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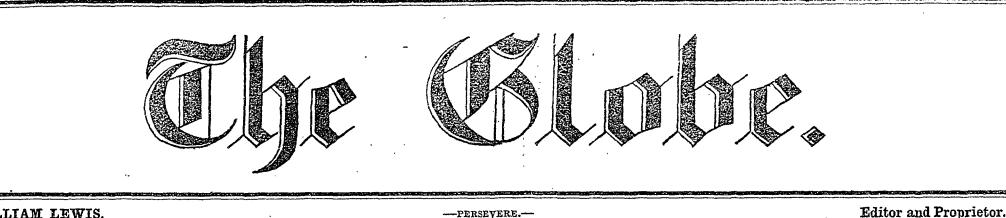
SENATOR DOUGLAS, OF ILLINOIS, On the President's Message.

DELIVERED IN THE SENATE OF THE UNITED STATES, DECEMBER 9, 1857.

Mr. Douglas said:

Mr. PRESIDENT: When yesterday the Pres-ident's message was read at the Clerk's desk, I heard it but imperfectly, and I was of the impression that the President of the United States had approved and indorsed the action of the Lecompton convention in Kansas. Untirely dissented from it; and would avail myself of an early opportunity to state my reasons for my dissent. Upon a more careful and critical examination of the message, I am rejoiced to find that the President of the agree that the people may decide for them-United States has not recommended that Con- selves what shall be the elective franchise in United States has not recommended that Congress shall pass a law to receive Kansas into message indicates a willingness on the part of the President to sign a bill, if we shall see proper to pass one, receiving Kansas into the husband and wife, parent and child, guardian consideration, that the President has refrainand from any recommendation as to the course constitution there formed.

The message of the President has made an argument-an unanswerable argument in my striction, prohibiting the people from deciopinion-against that constitution, which ding the slavery question for themselves, conshows clearly, whether intended to arrive at | stituted an exception to a general rule, in vithe result or not, that, consistently with his olation of the principle of self-government, views and his principles, he cannot accept and hence that that exception should be reconstitution itself has not been submitted to | be decided for themselves. the people of Kansas for their acceptance or rejection. He informs us that he has unqualifiedly expressed his opinions on that subject in his instructions to Governor Walker, assuming, as a matter of course, that the constitution was to be submitted to the people befrom hereafter in any case. On these



HUNTINGDON, PA., DECEMBER 23, 1857.

WILLIAM LEWIS,

VOL. XIII.

of substituting and carrying out as a general | idea more forcibly than I am able to express rule the great principle of self-government, | it. The President says that a question of which left the people of each State and each great interest, like the slavery question, can-Territory free to form and regulate their do- not be fairly decided by a convention of dele-

mestic institutions in their own way, subject gates, for the reason that the delegates are only to the Constitution of the United States? elected in districts, and in some districts a In support of that proposition, it was argued delegate is elected by a small majority; in here, and I have argued it wherever I have others by an overwhelming majority, so that spoken in various States of the Union, at it often happens that a majority of the delehome and abroad, every where I have en- | gates are one way, while a majority of the deavored to prove that there was no reason people are the other way; and therefore it why an exception should be made in regard would be unfair and inconsistent with the why an exception should be made in regard great principle of popular sovereigncy, to allow a body of delegates, not representing the popular voice, to establish domestic instito the slavery question. I have appealed to the people if we did not all agree, men of all parties, that all other local and domestic questions, should be submitted to the people. I tutions for the mass of the people. This is der that impression, I felt it my duty to state said to them, "We agree that the people the President's argument to show that you that, while I concurred in the general views shall decide for themselves what kind of a ju- cannot have a fair and honest decission withof the message, yet, so far as it approved or indorsed the action of that convention, I en-the people shall decide what kind of a school same argument is conclusive with regard to system they will establish; we agree that the every other question as well as with regard people shall determine for themselves what to slavery. kind of a banking system they will have, or But Mr

kind of a banking system they will have, or But Mr. President, it is intimated in the whether they will have any banks at all; we message that although it was an unfortunate circumstance, much to be regretted, that the Lecompton convention did not submit the their respective States; they shall decide for constitution to the people, yet perhaps it may the Union under the constitution formed at | themselves what shall be the rule of taxation | be treated as regular, because the convention Lecompton. It is true that the tone of the and the principles upon which their finance was called by a Territorial legislature which shall be regulated; we agree that they may decide for themselves the relations between husband and wife, parent and child, guardian Union under that constitution. But, sir, it and ward; and why should we not then allow that during the last Congress I reported a is a fact of great significance, and worthy of | them to decide for themselves the relations | bill from the Committee on Territories to aubetween master and servant? Why make thorize the people of Kansas to assemble and ed from any indorsement of the convention, an exception of the slavery question by taking form a constitution for themselves. Subseit out of that great rule of self-government | quently, the Senator from Georgia (Mr. Congress should pursue with regard to the which applies to all the other relations of Toomes) brought forward a substitute for my life?" The very first proposition in the Ne- bill, which, after having been modified by braska bill was to show that the Missouri re- him and myself in consultation, was passed by the Senate. It is known in the country as "the Toombs bill." It authorized the people of Kansas Territory to assemble in convention and form a constitution preparatory to their admission into the Union as a State. that constitution. He has expressed deep pealed, and the slavery question, like all That bill, it is well known, was defeated in mortification and disappointment that the other questions, submitted to the people to the House of Representatives. It matters the House of Representatives. It matters

not, for the purpose of this argument, what was the reason of its defeat. Whether the Sir, that was the principle on which the reason was a political one; whether it had Nebraska bill was defended by its friends.-Instead of making the slavery question an reference to the then existing contest for the Presidency; whether it was to keep open the exception, it removed an odious exception which before existed. Its whole object was slavery question; whether it was a conviction to abolish that odious exception, and make that the bill would not be fairly carried out; fore it could have any vitality or validity. He the rule general, universal, in its application whether it was because there were not people goes further, and tells us that the example to all matters which were local and domestic, enough in Kansas to justify the formation of set by Congress in the Minnesota case, by in- and not national or Federal. For this reason a State-no matter what the reason was, the serting a clause in the enabling act requiring was the language employed which the Presi- House of Representatives refused to pass the constitution to be submitted to the people, ought to become a uniform rule, not to be de-the Missouri act, commonly called the Miss-Kansas the right to form a constitution and souri compromise, was repealed because it State government at this time. So far from

vested in the Legislature. But what is live. the extent of that legislative powea? It is So far as the act of the Territorial Legisla-

act under which it was brought into existence. It has the power to protect it, the power to execute it, the power to carry it into efdestroy; and hence that power can only be obtained by applying to Congress, the same Jackson, that the Territorial Legislature had action was void if it did, he went further:

"No law has yet been passed by Congress which either expressly or impliedly gives to the people of Arkansas the authority to form a State government."

Nor has there been any in regard to Kansas. The two cases are alike thus far. They are alike in all particulars so far as the question involving the legality and the validity of the Lecompton convention is concerned. The the Lecompton convention is concerned. opinion goes on to say:

"For the reasons above stated, I am, therefore, of opin-ion that the inhabitants of that Territory have not at present, and that they cannot acquire otherwise than by an act of Congress, the right to form such a govern-ment."

General Jackson's administration took the ground that the people of Arkansas, by the authority of the Territorial Legislature, had not the power to hold a convention to form a constitution, and could not acquire it from any source whatever except from Congress. sumed authority to authorize the calling of a convention to form a constitution, yet they did not hold, in those days, that the people could not assemble and frame a constitution in the form of a petition. I will read the rest of the opinion, in order that the Senate may understand precisely what was the doc-tring on this subject at that day, and what in the form of a petition. I will read the was repugnant to the principle of non-inter- the Congress of the United States having the Committee on Territories understood to be the doctrine on this subject in March, 1856, when we put forth the Kansas report as embodying what we Nebraska men understood to be our doctrine at that time. Here it is. This was copied into that report : 16 15. This was copied into that report: "But I am not prepared to say that all proceedings on this subject. on the part of the citizens of Arkansas, will be illegal. They undoubtedly possess the ordinary privi-leges and imnunities of citizens of the United States.— Among these is the right to assemble and to petition the Government for the redress of grievances. In the exercise of this right, the inhabitants of Arkansas may peaceably meet together in primary assemblies, or in conventions chosen by such assemblies, for the purpose of petitioning Congress to abrogate the territorial government, and to admit them into the Union as an independent State. The particular form which they may give in their petition admit them into the Union as an independent State. The particular form which they may give in their petition cannot be material, so long as they confine themselves to the mere right of petitioning, and conduct all their pro-ceedings in a peaceable manner. And as the power of Congress over the whole subject is plenary and unlimited, THEY MAY ACCEPT ANY CONSTITUTION, HOWEVER FRAMED, WILCH IN THEIR JUDGMENT MEETS THE SENSE OF THE PEOPLE TO BE AFFECTED BY 1T. If, therefore the chickers of Arkaness think prometries account SENSE OF THE PEOPLE TO BE AFFECTED BY IT. If, therefore, the citizens of Arkansas think proper to accom-pany their potition with a written constitution, framed and agreed on by their primary assemblies, or by a con-vention of delogates chosen by such assemblies, I perceive no legal objection to their power to do so, nor any meas-ures which may be taken to collect the sense of the people in respect to it; provided, always, that such measures be commenced and prosecuted in a peaceable manner, in strict subordination to the existing territorial government, AND IN ENTRE SUBSERVIENCY TO THE POWER OF CON-GRESS TO ADOPT, REJECT, OR DISREGARD THEM, AT THEIR PLEASURE. While the Legislature of Arkansas had no power to create a convention to frame a constitution, as a legal constitutional body, yet and you there find that the Governor is in- in favor of the constitution may vote for it if the people chose to assemble under such structed to use the military power to protect | -all men against it shall not vote at all.an act of the Legislature for the purpose of the polls when the constitution shall be sub- Why not let them vote against it? I prepetitioning for redress of grievances, the as- mitted to the people of Kansas for their free | sume you have asked many a man this quessemblage was not illegal; it was not an unlawful assemblage; it was not such an assemblage as the military power could be used that by the Kansas-Nebraska act the slavery slavery question. Sir, I have spent too much | cure the error by admitting Kansas with that to disperse, for they had a right under the Constitution thus to assemble and petition.-But if they assumed to themselves the right or the power to make a government, that assumption was an act of rebellion which Gen. Jackson said it was his duty to put down with the military force of the country. If you apply these principles to the Kansas convention, you find that it had no power Government fell into the error-for error it the opinion of Mr. Attorney General Butler, to do any act as a convention forming a gova part of which opinion was copied into the ernment; you find that the act calling it was people. report and published to the country at the null and void from the beginning; you find that the Legislature could confer no power whatever on the convention. That conven- the people should be left perfectly free to tion was simply an assemblage of peaceable citizens, under the Constitution of the United | thorized the President, or the Cabinet, or States, petitioning for the redress of grievan- Gov. Walker, or any other territorial officer, ces, and, thus assembled, had the right to to interfere and tell the Convention of Kanput their petition in the form of a constitu- sas whether they should or should not subtion if they chose; but still it was only a pe-tition—having the force of a petition—which ing to stop to inquire how far they were au-Congress could accept or reject, or dispose of thorized to do that, it being my opinion that as it saw proper. That is what I understand the spirit of the Nebraska bill required it to to be just the extent of the power and au- be done. It is sufficient for my purpose that thority of this convention assembled at Le- the Administration of the Federal Governcompton. It was not an unlawful assemblage | ment unanimously, that the administration like that held at Topeka; for the Topeka con- | of the territorial government, in all its parts, | stitution was made in opposition to the territorial law, and, as I thought, intended to under which the Convention was assembled subvert the government without the consent of Congress, but, as contended by their that Convention should be submitted to the friends, not so intended. If their object was to subvert it without the consent of Congress, it was an act of rebellion, which ought to have been put down by force. If it was a peaceable assemblage simply to petition and the Sonate and the House of Representatives, and before the people at home. Under these circumstances, he may well have fallen into an error, radical and fundamental as it is, in regard to the object of the Nebraska bill and the principle asserted in it. Now, sir, what was the principle enuncia-ted by the authors and supporters of that bill when it was brought forward? Did we not come before the country and say that we re-pealed the Missouri restriction for the purpose abide the decision of Congress on the petibut, on the other hand, I hold that they had delegates were instructed in the nominating no legal power and authority to establish a conventions to submit the constitution to the had given them an opportunity to be consulgovernment. They had a right to petition | people for ratification I know that the dele- | ted about it?

in his official communication to yourself, so far as they indicate an intention not to sanction or concur in any leg-islative or other proceedings towards the formation of a State government until Congress shall have authorized it, are also correct." if it thought that paper embodied the will of That is what I have understood to be the the people of the Territory, fairly expressed, settled doctrine as to the authority of a Ter- might, in its discretion, accept it as a constiritorial Legislature to call a convention with- tution, and admit them into the Union as a ritorial Legislature to call a convention with-out the consent of Congress first had and ob-tained. The reasoning is very clear and pal-pable. A Territorial Legislature possesses whatever power its organic act of Arkansas pro-vided that the legislative power should be vested in the Territorial Legislature, the same vided that the legislative power should be vested in the Territorial Legislature, the same vested in the Territorial Legislature the the same vested in the Territorial Legislature the vest vested in the Territorial Legislature the vest vest the overval the the vest vest the territorial Legislature the the vest vest the ve as the organic act of Kansas, provides that whatever it might be, should prevail in the the legislative power and authority shall be constitution under which that people were to

NO. 27.

to legislate for that Territory under the or-ganic act, and in obediance to it. It does concerned, I have always been under the imnot include any power to subvert the organic pression that it was fair and just in its provisions. I have always thought the people should have gone together en masse and voted for delegates, so that the voice expressed fect; but it has no power to subvert, none to by the convention should have been the unquestioned and united voice of the people of Kansas. I have always thought that those authority which created the territory itself. who staid away from that election stood in But while the Attorney General decided, with the approbation of the administration of Gen. voted, and should have furnished their names lackson that the Territorial Logiclature had to be put on the registered list, so as to be no power to call a convention, and that its voters. I have always held that it was their own fault that they did not thus go and vote; but yet, if they chose, they had a right to stay away. They had a right to say that that convention, although not an unlawful assemblage, is not a legal convention to make a government, and hence we are under no obli-

gation to go and express any opinion about it. They had a right to say, if they chose, "We will stay away until we see the consti-tution they shall frame, the petition they shall send to Congress; and when they submit it to us for ratification we will vote for it, if we like it, or vote it down if we do not like it." I say they had a right to do either, though I thought, and think yet, as good citizens, they ought to have gone and voted; but that was their business and not mine.

Having thus shown that the Convention at

thus to submit the question, but they signed and published, while candidates, a written pledge that they would submit it to the people for ratification. I know that men, high in authority, and in the confidence of the ter-ritorial and National Government, canvassed every part of Kansas during the election of delegates, and each one of them pledged himself to the people that no snap judgment was to be taken; that the constitution was to be submitted to the people for acceptance or rejection; that it would be void unless that was done; that the Administration would spurn and scorn it as a violation of the principles on which it came into power, and that a Democratic Congress would hurl it from their presence as an insult to Democrats who stood pledged to see the people left free to form their domestic institutions for themselves.

Not only that, sir, but up to the time when the Convention assembled, on the 1st of September, so far as I can learn, it was understood everywhere that the constitution was to be submitted for ratification or rejection. They met, however, on the 1st of September, and adjourned until after the October election. I think it was wise and prudent that they should thus have adjourned. They did not wish to bring any question into that elec-tion which would divide the Democratic party, and weaken our chances of success in the election. I was rejoiced when I saw that they did adjourn, so as not to show their hand on any question that would divide and distract the party until after the election .----During that recess, while the Convention was adjourned, Gov. Ransom, the Democratic candidate for Congress, running against the present Delegate from that Territory, was canvassing every part of Kansas in favor of the doctrine of submitting the constitution to the people, declaring that the Democratic party were in favor of such submission, and that it was a slander of the Black Republicans to intimate the charge that the Democratic party did not intend to carry out that pledge in good faith. Thus, up to the time of the meeting of the Convention, in October last, the pretence was kept up, the profession was openly made, and believed by me, and I thought believed by them, that the convention intended to submit a constitution to the people, and not to attempt to put government in operation without such submission. The elec-tion being over, the Democratic party being defeated by an overwhelming vote, the Opposition having triumphed, and got possession of both branches of the Legislature, and having elected their territorial Delegate, the Convention assembled, and then proceeded to complete their work.

Now let us stop to inquire how they redeemed the pledge to submit the constitution to the people. They first go on and make a constitution. Then they make a schedule, in which they provide that the constitution, on the 21st of December—the present month -shall be submitted to all the bona fide in-habitants of the Territory on that day, for their free acceptance or rejection, in the following manner, to wit: thus acknowledging Lecompton had no power, no authority, to that they were bound to submit it to the will of the people, conceding that they had no right to put it into operation without submitting it to the people, providing in the instru-ment that it should take effect from and after thority of the convention, but from that vote of the people to which it was to be submitted for their acceptance or rejection. How that the people who voted for delegates to is it to be submitted? It shall be submitted the Lecompton Convention, and those who in this form: "Constitution with slavery or should be submitted to the people before it is submitted to the people at an election where all men are at liberty to come forward no man is permitted to record a vote against That would be as fair an election as some of the enemies of Napoleon attributed to him when he was elected First Consul. He is said to have called out his troops, and had he said to them: "Now, my soldiers, you are ter.) Mr. President, that may be true. It is no part of my purpose to deny the proposition that that constitution would have been voted down if submitted to the people. I believe it would have been voted down by a majority of four to one. I am informed by men well posted there-Democrats-that it would be voted down by ten to one; some say by twenty to one. But is it a good reason why you should deelare it in force, without being submitted to the people, merely because it would have been voted down by five to one if you had submitted it? What does that fact prove? Does it not show undeniably that an overwhelming majority of people of Kansas are unalterably opposed to that constitution ?---Will you force it on them against their will simply because they would have voted it down if you had consulted them? If you will, are you going to force it upon them under the their own way? Is that the mode in which I am called upon to carry out the principle of self-government and popular sovereignty in the Territories-to force a constitution on the people against their will, in opposition to their protest, with a knowledge of the fact, and then to assign, as a reason for my tyranny, that they would be so obstinate and so per-

various propositions I agree entirely with the President of the United States, and I am prepared now to sustain that uniform rule which he asks us to pursue, in all other cases, by taking the Minnesota provision as our exam- | into any Territory or State, nor to exclude it ample

I rejoice, on a careful perusal of the message, to find so much less to dissent from than I was under the impression there was, from an Administration or Executive measure, for | tic institutions in their own way. the roason that the Constitution of the United States says that "Congress may admit new States into the Union." Hence we find the Kansas question before us now, not as an Ad- to the white man? Do you think we could ministration measure, not as an Executive have aroused the sympathies and the patriotmeasure, but as a measure coming before us | ism of this broad Republic, and have carried whether or not we can properly receive Kan- | We aroused the patriotism of the country and sas into the Union with the constitution form- | carried the election in defence of that great ed at Lecompton.

Gov. Walker, and in pursuance of Gov. Walker's assurances to the people, says, however, He acknowledges that, as a general rule, on | it down to an exception that applies to the general principles, the whole constitution negro, and does not extend to the benefit of should be submitted; but according to his the white man. As I said before, I can well understanding of the organic act of Kansas, there was an imperative obligation to submit the slavery question for their approval or disapproval, but no obligation to submit the entire constitution. In other words, he regards | in, subversive of that platform upon which the organic act, the Nebraska bill, as having he was elevated to the Presidency of the Unimade an exception of the slavery clause, and | ted States. provided for the disposition of that question in a mode different from that in which other domestic or local, as contradistinguished from | tion must be submitted to the people, it fol-Federal questions, should be decided. Sir, permit me to say, with profound respect for | constitution must also be submitted to the the President of the United States, that I conceive that on this point he has committed | ple should be left " perfectly free to form and matter. I can well understand how that dis- Maine liquor-law question, not the banking tinguished statesman came to fall into this question, not the school question, not the error. He was not in the country the time railroad question, but "their domestic instithe Nebraska bill was passed; he was not a tutions," meaning each and all the questions party to the controversy and the discussion | which are local, not national, State, not Fedthat took place during its passage. He was then representing the honor and dignity of the country with great wisdom and distinc-with so much ability by the President of the ed, his whole energies were absorbed in con- him and the platform on which he was electverted his attention from the mere territorial | people of Kansas, and enable them to say

and the second second and the second second

vention established by the compromise meas- | sanctioned or legalized the convention which ures of 1850, "it being the true intent and meaning of this act not to legislate slavery therefrom, but to leave the people thereof

perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." the hasty reading and imperfect hearing of | We repealed the Missouri restriction because the message in the first instance. In effect, that was confined to slavery. That was the gress. he refers that document to the Congress of only exception there was to the general printhe United States-as the Constitution of the ciple of self-government. That exception United States refers it-for us to decide upon was taken away for the avowed and express it under our responsibility. It is proper that purpose of making the rule of self-governhe should have thus referred it to us as a ment general and universal, so that the peomatter for congressional action, and not as | ple should form and regulate all their domes-

Sir, what would this boasted principle of popular sovereignty have been worth, if it applied only to the negro, and did not extend for our free action, without any recommenda- the presidential election last year in the face tion or interference, directly or indirectly, by the Administration now in possession of the Federal Government. Sir, I propose to ex-amine this question calmly and fairly, to see principle, which allowed all white men to fused to pass an enabling act, the proceeding The President, after expressing his regret form and regulate their domestic institutions was irregular and void, unless vitality was

life, and not the mere paltry exception of the were not so irregular but that Congress could is, radical, fundamental-and, if persevered

Then, if the President be right in saying that, by the Nebraska bill, the slavery queslows inevitably that every other clause of the people. The Nebraska bill said that the peoa fundamental error, an error which lies at regulate their domestic institutions in their he had been urged to call together the Legisthe foundation of his whole argument on this own way"-not the slavery question, not the lature of the Territory of Arkansas, for the tion at a foreign court. Thus deeply engross- United States, requires us, out of respect to | case to the Secretary of State, and he asked ducting great diplomatic questions that di- ed, to send this whole question back to the opinion was given, and adopted, as the plan questions and discussions then going on in whether or not the constitution which has of Arkansas for his instruction. I will read the Senate and the House of Representatives, been framed, each and every clause of it,

assembled at Lecompton, it expressly withheld its assent. The assent has not been given, either in express terms or by implication; and being withheld, this Kansas con-stitution has just such validity and just such authority as the Territorial legislature of Kansas could impart to it without the assent. and in opposition to the known will of Con-

Now, sir, let me ask what is the extent of the authority of a Territorial legislature as to calling a constitutional convention without the assent of Congress? Fortunately this is not a new question ; it does not now arise for the first time. When the Topeka constitution was presented to the Senate nearly two years ago, it was referred to the Committee on Territories, with a variety of measures relating to Kansas. The committee made a full report upon the whole subject. That report reviewed all the irregular cases which had occurred in our history in the admission of new States. The committee acted on the convention was regular, and possessed all the authority which Congress had delegated to it; but whenever Congress had failed or reand mortification and disappointment, that to suit themselves-institutions applicable to imparted to it by a subsequent act of Conthe constitution had not been submitted to white men as well as to black men-institu- gress adopting and confirming it. The friends the people in pursuance of his instructions to | tions applicable to freemen as well as to slaves | of the Topeka constitution insisted that al--institutions concerning all the relations of though their proceedings were irregular, they question only was required to be referred to the people, and the remainder of the consti-tution was not thus required to be submitted. In my to see it fritted away by bringing report, sanctioned by every member of the Committee on Territories, except the Senator from Vermont, (Mr. COLLAMER,) I reviewed the Arkansas case as well as the others, and imagine how the distinguished and eminent affirmed the doctrine established by General patriot and statesman now at the head of the Jackson's administration and enunciated in

understood on the 12th of March, 1856-little more than a year and a half ago-to be the true doctrine on this point, let me call your attention to the opinion of Mr. Butler in the Arkansas case. The Governor of the Territory of Arkansas sent a printed address to President Jackson, in which he stated that purpose of allowing them to call a convention to form a constitution, preparatory to their admission into the Union as a State .-The Governor stated that, in, his opinion, the Legislature had no power to call such a convention without the assent of Congress first had and obtained; but he asked instructions on that point. The President referred the for the advice of the Attorney General, whose of action, and communicated to the Governor some extracts from that opinion:

refused to vote-both parties-understood the | constitution with no slavery." All men must territorial act to mean that they were to be vote for the constitution, whether they like elected only to frame a constitution, and sub- it or not, in order to be permitted to vote for mit it to the people for their ratification or or against slavery. Thus a constitution made rejection. I say that both parties in that Ter- | by a convention that had authority to assemritory, at the time of the election of dele- ble and petition for a redress of grievances, gates, so understood the object of the Con- but not to establish a government-a constivention. Those who voted for delegates did | tution made under a pledge of honor that it so with the understanding that they had no power to make a government, but only to | took effect; a constitution which provides, frame one for submission; and those who on its face, that it shall have no validity exstaid away did so with the same understand- | cept what it derives from such submission-

Now for the evidence. The President of the United States tells us, in his Message, freely without hinderance and vote for it, but that he had unequivocally expressed his opinions, in the form of instructions to Governor it. Walker, assuming that the constitution was to be submitted to the people for ratification. When we look into Governor Walker's letter of acceptance of the office of Governor, we find that he stated expressly that he accepted them reviewed by his officers with a speech, it with the understanding that the President | patriotic and fair in its professions, in which and his whole Cabinet concurred with him, that the constitution, when formed, was to be to go to the election and vote freely just as submitted to the people for ratification .- you please. If you vote for Napoleon, all is Then look into the instructions given by the well; vote against him, and you are instantly President of the United States, through Gen. | shot." That was a fair election. (Laughter.) Cass, the Secretary of State, to Gov. Walker, This election is to be equally fair. All men acceptance or rejection. Trace the history a tion. I have asked a very large number of little further, and you will find that Governor the gentlemen who framed the constitution, Walker went to Kansas and proclaimed, in quite a number of delegates, and a still larhis inaugural, and in his speeches at Topeka ger number of persons who are their friends. and elsewhere, that it was the distinct under- and I have received the same answer from standing, not only of himself, but of those every one of them. I never received any higher in power than himself-meaning the other answer, and I presume we never shall President and his Cabinet-that the constitu- get any other answer. What is that? They tion was to be submitted to the people for say if they allowed a negative vote the contheir free acceptance or rejection, and that stitution would have been voted down by an he would use all the power at his command overwhelming majority, and hence the fel-to defeat its acceptance by Congress, if it lows shall not be allowed to vote at all (Laughwere not thus submitted to the vote of the

Mr. President, I am not going to stop and inquire how far the Nebraska bill, which said form their constitution for themselves, auunanimously understood the territorial law to mean that the constitution to be formed by people for ratification or rejection; and, if plea of leaving them perfectly free to form not confirmed by a majority of the people, and regulate their domestic institutions in not confirmed by a majority of the people, should be null and void, without coming to Congress for approval.

Not only did the National Government and the territorial government so understand

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Sir, I deny your right or mine to inquire of these people what their objections to that SEE FOURTH PAGE.