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SPEECH OF HON. WM. BIGLER, OF PENNSYLVANIA, ON KANSAS AFFAIRS. DELIVERED IN THE SENATE, DEC. 21, 1857.

On motion of Mr. Bigler, the Senate proceeded to the consideration of the motion of Mr. Douglas, to refer so much of the President's message as relates to territorial affairs to the Committee on Territories.

Mr. Bigler, Mr. President: No one has regretted more than myself that the discussion on the Kansas policy of the administration has been precipitated upon the Senate and the country.

I preferred to avoid discussion until the issue of the election of the President should present itself for admission as a State; but the Senator from Illinois [Mr. Douglas] deemed it different policy necessary and proper, and no alternative was left to the friends of the administration to resist.

Now, sir, it would be idle to attempt to answer the Senator from Illinois on a controversy of this nature, were I to connect the correctness of all his premises. This I cannot do, and I shall show why I cannot, at different points as I proceed.

With respect to the Senator's estimate of the present position of the country, I have no objection to his estimate, but I have some objections to his conclusions, which I will now state.

It is a fact, that the President, in his message, has announced a policy which is not only inconsistent with the Constitution, but also with the principles of justice and equity.

But, sir, I have no objection to your statement, that the President's message, in relation to the admission of Kansas as a State, is a violation of the Constitution.

The bill read in place by the Senator from Georgia on the 25th of June, and referred to the Committee on Territories, contained the same section, word for word.

But what would the honorable senator say as to the views of the late President, who was not only out of the country, but who had not participated in every step of the struggle that gave it existence?

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tion and State government preparatory to admission to the Union as a State. They hold that the legislature of the Territory had the right to call a convention of delegates to be elected by the people to form a State constitution; that the convention, when so formed, had the legal right to form a constitution and submit their doings to the test of a popular vote.

Now I understand that Senator from Illinois is in a position to do this. He has said the law for that purpose was "null and void from the beginning," but he goes further, and maintains that, to admit the soundness of the position of the administration, the State must not be admitted until the question of courts, corporations, banks and railroads shall be settled by a vote of the people, and herein is the issue.

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convention of delegates adopted by themselves in a legal and orderly manner, under the broad and generous provisions of these acts. These acts are non-injurious, having [defined] the slavery question by popular vote, the only proper inquiry for Congress will be, "Is the constitution republican?" Mr. Hall's discussion of the obligations of the Federal government to grant to the people of the Territory a republican form of government, to be found in the "Federalist," but which is too voluminous for use on the present occasion, is, in my mind, clear on this point.

The honorable senator has resorted to many artifices to sustain his position, but I am not disposed to resort to the same to controvert them. Indeed, it would be hardly fair in these days of our new doctrine, I had supposed that, after the error his new doctrine, old relics would be forgotten, and that we were to have a simple, plain system for the Territories, to wit: that the people from all the States should go into the Territory with all their property, including slaves, and legislate for themselves, under the Constitution of the United States, without restriction or interference by Congress; and that, in their own time and in their own way, they should determine the new States or of Congress.

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tion is the servant and not the master of the people, yet I have no power to dictate the proceedings of that body. I cannot doubt, however, the course they will adopt on this subject. But why incur the hazard of the preliminary formation of a constitution by a minority, as alleged by you, when a majority, by their own votes, could control the forming of that instrument?

But it is said that the convention is not legally called, and that the election will not be fairly and fully conducted. The territorial legislature is the power ordained for this purpose by the Congress of the United States; and in opposing it you resist the authority of the Federal government, having [defined] the slavery question by popular vote, the only proper inquiry for Congress will be, "Is the constitution republican?"

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have insisted on this policy, but I should certainly have desired a vote on the question of slavery as proposed by the late convention, disconnected from all other subjects, in preference to a vote on the constitution as a whole.

For its action the convention has been most grossly abused; and I do not intend to come to its defense, for many of the details of its proceedings I dissent. It would not be candid to contend that there was nothing in the bearing of the enemies of the convention to impel it to fully exhaust, if not to abuse, the authority with which it had been clothed.

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By bringing it down to an exception that applied to the negro and does not extend to the benefit of the white man." Now, Mr. President, can it be possible that the Senate and the country believe that the people of Kansas are indebted to the famous organic act for their right to the enjoyment of life, liberty, and property, and that the institutions of a civilized community? It is against the idea that the great principle of popular sovereignty should be "frustrated away" by bringing it down to an exception that applies to the negro, and not to the white man, "however by means, his language is calculated to make an impression that the Kansas-Nebraska bill settled some dispute about the ordinary institutions of a civilized community."

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