

TWO MORE VETO MESSAGES.

Veto of the Colorado Bill.

WASHINGTON, Jan. 28, 1867. The following is the message of the President vetoing the bill for the admission of Colorado as a State into the Union.

To the Senate of the United States:

I return to the Senate, in which house it originated, a bill entitled "An act to admit the State of Colorado into the Union," to which I cannot consistently with my sense of duty give my approval. With the exception of an additional section containing new provisions, it is substantially the same as the bill of a similar title passed by Congress during the last session, submitted to the President for his approval, returned with the objections contained in a message bearing date the 15th of May last, and yet awaiting the reconsideration of the Senate. A second bill, having in view the same purpose, has now passed both houses of Congress, and been presented for my signature. Having again carefully considered the subject, I have been unable to perceive any reason for changing the opinions which have already been communicated to Congress. I find, on the contrary, that there are many objections to the proposed legislation of which I was not at that time aware, and that while several of these which I then assigned have, in the interval, gained in strength, yet others have been created by the altered character of the measure now submitted. The constitution under which this State Government is proposed to be formed very properly contains a provision that all laws in force at the time of its adoption and the admission of the State into the Union shall continue as if the constitution had not been adopted. Among these laws is one absolutely prohibiting negroes and mulattoes from the right to sit as jurors.

This bill was vetoed by the Governor of the Territory, who held that by the laws of the United States negroes and mulattoes are citizens, and subject to the duties as well as entitled to the rights of citizenship. The bill, however, was passed, the objections of the Governor to the contrary notwithstanding, and is now a law in the Territory. Yet in the bill now before me, by which it is proposed to admit the Territory as a State, it is proposed that "there shall be no denial of the elective franchise or any other rights to any person by reason of race or color, excepting Indians not taxed." The incongruity thus exhibited between the legislation of Congress and that of the Territory, taken in connection with the protest against the admission of the State, hereinafter referred to, would seem clearly to indicate the impolicy and injustice of the proposed enactment.

It might, indeed, be a subject of grave inquiry, and doubtless will result in such inquiry if this bill becomes a law, whether it does not attempt to exercise a power not conferred upon Congress by the Federal Constitution. That instrument simply declares that Congress may admit new States into the Union. It nowhere says that Congress may make new States for the purpose of admitting them into the Union for any purpose. And yet this bill is as clear an attempt to make the institutions as any in which the people themselves could engage. In view of this action of Congress the House of Representatives of the Territory have earnestly protested against being forced into the Union without first having the question submitted to the people.

Nothing could be more reasonable than the position which they thus assume, and it certainly cannot be the purpose of Congress to force upon a community, against their will, a government which they do not believe themselves capable of sustaining.

The following is a copy of the protest alluded to as officially transmitted to me:

WHEREAS, It is announced in the public prints that it is the intention of Congress to admit Colorado as a State into the Union; therefore,

Resolved, by the House of Representatives of this Territory, That, representing as we do the best and only legal expression of public opinion on this question, we earnestly protest against the passage of a law admitting the State without first having the question submitted to a vote of the people for the reasons hereinafter stated.

First, That we have a right to a voice in the election of the character of our government.

Second, That we have no sufficient population to support the expense of a State government.

For these reasons we trust that Congress will not force upon us a government against our will.

Upon information which I considered reliable, I assumed, in my message of the 5th of May last, that the population of Colorado was not more than thirty thousand, and expressed the opinion that this number was entirely too small either to assume the responsibility or to enjoy the privileges of a State.

It appears that previous to that time the Legislature, with a view to ascertain the exact condition of the Territory, had passed a law authorizing a census of the population to be taken. The law made it the duty of the assessors in the several counties to take the census in connection with the annual assessments; and in order to secure a correct enumeration of the population, allowed them a liberal compensation for the service by paying them for every name they returned, and added to their previous oath of office an oath to perform this duty with fidelity. From the accompanying official report it appears that returns have been received from fifteen of the eighteen counties into which the State is divided, and that their population amounts in the aggregate to twenty-four thousand nine hundred and nine. The three remaining counties are estimated to contain three thousand, making a total population of twenty-seven thousand nine hundred and nine.

This census was taken in the summer season, when it is claimed that the population is much larger than at any other period, and in the autumn months in large numbers leave their work and return to the East with the result of their summer enterprise. The population, it will be observed, is but slightly in excess of one fifth of the number required as the basis of representation for a single Congressional district in any of the States, that number being 127,000. I am unable to perceive any good reason for such great disparity in the right of representation, giving, as it would, to the people of Colorado, not only

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this vast advantage in the House of Representatives, but an equality in the Senate, where the other States are represented by millions. With perhaps a single exception, no such inequality as this has ever before been attempted.

I know that it is claimed that the population of the different States at the time of their admission has varied at different periods, but it has not varied much more than the population of each decade, and the corresponding basis of representation for the different periods. The obvious intent of the Constitution was that no State should be admitted with a less population than the ratio for a Representative at the time of application. The limitation in the second section of the first article of the Constitution, declaring that "Each State shall have at least one Representative," was manifestly designed to protect the States which originally composed the Union from being deprived, in the event of a waning population, of a voice in the popular branch of Congress, and was never intended as a warrant to force a new State into the Union with a representative population far below that which might at the time be required of sister members of the confederacy. This bill, in view of the prohibition of the same section which declares that "The number of Representatives shall not exceed one for every thirty thousand," is at least a violation of the spirit if not of the letter of the Constitution.

It is respectfully submitted that, however Congress, under the pressure of circumstances, may have admitted two or three States with less than a representative population at the time, there has been no instance in which an application for admission has ever been entertained when the population, as officially ascertained, was below thirty thousand. Were there any doubt of this being the true construction of the Constitution, it would be dispelled by the early and long-continued practice of the Federal Government. For nearly sixty years, after the adoption of the Constitution, no State was admitted with a population believed at the time to be less than the current rates for a Representative, and the first instance in which a departure from the principle was in 1845, in the case of Florida. Obviously the result of sectional strife, we would do well to regard it as a warning of evil rather than as an example for imitation.

I think candid men of all parties will agree that the inspiring cause of this wholesome principle of restraint is to be found in a vain attempt to balance those antagonisms which refused to be reconciled except through the bloody arbitrament of arms. The plain facts of our history will attest that the great leading States admitted since 1845, viz.: Iowa, Wisconsin, California, Minnesota and Kansas, including Texas, which was admitted that year, have all come with an ample population for one Representative, and some of them with nearly or quite enough for two. To demonstrate the correctness of my views on this question, I subjoin a table containing a list of the States admitted since the adoption of the Federal Constitution, with the date of admission, the ratio of representation when admitted, deduced from the United States census table, the calculation being made for the per cent. of the decade corresponding with the date of admission:

State.	Date of Admission.	Ratio.	Population.
Vermont.	1791	25,000	95,225
New York.	1788	25,000	95,638
Massachusetts.	1780	25,000	95,961
Ohio.	1802	25,000	95,442
Indiana.	1812	25,000	95,212
Illinois.	1818	25,000	95,110
Michigan.	1836	25,000	95,271
Wisconsin.	1848	25,000	95,159
Minnesota.	1858	25,000	95,029
Iowa.	1845	25,000	95,200
California.	1850	25,000	95,207
Oregon.	1859	25,000	95,207
Missouri.	1820	25,000	95,200
Arkansas.	1836	25,000	95,275
Alabama.	1819	25,000	95,075
Florida.	1845	25,000	95,071
Texas.	1845	25,000	95,027
Wisconsin.	1848	25,000	95,159
California.	1850	25,000	95,207
Oregon.	1859	25,000	95,207
Minnesota.	1858	25,000	95,029
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