6th Auditor

The Washington Union.

"LIBERTY, THE UNION, AND THE CONSTITUTION."

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THE WASHINGTON UNION,

Published by CORNELIUS WENDELL,

At the UNION BUILDINGS, E st., bet. 11th and 12th.

THE DAILY UNION will be published every morning, (Mondays excepted,) and delivered to city subscribers at 12½ cents per week, payable to the carriers. To subscribers by mail, at $6 per annum; $3 for six months. Officers of the government, not paying in advance, will be charged $8 per annum.

THE SEMI-WEEKLY UNION, will be published every Wednesday and Saturday, at $4 per annum for one copy; $10 for three copies; and $15 for five copies.

THE WEEKLY UNION, a very large paper for country circulation, will be published every Saturday morning, at the following prices: For one copy, $2 per annum; three copies for $5; five copies for $8; ten copies for $15; twenty copies, *sent to one address*, $25. Subscriptions may commence at any time.

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Payment for subscriptions must be made invariably in advance, and the paper will always be discontinued at the expiration of the period subscribed for unless renewed. Notice will be given to subscribers when their subscriptions are about to expire.

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RATES OF ADVERTISING.

1 square 1 day	$0 50	1 square 2 months	9 00
1 do 1 week	1 75	1 do 3 months	12 00
1 do 2 weeks	3 00	1 do 6 months	18 00
1 do 1 month	5 00	1 do 1 year	30 00

Eight lines or less make a square; longer advertisements in exact proportion, and all payable in advance. Advertisements ordered in twice or thrice a week will be charged 37½ cents per square for each insertion after the first. Advertisements once a week in the daily, 50 cents per square for each insertion. Special notices charged double the foregoing rates.

THE NEW YORK AND LIVERPOOL UNITED States mail steamers.—The ships comprising this line are:

The Atlantic..............Capt. Oliver Eldridge.
The Baltic..............Capt. Jos. Comstock.
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These ships have been built by contract expressly for government service; every care has been taken in their construction, as also in their engines, to insure strength and speed; and their accommodations for passengers are unequalled for elegance and comfort.

The steamers of this line have improved water-tight compartments, and no expense has been spared to make them all as good as new; the thorough examination given them proves their mode of construction YET UNEQUALLED.

Price of passage from New York to Liverpool in first cabin, $130; in second cabin, $75. From Liverpool to New York, 30 and 20 guineas.

An experienced surgeon attached to each ship.

No berth can be secured until paid for.

PROPOSED DATES OF SAILING.

From New York.		From Liverpool.	
Saturday	Jan. 16, 1858.	Wednesday	Feb. 3, 1858.
Saturday	Feb. 13, 1858.	Wednesday	Mar. 3, 1858.
Saturday	Mar. 13, 1858.	Wednesday	Mar. 31, 1858.
Saturday	April 10, 1858.	Wednesday	April 28, 1858.
Saturday	April 24, 1858.	Wednesday	May 12, 1858.
Saturday	May 8, 1858.	Wednesday	May 26, 1858.
Saturday	May 22, 1858.	Wednesday	June 9, 1858.
Saturday	June 5, 1858.	Wednesday	June 23, 1858.
Saturday	June 19, 1858.	Wednesday	July 7, 1858.
Saturday	July 3, 1858.	Wednesday	July 21, 1858.
Saturday	July 17, 1858.	Wednesday	Aug. 4, 1858.
Saturday	Aug. 14, 1858.	Wednesday	Sept. 1, 1858.
Saturday	Aug. 28, 1858.	Wednesday	Sept. 15, 1858.
Saturday	Sept. 11, 1858.	Wednesday	Sept. 29, 1858.
Saturday	Sept. 25, 1858.	Wednesday	Oct. 13, 1858.
Saturday	Oct. 9, 1858.	Wednesday	Oct. 27, 1858.
Saturday	Oct. 23, 1858.	Wednesday	Nov. 10, 1858.
Saturday	Nov. 6, 1858.	Wednesday	Nov. 24, 1858.
Saturday	Nov. 20, 1858.	Wednesday	Dec. 8, 1858.
Saturday	Dec. 4, 1858.	Wednesday	Dec. 22, 1858.

For freight or passage apply to

EDWARD K. COLLINS, No. 56 Wall street, N. Y.
BROWN, SHIPLEY, & CO., Liverpool.
STEPHEN KENNARD & CO., No. 27 Austin Friars, London.
B. G. WAINWRIGHT & CO., Paris.

The owners of these ships will not be accountable for gold, silver, bullion, specie, jewelry, precious stones, or metals, unless bills of lading are signed therefor, and the value thereof expressed therein.

Dec. 16—dtf

For All Parts of the West.

BALTIMORE AND OHIO RAILROAD.

NEW AND IMPROVED ARRANGEMENTS.

THREE TRAINS DAILY from Baltimore, for Cumberland, Wheeling, and all parts of the West.

1st. The ACCOMMODATION TRAIN will leave (except Sunday) at 6.45, a. m., connecting with trains from Philadelphia; first train from Washington (at Junction) will stop at way stations and arrive at Cumberland at 4 o'clock, p. m.

2d. The MAIL TRAIN leaves Camden Station daily (except Sunday) at 8.30, a. m., and reaches Wheeling by 4. a. m., connecting at Benwood with trains for Columbus, Cincinnati, Dayton, Indianapolis, Louisville, Cleveland, Toledo, Detroit, Chicago, St. Louis, Cairo, and intermediate points.

3d. The EXPRESS TRAIN leaves daily at 7, p. m., connecting with express trains for Cincinnati, St. Louis, Cairo, Chicago, and intermediate places. The distance to Cincinnati and other central and southern places in the West is nearly 100 miles shorter than by any other route. The time to these places is also unequalled.

Baggage checked through to Columbus, Cincinnati, Indianapolis, and St. Louis.

Passengers and baggage transferred at all points free.

THROUGH TICKETS will be sold to all the large towns in the West, at the lowest possible rates, at the ticket office, Camden Station, and in Washington city.

A second-class car is attached to the mail train.

Passengers from Baltimore or Washington may *view the entire road by daylight* by taking accommodation or mail train, and lying over at Cumberland or Oakland. They resume next morning by the express train, which leaves Cumberland at 2.50, a. m., and reaches Wheeling at 2, p. m.

Passengers from Washington have ample time for meals at Washington Junction.

This is the only route by which through tickets and baggage checks can be obtained in Washington.

FOR WAY PASSENGERS.

The accommodation train, at 6.45, will stop at all stations east of Cumberland, and the express at stations beyond Piedmont going west. Eastwardly, the mail train leaves Wheeling at 7.15, a. m., and accommodation leaves Cumberland at 8.20, reaching Baltimore at 5.45, p. m.

The FREDERICK TRAIN starts at 4, p. m., (except Sunday,) stopping at way stations. Leaves Frederick at 9, a. m., arriving at Baltimore at 12.30, noon.

The ELLICOTT'S MILLS TRAIN leaves Camden Station at 6, a. m., and 3.30, p. m. Leaves Ellicott's Mills at 7.30, a. m., and 7.30, p. m., except Sunday.

W. S. WOODSIDE, Master of Transportation.

Jan 17—dtf

GEORGETOWN FEMALE SEMINARY, Georgetown, D. C.

THIS large boarding and day school for young ladies, so long and favorably known as conducted by Miss L. S. English, is now under the direction of Miss M. J. Harrover, principal, assisted by a corps of competent and experienced teachers in every department of learning.

Members of Congress and others whose duties call them to Washington may place their daughters or wards here under their own supervision, as many have been accustomed to do—the graduates of this seminary representing nearly every State in the Union.

For particulars address M. J. HARROVER, Principal of the Georgetown Female Seminary, Georgetown, D. C.

Sep 12—eotf

PHOTOGRAPH OIL PAINTINGS.

PROFESSOR J. E. CHURCHILL, Artist, respectfully returns thanks to his friends and patrons for past encouragement, and solicits a continuance of the same.

Studio at McCarty's Gallery, No. 448 Pennsylvania avenue, three doors east of 4½ street.

Dec 4—tf

JAMES J. DICKINS, ATTORNEY-AT-LAW, Patent, Claim, and General Agency, Office Southeast Corner of Seventh and F streets. Dec 4—tf

R. H. GILLET, Counsellor at Law, has removed his office to his residence in Franklin Row, corner of K and Thirteenth streets. He will continue to devote his attention principally to cases in the United States Supreme Court.

Oct 28—dtf

THIRTY-NINTH INSTALMENT.—Now in store, the thirty ninth instalment of our celebrated "housewife cottons."

5 cases "ladies' cotton."

5 cases "everlasting shirting cotton."

They are regarded the best goods produced in this country; each piece is stamped with our name on them as a guarantee of their surpassing excellence.

We advertise them for the benefit of strangers and non-residents.

200 pieces of all other superior shirting and sheeting cottons, including the famous English long cloth and American "water twist."

200 pieces plain and plaid cambrics and brilliantes, with all other kinds of white goods.

New supplies from the North and East daily.

One price only, marked in plain figures.

All old bills must be paid prior to beginning new ones.

All bills presented for monthly payment in cash; notes will not be acceptable. We are inflexible in this rule.

Good articles, low prices, and fair dealing may be relied on in all cases.

PERRY & BROTHER, "Central Stores," west building, opposite Centre Market.

March 9—1m6if

CHARLES'S LONDON CORDIAL GIN.—THE ORIGINAL AND ONLY LONDON GIN IMPORTED.—This Gin, distilled in London from sound barley, under the surveillance of the British excise laws, is delicately flavored with a tincture of the Italian juniper berry, and some of the most valuable restoratives of the vegetable kingdom, rendering it, in the opinion of the most eminent medical men, the purest and safest stimulant or diuretic drink in use.

It is a delicious tonic, of a soft and delicate flavor, differing entirely from any other Gin, and devoid of that harsh, acrid taste which renders the article known as Holland Gin, or Schnapps, so objectionable.

Though not intended as a medicine, it is recommended by physicians generally in cases of Dyspepsia, Gout, Rheumatism, Dropsy, Gravel, Colic, Cholera, Fever and Ague, Stricture, Diseases of the Urinary Organs, the Kidneys and the Bowels, Nervous Debility, &c., whilst the weaker sex will find by its adoption a sure relief from those distressing annoyances which frequently attend their delicate organization.

Dr. Valentine Mott, of New York, the highest medical authority, pronounces CHARLES'S LONDON CORDIAL GIN "not only superior to any other, but the best article of the kind he has ever seen."

It is peculiarly adapted to settlers in the southern and western States, as well as for travellers exposed to changes of water and air.

For sale in quarts at seventy-five cents, and pints thirty-eight cents, by all druggists, grocers, fruiterers, and country merchants. Beware of imitations. Buy only CHARLES'S. NONE OTHER IS IMPORTED.

EDMUND C. CHARLES, Importer, 40 Broadway, New York.

Mar 14—1y

MODERN LANGUAGES.—Professor DANIEL E. GROUX, Teacher and Translator of Modern Languages, especially French, Spanish, and German. No. 225 Penn. avenue, opposite Willard's Hotel. Mar 20—d3mo

COMPLETION of Panama Railroad.—Reduction of fare to California.—United States mail steamships leave New York for Aspinwall on the 5th and 20th of each month, connecting with mail steamers from Panama to San Francisco.

These steamships have been inspected and approved by the Navy Department, and guaranty *speed and safety*.

The Panama railroad (47 miles long) is now completed from ocean to ocean, and is crossed in 3 or 4 hours. The baggage of passengers is checked in New York through to San Francisco, and passengers are embarked at Panama by steamer at the company's expense. The money paid in New York covers all expenses of the trip.

Reserve steamers are kept in port in New York, Panama, and San Francisco, to prevent detention in case of accident, so that the route is entirely *reliable*.

Passengers leave Panama the same day they arrive at Aspinwall.

Conductors go through by each steamer, and take charge of women and children without other protectors.

For through tickets at the lowest rates apply at the agency, 177 West street, New York, to I. W. RAYMOND.

May 6—dtf

GEORGE W. BREGA, ATTORNEY AND COUNSELLOR-AT-LAW, *No. 16 Wall street, New York.*

Nov 26—6mif

GEORGE W. BRAY, COLLECTOR AND AGENT for Houses. Residence No. 282 Ninth Street north, between M and N streets, Washington.

House renting and collecting promptly attended to, and punctual returns made. Jan 22—d3m

THE MONTGOMERY AMENDMENT.

DISCUSSION IN THE SENATE,

Friday, April 2d, 1858, on the motion to non-concur in the amendment of the House of Representatives to the bill to admit Kansas into the Union.

REMARKS OF HON. WILLIAM BIGLER.

Mr. BIGLER. Mr. President, I am not prepared to vote on this question without first submitting a few remarks explanatory of the views which I entertain. I do not intend to delay the Senate by an attempt at an argument, at length, against the House amendment; I shall be content to state, very briefly, some of the points which I think involve conclusive objections to the measure.

In the first place, the adoption of this amendment involves an utter and violent abandonment of the doctrine of non-intervention. It presents the broad question, whether a doctrine which the party to which I belong have cherished; a doctrine which is found in the organic law of Kansas, and which was enunciated in the democratic platform at Cincinnati, is to be abandoned, and we are to look for some other system of legislation with regard to the Territories.

I had hoped, sir, that when the wise men of the country, with Clay, and Webster, and Cass in the lead, presented and adopted this new mode of settling the slavery question—the enlarged and liberal doctrine that when the people of the Territories were prepared for admission as States, they should come in with or without slavery, as the constitution presented by them might provide at the time—it would have proven a finality on this question. In the liberal doctrines maintained by the democratic party, that the people of the several States may go into the Territories with whatsoever property they possess, including slaves, and when there, and when about to organize a government, preparatory to admission as a State, on terms of perfect equality with the other States, being left perfectly free not only as to the kind of government they will have, but as to the mode and manner of making it, I had hoped we were to find a simple and satisfactory solution of this unhappy difficulty which seems to arise on the application of each State for admission.

When this doctrine was proclaimed it was at variance with and superseded the former practice of the government; but it was one which commended itself to the judgment and patriotism of the people. It was a proposition to settle the controversy about slavery upon high principle—sacred principle; a principle that was coextensive in its operation with the entire country, with all Territories we possessed then, or ever can possess, and as imperishable as the government itself, equal to every emergency that may arise. An essential element in that doctrine is, that Congress shall not interfere with the domestic affairs of the Territories; that as to the mode and manner of making a government, the people of the Territories should be unrestrained; that Congress would decide only upon the question of admission under the obligations of the constitution, and that would be on the single point whether the government presented was republican in its form, and not as to the mode of making the constitution—leaving that work with the people.

I had hoped that we were about to witness a beautiful illustration of the wisdom of this doctrine, by the admission of two States, the one slave, and the other free, under this principle. Thus its beauties would be illustrated and illuminated; and I tell you, Mr. President, that, in my humble judgment, no act of Congress would go further toward restoring those relations of fraternal feeling which in the younger and purer days of the republic existed between the people of its extremities, than the consummation of such a work. Nothing, in my humble judgment, would tend more to give peace to this great country; to promote its future progress and prosperity, to give prosperity and peace to the people of the various Territories. Sir, that is the doctrine of the democratic party, held by them because it is consistent with the constitution—consistent with the true interests of this great country, and with the rights of all classes of the people, and all sections of the Union.

Now, sir, I regard the House proposition as direct and violent intervention, because it proposes to discard what the people have done and to institute a new mode of proceeding. It proposes to set aside what the people of Kansas have done in the way of changing their government from a territorial to a State form, and to prescribe to them how they shall proceed hereafter in making a government. I wish to mark the distinction between a case where the people of a Territory have not acted at all, and especially where a Territory may not possess the usual population for a State, where their powers have rested in abeyance, and where Congress volunteers to offer to those such an invitation to come into the Union. That we did in 1856 to the people of Kansas under the Toombs bill. They could hardly presume, with the population which they then possessed, that they would be admitted as a State. Congress extended an invitation to them, they having taken no proper legal action on the subject. It is different now. They have acted; they have presented themselves here with a republican form of government, which has come up to us through legal channels and regular steps. They have exercised the power which you gave them in the organic law, when you said their legislative power should extend over all the rightful subjects of legislation, and that the people should be left perfectly free to form and regulate their domestic institutions in their own way.

But, Mr. President, if it were allowable on principle for Congress to remand to the people this government which they have sent here, and insist upon a revision of what they have done, I could not agree to the mode and manner prescribed in the House bill. The objections I make ought to be more specially unpleasant to those who have opposed the admission of Kansas under the Lecompton constitution than to those who have favored it; and why so? Because the people are required to vote under a form which deprives the free State party of a fair opportunity to exercise their will. In the early part of this discussion, much was made out of the form of voting presented by the Lecompton convention. It was said to be unfair. It was said that the elector, in order to vote for or against slavery, was bound to vote for or against the constitution; that those, therefore, who were not for that constitution, had no opportunity of voting on the slavery question. I do not care now to inquire whether that view was correct and allowable or not; but I do say that the presentation of the question, as proposed in this amendment, would be liable to quite as conclusive objections as the mode of voting prescribed by the Lecompton convention. What is the form? It reads thus:

"At the said election the vote shall be by ballot, and by endorsing on his ballot, as each voter may please, 'for the constitution,' or 'against the constitution.'"

That form you perceive, sir, would not present to the people of Kansas the great question at issue there, the question which has agitated the country from one extremity to the other, to wit: whether Kansas shall be a free or a slave State. Slavery is in the constitution as it stands, and the question thus presented would be, whether they would have a *slave State* or *no State* at all. Those who desire it to be a free State would have no fair opportunity of carrying out their will. They are to be disfranchised on this vote. They can have no voice. Now, sir, if this measure is to be adopted, the form of voting ought to be such as would give those people the opportunity of deciding, unembarrassed, the question of slavery which has harassed them from the first hour of their organization. Look at the practical workings of the proposition. An elector presents himself at the polls who is in favor of slavery. He sees that his ballot must be for or against the constitution. He desires to vote for slavery, but he dislikes many features of the constitution; and he is driven from the polls. If a free-State man, on the other hand, makes his appearance, he encounters similar difficulties. He likes the constitution and all its features, except that of slavery. He desires to adopt the constitution, but he cannot do that without agreeing that Kansas shall be a slave State; and he is disfranchised. Now, sir, if this proposition is to prevail, why put it in this shape? Is it that there will be no alternative left to the free-State party but to vote the constitution down and to secure an endorsement of the opinions of those who have opposed the admission of the State? Is it to secure a rejection of the President's policy? If I were for this measure, I should not agree to present it in this shape. I certainly could not, if I had stood so peculiarly and tenaciously up to the rights of the free-State party in Kansas.

The form should be "for the constitution without slavery," or "for the constitution with slavery," or "against the constitution." This would have given all parties a fair opportunity of carrying out their will.

But, sir, there are other features to which I wish to call attention. The first clause reads as follows:

"That the State of Kansas be, and is hereby, admitted into the Union on an equal footing with the original States, in all respects whatever; but inasmuch as it is greatly disputed whether the constitution framed at Lecompton on the 7th day of November last, and now pending before Congress, was fairly made," &c.

It is a question whether the constitution was *fairly made*. What is the deduction? It must be that in some way or other the obligation rests upon Congress to know that the constitution is *fairly made*; that fraud and violence shall not prevail. Now, sir, I do not care to raise or debate that question of fact at present. Whatever might have been held heretofore under the former policy of the government, I cannot see how those who subscribe to the doctrine that the people should be left perfectly free to form and regulate their institutions in their own way, can investigate this question of fairness and form. Is it maintained that we sanction the constitution by voting for the admission? That is not my understanding. The government which the people send here we must take or reject. I do not speak now of mere matters of form, but the vital features of the government. These we cannot touch. Is it otherwise held anywhere? I have not heard a senator allege that, by voting for the admission of Kansas, he necessarily sanctioned the constitution, or *vice versa*.

Now, sir, the point which I wish to make is this: If Congress has no right to touch the work of the people of Kansas—the government which they have sent here—what does it concern us that we inquire how that work was done? Here is a proposition simply to inquire how it was done; conceding that we have no power over the production itself. Not only that; but while this constitution is to be sent back on the assumption that it was not fairly made, what is proposed in addition? Why, sir, in case this constitution be voted down, the people of Kansas are authorized to elect delegates to constitute a new convention; they are to vote on that constitution, and then, if it be adopted, they become a State by the proclamation of the President.

Where is the guarantee that that new government will be made fairly? Where is the protection against fraud in that process? Who supervises that action? If it is the duty of Congress, in the case of the Lecompton constitution, to see that it is fairly made, it is the duty of Congress in every other case. If it is the duty of Congress to inquire whether this constitution has been fairly made, it is an equal obligation not to give the opportunity of making any constitution unfairly. Here is a proposition to allow the people to make a government, put it in operation, and admit it into the Union, without its ever making its appearance before Congress at all. I do not understand how alleged frauds in this place can be claimed as reasons for returning this constitution, if we at the same time authorize the making of a State without any guaranties whatever as to how that power may be abused, without any protection against fraud, violence, and usurpation.

Then, sir, there is another point, and that is the extraordinary proposition which makes the President of the United States perform functions which the constitution, in express words, vests in Congress. I do not speak now as to the government of Kansas that is before us; that we have seen; that constitution we have read; that Congress knows to be republican; that we may, on certain conditions, allow the President to announce admitted, and hold that the State is in the Union; but it is to the other alternative—the right to make a constitution and State government, and put it in operation, and put it into the Union by a proclamation of the President, without ever having it before Congress at all—that I object. Who knows that it will be a republican government? Who can guaranty that it will be admissible in form? And if republican, may it not contain other features, making it entirely unacceptable? Sir, I have not that measure of confidence in the men who would be likely to get hold of this government in Kansas just now. Who is satisfied that Gen. Lane would exercise power with moderation? Who believes that if he controlled a convention, he would not indulge the excesses of his feelings of prejudice against the southern States?

Sir, I should not be surprised if a constitution made in that way would emancipate the slaves that are in the Territory and confiscate the property value in them. I should not be surprised if a constitution made in that way, without consulting Congress, should attempt to interdict or embarrass the execution of the fugitive-slave law, or would set up other issues with the federal authority; and yet, whilst Congress might not seriously entertain the idea of admitting such a State, the President would be obliged to admit it by proclamation. For you will notice that it gives the President no discretion. The duty is imperative on him. When the facts are properly certified, he must announce that the State is in the Union, no matter how objectionable the constitution may be. Here is State-making with a vengeance. Any measure of fraud may be practiced; any extent of violence and usurpation in making the constitution; and no matter how badly made, and yet the State must come in. The proposition is monstrous.

Now, sir, the subject-matter of the bill is suggestive; it presents a wide field for discussion. I do not intend to pursue it this morning; but I could not persuade myself to vote quietly on this question. I know that there are certain very insidious features about this measure—features which can be used with great effect before the populace. It may be alleged that we have voted against a bill which was to give the people the right to vote on their constitution. That would be true, to some extent; but I answer that I hold a still more liberal doctrine towards the people of Kansas; I hold that they can make a constitution in any way they please; making it according to law and in regular form. I would give to the people of Kansas that measure of right which those whom I represent here exercised; they made a constitution twice through their delegates; they have revised and amended that constitution through the agency of a popular ratification. It was competent for the people of Kansas to do the same thing; and if those in Kansas who claim to be adverse to this slavery article, who object most to this constitution, had exercised their high prerogative as freemen, probably we should have had no excitement on this occasion. But, sir, they did not perform the duty. In June, when they might have decided the question of slavery by electing delegates, they would not vote; the "bogus laws" were in their way. In October, when the question of slavery was not involved, but when offices were at stake, they did vote. In December following, when they had a direct vote on the question of making Kansas a free or a slave State, they could not vote—it would not do to recognise the "bogus laws" and the "bogus convention." But a few days afterwards, when it was a question of gaining the local offices, they rushed to the polls and elected the officers under what they termed the "Lecompton swindle." There is the source of the trouble; and as this issue stands, the most that those on the other side can make out of it would be (taking their own ground) an issue between those who, through the forms of law, had abused to some extent, the right of suffrage, and those who had set themselves up against the use of that right; who had preferred other means; who had not exercised the high functions of freemen under our laws and under our policy of government. They avowed that determination, and they adhered to it. There may have been fraud, and there may have been usurpation, to some extent, on the one hand. The best that can be said for the other was that it presented matured, persistent, and stupendous insubordination to the laws, if not rebellion to the government. Which of these alternatives shall we take? I shall not, for my part, cast a vote that will give success to those who have stood out persistently against the laws.

It may be said, and it is said, that this constitution is not agreeable to the majority of the people. Well, sir, I have searched in vain in the complicated history of legislation on this subject for the instance in which that question was distinctly raised and discussed! where it was claimed as a duty on the part of Congress to know that a majority of the people were for the form of government which they sent up to Congress. No such case could have arisen as to more than half the States heretofore admitted whose constitutions had not been submitted to popular vote. No such question could have arisen in the case of the State of my venerable friend from Kentucky, for that was declared in the Union a State before the form of government was made, not by the proclamation, I believe, but by act of Congress. That could not have been an ascertained fact in regard to Florida. No member of Congress, as I understand the history of that case, could have known whether the people preferred the constitution of Florida or not. Why not? I shall show. In 1838, the people of Florida held a convention, and made a constitution. They submitted it, it is true, to the ratification of the people, and, as I learn the history of it, a majority was only found by throwing out certain districts on the ground of informality. That constitution was sent up here. It was filed away in the archives of the Senate legislative department. There it lay, cobwebbed and dusted over, for six long years. When it became necessary to bring in Iowa as a State, these musty papers were drawn from their solitude, and on them Florida was made a State. Who would say that the people who held that convention, and voted on the constitution, still remained in Florida? Who would say, that in the six years which intervened, there was not a large accession of population to the Territory of Florida? There could have been no satisfactory evidence that the people of Florida approved that constitution; no man could have known that it imbodied their will. I only present these historical facts for the purpose of showing that the doctrine that Congress must know that a constitution imbodies the will of a majority of the people before we have the right in propriety to admit the State, is a new doctrine.

But, Mr. President, I have spoken already much longer than I intended to do. I rose for the purpose of confining myself to a very few points. I trust we are near the close of this angry debate. For one, I am free to say to the Senate and to the country that I am tired of this topic of Kansas. I am tired of it in every sense. Especially am I weary of it, because I can see in it an element of growing mischief to this great, peaceful, and happy country of ours. Why it is I know not; but it would seem to be a dispensation of Providence that we are to have a very plague among us in the shape of this slavery question, living and growing as the nation advances; spreading out yearly, overshadowing the whole country like some fatal upas, whose poisonous branches shade the very extremities and deal poison and death as the seasons roll by. I say, sir, that we are near the close of this debate, and with it I trust this feud will be put to rest forever—this strife which is so certainly and so constantly poisoning the very channels of intercourse between great divisions of this Union, severing the relations of the people who ought to be fraternal and affectionate, and abiding in a common faith. Sir, while I have my own notions of this measure, I do not cherish them with the tenacity that some do. I desire, however, to make the admission of Kansas and Minnesota an exemplification of the truthfulness, of the equity and wisdom of the democratic policy that Congress shall no longer deal with this vexed question; but that it shall be left to the people of the Territories to settle for themselves; and they shall quietly become States, with or without slavery, as their government may provide at the time of admission.

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REMARKS OF HON. GEO. E. PUGH.

Mr. PRESIDENT. The question before the Senate is not any longer on the passage of the Senate bill—it is on the passage of the House bill. A liberal construction of the resolutions of instruction which I have received from the general assembly of Ohio, and by which my vote was governed on the former occasion, would as much require me to vote against the House bill as the Senate bill. But the emergency is evidently one which the general assembly did not contemplate, and in which, therefore, I must consult my own judgment and their views, as far as I can gather them. According to my apprehension of what is due to this case, the House amendment is utterly inadmissible. It is a violation, as I understand it, of every principle on which Congress can admit a new State; of every safe precedent; and a violation of every principle heretofore professed by the democratic party of the United States. It is an unfair bill. It cannot make peace. It can make nothing but disturbance in Kansas, and everywhere else. I shall endeavor to sustain these propositions as the reason why, certainly to my own entire and perfect satisfaction, I shall vote against that bill at every hazard.

The main idea of this proposition, or rather its pretension, is that the Congress of the United States remands the constitution of Kansas to a vote of the people; and what for? Who authorised us to remand that constitution to a vote of the people? Is it for us, the Congress of the United States, to dictate to the States how they shall form and ratify their constitutions? Where have we obtained any such power as that? If we can require it in the case of a new State, we can require it in the case of an old State. Our authority is the same over all of them. The new States are to be admitted on an equal footing with the original States. It is for the people of Kansas, acting through the forms of law, to say in what manner their constitution shall be formed and ratified. They have said it in every manner in which the people can speak. In the act of August, 1855, they instructed the territorial legislature to provide for calling a convention.

That was the first act of the people. That legislature, in obedience to a direct vote of the people, and its members being also elected by the people, proceeded to form a law and to enact it, providing for the assembling of a convention and the election of delegates. They expressly omitted any provision requiring the constitution to be submitted to a popular vote; and when the governor returned the bill without his signature, on the express ground that it contained no such provision, the representatives of the people in the territorial legislature, speaking for the people, passed it over his veto, and declared by a two-thirds vote in each house that the constitution should be submitted to the people or not, as the convention itself might choose.

Under that charter, in full view of all these circumstances, with a full knowledge of the fact that the delegates about to be elected and about to be assembled in convention had perfect and full discretion whether they would or would not submit the constitution, the people chose those delegates. They confided to those delegates the discretion whether the constitution should or should not be submitted. Now, sir, we have had the act and deed of the people at every stage; instructing the legislature to pass a law; speaking through the legislature in the form of law; speaking through the legislature again, when Gov. Geary's veto was overruled; speaking by the direct voice of the people when the delegates were elected in June. This convention met. It is the impersonation of the people; it is the will of the people; it is the act and deed of the people; and it speaks the voice of the people. There is no other voice of the people; there can be no other, under our form of representative government. It seems to me a plain proposition; but that it may not stand on my authority, I shall quote again what was said by Mr. Webster in his famous argument in the case of Luther *vs.* Borden:

"Let us all admit that the people are sovereign. Jay said that in this country there were many sovereigns and no subject. A portion of this sovereign power has been delegated to government, which represents and speaks the will of the people, as far as they chose to delegate their power. Congress have not all; the State governments have not all. The constitution of the United States does not speak of the government; it says the United States. Nor does it speak of the State governments; it says the States; but it recognises governments as existing. The people must have representatives. In England the representative system originated, not as a matter of right, but because it was called by the King. The people complained sometimes that they had to send up burgesses. At last there grew up a constitutional representation of the people. In our system it grew up differently. It was because the people could not act in mass, and the right to choose a representative is every man's portion of sovereign power."

That is a sentence worthy of Mr. Webster:

"The right to choose a representative is every man's portion of sovereign power. Suffrage is a delegation of political power to some individual."

Again:

"It has been said by the opposing counsel that the people can get together, call themselves so many thousands, and establish whatever form of government they please. But others must have the same right. We have then a stormy South American liberty, supported by arms to-day, and crushed by arms to-morrow. Our theory places a beautiful face on liberty, and makes it powerful for good, producing no tumults. When it is necessary to ascertain the will of the people, the legislature must provide the means of ascertaining it. The constitution of the United States was established in this way. It was recommended to the States to send delegates to a convention. They did so. Then it was recommended that the States should ascertain the will of the people. Nobody suggested any other mode."—7 Howard's Reports, pp. 30–31.

Now, sir, I say that the act and deed of the people has been made in every form known to the law up to the assembling of the convention at Lecompton. Unless you are to have what Mr. Webster properly calls a South American liberty, the liberty of those who are the strongest, the liberty of those who choose to take arms in their hands instead of abiding a peaceful arbitration of their differences, there can be no other act and deed of the people than as expressed in the forms of law. I say this convention, when it was assembled, was the representative of the people of Kansas; nobody else was authorized to speak for the people of Kansas; and the convention was authorized to speak, and it was authorized as plainly as if it had been so written in the act providing for the election of the delegates, either to submit the constitution in whole, or in part, to popular ratification. Now, we, not elected by the people of Kansas, not responsible to the people of Kansas, but elected by, and responsible to the people of the other States, propose to take into our hands the formation and regulation of all the political affairs of this new State. We propose to say to this convention that we will define their powers; that we will prescribe for them different powers from those which the people conferred. It seems to me that on no sound principle, with no just regard to the doctrine of a representative government, with no just regard to the reserved rights and sovereignty of the States, can Congress ever undertake to require the ratification of the constitution of a new State in a different manner from that which the people themselves have prescribed. I do not say it is merely intervention; for that has come to be a catch-word; I say it is trampling under foot the sovereignty and the rights of the States. If you admit Kansas into the Union at all, you must admit her on an equal footing with the original States, and you must do nothing with her, or to her, that you would not do to any State already in the Union.

But we are referred to the act of the last Congress preparatory to the admission of Minnesota, and we are told that is a precedent which elicited no dispute in Congress. It elicited no dispute, because it attracted no attention. I observe, by a reference to the Congressional Globe, that that bill, in its present shape, passed the other house under the operation of the previous question, without ever having been printed. It was brought into the House at the last hour as an amendment to a former bill, and having been offered and hastily read, by the dispensation of the previous question it was put through that house. I think we debated it a week on the provision for alien suffrage; but I did not hear a single senator, either for the bill or against it, make the least allusion to the fact that it required the constitution of that State to be submitted to a vote of the people. I do not know how many senators were aware of that provision. Perhaps the senator from Illinois was; I was not. I did not know there was any such provision in the bill until long after the adjournment of Congress. If I had known it, and a motion had been made to strike it from the bill, I should have voted to strike it out of the bill, for I would have required of Minnesota nothing more than had been required in former times of other States. That is the only case to be found in all the legislation of Congress, from the earliest times, in which we have required the constitution of a State to be submitted to a vote of the people. It is a case that passed without discussion; it is a case where there was no debate in either house on the question; and I certainly need not tell an assembly of gentlemen, a majority of whom are lawyers, that no case is authority upon any question that was not argued at the time of the decision.

But, sir, even the Minnesota case is not a precedent for this amendment. In the Minnesota case we substituted ourselves for the territorial legislature; we called on the people to elect their delegates, subject to certain general provisions. In this case the people of Kansas have chosen their delegates under totally different provisions, under a direction to them to submit the constitution or not, as they pleased; those delegates have met; their work is complete; and now we are asked not to prescribe an original charter, but to violate the charter which those delegates received directly from the people. That case, therefore, does not warrant this amendment. Then, on what ground is it that we are asked to remand the constitution of Kansas to a vote of the people? Whence comes the suggestion that the convention which met in Kansas was not as legal as the convention which met in Ohio, or in Illinois, or in Missouri, or in any other of the States which have already been admitted into the Union, and none of which submitted their first constitutions to a vote of the people? On what pretext is founded the argument that we must not receive this constitution? It is said there was a vote taken on the 4th of January, 1858, in which ten thousand majority was given against the constitution. Very well, sir; but was that a legal or an illegal vote? I think it was an illegal vote. I think it has no legal consequence whatever; I think it was simply a signification of so many people, if they were duly qualified, that they wanted a change of the constitution, but they did not express it in the proper form, and those who were opposed to a change being under no obligation to speak on that day, we cannot even arrive at any moral result, much less a legal one, from that vote. But I will take gentlemen on their own ground. Let us say that it was a legal vote—let us say that it was a full vote for the adoption or rejection of the constitution—then, if the constitution was rejected, it is at an end; and by what right do you set it on its feet again and send it back for another ratification? If there be any force in the pretext that the vote taken in January upon the adoption or rejection of the constitution under the authority of the territorial legislature was legal, it shows that the constitution is at an end, and so much of the House amendment as proposes to recognise the constitution or set it up again for any purpose is a clear infraction of the will of the people of Kansas. It cannot stand on either leg, therefore.

But, sir, that is not the worst of it. This House amendment does not, in truth, refer the constitution of Kansas back to the people of Kansas. Who are the people of Kansas—I mean the people authorized to vote for or against this constitution? The constitution defines them. One part of the constitution was submitted to the people; one part was ratified by every argument which men can receive—I mean the seventh article. That not only passed the convention, but it passed the vote of the people; and who were they? The constitution tells us:

"At which election the constitution framed by this convention shall be submitted to all the white male inhabitants of the Territory of Kansas in the said Territory upon that day, and over the age of twenty-one years, for ratification or rejection."

They are the people of Kansas; they are the people defined by the constitution of Kansas; they are the body of electors to ratify or reject the constitution; and we have no right to substitute any other other body of electors greater or less than that. Is the seventh article to be overturned by the vote of a larger or a smaller number than provided there? If so, we might as well unmake the whole constitution of Kansas. To whom does this amendment remit it? It provides:

"SEC. 4. *And be it further enacted*, That in the election hereby authorized all white male inhabitants of said Territory over the age of twenty-one years, who are legal voters under the laws of the Territory of Kansas, and none others, shall be allowed to vote."

What is the qualification for a voter under the territorial laws of Kansas? That he shall be a citizen of the United States, and have resided six months in the Territory.

Mr. GREEN. That is not all. It also says that he must never have interfered, or been convicted of having interfered, with the execution of the fugitive-slave law. If so, he is disqualified.

Mr. PUGH. Better yet. There is a test law; and gentlemen who have been clamoring about test laws for two years are absolutely re-enacting them by act of Congress. But my attention was directed to the other point—the voters under the territorial law are to be citizens of the United States who have resided six months in the Territory. When the people of Kansas came to provide for the election of delegates to the constitutional convention, they considered that too narrow a basis of suffrage, and they allowed any man to vote who was a citizen of the United States, and had resided three months in the Territory. You remit this constitution by the House amendment to a body of electors more contracted and less liberal not only than the constitution itself provides, but less liberal and more narrow than the people of Kansas, through their legislature, provided in the election of delegates that formed the constitution; and that is popular sovereignty, that is remitting the constitution back to ascertain if it be the act and deed of the people! You first define the people; you pick out certain men; you enfranchise some and disfranchise others; you pick your tribunal; you pack your jury; and then you talk about a true verdict! And that is done by Congress, and done in defiance of the constitution of Kansas, and in defiance of the will of the people of Kansas, as expressed in the act under which this convention was elected and assembled.

Is it to secure the rejection of the constitution? No man can pretend that it is to try the question over again; no man can pretend that it is remitting the constitution to the tribunal whence it originated. I say it is packing the jury for the purpose of having the constitution rejected; I do not say that is the purpose of those who voted for it, but I say it is the inevitable consequence of the amendment.

Again, sir, the people of Kansas, speaking through their delegates in this convention, thought it eminently proper that that great vexed question which had disturbed the Territory for four years, which had disturbed the whole Union for four years—that great question in reference to which the whole legislation of the organic act of May 30, 1854, was supposed to afford a complete settlement—should be separated out of the body of the constitution and put to a separate vote. How is it with this amendment? You require every anti-slavery man, per force, to vote against the constitution—and that, too, in defiance of the mode of submission provided in the constitution. Any man who is willing to vote for the whole of this constitution, except the seventh article, is compelled by the House amendment to vote against the whole of it. He does not have an opportunity to vote for or against the seventh article. He is compelled to vote against the whole constitution. This is the work of the gentlemen who complain of the vote on the 21st of December. They said no man could then vote for or against the seventh article unless he voted for the constitution. I say that, under this House amendment, no man can vote for or against the seventh article unless he votes against the whole constitution; the thing is impossible; and therefore I say the amendment is framed in such a manner, whatever the purposes of its authors, that it must inevitably secure the rejection of this constitution.

Then, why not reject it at once? Why travel around all this path? Why pursue this sinuous track? Come to the question. If you say it is not the will of the people; if you claim the right to go behind all the forms through which the people can speak, and reject the constitution, reject it; let us have an end of it, and let us see whether there is no other method by which we can bring Kansas into the Union; but do not let us play fast and loose. Do not let us profess to submit this constitution to the ordeal of a fair vote, when the vote itself is so arranged that it must inevitably be rejected. It would be rejected anyhow under the circumstances; because of the last alternative of this bill. If you had put the ten commandments to a vote under this bill they would be rejected; and why? The alternative is given in the House bill that, if this constitution is rejected, then there shall be another convention; and every man in the Territory of Kansas, in all the counties, who is an aspirant for membership in the new convention—and we know that there are always about twenty candidates for every office to which one man can possibly be elected—all this body of candidates; all the outs, who are always more than the ins, are interested to defeat the constitution, in order to take the chances of being elected to a new convention, and in order to take the chances of being elected to the legislature, and to the State offices, which may be elective under the new constitution.

I do not understand it to be pretended in this amendment, as the senator from Illinois said, that the Lecompton constitution is not the act and deed of the people. That is not pretended; but it is said that:

"Inasmuch as it is greatly disputed whether the constitution framed at Lecompton, on the 7th day of November last, and now pending before Congress, was fairly made, or expressed the will of the people of Kansas."

It might be the act and deed of the people, and not express their will. If I grant a man a power of attorney to draw a check or a note for me, he may draw it, but it may not be my will; yet I have to pay it. He has a proper warrant of attorney to do the act, because I authorized him to act for me. It may not be my will; but it is my act and my deed.

Now, sir, as to the last provision of this amendment. Having submitted this constitution in such a form as inevitably to secure its rejection; having submitted it, not to the people, but to a packed jury, selected in defiance of the law of the convention, and in defiance of the law of the legislature that called the convention; having selected out the body of electors to which we remand it; having, in addition, required every man who is against the institution of slavery in the new State to vote down the whole constitution; and having offered all the temptations to ambition which can be offered in the shape of new offices as an inducement to vote down the constitution; what is to come next? I take it as positively certain that under this bill any constitution would be rejected. None could pass such an ordeal; for even if these candidates approved it, they would say, "We will make it over again after we get the offices." What is to come next? Then it is said there is to be a new constitutional convention. I think we have had constitutional conventions enough in Kansas, a Territory of about fifty thousand people. She has had three constitutional conventions in three years. We have had Topeka and Lecompton, and this new one, Minneola, now in full blast. They are the hardest people to suit that I ever knew. No, sir; I am willing to take of these three constitutions that which is the most formal and the most regular. I am willing, if Congress requires it, that a new convention of delegates shall be assembled in Kansas to pass upon this constitution, for that is the form which they have provided, and that would be granting them a new trial. But if they fail, I am against any more constitutions from Kansas. Let her stay until she gets the proper population. I voted for the Toombs bill, with a proviso, on that ground. I only assented to it for the sake of peace. I did not believe it was a good precedent to bring a State into the Union with so small a population; and I say now, if this Lecompton constitution, which is the only regular and legal one, is to be rejected in every shape and form, let us dismiss the whole subject out of Congress, and let Kansas wait until she gets a population sufficient, according to the ratio prescribed, for one representative.

But, sir, this amendment authorizes four gentlemen to exercise discretion unlimited in time as well as in manner, the governor, the secretary, the speaker of the council, and the speaker of the house of representatives, although two of them are out of office. At an indefinite period in the future, at any time extending throughout the whole territorial life of Kansas, these four persons, two of whom, as I have said, have ceased, or will soon cease, to be officers, are to have the power of calling upon the people to elect delegates, of providing who shall be the officers to superintend the election, and when the delegates shall be elected, and when they shall be assembled in convention; and that convention is to make the constitution, and it is to be a perfect constitution from the start. If they should pass this railroad ordinance which has given some senators so much trouble, we have no power over it, provided they make it part of their constitution. It is never to come back to us; the President is to look at it, and to proclaim the State admitted.

I know there are cases, very good precedents too, in which a constitution has been submitted to Congress, and Congress has been sufficiently satisfied of its republican character, but has remanded it to a convention to alter some one or other of its provisions, perhaps its boundaries, perhaps some clause which was supposed to infringe the constitution of the United States; but wherever Congress has remanded a constitution in that way, to be altered or amended in some particular, and afterwards, on compliance with that condition, to admit the State into the Union on proclamation, Congress has had some sight at the constitution. I never knew of their authorizing a constitution to be formed blindly as this bill does. It is for Congress to admit a State, not the President. We have the right to require that certain provisions shall be complied with, and upon that to trust the people; but I am not so willing to trust the people of Kansas in their present condition: and therefore that provision would be evidently objectionable. What will be the result of it? We shall have discharged ourselves from all connexion with the subject, and if the constitution to be framed should be like this constitution, against which one party protests, which one party charges with frauds, with outrages, with perjuries of every description, what shall we be told then? We shall hear from the senator from Illinois [Mr. TRUMBULL] again, that Congress has disclaimed its rightful jurisdiction over the Territories, and that, therefore, all these calamities have occurred. No, sir; let us meet the direct question. If you choose to admit Kansas under the Senate bill, admit her. If you choose to admit her, remanding her constitution to a new convention of delegates, that, as a last resort, would be infinitely better than the House bill. If you will do neither of these, then reject her; or, if you must have her in the Union now, pass the Toombs bill again, or some other bill like it.

For the reasons which I have stated, I am opposed to this hybrid. I am opposed to it in every shape and form. In my judgment it cannot make peace. It is so arranged that it will secure the inevitable rejection of this constitution without any reference to its merits, and, on the other hand, it precipitates the people of Kansas, who have now come to some condition of peace and order, into a new field of anarchy, where there will be no opportunity for us, by any subsequent measures of peace and conciliation, to rectify whatever may have been done amiss. As I said before, it is the most objectionable proposition to me that has ever yet been submitted to Congress. Believing that it will secure no peace; believing that it will repeat tenfold the anarchy, and disturbance, and civil war which lately prevailed in that Territory; believing that it violates every principle of the party to which I belong; that it violates every principle of representative government; that it asserts and assumes for the government of the United States a power which it clearly does not possess under the constitution; that it is a fatal overthrow of the rights and the sovereignty of the States, I am prepared, for one, to vote against it, and to take whatever consequences there may be in store for that vote.