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## SPEECH OF Gen. JOE. LANE.

In the U. S. Senate on the 19th of Dec., 1859, on the Territorial question.

Mr. LANE. I was unfortunate, Mr. President in not hearing the point which was submitted by the Senator from Ohio in the course of his speech to the Northern Democratic Senators. I noticed that the Senator from Minnesota rose and responded, but I did not hear what was the question submitted.

Mr. PUGH. The question which I proposed, referring to the statement contained in the speech of the Senator from California at Grass Valley, was whether the other Democratic Senators from the non-slaveholding States held the position that any man who entertains Judge Douglas' opinions or mine—for they essentially differ in some things—as to the power of a Territorial Legislature, was unfit to sit at the Committee on Territories, or to be received into the ranks of the Democratic party—whether it was a cause of exclusion?

Mr. LANE. Mr. President, I desire to say to the Senator that it is not my purpose to prescribe rules or a platform of principles for the Democratic party. I had nothing to do with displacing Judge Douglas from his position as chairman of the Committee on Territories; but I will say to my friend from Ohio that I have very great respect for him, and that I have no doubt there are many good Democrats in the Northern States who do not agree with me upon the Territorial question. I would not say that any one of them who disagrees with me, and holds different principles on that point, is not a good Democrat; nor do I pretend to say that the fact that Judge Douglas holds the views or opinions he does on this point would have been a good reason with me for opposing his election to the chairmanship of the Committee on territories. He had been displaced before I became a member of this body. It was done by Democratic Senators whose devotion to the Constitution, the Union, and the rights of the States no man will undertake to gainsay.

While I am up Mr. President, I will say that I have my views in relation to the Territorial question and I am sorry to find that they differ very materially from those of my friend from Ohio; but I am sure he is a good Democrat. There is no doubt about that; and I know I am a good Democrat. Then, sir, how can I undertake to say that gentleman, differing in opinion on the Territorial question, shall not act together as Democrats when the salvation of our country depends upon the success of the Democratic party? I think that the principles of the Democratic party are the true principles of this Government and they must be maintained, they cannot be compromised. Seeing and feeling as I do the importance of union, on the part of Democrats, on all great questions I would not rule out any member of that party because he did not feel as I do in relation to Territorial matters.

I have great respect for Judge Douglas I believe him to be a Democrat; but I have a right to differ even from him, and I do differ in opinion from Judge Douglas and also from my friend from Ohio, in regard to the power of the people in the Territories. I hold that the territory of the country is the common property of whole country, that the people of every State of this Union have equal rights in the territories, and that while they remain in a territorial condition the inhabitants cannot, by unfriendly legislation or by a system of unequal taxation, deprive the people of any State from admission there; or, in other words, they cannot by legislation infringe on the rights of the people of any State. But let me give an illustration; I hope the Senate will allow me to make a case.

Applications has been made to Congress during the last two or three years for the organization of a territorial government in Arizona. Arizona is in the southern

portion of our country. The climate is warm; the soil is adapted to cotton; it is rich in mineral resources. I have no doubt that slave labor could be used to advantage in Arizona. I believe it could be profitably used there for the production of cotton. I saw the cotton fields on the Gila in the winter of 1848; I picked the cotton out of the bolls, examined its quality and texture, and found it to be fine. Cotton can be grown and produced there in abundance. Besides the cotton, slave labor could be used profitably in the mines of that region, and in agricultural pursuits. That being the case, representing, as I do a Northern State, I could not for one moment consent that the people of the South should rush out there as soon as a Territorial government was organized, get possession of the Legislature, and by a system of unfriendly legislation or unequal taxation, undertake to keep the people of the North out of that Territory.

We would not submit to it at all; we would say at once they have no right to pass such laws; and I believe any honest court, such as one as would be sent to that Territory, would decide such enactments invalid, as violating that principle of equality of the States upon which this government must rest. The principle of equality of the States must be maintained. Their equal rights in the Territories is so clear to my mind that I cannot imagine how any gentleman can gainsay it. The Territory is the common property of all the States, and I am sure the Northern people would not submit to any such system of taxation, or any such legislation in a territory as would exclude them. The Northern Democracy are just; and while they would not submit to that course of policy on the part of the South, they would not attempt to exclude the South by a system to which they would not submit themselves.

I understood the Senator from Ohio, in response to the Senator from Mississippi, to say that the right was with the people of a Territory to establish or prohibit slavery.

Well, Mr. President I desire to say that the people of the Territory have the right to exclude, or establish, or abolish slavery. No such right is conferred on them by the Constitution. I recognize the principle of the equality of the States—their equal rights in the Territories. Any man has a right to go from any State of the Union into the common Territories of this government, and take with him whatever is recognized as property in the State from which he goes, and hold it in the Territory while the territorial condition remains and when the people of the territory come to form a State government, they have a right to say whether the State shall be slaveholding or non-slaveholding; and as they decide, it is the duty of Congress to admit them. But I hold that the people of a Territory have not a right to prohibit slavery, and I would not agree that they have the right to establish it; because the territory is the common property of all the States of this Union and every man, as I said before, has a right to go there, and take with him his property, and enjoy that property while the territorial condition exists; and if the Legislature of a territory shall undertake, by legislation, to bar the interests or the rights of any portion of the Union, I believe any honest court will decide such legislation to be null and void, because it is in conflict with the Constitution of the United States. I know my friend will say that from the court there is an appeal to the Supreme Court of the United States. With the decision of the Supreme Court the Democracy of the North will be willing to rest.

Mr. PUGH. Did I understand the Senator to say that a Territorial Legislature had a right to establish slavery any more than to prohibit it? I heard him imperfectly at this distance and I want to know if that is his proposition.

Mr. LANE. My proposition is that Congress has no power over the question of slavery; that they cannot, under the Constitution, establish it in a Territory, or prohibit it; and that a Legislative Assembly in a Territory deriving its powers from Congress cannot do what Congress itself cannot do.

Mr. PUGH. Then you hold that a Territorial Legislature has no power to establish slavery?

Mr. LANE. No power to establish it and no power to prohibit it; but that property goes there like all other property, on an equal footing with other property, and while the Territory is in a territorial condition it has that protection which the Constitution extends to it, and which an honest court would give it, and the common law of the country secures to it.

Mr. President, it is not my purpose to discuss this Territorial question. I am tired of it; and I hope that the discussion of it will soon cease; but it is so essential in my judgment, that justice and right prevail that I feel it my duty to give my views in relation to the rights of all the States of this country in a Territory, while it remains in a Territorial condition. I have heard gentlemen, Senators and others, talk about the value of the Union and their devotion to it. No man loves it more than I do, and no one would make greater sacrifices to maintain and preserve the Union. I would do it at the moment when the country requires it, at the expense of

every drop of blood; but to maintain that Union the constitution must be maintained in its spirit, in its letter, and in its meaning. The principle of Justice and equality must prevail in this country or there can be no Union. Sir, as much as I love this Union, as much as I am devoted to it—and no one is more than myself—I would not ask to have this Union maintained by the violation of the Constitution itself.

If the Northern States of this Confederacy could not have equal rights with the Southern States in the Territories, and equal justice under all circumstances, would they remain in the Union? If we want to preserve it let us be just, do right deal fairly by every portion of this country, and not hold that the territory belongs to the North, to free labor or to the South to slave labor; for it is not so. It belongs equally to all; all of them have an equal right in it; and I would submit to no wrong from the South. Being a Northern man I would submit to nothing that infringed the rights of the Northern States in territories of this Union. No man would be more prompt to resent a wrong, an insult, or an indignity, or injustice attempted to be perpetrated on the Northern States by the South, than myself; and while I submit to no wrong from that quarter, I would ask them to submit to none from us.

I intend to be just by all; to deal rightly with the whole country; to know no section but the Constitution and the Union and the constitution can discriminate between the sections of this country, and pretend to say that the common territory of all shall be given exclusively to free labor. The citizens of the States have equal rights in the Territory while it remains in the Territorial condition; and when the people who inhabit it come to form a State Constitution, then it is their right to be admitted into the Union as they shall decide.

I did not intend, sir, to say anything on this Territorial question, and I should not have said anything on this occasion but that I heard very indistinctly some question which was propounded by the honorable Senator from Ohio, to which the honorable Senator from Minnesota rose to respond, and I desired to know what the question was, so that I too might respond. I say again to that Senator that the Democracy of the North differ in opinion upon this question I regret it. I can agree with him and our old friend Douglas—for they both are good Democrats—upon all essential questions, this only excepted. They will both labor to prevent the election of a sectional man to the Presidency, and will I have no doubt, do all in their power to secure the election of the nominees of the Charleston Convention. Both love this Union; they stand upon the principle of right, as they understand it, but I must differ from them as to the power of the people in a Territory, while in a Territorial condition; but, as I said before, they will, I have no doubt labor faithfully with the Democracy to secure the election of the nominees of the Charleston Convention.

Now, sir, I hope the Senator from Ohio is satisfied with my position as to the Territories, and also with the fact that I recognize him as a good Democrat, because I know him to be so, and I know he will not dispute my Democracy because I happen to differ in opinion with him upon a matter that I regard as essential to the peace and harmony of this country.

I will say before I take my seat, that this question was made in our late election in Oregon and I took an active interest in it; and it required the labor of sound Democrats there to secure the election of a reliable national man to represent that State in this Congress. The question was plainly and fairly submitted to the people of Oregon, and in every speech that the member who represents that State, in the other branch of Congress made before the people, he took the ground that the citizens of all the States had equal rights in the Territories, and that the North had no right to infringe the rights of the South, or the South to infringe the rights of the North.

I canvassed nearly every county in the State in that campaign, and I made myself understood everywhere. I made the point clearly that, in my judgment, all the States of this Union have an equal right and all their citizens had an equal interest in the Territories—rights that could not nor must not be violated. The Democracy of that State triumphed; and by their vote at the ballot box, endorsed that great principle—one that must be maintained, one that cannot be violated; for on that great principle, the equality of the States in everything that belongs to the General Government, the happiness of this country depends.

Mr. BROWN. Mr. President, I rise to express the deep gratification I feel at having listened to the speech of the Senator from Oregon. There is in it more conservatism, more of genuine nationality more of that broad sentiment which covers this whole country than in any speech I have heard pronounced in the Senate during the present session; and I perhaps should not be extravagant if I said it contains more than I have heard during half a dozed sessions.

Mr. Wiley's Report. We commend to our readers the following extracts from the seventh annual Report of the State Superintendent of Common Schools.

This Report is now in press, and will soon be ready for delivery. It contains much interest on the subject of education. The Superintendent gives a cheering account of the progress of Common Schools and of education generally throughout the State.

"This report is made to your Excellency at a time of trial to you, and to all patriotic guardians of the public interests. The popular heart, North and South, has been deeply stirred by the recent startling but natural developments of principles springing originally from opposition to those teachings of inspired Writ which humble man and exalt God. There has long been a growing disposition, in certain quarters, to defy humanity, and practically to ignore the idea of man's sinfulness or frailty; and this cannot be done except in open contradiction to the lessons of all experience, and to the doctrines of the Holy Scriptures.

Such conclusions, too, strike at the root of all authority, Divine and human; for every law is a restraint, an abridgment of natural liberty, and therefore, an outrage when imposed on beings whose instincts are all just and holy, and thus entitled to gratification. These most absurd and most dangerous doctrines once swayed, for a brief period, the heart of a whole nation; and it was hoped that they would be forever disgraced by the bloody horrors, the unparalleled atrocities of that Reign of Terror. But the recent exhibition of opposition to all established authority, springing up armed from the bosom of American society, and distinguished with the sympathies of a large class of professed reformers, has divulged the existence of this fearful moral contagion in our midst; and now, while all are uncertain of the extent of the infection, there is a natural and general disposition every where to fear an outbreak of this most dreadful scourge of humanity.

These very acts, so fraught with danger to every class of people, demonstrate the utter fallacy of the doctrines in which they have their root; and were there no other evidence, these alone indicate with a sad and overpowering force of argument the depravity of man, and the necessity of divinely ordained authority to restrain those instincts and passions whose full development in action would cause the extermination of our race.

Their natural fruits are suspicions, evil-susurrings, alienations, bitter hatreds, fraternal strifes; in short, to blight that confidence and mutual dependence which hold society together, and to convert the whole human race into a horde of plundering and murderous Ishmaelites, everywhere lying in wait for each other, and fighting over the natural fountains and fruits of the earth. They cause us to put a much lower estimate than we ought even on our fallen humanity, and, as a natural consequence, tend to arrest, for the time, the progress of every benevolent agency, to unsettle the foundations of all order and subordination, to destroy all national and social cohesion, and to split society into innumerable hostile fragments converting whole nations into the condition of the panic-stricken camp of the host of Midian where every man's sword was set against his fellow.

In such a crisis, when all are disposed to fear and mistrust their nearest neighbors, the public men of the country have a high and most difficult mission to fill; but there is one rule which, if faithfully illustrated in action, will certainly lead to safety and success. It is a rule which no people can afford to violate, but one more easy of observance by a population like that of our beloved State, than by those whose former departure from it has involved us in our present troubles.

It is the rule of absolute right, understood in the pure light of God's infamable world; and surely a people, who for generations have made the teachings of this Book the only standard of public and private morality, cannot be in danger of being suddenly and universally overcome by those fanatical delusions which originate in persistent attempts to wrest these Scriptures of truth to the purposes of human vanity and pride.

We are, therefore, comparatively strong in the conservatism of sentiment, the soundness of the popular heart caused by the long custom of imbibing our moral philosophy from the pure fountain of truth; and our first, greatest and most permanent interest as a people, as well as individuals, is to adhere strictly and honestly to this method of reasoning, and this principle of action.

Let us, then, manifest to the world our confidence in the strength of our social and political fabric, passed on such solid principles by continuing calmly to administer them in their proper spirit, and by the light of inspired wisdom.

In such a state we ought not to anticipate fierce and bloody hostility between races and ranks and classes merely be-

\* In France.

cause there are different races, ranks and classes; for it is not the existence of such diversity creates danger, but the spirit which animates the hearts of individuals, and is reflected in the public administration.

The very first human government was the family of Adam, and it was ordained by God himself—and in this society, consisting of only two persons, and they "one flesh" there was subordination, subjection of one to another for mutual good.

And there can be no society, in a wicked world, without diversity of interests and classes; and the peace of every social and political system depends on a just recognition of the mutual dependence of every rank on each other, and of the mutual obligations which this interest imposes.—This sense of mutual interest and reciprocal duty has often been illustrated in incidents connected with history of slavery in our midst, and a glorious fruit of this true policy was displayed before the eyes of all the world in a manner most honorable to the servant and to the governing race, in the refusal of the former at Harper's Ferry to use weapons thrust into their hands in destroying masters apparently unable longer to maintain their authority.

There is as much danger of prejudice between the rich and poor, and between the different professions, as between master and slave; and while the love of money is the root of all evil, it must tend continually to alienate from each other the hearts of those who love it above all things and have it, and of those who thus love it and have it not. And all attempts to enhance this alienation and widen the breach between classes of citizens, is just as dangerous as efforts to excite slaves to insurrection; and the principle which would justify the latter, would inevitably lead next to the destruction of those professions which are falsely considered by some as more honorable than other honest callings, then to the violent plunder of the rich, and finally to a fierce and endless struggle among the plunderers over their respective shares of booty.

But why should we, in North-Carolina, fear such attempts as these to uncase and let loose on society the worst passion of fallen nature?

True, such instincts exist; but these beasts of prey are guarded with something better than human restraint, or material bolts and bars. We have heard a pure Gospel, faithfully preached; and wherever the character of a State illustrates a general indoctrination of the people in its precepts, there is a seal upon the lion's mouth.

Such a savor is our most conservative power; and indeed the true followers of our Lord are by Himself styled "the salt of the earth," a designation which conveys infinite meaning, and which, at such time as the present, all classes ought to be able to understand. The late troubles demonstrate the political importance and the social necessity of a true Gospel; and if further evidence were needed, all but the wilfully blind can find it on every page of the world's history.

And now, to bring those general reflections to a practical point, I desire to offer a suggestion which I feel sure will meet a ready and hearty response in your excellency's bosom.

Let us, as a State, still adhere to those principles of benevolence which have distinguished us in the past; let us still manifest a generous confidence in all classes of our citizens, and guard with equal care the rights and true interests of each, well knowing that neither honor nor honesty nor patriotism is an incident of station, rank or profession, but of man. Let us remember that though our race is a fallen one, it is not forsaken by a gracious Creator, wholly abandoned to its evil instincts; and that it is therefore, safer to depend on the affections and principles of true men of every grade, than on the interest of any one class, as interests can be easily changed and are never certain.

Let it be our aim to denounce and punish the evil, and encourage and reward the deserving, knowing no distinction among our citizens but that of the good and the bad.

In a great State there must be and should be great diversity of interests and occupations; and in every State there always will be men in moderate worldly circumstances.

And that inflexible Word which declares that powers that be are ordained of God, and commands obedience to every ordinance of man for the Lord's sake, also enjoins compassion for the ignorant and tenderness for the poor, the fatherless and the widow.

The Common School system, though a common interest, is of special importance to those in moderate circumstances, and to mechanics and other honorable laborers who may be continually called from place to place; and no State institution is, therefore, so necessary to such as a system of schools which offers to them the means of educating their children wherever their interests may call them. Such an institution we have in our Common School system; and by guarding it with jealous care, and using all proper means to promote its efficiency, the great and good State of

North Carolina says to all the vast variety of true men of every rank and class necessary to constitute a prosperous and powerful Commonwealth, "that you are welcome here, and your wants appreciated; behold the schools created for your children by my provident care, in every part of my wide domain [where you may choose to dwell in peace, under the authority of my equal laws]"

Permit me to conclude by expressing my gratification that the State has, in its highest executive officer, a firm advocate of those essential principles of national strength.

With sentiments of high regard,  
I am your obedient servant,  
C. H. WILEY,  
Supt. of Com. Schools for the State.  
To His Excellency, Gov. ELLIS.

## Nationality of the Democracy.

The Raleigh Standard, in reply to the assertion of the Register that there is no national Democratic party, correctly and aptly remarks:

"Now let us see the predicament in which our neighbor has placed himself.—Mr. Smith received one hundred and twelve votes for speaker. There are about ninety Democrats and twenty-two Southern Americans in the House. Of these ninety Democrats twenty-five or thirty represent not less than three millions of inhabitants, and not less than two hundred and fifty thousand persons who voted for them. In addition to this there are some ten or fifteen Democratic Senators, who represent sovereign non-slaveholding States; and further we have a Democratic President, who received one million of Democratic votes in the non-slaveholding States. And yet in the face of these undeniable facts the Register asserts that there is only a handful of Democrats in the free States!"

Who rallied to Mr. Smith for Speaker Mr. Syme? Mr. Gilmer's particular friends, Morris, Scranton and Wood of Pennsylvania—all moderate (?) black Republicans—voted for Mr. Smith, but when they saw they were about to elect him they retired from his support and voted for Corwin. Who stood the fire then?—Who stood by Smith, a Southern man, in that time of trial?—Who but national Democrats from the North and Northwest, as true men and as sound patriots as ever trod the soil of America? And yet Mr. Syme, you say there is no National Democratic party! Did the black Republicans flock to Mr. Smith as they had done to Mr. Gilmer? Did fifteen of them headed by the abolitionists Thaddeus Stevens, lead off for him? Did the few moderate ones who had voted for him adhere to him? No. The only aid Mr. Smith received—the only aid the country received in this laudable effort to organize the House and maintain the government,—we say the only aid which could be obtained in the non-slaveholding States in this hour of trial, obtained from the national Democratic party. And yet our sapient and truthful neighbor of the Register says there is no national Democratic party! In the language of an old time Whig, who called to see us a day or two since, to subscribe for the Standard and to encourage us in our course, "if there is no national Democratic party, then there is no other party in the country but black Republican, and if that is all, the country is indeed in a deplorable condition."

Mr. Winslow of N. C.—We take from the Washington correspondence of the N. Y. Times of Thursday, the 16th Feb., the following comments upon the position at present occupied by Mr. Winslow of N. C., in the field of Democratic party politics, and have to add to it the fact that we know no other gentlemen of either party who is raising more rapidly and more legitimately in the public estimation. Never was the value of unvarying courtesy, and good temper, and strong sense as displayed in the transaction of the business of Congress better illustrated, than in the position as a Democratic party leader, which Mr. Winslow has obtained this session—proving the general appreciation of his party on the floor of the fact that there he is emphatically the man for the times:

"Mr. Winslow's name is also freely canvassed in connection with the Vice Presidency, if a Northern man should receive the higher nomination at Charleston, and the New England delegates, many of whom are now here, including Dr. Loring and Col. Wright, of Mass., Gov. Dana, of Me., Judge Smalley, of Vt., and several more.

The Senate of Mississippi has passed resolutions recommending that a convention of the Southern States be held at Atlanta, Geo., on the first Monday in June, to adopt measures to be pursued in case of the election of a Black Republican President.—Charlotte Whig.

The Osceola (Fla.) Companion, says planting has already been commenced in Marion county in that State.