# DAILY APPEAL.

ALL LETTERS ENCLOSING REMITTANCES TO THE OFFICE MUST BE REGISTERED, OTHERWISE THE PROPRIETORS WILL NOT HOLD THEMSELVES RESPONSIBLE FOR ANY LOSSES THAT MAY OCCUR.

THE APPEAL IS REGULARLY DISCONTINUED AT THE END OF THE TIME PAID FOR, UNLESS RENEWED IN ADVANCE.

MEMPHIS.

WEDNESDAY MORNING, DECEMBER 23, '57.


### KANSAS AND THE SOUTHERN DEMOCRACY.

We regret to observe that the Philadelphia *Press*, Col. FORNEY's paper, is endeavoring to give a sectional caste to the present aspect of the Kansas controversy. The editor says:

"Had a Northern minority, in a Territory known to be controlled by a majority in favor of slavery, attempted by such a *coup d'état* as the Lecompton Constitution, to perpetuate freedom there, and to override the plain will of the majority, there would have been a united protest on the part of the members of Congress, Senators and Representatives from the slave States. They would have proceeded in a body to the President and demanded the full recognition of their rights, and failing in that, would have resorted to the alternative which has more than once been threatened—that is, of withdrawing from all association with the Representatives of the other States."

Now Col. FORNEY ought to know, and doubtless does know, that not only the Southern Democracy but the Southern people, have stood pledged to the action of the Constitutional Convention. Had that Convention framed a free State Constitution, every Democrat from the South in Congress would have voted for it. It could not be expected that they should go any farther than this. If the free State men in Kansas shall on Monday have fairly voted down the slavery clause in the Constitution, we venture the assertion that every Congressman from the South will vote for that instrument when presented to them. Col. FORNEY cannot suppose that the South has any more confidence in men like himself and Senator DOUGLAS, than it has in such old and tried statesmen as Mr. BUCHANAN and Gen. CASS. The two latter were in public life when the two former were at their primmer schools. Besides, the two latter are now making up their ledger balances of a long and honorable public life, and have no lower ambition than to leave behind them a clear record and an unsullied fame. Can Col. FORNEY show any good cause why the South should, at this late day, desert such old and tried Northern statesmen in their efforts to pacify Kansas, give quiet to the country and security to the Union? Why should the South or any portion of her members in Congress, prove recreant to the best interests of the country, merely to gratify the whims, caprice or ambition of a party leader?

But it is not the South alone that adheres to the Administration on this question. If we are not mistaken, a large majority of the Northern Democratic statesmen, as well as a large majority of the Western Democratic journals are with Mr. BUCHANAN. They, however, come in for no portion of the animadversions of Col. FORNEY. The Black Republicans, probably more outspoken then we, delight in calling them *dough-faces*. On this branch of the question, however, Col. FORNEY says nothing, though we imagine he does an immense amount of *thinking*. The editor of the *Press* may rest assured that in this emergency, the South will stand united as one man in support of the President of their choice. Neither the pathetic appeals of Col. FORNEY nor the hair splitting arguments of Judge DOUGLAS, (whom we delight to admire) can divide the fifteen Southern States, or win them from their loyalty to him who owes his seat to their support. The defection of Mr. DOUGLAS, and the course the *Press* is now pursuing, will only have a tendency to consolidate the South and render her union still more close.

The *Press* remarks truly when it says:

"The South cannot surely desire to perpetuate slavery in Kansas by a fraud. There is no instinc ive repugnance among the chivalry of the South to all dishonest action. They recoil from the imputation of being willing to promote their own interests by wrong; and we shall not be surprised if, in the course of the coming debates in Congress, declarations to this effect will be made by the leading Representatives of the slave States."

It is not in the power of the South to *perpetuate* slavery in Kansas, either by fraud or otherwise. After the Territory shall have become a State, it will be perfectly legitimate for her citizens to change, alter or abolish the present Constitution and establish a new one to suit the wishes of the majority. We do not regard the Lecompton Constitution as a measure of fraud, and hence cannot admit the premises assumed by the *Press*.

### THE KANSAS DEBATE.

Presuming that our readers have read and digested the speech of Mr. DOUGLAS, which we published yesterday, they are doubtless prepared to continue the debate which will be found in our columns this morning. The pointed and pungent remarks of Mr. BIGLER give to Mr. DOUGLAS the appearance of resorting to specialities and technicalities to sustain his positions.

Having yesterday given an extract from the Baltimore *Sun* on this subject, we here present some other extracts from the same article, the reasoning of which, to our mind, is conclusive. After quoting from that portion of Mr. DOUGLAS' speech which attributes to the President a misconception of the purport and meaning of the Kansas-Nebraska act, the *Sun* says:

In the first paragraph above the President is alleged to have committed a fundamental error. This is attributed to his absence from the immediate theatre of the discussion of the Kansas-Nebraska act. The error is thus: The President considered it essential to the spirit of that act that the question of slavery should be submitted to the people. Mr. Douglas asserts that it was contended in the discussion "that the people should be left free to decide for themselves the question of slavery, as they were already free to decide all questions relating to the judiciary, common schools, &c. But the Kansas-Nebraska act itself says, as plainly as words can speak, both to Buchanan and to Senator Douglas—"It is of no consequence, gentlemen, what your opinions are on that matter, for Congress has anticipated and neutralized the difference between you by positively declaring there is one that the people of Kansas shall be "perfectly free to form and regulate their domestic institutions in *their own way*."

Now, if words mean anything, it is quite clear that the Kansas-Nebraska act has decidedly the advantage of both the President and the Senator.

The views of Mr. Douglas about the legal value of the Lecompton Convention, and its deriving no authority from the organic act of the Territory, its right of petition, &c., astonish us from such a source. They have the air of puerilities—we say it with all deference—but they are unworthy of the comprehensive and and broad intelligence of the Senator from Illinois. The language of the act is conclusive. The people of Kansas are to be left "free to form and regulate their domestic institutions in *their own way*." The only mode in which these institutions could be formed and regulated according to our system of government is by a constitution, and this they are to construct "in their own way." Now, it is quite clear to any child that Congress could not give this right to the people of Kansas and withhold it at the same time. The experience of an urchin of three years old has ever been that it "cannot have its cake and eat it too," however tearfully it may acquire such knowledge. And we have never heard that Congress can grant and withhold an unqualified right at the same time.

Mr. Douglas refers to the doctrine of Gen. Jackson in the case of Arkansas, that Territorial Conventions were strictly legal only when held in pursuance of an act of Congress. Good authority, no doubt. But the Kansas-Nebraska act was not then in existence. Moreover, by that very act the Lecompton Convention was held in pursuance of an act of Congress. Mr. Douglas says the doctrine of President Jackson was re-affirmed in a report of the Committee on Territories in the United States Senate so late as the 11th March, 1856. What if it was? Such a report could not repeal the Kansas-Nebraska act. But as we have already remarked, this act itself confers the authority; it is an act of Congress, and the Territorial Legislature authorized the convention in pursuance of that act.

It is strikingly necessary to multiply words on so plain a case. Mr. Douglas, in his zeal to sustain and vindicate one democratic principle, which, if it has been violated at all, was at the ballot-box, is in great danger of stringing upon another—that of non-intervention by Congress in the affairs of the Territories.

The Delaware *Gazette*, a leading and influential journal published at Wilmington, has the following notice of the debate between Governor BIGLER and Judge DOUGLAS, with some sound and judicious observations in relation to the desertion of the latter from the Democratic party, to which we invite public attention:

The speeches of Messrs. Douglas and Bigler, on the Kansas Lecompton Constitution, will be found on the first page of our paper today. The great length of Mr. Douglas' previous speech of twelve hours, we therefore give the concluding part, in which the Illinois Senator lays down the course by which he will in future be guided.

There is a great deal of declamation in Mr. Douglas' effort, but it lacks that conservative tone which should govern a statesman of his experience. The United States Senate has been made the scene of arrogant dictation before, but we believe such attempts have never been crowned with success, or drawn upon their authors the execration of the American people. The imperious manner of Mr. Douglas was well expressed in the vote condemning Gen. Denver's nomination by the President, to succeed Mr. Stanton, as Secretary to Gov. Walker in Kansas. That but one Democratic Senator voted against Mr. Denver's appointment and Mr. Stanton's retainment, are one favorable of the union of the Democratic party in the Senate, and shows the weakness of Mr. Douglas' effort to carry off him a part of our party.

From all that we can learn, our party is united on the Kansas policy of the message, in the House of Representatives, as in the Senate. We have never looked upon Mr Douglas as being an *abolitionist* before. A hundred instances must have occurred to his political experience in which he would have been equally as justifiable in caviling about the manner and mode of securing a political object, all of which he has let pass without pitching in as he has against his party. Mr. Douglas does not assail the Lecompton Constitution. He does not charge that it is anti-republican in principle, or inconsistent with the Constitution of the United States. He does not call in question the legal right of the Lecompton Convention to form that Constitution, nor does he hold that it was legally necessary that the whole Constitution should be submitted to the people of Kansas for ratification. He knows the majority of the Constitutions of the Territories were not thus submitted. But he stands upon a mere abstraction, and because the work of admitting Kansas is not done by her people in a certain way, declares that he is ready to demolish the whole of it and have it done over again.

This attempt to interfere with the rights of the people of Kansas to make their Constitution in their own way, we hold to be a clear invasion of the great Democratic doctrine of non-interference in the affairs of a people of a Territory. When reminded of the fact that "Tomb's bill," which he urges as an enabling act, contained not a word about submitting the Constitution to a vote of the people, he tried to escape the position in which he had placed himself, by saying it was understood that the Constitution would be submitted. Mr. D., we opine, is too old a statesman not to know that men are not apt to "*understand*" that acts of Congress contain what cannot be found in them.

Senator Bigler makes a mild, forcible, and manly defense of the President's policy. He takes the real conservative and true national view of the matter.

If Congress in future seem proper to lay down one particular course for Territories to pursue, and require that an enabling act must first be passed for their admission as States, we see no objection, but we consider such an act altogether unnecessary as yet, in the present case.

### DOUGLAS AND THE OFFICE-HOLDERS.

From the Philadelphia Press.]

Some of the governmental office-holders in this city are openly proclaiming their devotion to the deserter from our party, and their opposition to the President. In this they follow the lead of the Philadelphia *Press*, the editor of which has only been waiting for a plausible excuse to give vent to his private feelings of personal pique and disappointment. These gentlemen say, "We go for Douglas." Do they mean that they have become our political enemies, and is hand in hand with fanatics, traitors, disunionists and negro advocates? Are they so devoted to a man that they can sacrifice every principle without regret or hesitation; if he leads the way to the camp of our foes, are they prepared to follow, without a why or wherefore? If this is the case, their political integrity must be composed of India-rubber qualities. They must possess the chameleon's nature, if they can so readily assume any hue that may be presented to their political vision. Very accommodating in their dispositions must these gentlemen be, if they can change sides with every wind that blows. Let us see where Judge DOUGLAS stands; the position he has occupied for the last few years has evinced towards the present Administration and the Democratic party; and then these gentlemen, who hold fat offices under the General Government, will see what is implied in their emphatic declaration that they endorse his principles, position and defiant opposition to the Democracy. We give copious extracts from the Democratic papers, as follows:

From the Washington Star.]

WORTHY OF NOTE.—The recent speech of Senator Douglas is received with blasts of trumpets and roll of drum by every Republican party newspaper in the land. Those who could not previously see aught of talent, force or eloquence in him, now freely hail him not only as one of the shining oratorical lights of the land, but as the chiefest among the chief "apostles of liberty"—after their fashion. Did we not know the peculiarities of that school of politicians thoroughly, we should wonder at their sudden change of front with reference to this distinguished Senator from Illinois. But such gratitude is an invariable trait of theirs, for they never fail to acknowledge the services of any one in their cause, after that fashion. The fact that they will hail Senator Douglas as a most welcome laborer in Mr. Seward's vineyard will be received by the Democrats as ample proof that that we were correct in promptly announcing the fact that he had taken a step by which he had effectually separated himself from the Democratic party organization upon the only great questions upon which there is organized and powerful opposition to the policy of the Democratic party.

From the Baltimore Sun.]

EXPLANATION OF THE "LITTLE GIANT'S APOSTACY.—The fact of Judge Douglas' apostacy from the Democratic party being beyond dispute, the motive of his conduct is the question now in debate. The New York *Evening Post*, while welcoming the Senator into the Black Republican fold, attributes his conversion to a rather discreditable influence. According to that paper, the Judge it necessary to offer some concession to the Black Republican party, in order to insure his re-election by the next Legislature of Illinois. This explanation is plausible at least. By the way, four columns in the issue of the Washington *Union*, are devoted to the annihilation of the "Little Giant." There is now no doubt of his relations towards the Administration.

From the Virginia Sentinel.]

Judge Douglas is now in strange company, and doubtless feels most uncomfortable. The plaudits of Seward must sound like hisses in his ears. He cannot remain where he is. He will come back or he will soon go further, and much depends on the manner in which he is treated.

Of all the men in the party Douglas would seem unable to apostatize from us, and especially in the Black Republican direction. His whole career, his ambitious aspirations and aptitudes, his hopes, his pride, his prospects, all bind him to our altars. True, the history of politics proves that such considerations do not always avail. Politicians are liable to a Plague of their own. They are subject to attacks of Chagrin. They become sour, reckless, mad. They are then like elephants when the "frenzy" is on them. Friends have no influence with them, only enrage. W. C. Rives died of an attack of that sort. F. P. Blair ditto. Thomas H. Benton, ditto. The political grave yard is full of similar memorials. J. W. Forney has now the disease in an advanced stage. Douglas exhibits some bad symptoms; but there is hope. The attack is very deadly; but some have had it in its gentler types and lived, though generally with weakened constitutions, and liability to subsequent attacks. Douglas, however, are chiefly preventive, and now is the time to apply them to Douglas.

From the Baltimore Republican.]

JUDGE DOUGLAS AND THE KANSAS DIFFICULTY.—It will be perfectly distinctly understood that we do not endorse the views of Judge Douglas with regard to the propriety of admitting Kansas into the Union upon the Lecompton Constitution. Our opinion upon the policy of doing this we formed and expressed prior to the meeting of Congress, and, of course, before the delivery of President Buchanan's message. Having read the message, we entirely concur in the justice of its reasoning, and the sound policy of following its suggestions, and nothing in the speech of Judge Douglas has shaken our faith as to the correctness of our first opinions.

From the New York Herald.]

THE NEW KANSAS EXCITEMENT A FAILURE AT WASHINGTON.—According to our advices from Washington the Kansas coup d'état of Governor Walker and Senator Douglas is nothing but a flash in the pan after all. It appears that upon the question of confirming Mr. Denver, the new Secretary of State for Kansas, Senator Douglas led off with a speech in opposition to the confirmation; but that when the vote was called, the Democrats in a body stood firm by the Administration, except Mr. Broderick, of California, who left the chamber in the wake of Mr. Douglas. This is a sorry show for the rebellious Senator, and pretty forcibly indicates his weakness in this new movement. In the House of Representatives his defection does not appear to have made the slightest impression. From these significant evidences of the temper of the Democracy of both branches of Congress, we begin to think that this Walker and Douglas coup d'état against the Administration will probably prove a impossible a fizzle as the terrible uproar of the Southern fire-eaters last summer against Mr. Buchanan, for his audacious refusal, upon their demand, to remove Gov. Walker. Let the Lecompton Constitution be brought before Congress, without slavery, and let Congress adopt it, and leave Kansas to take care of herself, and the political capital of Northern dirt-eaters and Southern fire-eaters will be scattered to the winds.

STANDING COMMITTEES OF THE SENATE.

Foreign Relations—Messrs. Mason, Douglas, Shield, Polk, Crittenden, Seward and Foot.

Finance—Messrs. Hunter, Pearce, Gwin, Bright, Biggs, Fessenden and Cameron.

Commerce—Messrs Clay, Benjamin, Bigler, Toombs, Bell, Allen and Hamlin.

Judiciary—Messrs. Bayard, Toombs, Pugh, Benjamin, Green, Collamer and Trumbull.

Post Office and Post Roads—Messrs. Yulee, Bigler, Gwin, Fitch, Henderson, Collamer and Dixon.

Public Lands—Messrs. Stuart, Johnson, Pugh, R. W. Johnson, Broderick, Foster and Harlan.

Private Land Claims—Messrs. Benj. Biggs, Thompson, of Ky.; Kennedy and Durkee.

Indian Affairs—Messrs. Sebastian, Brown, Reid, Fitch, Bell, of Tenn., Houston and Doolittle.

Pensions—Messrs. Jones, Thomson, of N. J., Clay, Bates, Thomson, of Ky.; Foster and King.

Revolutionary Claims—Messrs. Evans, Bates, Crittenden, Wilson and Durkee.

Claims—Messrs. Iverson, Mallory, Polk, Bell, of N. H., and Simmons.

District of Columbia—Messrs. Brown, Mason, Johnson, of Tenn., Henderson, Kennedy, Hamlin and Chandler.

Patents and Patent Office—Messrs. Reid, Evans, Yulee, Simmons and Trumbull.

Public Buildings and Grounds—Messrs. Bright, Hunter, Davis, Douglas and Hale.

Territories—Messrs. Douglas, Jones, Sebastian, Fitzpatrick, Green, Sumner and Wade.

Engrossed Bills—Messrs. Wright, Bigler and Harlan.

Audit and Control of Contingent Expenses—Messrs. Evans, Wright and Dixon.

Enrolled Bills—Messrs. Jones, Brown and Doolittle.

Printing—Messrs. Johnson, Fitzpatrick and Fessenden.

Library—Messrs. Pearce, Bayard and Hammond.

## THE KANSAS QUESTION

### DEBATE BETWEEN BIGLER AND DOUGLAS.

Mr. Bigler. It is not my intention, Mr. President, to speak to the mere proposition to print the message and documents; nor do I intend to-day, to attempt to address the Senate at length on the grave and difficult subject which has been unhappily precipitated upon this body. I never felt so much responsibility in my life. I never felt a greater anxiety to do my duty. Never since I have been connected with public affairs have I desired in my whole soul so much to do what would just be the best for this great country. I feel my weakness, and how much I regret the suggestion I made yesterday evening, that I concurred with the President in the views he had taken and should endeavor to defend those views. for I now feel how much I am unprepared. But while I shall not make a speech to-day, I desire very briefly to notice some of the propositions of my friend from Illinois, which have fallen on my ears as most extraordinary. It would be necessary, Mr. President, to a fair understanding of this question, to trace its history from nothing back. I regretted so much as that the Senator from Illinois did not stop, in the first instance, to look at this question in its true character. Still more am I pained with the remembrance that his feelings were not such as I had hoped they would be, on a question so delicate and dangerous, which he has labored so long and so arduously to allay.

Sir, I do not think it is entirely the part of a statesman to handle this question as though each particular view which he may hold can be distinctly carried out. The question should occur to his mind, what is best for the country under all the circumstances? It will not do to show to me that the Constitution of Kansas has been guilty of omission or commission on the one hand, or that the Topeka movement was without authority of law and in derogation of the authority of the United States Government on the other. I look at this question as it is before us, in a spirit of conciliation and compromise, and, I trust, that measures of patriotism which will embrace all the States of this Union, and the interests and rights of all the people, and inquire what shall we do? Has my friend from Illinois persuaded himself that, with the present state of feeling in the Territory of Kansas, it is possible to have any measure carried out with precision and other? Are there no reasons to apprehend strife, and confusion, and violation of principle there? Has he any guaranty that whatever action Congress may take will secure a peaceful exercise of the elective franchise to the entire inhabitants of that territory? What is there in the history of Kansas to bring him to the conclusion that either party in power there will yield that power will importance? I have long since abandoned all the political chimeras, and is hand in hand with fanatics, traitors, disunionists and negro advocates? would require that Kansas should be admitted into the Union on the first allowable opportunity, for the sake of Kansas and the Union. From the day that Senator stood in my place in this hall in 1854, to this hour, he has never witnessed the same measure of complication in the affairs of that Territory, or the same menacing aspect to the country. The extraordinary doings in the Senator's own State, to which I referred to my mind are these: the importance that he attached to so much of the Kansas-Nebraska bill as declares that the people shall be left perfectly free to form their own domestic institutions. Will the Senator from Illinois contend that the people of Kansas are to look to that act for their right to form their ordinary institutions? Will he tell me that the Missouri line interposed against any of those rights, or that the repeal of it enlarged them or gave them in any possible way? Certainly not. The Missouri line had reference to slavery alone. His act of 1854 had reference to the institution of slavery only. It is that and that alone, which has agitated the country. It is that to which we have had reference mainly when speaking of the rights of the people of that Territory. That dangerous and agitating question it was which constrained the wisest men who have ever assembled in this chamber, in 1850, to agree that no other question should be taken from Congress and given to the people. However that great fact may be obscured by logic, however it may be beclouded by a mass of—I shall not say subterfuge or technicality, but I will say, by pleading—the great truth is before the people of the United States that that is the only question to which we have had reference in all this long struggle.

What I have desired, and what I thought would be conclusive, was that we should hear from the people of Kansas such an embodied expression as would give us their will on the subject. I certainly concur with the President of the United States in that part of his message in which he says he would like to see the whole Constitution should be submitted to the people; but the convention—exercising what he has conceded to be their right, to make a Constitution and send it to Congress—submitted only the slavery question. I believe that the whole of that Constitution would have been adopted or rejected, but I can say to the Senator from Illinois that I was in the Territory before the delegates were elected, and for nearly a month afterwards, and I think I know some circumstances which influenced the action of the people. I know what was said on the one side and on the other from the rostrum, or I should, if I heard the advocates of the Topeka movement say to the men who proposed to form a Constitution under the laws of the Territory: "We will not judge of any instrument you may submit; we will not consider its merits at all." Why? "Because we are elected that the law is void, which the Congress of the United States has said shall be carried out, shall be rendered null and void. Governor Walker has told us that these laws are binding, and that the convention has been legally convened; we do not subscribe to that doctrine; we will, therefore, accept no form of Government from a bogus convention." I heard more than one of them say that even if the convention should give to them the Topeka Constitution, word for word, and letter for letter, they would trample it in the dust, because they denied the authority of the law which the President of the United States was administering there. However universally members of the convention may have acted—and I do not intend to defend the details of their action by any means—it will not do to say that there were no surrounding circumstances to impel them to such action. Probably the Territorial Legislature had power at that hour, they would have wielded it quite as unwarrantably. The declarations to which I have referred naturally begot retaliation. The answer was: "If you will not judge of this instrument why should it be submitted to you?"

Now, sir, I will say to the Senator from Illinois, in defense of his friend, the President of the Convention, whose lot he has almost been, that in my intercourse with that gentleman I heard from him an unreasonable or an unfair suggestion on the subject. He did say, and he did write, that he would agree to a submission of the Constitution to the people; but when he was asked, "Do you think it right?" he said his views were different. He told me to say to the President of the United States that if this spirit was persisted in, if they were to be broken down simply to give the power to their enemies, and not because the Constitution was a bad one, he would not be bound to submit it. He held that under the organic act, and according to the common understanding of the country, they were under an obligation to submit the slavery clause. If they did not, he would submit it in a proper form I agree. It ought to have been, one way or the other, distinctly. They might have withheld the Constitution entirely, and avoided the difficulty which the Senator raised as to forcing a seeming assent to the Constitution. That, however, is now what of a theoretical difficulty, for I never heard any issue in Kansas, nor will the Senator hear any serious issue there, as to the main features of the Constitution. The virtue of the submission that I withholds the Constitution, except that portion which relates to slavery. The Senator is perfectly aware that as late as 1848, when a Constitution was formed for Illinois, the same monstrous outrage upon popular sovereignty was practiced, for a portion of that Constitution was put into operation without being submitted to the people. He was the able advocate of Mr. Toombs' bill, which did not emanate from the people of Kansas. They did not delegate their sovereignty in the first instance; they were not consulted at all; they had not petitioned for it; and yet the Senator advocated and voted for that bill. It provided for an election of delegates, named the very last Monday, and called together a convention to whom the people of Kansas were to delegate their sovereignty. I did more, sir. It put that Constitution into operation without ever consulting the people of Kansas. If the Senator's feeling had been awakened at that time as to the peculiar rights of the people of Kansas, he never could have voted for Mr. Toombs' bill. That was nonintervention—very peculiar, however. I was unwilling, as I remember, in the first place, to go for a measure of this kind, because I thought it contravened the principle of non-intervention.

Now if I understand rightly the position of the Senator from Illinois, it comes down to this: Although the Constitution of Kansas, when presented here, may be Republican; though it may be a reasonable instrument, made by competent authority, in accordance with law and in the proper form, Kansas shall not come into the Union because this right thing was not done through a particular process. Is that consistent with the doctrine of non-intervention? I deny the right of Congress to go behind the organic act, and inquire into the details of how the people of Kansas have proceeded; but when Kansas presents herself for admission at the doors of Congress with a Republican Constitution, formed in strict accordance with the organic act, Illinois is about to say to those people, you shall not come into the Union because you did not do this right thing in the proper way. Sir, when the question involves the peace of the whole country, and, as I know, the prosperity of Kansas, I will not be pledged to say any such thing; but if the measure is right in itself, and if I can see that it imposes no great future wrong on the people of Kansas, in view of the peculiar circumstances which surround the case, the difficulty of getting any law properly administered there, the danger of leaving the question open, I will, so far as I have the power, assist to throw wide open the portals of the Union and welcome Kansas as a State, thus settling this bitter family feud forever. Sir, I do not intend to follow the subject further to-day. I thought, however, that some of the positions of the Senator from Illinois were so peculiar that I felt, though entirely unprepared, I should not, after the intimation I had given, do justice to myself if I allowed those remarks to pass unnoticed.

Mr. Mason. Mr. President, I do not mean to go into this debate, because it is now entirely upon questions purely abstract; but I think it is due to the honorable Senator from Illinois, to whose remarks I have listened with great attention, to point out to him one, at least, of the fallacies contained in his argument. I use that term with entire respect; and I should be unjust to myself if I did not use it with entire respect to him, because all will admit that his speech was one of great strength and great power, but, in my conception, with great difference. I say it, with all little modesty, on his legal positions, and in its political conclusions, a series of monstrous fallacies. I only desire to point out one now. The honorable Senator said that the effect produced of necessity from the mode of submitting this subject to the people of Kansas was to disfranchise all who did not come to the polls prepared to vote for the convention; and thus, he said, all who did vote, whether for or against slavery, were compelled to vote for the Constitution, and those who were clamoring for it were not prepared for the Constitution, must necessarily refrain from voting at all; and yet the honorable Senator complained—and it was the great staple of that part of his argument—that the Constitution was not submitted to be voted on. At one time he declared that it was withheld from the people; and again he declared that all who came to vote were necessarily obliged to vote for it. Now, I submit to the honorable Senator how could a man be compelled to vote for that which was not submitted to him to be voted on at all?

Mr. Douglas. Did the Senator understand me to say that it was withheld?

Mr. Mason. So I understood.

Mr. Douglas. I said just the reverse.

Mr. Mason. The Senator certainly said they withheld everything from the people except the question of slavery; and yet the Senator declared that whoever voted on the question of slavery, whether for or against it, was obliged to vote for the Constitution, and the Senator drew the logical consequence that, of necessity, those who did not choose to vote for the Constitution were obliged to stay away and refuse to vote at all. That was his argument. Now, the fallacy I meant to point out was this: I say that Constitution and you will find that the convention withheld the Constitution; it was not submitted at all. Whether that was well done or ill done is another question; but the Constitution was withheld from the people. The only question submitted to them was, whether they would establish or interdict slavery? They might go there and vote upon that, and not vote or express any opinion whatever on anything else contained in the Constitution.

Mr. Douglas. I am sorry I was misapprehended by the Senator from Virginia. I certainly took the ground, first, that the convention had no power to frame a government and put it in operation without submitting it to the people; secondly, that the convention showed a consciousness of that fact, by providing that it should be submitted to the people, and should take effect from and after the date of ratification. Hence, from that action of the convention, whatever validity the Constitution was ever to have, resulted, not from the convention, but from a vote of the people. I then showed that while they acknowledge it would be void but for the ratification of the people, it provided that it should be submitted for free acceptance or rejection in the following form, and the form was such as to cut off all negative votes and only count the affirmative. That was an express proposition of the people of the Territory. The Senator is entirely mistaken if he supposes that by the remotest inference he is authorized by that Constitution to infer that they were not voting for it from the people. The schedule says, in so many words: "This Constitution shall be submitted to all the inhabitants in the Territory, on the day of the election, for their acceptance or rejection in the following form." This secures that they provide, not that it shall go into operation without submission, but that it shall be submitted, and they profess to submit it. They then cut off the negative votes, which, of course, I have no right to do. This is my position. If the Senator from Virginia had understood it, I apprehend he would not have discovered any fallacy.

One word in reply to the gentleman from Pennsylvania.

Mr. Bigler. If the Senator will allow me at this point, I wish to give some authority I have on the subject.

Mr. Douglas. I yield the floor.

Mr. Bigler. I desire simply to say that I was exceedingly anxious to understand the precise position of that question. It was difficult to tell, from the language of the schedule. Yesterday I asked Col. Henderson, of Kansas—who was an active member of the convention—what it meant. "Why," said he, "it means just this: that there are two entire Constitutions, and the people vote separately for the Constitution without slavery—the Constitution the convention has formed—or the Constitution without slavery." I understood him to say that there were two Constitutions precisely similar.

Mr. Douglas. If there are two Constitutions, as we have but one, I should like to see the other; and I want to know which one of the two the Senator from Pennsylvania is for, when he says he agrees with the President in going for this.

Mr. Bigler. I said they were precisely similar.

Mr. Douglas. If there are two copies of the same Constitution I can understand it, but that the convention made two Constitutions precisely similar, I cannot understand. But if they did, what difference can it make? You have but one for the Constitution (or two one; but they are just alike, and you must take one or the other.

Mr. Bigler. One will make Kansas a free State, and the other will make it a slave State. This is the difference.

Mr. Douglas. You may vote for this or the other Constitution, and if you vote for either, you may vote on the slavery question; but unless you do vote for one or the other of these Constitutions you cannot vote on that subject. It makes no difference how you may vote, if made; the simple question is, do they allow the people to vote on the slavery question, without casting a vote on any other subject? By that Constitution you cannot vote on the slavery question, unless you first proceed to write on the ballot, "For the Constitution," as preliminary to voting. Your right to vote is then conditional, not free. But I did not rise for the purpose of controverting these questions. I was going to say a word in reply to the Senator from Pennsylvania. He assumed an air in the opening of this discussion that I thought was entirely unalloyed for, as it is now, I think, with propriety. The Senator from Illinois that his bearing was not exactly right—an intimation of speaking by authority not authorized and not respected.

Mr. Bigler. Mr. President, I beg to say to the Senator from Illinois that in not one word that I uttered did I intend the Senator from any act of that sort, nor do I wish the Senator from Illinois to mark me as speaking here except for myself. I express on this subject the views which I have deliberately made up. They concur generally, if not entirely, with those expressed by the President of the United States.

Mr. Douglas. I have not another word to say on the point on which I was speaking. The explanation of the Senator from Pennsylvania is conclusive on that point. It may be that I misunderstood the manner in which he treated the subject; but, whether I did or not, the statement was conclusive with me. I was certain that he did not speak for the President of the United States. I knew that, for the President had just spoken for himself, in language which condemned that convention for not submitting the entire Constitution to the people, and ought not to be followed. He should not receive this Constitution. The absence of a recommendation clearly shows that it is not an administration measure. Certainly the President not going to have, as an administration measure before us, one to which he had contributed himself and his cabinet. The President of the United States is a bold, frank man, and if he intends to give us an administration measure he will say so to us in no many words. He has not said so. It is not res judicata to assume that he wants us to do that which he is not willing to recommend us to do in his annual message, when acting under the authority of the Constitution, which makes it his duty to recommend the measures which the public good requires. Hence, of course, I knew the Senator did not speak by authority, and I was going to deny his right to do so; but inasmuch as I misunderstood him, I have no comments to make.

Mr. Bigler. Will the Senator permit me a moment?

Mr. Douglas. Certainly.

Mr. Bigler. I think I am very safe in saying—and I believe that the Senator from Illinois will agree with me—that the President of the United States upholds the doctrine in his message that the convention had a right to form a Constitution; it had a right to submit it to the people of the Territory for their approval, or rejection; and that, by the proclamation of Governor and the admission of the State into the Union, I think it is very clearly deducible from the message in addition, that the President of the United States does not think that the circumstance of the Territorial Legislature in relation to a vote of the people should keep Kansas out of the Union if her Constitution is republican and rights all other respects. On this point we will agree. With that I understand the Senator's feeling that I have expressed.

Mr. Douglas. I infer from the message that the President of the United States does hold that that convention had a right to frame a Constitution and send it up here; but that was a right to petition for the redress of grievances under the Constitution of the United States, and not because the Legislature of the Territory had the power to constitute that a legal Constitutional Convention.

Mr. Bigler. What then do you find that?

Mr. Douglas. Yesterday a speech was read to this body, showing that the President had held that doctrine twenty years ago, and he has never disavowed it since. In that speech the President declared that a Territorial Legislature had no power to create a convention to form a Constitution; and that, if they attempted to exercise such a power, it would be an act of usurpation—a high crime—a crime subject to impeachment. The President has held these doctrines for twenty years. He held them at the same time that General Jackson's Administration held them in regard to the Arkansas case. The Democratic party had held them ever since. I have proved to-day that the Democratic party, with which I believed it was my duty to act, for a period of one year and a half ago, asserted the same doctrine in the Kansas report, which I made from the Committee on the Territories. I firmly believed then that that committee was a faithful reflection of the views of the Kansas-Nebraska party. In that report we set forth that doctrine, and as the Senator well knows, we published and circulated during the campaign, in order to elect Mr. Buchanan, three hundred thousand copies of that report as a party document. I paid for one hundred thousand copies of them myself. I never heard it intimated that the doctrine then expounded, and on which Mr. President was elected, was repudiated by any portion of the party, and therefore I said that the President of the United States was with me on this question, so far as his record shows.

Mr. Bigler. I must enter my protest, and claim the benefit of the statute of limitations, which is applicable to a shorter period than twenty years. I cannot consent that the Senator from Illinois shall hold the President to principles which he may have laid down twenty years ago, under entirely different circumstances from those which now exist. It is not half so long since the President of the United States declared that the Missouri line would be the best compromise of the slavery difficulty that could be made. In 1848, the Senator from Illinois advocated the extension of the Missouri line to the Pacific Ocean, yet he was the man who proposed and insisted that it ought to be repealed. He was at one time in favor of extending it, and, therefore, made his principles acceptable to him under the circumstances then existing; he was willing, then, to take it. Now, would it not be very ungenerous in me to hold to-day that the Senator's argument was a fallacy, because he at one time advocated the extension of the Missouri line?

Mr. Douglas. I deny the right of the Senator from Pennsylvania to interpose the statute of limitations upon this occasion, on the well-known principle that no one but the authorized attorney of the party can interpose that plea. [Laughter.] As the Senator has disavowed the authority to act and speak for the President, he has no right to file the plea. If the President of the United States himself will interpose the plea, I shall admit it. I believe in a statute of limitations in regard to political opinions. I need one very much myself, on many points. I am not one of those who boast that they have never changed an opinion. Sir, it is a matter of gratification to me that I feel such year that I am a little wiser than the year before; and I do not know that a month has ever passed over my head in which I have not modified some opinion in some degree; but I am always frank enough to avow it. Still, it is fair for any man to hold me to a former opinion until I have expressed a contrary one. Has the President of the United States ever withdrawn the opinion of which I have spoken, expressed twenty years ago, in regard to the power of the Territorial Legislatures? I show that the Democratic party stood by it, last year, and I do not know that a month has elapsed since the application of the statute of limitations? I hope you are not going to cut off the Cincinnati Convention until after the meeting of the Charleston Convention. The Cincinnati platform is the fundamental, durable law of the Democratic party until the meeting of the Charleston Convention. Congressmen have no right to change it. Senators have no right to change it. Cabinets cannot alter it; not the President, I know, will not attempt to do so.

I deny the Senator's right to come in with this plea for the President, implying thereby that he has changed his opinion, when that opinion last year was the doctrine of the Democratic party, and cannot be changed for four years to come by the party organization. I am perfectly at home when you come to the discussion of the question whether a man is right or wrong in his principles, but I do not, anywhere on the face of the earth, I was ever present at such a consultation, where it was called to my attention, and I agreed to pass it without submission to the people? I now ask him that question with all seriousness.

Mr. Bigler. I shall say distinctly what my recollection is clear about, regardless of any consequences. I remember very well that that question was discussed in the house of the Senator. I am not certain that I was present at that discussion, but I know that I did. It was urged—I think more especially by the Senator from Georgia, (Mr. Toombs,) not now in his place—that, under all the circumstances, there ought not to be a provision that it should receive this Constitution. The absence of a recommendation clearly shows that it is not an administration measure. Certainly the President not going to have, as an administration measure before us, one to which he contributed himself and his cabinet. The President of the United States is a bold, frank man, and if he intends to give us an administration measure he will say so to us in no many words. He has not said so. It is not res judicata to assume that he wants us to do that which he is not willing to recommend us to do in his annual message, when acting under the authority of the Constitution, which makes it his duty to recommend the measures which the public good requires. Hence, of course, I knew the Senator did not speak by authority, and I was going to deny his right to do so; but inasmuch as I misunderstood him, I have no comments to make.

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