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SPEECH OF

HON. ALEXANDER H. STEPHENS, OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 12, 1859.

bill providing for the admission of Oregon-

Mr. STEPHENS, of Georgia, said: Mr. SPEAKER : I do not know that I can say the inhabitants of said Territory shall be entianything that will add force to the argument tled to enjoy all and singular the rights, privialready made in behalt of the admission of Ore- leges, and advantages, granted and secured to habitants, that Territory could not be denied ever raised. It is my purpose, however, to contribute the people of the Territory of the United States its claim of becoming a State of the Union Mr. REAGAN. By the laws of Texas free negon. what I can to that end. And if I fail in my northwest of the river Ohio by the articles of wish, it will be because my ambition is not e- compact contained in the ordinance for the qual to my zeal. Apart from considerations of government of said Territory, on the 13th day public duty and justice to the people claiming of July, 1787, and shall be subject to all the the evidence was sufficient and satisfactory." this admission, there is another consideration conditions, restrictions, and prohibitions, in said which enlists my entire energies for the bill; articles of compact imposed upon the people of that, sir, is the opportunity it affords me, as a said Territor ."-Statutes at Large, volume 9, Congress ought to lean towards a decision which under writs of habeas corbous. southern man, and one acting with the Demo- page 329. cratic party, to show the groundlessness of the charge made last year, that we were in favor guarantied to the people in the Northwest Terof putting one rule to a State applying with a ritory hereby secured and guarantied to the peo- there were sixty thousand people there, and are opened just as I stated in reference to slave-State constitution, and anothor and a ple of Oregon ? Here they are : that, under the compact, they were bound, by Georgia ; and that he himself has assisted free more rigorous rule to a free-State application ; "And whenever any of the said States shall all the facts he could gather, to admit the State. negroes in the courts of Texas to obtain their that we require a larger population for the ad- have sixty thousand free inhabitants therein, mission of a State not tolerating African sla- such State shall be admitted by its Delegates very, than one permitting and allowing it .-- into the Congress of the United States on an e- tion in the Republican party of that day-not side of the House, not to lay the flattering The gentleman from Ohio, [Mr. STANTON.] who qual footing with the original States, in a'l re-the party of modern Republicans, but of good unction to their souls that they can escape by has just taken his seat, has reasserted that spects whatsoever; and shall be at liberty to old Republicans of the Jeffersonian school—one such a pretext as that. charge, in substance. Sir, I repudiated it when form a permanent constitution and State gov- of the shining lights of the House, whose name But it was intimated by the gentleman from The position of Kansas and that of Oregon are ernment so to be formed shall be republican, names of the founders of the Republic, said : totally dissimilar; and whatever consideration and in conformity to the principles contained tion restriction upon any further application er period, and when there may be a less numforbid that the same representative ratio rule should be extended to Oregon. As I stated in my opening remarks, under existing compared higher character, acting as we now are, under thousand."- Fifth Article Ordinance 1787, my opening remarks, under existing compacts, had been, that representative-ratio feature could under existing laws affirming and extending not have been put in the conference bill withwhat all regarded as a most solemn compact, the ordinance of 1787, it is, in my judgment, any inconsistency on this side of the House in State, the moment they amounted to sixty thou-was as to Kansas. The election in Oregon had a high obligation to admit Oregon so soon as she adopting the representative-ratio principle, sand free inhabitants; and that it became the been heard from. It was a hot contest. And has sixty thousand inhabitants.

reply to the gentleman from Ohio, [Mr. STAN- Oregon is the only Territory to which this pre- them into the Union, whenever they had elected by only sixteen hundred majority. Tox,] who has just taken his seat. If I under- vious obligation to admit with sixty thousand satisfactory proof of the fact." stand him, and the gentleman from Massachu-stets, [Mr. Goccu.] who asked that significant tional case in any general rule that it may be It is no question of ninety-three thousand here. Democratic Senators ? Where is the slightest

and Mr. Comins,] urged them yesterday ? to hear any further application for admission \$200 is too high for Oregon. In Georgia, let that go.

House but to every side, and ask how they can that is the question.

get round that obligation in the territorial bill of Oregon, of 1848, which declares solemnly admission of Tennessee, what said Mr. Madison married women cannot sue in their own name that all the guarantees, privileges, and rights on that point ? secured to the people of the Northwest Terri-

The House having under consideration the tory, should be extended to the people of Ore- ry one ; and would gentlemen be satisfied with friend. We have suits continually in our "SEC. 14. And be it further enacted, That they themselves should direct ?"

He went on :

witout a violation of rights." Again, he says that -

"He himself has no doubt on the subject ; And again he said : "But he thought, where there was a doubt, of such suits, in which they were declared free

ould give equal rights to every part of the And what were those rights and privileges American people."

He said there was no doubt on his mind that Texas is similar to this, and yet that her courts Macon, a gentleman who occupied a high posi- score. Let me say to gentlemen on the other

Again, Mr. Gallatin said he-

wherever it can be done, and still maintain good duty of Congress, as part of the original com- at the election which afterwards came off, the Now, sir, before going into details, I wish to faith where previous obligations prevented ?- pact, to recognize them as such, and to admit member who was returned to this House was

I cannot dwell on this branch of the subject. tleman attribute such motives to the action of question of the Delegate from Oregon and Sena- deemed advisable to adopt for all the other Ter- It is no question of what is the ratio in other evidence for such an imputation ? May be the tor elect : how he would vote in the Senate on ritories for the future. Kansas stands in a po- Territories. It is no question of Kansas dis- gentleman attributes to others the motives by as bill of last session ? both of them would be cept Oregon, without any just cause of com- of fulfilling obligations. That is the whole of

gentlemen from Massachusetts [Mr. THAYER | personal property-which is more than any Topeka people exclude them; they, like the the right to establish a uniform rule of naturali- | It was not made upon the admission of Michi-State in the Union; there would be one hun- neighbors we read of, went round them ; we, But, sir, the cases are totally dissimilar; the dred and ten thousand inhabitants. I think the like the good Samaritans, shun not their destituclause in the Kansas compromise bill, refusing per capita estimate of personal property at tion or degradation-we alleviate both. But

from her in case of her declining to come into the Union under her then application, with the modification of her land proposition, which The versage in the United States Courts, that the to the representative ratio, may, or may not The average in the United States is something. Ohio [Mr. STANTON] questions me, how could stoppage of a newspaper without the payment of ar-rearages, is prima facie evidence of fraud and is a gentlemen. The policy of adopting such a personal property alone, (for they own no real the constitution they have adopted ? I tell gentlemen. The policy of adopting such a personal property alone, (for they own no real the constitution they have adopted ? I tell general principle in all cases where it can be estate there-no land patents have yet issued) him, under their constitution a slave cannot countable for the subscription price of newspapers, f they take them from the post office, whether they cannot arise in the case of Oregon. We are that there are more than one hundred thousand be established, as no free person of color can foreclosed on that point, in the territorial organ- people there. No man can doubt it seems to sue in her courts ? Neither can they in Georc act; and I appeal, not only to this side of the me, that there are over sixty thousand; and gia ; still our courts are open to this class of hat is the question. Then, sir, in the debate referred to on the Nor is there any great hardship in this; for

anywhere where the common law prevails .-"The fact of population was the only necessa- Minors also have to sue by guardian or next no other method of ascertaining it but such as tribunals by persons claiming to be free persons they themselves should direct ?" of color. They cannot sue in their own names, but by next friend. They are not ; and just "If there were the stipulated number of in- so will they be in Oregon, if the question is

> groes are prohibited from residing in that State, and hence have no right to sue in her courts : and yet the courts there have entertained jurisdiction of suits for the liberation of free regroes, and I have assisted in the prosecution

have barely time sufficient -Mr. STEPHENS, of Georgia. I understand the gentleman to say that the constitution of

How can the gentleman escape that ? Mr. rights. There can be no difficulty upon that

it was first made, and I repudiate it now. - ernment : Provided, The constitution and gov- will go down to history and live as long as the Ohio, that last year we voted to admit Kansas as a slave State with a view of getting two "The question before the committee was on Democratic Senators, and that our object is the of duty, looking to the peace and quiet of that country, as well as the general welfare, may have induced me and others, to put the popula-cy, such admission shall be allowed at an earliwas the new government republican? It the Lecompton constitution, all of us knew that from Kansas, like considerations of duty, of a ber of free inhabitants in the State than sixty appeared to him to be so. Second, were there the probabilities were, that two Republican sixty thousand inhabitants in the Territory ? Senators would have been elected. Nor was

could not have been. When this bill passed "Was of opinion that the people of the the Senate it was not known what sort of Sena-

Under these circumstances, how can the gen-State alone is concerned. the repeal of the population clause in the Kan-sition to take her place with all the others, ex-crimination. It is the simple, naked question which he himself is governed—that is, a wish within her limits and under her laws, accor-its ever being regained; and, in taking that ground to bring in the State under political auspices ding to the decision of the Supreme Court .willing to vote for the admission of Oregon, plaint. Whether such general rule be wise and it. I have no doubt that she has sixty thousand; avorable to his own view of public policy .-- She can say who may vote for all her officers ; provided that representative ratio required of proper, is not now the question; nor whether and every man upon this floor so believing, May be he thinks, by rejecting this constitution, who for Governor and who for her State Sen-Kansas should be repealed. They occupy this its application to Kansas at the last session was according to this authority, is bound to vote the State may come in under a Republican in- ate and who for her House of Representatives ; dead of a Democratic banner ; for he said her and then the Constitution of the United States ty did Kansas at the last session, as they assume, time, is simply whether we will discharge an But the gentleman from Ohio [Mr. STANTON] admission was only a question of time. I will expressly provides that the members of this complains of the constitution of Oregon. He not say that this is his object in opposing this House shall be chosen or voted for by those in Wrong, they will do Oregon a fike wrong at existing congation : is session, by way of retaliation. Mr. STANTON. The gentleman misunder-Mr. STANTON. The gentleman misunder-Mr. STANTON. The gentleman misunder-COFFER,] who made one of the minority reports, Constitution and laws of equality to the African race ; to that part which COFFER,] who made one of the minority reports, Complains of that article which denies political equality to the African race ; to that part which Constitution and laws of COFFER,] who made one of the minority reports, Complains of that article which denies political complains denies political compl argues that the compact of 1787, extended to excludes negroes from voting : which prevents will vote, whenever a State comes here with merous branch of the State Legislature. In ad- the recipient from our hands of what is proper-Mr. STEPHENS, of Georgia. I cannot be Oregon by act of 1848, was not in the nature them from exercising the rights of citizenship : a constitution republican in form, and with an mitting that each State may allow an alien to ly due will turn upon us and injure us. States interrupted. I have heard the gentleman's ar- of an engagement with the people of a Territo- especially that which denies them the right to objection resting upon me to vote for her vote gument; so has the House; and the gentleman ry, but with a State. The language, he says, maintain an action in their courts. The Tope-and the House will hear mine. Let them stand is, "whenever any of said States," &c. Mr. ka constitution of Kansas, which that gentle-political cast of her Senators and members elect this entire question. The language in Cher her consult in the result of their fears. Where duty leads, there we may have been the political cast of her Senators and members elect this entire question. The language in Cher her consult is a state of the political cast of her Senators and members elect this entire question. The language in Cher her consult is a state of the political cast of her Senators and members elect this entire question. The language in Cher her senators and members elect this entire question. together. I understand the minority of the Speaker, what makes a State ? Is it boundary ? man favored in 1856, excluded free negroes I vill never do wrong that right may afterwads Justice Taney's decision immediately preceed- great events and changes are rapidly crowding cone from it. Wrong does not produce such ing that quoted by the gentleman in his report, upon us. To these we should not be insensible. Mr. GROW. I will correct the gentleman. fruits. What you plant and sow, that you reap. is in these words : Mr. GROW. No, sir; I stated distinctly tory was defined, and the compact entered into negroes from Kansas ; but the question was hoping that good will come of it. Good ends power of conferring these rights and pripose the sun will cease to shine because we see binitted to the people, as instructions to the egislature, to pass an act of that character. Mr. STEPHENS, of Georgia. And a large all hings. Perhaps most of those on the other them upon an alien, or any one it thinks proper where we are, whence we have come, and majority of the gentleman's friends who adop- side of the House who go against this bill, do or upon any class or description of persons ; where we shall soon be, borne along by the appears in his minority report. The only thing as it can be consistent with the general interest, ted the constitution voted to give the instruc- sobarely to be in opposition. To such I would not be a citizen in the sense in rapid, swift, and irrestible care of time. This say what I once said to a gentleman in my dis- which that word is used in the constitution of immense territory to the west has to be peopled. trict. When I was going to address the peo- the United States, nor entitled to sue as such It is now peopling. New States are fast growple at a particular place, meeting him on the in one of its courts, nor to the privileges and ing up; and others, not yet in embryo, will soon who profess to be exclusive friend of negroes, way, I aked him if he was going to speak ; he immunities of a citzen in the other States. The spring into existence. Progress and developthe obnoxious clause in the Oregon constitution against negro equality. That he passes over, was extended to Tennessee in 1790; and how against it. I said "that is the reason it. I said and evidently seems to rest his entire opposi- was this language interpreted by those who the Stae, just as Oregon has done. Whether you are dways in the minority ; you give me Then comes the gentleman's quotation. And the physical world is still; life and motion are tion to this bill to the existing law in reference made the compact? How was it construed by this banishment be right or wrong it is no choice ofsides upon all questions, and of course from the whole, the principle is clear, that in everything; so in the mental, moral, and poworse in Oregon than it was in Kansas. - I take the best." [Laughter.] Would it not be each State may, if she chooses, confer the right over the spirit of his dream" I do not know. 1 am glad, however, to see that there is a number sion of Tennessee, the gentleman's own State. This identical question came up on the admis-any glad, however, to see that there is a number bion of Tennessee, the gentleman's own State. This identical question came up on the admis-the great the great state in the great of citizenship within her own limits and juris-bion of Tennessee, the gentleman's own State. The great the great state in the great do not believe that those who, in Kansas or point, basily as a matter of political or party diction, upon an alien. But, without naturalof the other side actuated by a more liberal, a The debate on that question was referred to Oregon, banish this race from their limits, are tactics ? That gentleman was so well pleased ization under the laws of the United States, this well as inanimate. Death itself is but the bebetter friends of the negro than we are, who with the remark that he went and heard me will not give him the right of citizenship in ginning of a new life in a new form. Our Gov-They cannot see the logic, or the moral of the position of the gentleman from Pennsylvania; position of the gentleman from Pennsylvania; indication is concerned, is the same as that on the rights of citizenship may be as full and comthat because, in his assumption, this side of the admission of Tennessee. The only fact in issue so much to their own happiness and comfort, the oppose side will allow me, I will say to plete as those of the native born. House did wrong last session, therefore he will solve the the only last mission of reinnessee. The only last mission is the fact that was in issue then. House did wrong last session, therefore he will now me, I will say to prose side will allow me, I will say to prove the say to pr make a right? If it were granted that higher the argument to show that it agained that here are over sixty them to work. We educate them in the arts thousand inhabitants in Oregon. I am well to civilization and the virtues of Christianity, the House will permit me to tell them, that by satisfied, from the evidence I cited the other much more effectually and successfully than I call the epecial attention of the House to it. their votes to-day they will spike every gun day, that there are over one hundred thousand. you can ever do on the coasts of Africa. And, It is the objection raised to the constitution of Of the Presidents who, in some form or shape, whole United States at the time of the treaty of they have fired against the Democratic party for their alleged injustice done to Kansas. If in 1855, as shown by an imperfect census. — them useful to themselves and to the world. — in it. The genleman from Tennessee, [Mr.] the Territories or States, on their admission, I the Democratic party did wrong to Kansas, (but Five years before there were only ten thousand. The first lesson in civilization and Christianity Zoulicorre.] in his report, quotes a part of named Washington, the elder Adams, Jefferson, than any five of the greatest Powers in Europe I shall show that the cases are totally dissimi- In five years they had increased four-fold .- to be taught to the barbarous tribes, wherever the decision of he Supreme Court, bearing Madison; Jackson, Polk, Fillmore, and Pierce ; all combined ; greater than that of the Roman lar,) the Republican party seems disposed to- With a proportionate increase there would be to be found, is the first great curse against the upon the costituional power of a State so to and to this list may now be added that of Bu- Empire in the brightest days of her glory; day to follow suit, and do the same wrong they now one hundred and thirty thousand and up- humon family-that in the sweat of their face regulate sufragewithin her own limits, but chanan, who signed the Minnesota bill. complain of to Oregon. If they are sincere in wards. But even suppose the increase has they shall eat their bread. Under our system, stops right is the middle of a sentence. I My colleague [Mr. Hill] yesterday alluded ions when he stood on the Indus, and wept that their belief, and not governed solely by oppo- been partially retarded : the other evidence our tuition, our guardianship and fostering care, will read first the extract quoted by the gentle- to what Mr. Calhoun said on the subject in he had no more worlds to conquer. sition and antagonism, would it not be the shows there must be over one hundred thousand. these people, exciting so much misplaced man-italics hi-and then read the whole 1836. I commented upon that last year. I our present position; nor are we yet at the end wiser, the better, the nobler, and more states-manlike course for them to come forward and the amount of \$22,000,000. Suppose the peo-civilization than their race has attained any-decision in the led Scott case :

invest him with the rights and privileges secu- been made in 1836. Government," &c.

infinished, at comma. The Chief Justice goes raise his voice against that feature in it, as far right on with these words --

ed, he would undoubtedly be entitled to the suffrage, that I am aware of. rights of a citizen, a clothed with all the rights MR. ZOLLICOFFER. Allow me one senand immunities which the constitution and laws | tence. of the State attached to that character."

In this the Supreme Court says, and says tru- yield. ly, that no State can make an alien by birth a citizen of the United States-that is the exclu- single sentence that sentence is : that I should sive right of Congress; but that each State may labor under great disadvantage, if the gentleman clothe an alien with all the privileges and rights they see fit, within their own juri-diction and limits. The right of suffrage, the right to de-he holds the floor. Therefore, I will not at clare who shall vote at elections, is expressly present ask to do so. reserved in the Constitution of the United States to each State. This Government cannot inter- stand very well. The gentleman can reply fere with that power. It is the last right I bereafter. My time will not allow me to inwould have the States surrender; for upon it dulge him now. I made the speech I have rerest] all the great bulwarks of State rights; and, | ferred to last year, expecting that it would be should it ever be surrendered, no vestige of replied to ; but it remains yet without reply. State rights would remain.

Mr. ZOLLICOFFER. The comments of the gentleman from Georgia upon that point of my report would produce the impression that I have acted unfairly.

Mr. STEPHENS, of Georgia. I do not say that. I cannot, however, be interrupted. I

Mr. ZOLLICOFFER. But let me make this statement. I will not be two minutes. Mr. STEPHENS, of Georgia, Be brief. I

will give you two minutes, but no more.

position, as asserted by the court, that a State Mr. Calhoun said nothing against the alien-sufcould not confer upon unnaturalized foreigners the rights of citizenship, so far as the Federal Government was concerned ; and, therefore, 1 1848, he was on the committee that reported quoted only that portion of the sentence found the celebrated Clayton compromise, which proin the decision, which showed that to be the po- vided a government for this very Territory of sition of the Court. That portion of the sen- Oregon, and that bill contained this very alien tence is this.

my further. I have already read it.

Mr. ZOLLICOFFER. Let me add the single remark that, in my report, I distinctly con-curred with the court in the remaining por-voted twelve years afterward, and after mature intion of that sentence ; that, so far as "the State alone was concerned," the State had the 'right against his speech and his vote in 1836, and let all to confer rights of citizenship upon unnaturali-

zed foreigners, Mr. STEPHENS, of Georgia. It would have been much better understood, if the gentleman had quoted the whole of it, and given his concurrence in the whole as it stands. And I must be permitted to say, that in concurring in the whole of that decision as it stands, he yields the whole question. If a State has the right to confer upon aliens all the rights of its own citizens, so far as she is concerned, certainly the right of suffrage is included.

Mr. ZOLLICOFFRR. That is, so far as the

Mr. STEPHENS, of Georgia. Exactly .-The State has the control of the right of suffrage

zation, and this right is evidently exclusive, and gan. It was made, if at all, when a measure has always been held by this court to be so .- was up involving the question of suffrage in Consequently, no State, since the adoption of the Territory, while Michigan was still in a terthe Constitution, can, by naturalizing an alien, ritorial condition. The speech is said to have Michigan was red to a citizen of a State under the Federal not admitted until 1837. Her constitution was similar in this respect to that of Oregon. Mr. There the gentleman stops, with the sentence Calhoun was then in the Senate ; he did not as I have been able to find. Not a word fell "although, so far as the State alone was concern- from him, at that time, on the subject of alien

MR. STEPHENS, of Georgia. 1 cannot

Mr. ZOLLICOFFER. Allow me but a

Mr. STEPHENS, of Georgia. That I under-And I cannot permit my time to-day to be taken up with matters there disposed of.

Mr. HILL. Let me ask my colleague a question. Is he not aware of the votes given by Mr. Calhoun, on the Michigan bil!, against permitting alien suffrage in that state ? It was

on the motion of Mr. Clay. Mr. STEPHENS, of Georgia. What year ? Mr. HILL. In 1836.

Mr. STEPHENS, of Georgia. Yes ; I know of his votes alluded to in 1836. Michigan was then a Territory. I repeat again, that on Mr. ZOLLICOFFER. I was enforcing the the admission of Michigan as a State next year rage feature in her state constitution, that I know He may have voted on it in 1836, yet in suffrage clause in it. Mr. Calhoun voted for Mr. STEPHENS, of Georgia. I cannot yield the bill with this clause in it, in the Senate .--I have the record by me. It is not of so much importance what he said or how he voted in vestigation. Here is his vote in 1848. I put that go to the country with my colleague's comments .-I shall be content.

Now, Mr. Speaker, on another and entirely different aspect of this question, I have something special to say to another side of the House-a distinct class in it. I mean the members coming from slaveholding States. There is evidently a feeling of opposition in that quarter to the admission of Oregon from a reluctant and manifest indisposition to increase the number of what are called free States .--This arises from an apprehension that, with the loss of the balance of power, the rights of our section upon constitutional questions will be less secure. This may be so. It does not however necessarily follow. But that balance is already gone-list by causes beyond your or my control. There is no prospect of you do but reverse the position of our sectional opponents in the other side of the House. I know it is the tendency of power to enroach ; but let us look to the security which rests upon principle, rather than upon numbers. The citadel of our defense is principle sustained by reason truth, honor and justice .-Let us therefore, do justice t hough heaven fall. Let us not do an indirect wrong, for fear that As wise men, we should not attempt to ignore "Nor have the several States surrendered the them. We need not close our eyes, and supties, as well as everything else. Nothing in litical. The earth is never still. The great plifies its influence, and gives us some shadows more extensive than were Alexander's domin-Such is

a wrong, they will do Oregon a like wrong at existing obligation ? this session, by way of retaliation.

stands me

Committee on Territories, with the gentleman is it limits? is it rivers? is it parallels of lati- entirely from the Territory of Kansas. from Pennsylvania [Mr. GROVe] at their head, tude ? Sir, people make States. His argusignify a like willingness.

stitution I have indicated.

he calls it, in the Kansas conference bill. The number than sixty thousand inhabitants. There only amendment he proposes to this bill is a is no escape from this; nor are we without repeal of that. Not a word in his report against some lights as to a proper construction of these to Kansas. What has brought "this change the great lights of the old Republican party ?juster, and a more magnanimous sentiment .-- yesterday. There is no dodging the question -make a right ? If it were granted that injus- will not go over the argument to show that it manlike course for them to come forward and the amount of \$22,000,000. Suppose the peo- civilization than their race has attained any- decision in the led Scott case : Set us an example of doing right, as the two ple of Oregon to be worth \$200 per capita of where else upon the face of the earth. The "The Constitute has conferred on Congress by the did not make it time, have not been less active in progress and

strange position : because the Democratic par- right or wrong: the question before us at thus for her admission. Will you do it ?

gon ? The words of the act are :

Mr. STEPHENS, of Georgia. Do not inter-rupt me. I state the gentleman's position as it tled to admission as a State; and further, so far

he complains of in it is the discrimination, as such admission shall be allowed with a less tions

ment, to my mind, has no force. The Terri- The Topeka constitution did not exclude free I will never commit an acknowledged error, that I would never go for the clause of the con- with the people, with the inhabitants; and that submitted to the people, as instructions to the compact was, that as soon as they had sixty Legislature, to pass an act of that character.

Mr. Grow. 1 make no point upon that. Mr. STEPHENS, of Georgia. And those