acts of John Brown at Harper's Ferry. I am glad | in one State, against the people, property, government that they do so; I am rejoiced that they have gone thus or institutions, of another. Then we shall get at the ar; but I must be permitted to say to them that it is root of the evil. I have no doubt that gentlemen on not sufficient that they disavow the act, unless they also the other side will vote for a law which pretends to comply with the guarantees of the Constitution, without carrying any force or efficiency in its provisions. same; those teachings are being poured into the minds | have heard men abuse the fugitive slave law. and exof men throughout the country by means of speeches press their willingness to vote for amendments; but when you came to the amendments they desired to The causes that produced the Harper's Ferry invasion adopt, you found they were such as would never reare now in active operation. Is it true that the people turn a fugitive to his master. They would go for fugito have their hands tied, without the power of self-de- the negro drop through and escape; but none that would fence, and remain patient under a threatened invasion comply with the obligations of the Constitution. So in the day or in the night? Can you expect people to | we shall find that side of the Chember voting for a law be patient, when they dare not lie down to eleep at night | that will, in terms, disapprove of unlawful expeditions without first stationing sentinels around their houses to against neighboring States, without being efficient in But the Senator says it is a part of the policy of the

northern Democracy to represent the Republicans as not suppose that any man would have the audacity to Republican party as dealing in denunciation and insult delphia platform, where you assert the sovereign power of Congress over the Territories for their government, and demand that it shall be exerted against those twin relics of barbarism-polygamy and slavery.

Mr Fessenden. Let me suggest to the Senator that he is entirely changing the issue between him and me. external violence or aggression. I repeat, that if the I did not desire to say, and I did not say, that the Republicans of the North were not unfriendly to the insticeding the right of the people of every State to have tution of slavery. I admitted myself that I was; I trust just such institutions as they choose, there cannot be a they all are. It is not in that respect that I accuse the conflict, much less an "irrepressible conflict," between Democracy of the North of misrepresenting the Republican party. It was in representing that they desired to interfere with the institution in the southern States. That is the ground-that they were opposed to southern rights. That they do not think well of slavery as do not know that southern gentlemen expect us to be friendly to it. I apprehend that they would not think we certainly should not oppose it; but what I charged upon the northern Democracy was, that they misrepresented our position. That we were opposed to the extension of slavery over free territory, that we called it relic of barbarism, I admit; but I do deny that the Republican party, or the Republicans generally, have ever exhibited a desire or made a movement towards or any constitutional rights that they have anywhere, That is the charge I made.

[Continued on the 4th page.]