The Press.

FRIDAY, MARCH 30, 1860.

FIRST PAGE.—Peru Casino; The Charleston Convention; The Union Sentiment in Virginia; The City; General News; &c. FOURTH PAGE.—Marine Intelligence.

THE Pittsburg Bonds.—The proceedings in the Supreme Court, in relation to the mandamus against the Councils of Pittsburg, possess unusual interest. The action of the Select Council in passing an ordinance to provide for the interest on the bonds of the city, issued to the Charters Valley Railroad, indicates the presence of a conservative and law-abiding minority averse to repudiation and rebellion. The majority of the Common Council refused to comply with the mandate of the Court, assigning an evasive answer, and basing their refusal upon proceedings in the extreme, and will add a blank upon the name of Pittsburg, from which she will never recover.

It is quite unnecessary to detail the facts of the case. The bonds of Pittsburg, authorized by the Legislature, at the urgent request of her own representatives, approved by her Grand Jurors, issued and signed by her own municipal officers, were placed upon the market. To give them further credit and currency, an act of Assembly was passed making them a legal investment for trustees, guardians, and others acting in a fiduciary capacity. As usual, the faith, credit, and property of Pittsburg were solemnly pledged.

When the money of the various railroads (to aid which these bonds were issued) was expended, and the burden of providing for the interest fell upon the city, she deliberately repudiated her faith, and alleged that she was greatly defrauded in the issue of these bonds. How is this to be ascertained? Not upon the ex parte dicta of the arch-leader of repudiation in that quarter? If so, as a set-off, we can produce several gentlemen of integrity who will make affidavit that he himself was at one time instrumental in recommending to confiding parties the investment of their money in these very bonds.

But all such allegations are to be decided in a legal way, by the calm and patient trial by a court and jury of the truth. This has been done. Through three years of tedious and expensive litigation, the bond-holders have sought a remedy. Court after court have decided in their favor. The allegations of the defendants have not been sustained. Indeed, more opposition has militarily been technically vexatious and criminal, evincing a desire to evade responsibility in any way.

And, now that these proceedings are approaching the end, the authorities of Pittsburg talk of a compromise, or openly defy the law of the land. What is there to compromise? Nothing, except the faith and credit of Pittsburg. This will be compromised, unless they promptly come forward and honestly attempt to do justice to their creditors. Or a compromise cannot be in full, after a decree of the authorities, as will then be the case, of the highest tribunal of the State. But why talk of a compromise? Nor are in open rebellion, as tested in ex parte cases by the Pittsburg, or the votes of interior boroughs, have anything to do with this question. Of course the people will vote against all taxation. The legality of the tax has been decided. It is no longer with the people, and if their will has been heretofore misrepresented, they will, in future, be more particular in the selection of representatives to Harrisburg, and municipal officers.

Sailed for Europe.—We are gratified to learn from several of our leading mercantile houses in the various departments of the jobbing trade, that their respective business insatiably which has prevailed for some time, especially in New York, have materially lessened. The excessive importation of certain classes of goods, it is true, has had a tendency, in some instances, to reduce the ordinary profits on them, but it is believed that here no really serious effects will be sustained from this cause. That the spirits of our principal importing merchants have not been materially dampened is indicated in the fact that the representatives of quite a number of firms have already gone abroad to make their purchases in European markets, for the fall trade. Among the list of passengers who sailed from New York, in the Asia, on Wednesday last, we notice the names of several prominent Philadelphians: Mr. E. LAFOUCADE, of the house of DECOURSEY, LAFOUCADE, and Col. Mr. B. WOOD, of the firm of WOOD, MABBS, and HAYWARD, and Mr. A. RITTER, of the house of MORRIS L. HALLOWELL & Co.

The Municipal Election.—The nominations for the officers to be voted for at the approaching municipal election have now been made in our city by both parties, and the consciousness that the contest will probably be a close one has induced the nominating Conventions to be somewhat more careful in the selection of nominees than is customary with such bodies. It was generally discovered, in the nomination of the Democratic party for Mayor was conferred upon Hon. JOHN ROBBINS, Jr. The People's party yesterday nominated the present incumbent, Mayor HENRY, who, by his faithful and intelligent devotion to his official duties, well deserves this mark of confidence and regard from his political associates.

BILLIARD TABLES AT THE CONTINENTAL.—It is always gratifying to us to award due praise to our enterprising citizens, when we have any to award. There will Philadelphia still, we should be curious to ourselves did we not award the palm of victory to Philadelphia when it is fairly deserved. In her most magnificent new hotel—The Continental, "there are now, in the Billiard room, eight tables, made expressly for Messrs. Moore and Campion, of this city, whose reputation for making the finest quality of cabinet ware is not questioned by those who are competent to express an opinion in the matter, which have been in constant use since the opening of the house. During this interval they have been tried by professional players from all parts of the Union, and we are pleased to state that the verdict in almost every instance has been in their favor, over those of any other manufacturer, whether domestic or foreign.

We have not space to detail the various points of excellence in Messrs. Moore & Campion's table, although we may say that the cushions of their manufacture are more quick than any others in use. Their superiority, acknowledged by practical players, should be enough to secure for them the patronage of our citizens, especially as the reputation which these tables have already attained is securing for the manufacturers large orders from many of the principal cities throughout the South and West.

THE TUSCARORA FEMALE INSTITUTE.—This Institute, located at Academia, Juniata county, Pennsylvania, is now under the charge of Rev. W. G. E. Agnew, recently principal of the Lane-street public school. Mr. Agnew's success in his profession was for him golden opinions from many of our citizens, whose children were entrusted to his charge; and he has organization of the Tuscarora Female Institute appears to be very complete, and as it is located in one of the most beautiful and healthy regions in our State, it will doubtless become, under his management, one of the most prosperous seminaries in the State. Mr. Agnew will remain in this city for a few days, at 1711 Vine street, where he can be consulted by those who desire to obtain further information in regard to his new school.

Madame Leonore Ashley will give a reading on Hawthorne, in costume, at Musical Fund Hall, to-night, this being her first appearance in public. Her ability is an hereditary one. Her grandfather was a celebrated actor in London, and her father was a celebrated tragedian in Philadelphia. Her personal beauty, not present reason is only assigned for the occasion, and why she has been tempted to appear in public, remains a mystery.

THE BEAUTY OF THE AWNING.—Many of our citizens who are lovers of the Fine Arts have yesterday first gazed upon Mr. Church's, and we, perhaps, unknowingly that the arrangements for its exhibition elsewhere make it imperative on the part of the citizens of Philadelphia to see it before it leaves this city. Below, as we have stated, we have seen it, and we hope it will not be the last time we shall have the opportunity of viewing it. Our readers are referred to another column for a description of the painting, which is of high merit.

THE FUNERAL OF MICHAEL COON.—The funeral of the centenarian, Michael Coon, took place yesterday, according to previous arrangement. At 12 o'clock the body arrived at Independence Hall, in charge of a committee, consisting of Surgeon Robert Burns, Major Taylor, George L. Ritman, and a deputation of the citizens of Frankford. The coffin was placed in the west side of the vestibule of Independence Hall, after which Surgeon Burns and Philip S. White delivered appropriate addresses to the assembled crowd. The lid of the coffin was removed, and several thousand persons came forward and took a look at the venerable features of the deceased. The military escort was composed of the Washington Guards, Major Guards, Lamott Guards, Light Guards, Frankford Artillery, Montgomery Artillery, Mounted Artillery, and a company of City U. S. Marines, under the command of Lieut. Boyd. A very numerous array of citizens followed the remains to the Lutheran cemetery in the Darby road. Twenty-fourth ward, Twelfth and Twenty-fourth Ward Guards, Capt. Smith, Lower Schuylkill Guards, Capt. Dougherty, and Spring Garden Guards, Capt. Dougherty, were stationed in the street, to keep the way open for the hearse, which was followed by the cars to the Swedes' church, at which place the interment took place. The firing was admirably done by the company. The funeral attracted to the burying-ground a large concourse of spectators from the surrounding country.

WASHINGTON CORRESPONDENCE.

Letter from "Occasional."

[Correspondence of The Press.]

WASHINGTON, March 29, 1860.

Although the President and the Cabinet have been more than usually careful in refusing to give the true reasons for the removal of Mr. Vandyke, I have been enabled, by means of a certain spiritual medium, to get possession of a number of facts in connection with this last act of Mr. Buchanan, all of which are interesting, because they exhibit the inconsistency and the ingratitude of the head of the Government, and at the same time constitute an ample vindication of the decapitated officer. There never has been any cordiality between Collector Baker and the District Attorney, at least never since the election of Mr. Buchanan. Mr. Vandyke preferred another gentleman for that office, and when Baker succeeded to it he felt no disposition to conciliate his opponent. From that hour the contest between the two has become more and more bitter until it has culminated in the triumph of the Collector and the defeat of Mr. Vandyke. The Collector has managed to induce the Postmaster, the Surveyor, and the Naval Officer of your city to join with him in demanding the removal of Vandyke, and I hear that the President was informed by these leading officials that, unless the District Attorney was displaced, they would throw up their commissions. In addition to this, they succeeded in obtaining the aid, in this demonstration, of at least three members of the Cabinet, believed to be Attorney General Black, Secretary Cobb, and Secretary Thompson; while among the outsiders in Philadelphia, Messrs. Robert Tyler, Henry M. Phillips, and William B. Reed were most efficient in seconding the efforts of the Collector and his friends. An attempt will be made, as I understand from my confidential informant, to account for Mr. Vandyke's removal on the pretext that he did not discharge his duties with promptitude, and that his displacement was necessary to produce a harmony of action between the representatives of the Administration in Philadelphia. Now, whatever blame may be said of Mr. Vandyke, it will appear in evidence that he is a lawyer of very considerable ability, and I learn that such men as Hon. Garrick Mallory, Benjamin H. Brewster, and others equally distinguished at the Philadelphia bar, will not be unwilling to testify to this fact. It is of course natural that the District Attorney should have made every effort honorably to keep his place, and that he should have appealed on more than one occasion to his old friend, the President, to save him from his enemies; but I have no doubt that if the correspondence between the President and the District Attorney should be published, it will appear that the latter has obtained a rare advantage over the Chief Magistrate of the nation. If such a correspondence has taken place, it will of course be printed. The friends of Mr. Vandyke will not permit him to be damaged by the pretexts of the Administration that he was removed on account of inefficiency in office, and they will insist that he shall protect himself in the only way left to him. It is rumored here, that the President, in anticipation of such a revelation, will extremely anxious to provide for Mr. Vandyke in another way, but I understand that the direction with unhesitatingly refuse any favor in the office of the Administration.

The real reason for the fact that Mr. Vandyke refused to comply with the other office-holders in packing to be full of Democrats in order to carry out the proposed measures of the Administration. He thinks the President in his Lecompton policy as they did, but he refused to co-operate in the measures taken to compel the subordinates in the custom-house, post office, navy-yard, etc., on pain of removal, to sanction all that had been agreed upon here and endorsed in the old United States bank building, on Chestnut street. Mr. Vandyke is the native friend of the Vice President, and although some of the office-holders who have been elected delegates to Charleston profess the greatest kindness to that aspirant for the Presidency, the feelings of Mr. Buchanan in regard to his associate on the ticket in 1856 may be gathered from the summary manner in which he disposed of one of his most active supporters. Should there be any public exposures of the causes which induced the President to yield the head of his old friend, they may induce other removals—that, for instance, of Mr. Marshal Yost, who is said here to have sympathized against the man who have just succeeded in making a victim of the United States District Attorney.

By the way, have you ever reflected upon the number of families in Pennsylvania who have honored the Chief Magistrate of the Republic, by giving favorite sons his illustrious name? There is scarcely a county in Pennsylvania in which there is not at least half a dozen James Buchanans. Some have grown to stalwart manhood, others are still in their teens, and there was a fresh crop during the campaign of 1856. I can recollect, for instance, such names as James Buchanan Vandyke, James Buchanan Forney, James Buchanan Walsh, of York, James Buchanan Martin, of Philadelphia, (son of George H. Martin,) James Buchanan Crabbe, of Dauphin, James Buchanan Smith, James Buchanan Jones, James Buchanan Brooks, James Buchanan Brown, and others. In more than one case, however, these youngsters refuse to wear the entire title, and evince the B., and in several the indignant father have deliberated an appeal to the Legislature to give them another name.

The friends of Judge Douglas claim that nearly all the delegates at large elected by the Democratic Convention of New Jersey, held on the 28th at Trenton, are his decided friends, and among those chosen from the districts, I recognise several who are put down on the wrong side.

Haskin's report has created as much consternation in Administration circles as a hand grenade would create if thrown among a set of hungry lions and tigers.

The minority of the Committee on Public Expenditures contemplate a reply to Mr. Haskin's report, and threaten to be as severe in the comments as he has been bold and able in the text; but that indomitable representative has any quantity of ammunition to return their severest fire with compound interest. For every broadside they deliver upon him he will return one even more terrific than that with which he has just startled the country, and for every attempt to reexaminate upon him, and his associates upon the committee he will produce a new exposure even more conclusive and overwhelming than the first. The fact is, Haskin has a Roland for every one of their Olivers, and they may as well understand it in advance.

There is great rejoicing here among the officials on the nomination of John Robbins, for Mayor of Philadelphia. Robbins is a thorough Administration man, and is as completely in the toils of the President as any of his nearest devotees. Should he be chosen, he will carry out the behests of power without scruple. No one pretends to doubt this that knows the man, or who understands the machinery by which he was put upon the ticket.

I was not surprised, in reading over the proceedings of the Democratic Convention of the city of Philadelphia, two days ago, at the enthusiasm exhibited when the name of William F. Packer was mentioned in that body. His three-years term is rapidly expiring; but what a difference between his retiring from the office he has so worthily filled, in January, 1861, and that other retirement of the Chief Magistrate, in March, of the same year! Governor Packer, seizing hold of the great principle of self-government, in the campaign of 1857, which resulted in his election, has never for a moment yielded it. Traduced and misrepresented beyond all parallel, he has devoted himself with assiduous integrity to an honest discharge of all his duties, and is now one of the most popular Governors Pennsylvania has ever had. His vetoes of corrupt partisan projects are models of composition, unanswerable in logic, and, although occasionally overridden in the Legislature, may well be left as models to his successors.

OCCASIONAL.

Public Amusements.

WALNUT-STREET THEATRE.—Mr. Barry Sullivan, the celebrated English actor, is now playing an engagement at the Walnut-street Theatre. If we believe the bills, this will be the farewell engagement of Mr. Sullivan in this city, previous to his return to England. His engagements in Philadelphia have always proved very successful, and the present one is equally so. He has played, since his appearance, on Monday night, the principal characters in "Hamlet," "The Gamester," and "Richelieu." He performed the part of Don Felix in Mrs. Cuthore's comedy of "The Wonder; or, Woman Keeps a Secret," to a large audience last evening. His Beverly, in "The Gamester," and Richelieu are both of them splendid performances. He will have a benefit this evening, appearing in the two characters of Shylock and Don Cæsar de Bazan. It would be very difficult for Mr. Sullivan to present a more attractive bill. Shylock is one of his greatest personations in the line of tragedy, and Don Cæsar in that of high comedy. Reserved seats may be secured during the day at the box-office.

☞ We would invite the particular attention of the trade to the sale of embroideries, ladies' cambric handkerchiefs, bonnet and trimming ribbons, blonds and blond laces, velvet ribbons, French flowers, lace points and mantles, &c., to be sold this morning at ten o'clock by B. Scott, Jr., auctioneer, 431 Chestnut street.

THE FUNERAL OF MICHAEL COON.—The funeral of the centenarian, Michael Coon, took place yesterday, according to previous arrangement. At 12 o'clock the body arrived at Independence Hall, in charge of a committee, consisting of Surgeon Robert Burns, Major Taylor, George L. Ritman, and a deputation of the citizens of Frankford. The coffin was placed in the west side of the vestibule of Independence Hall, after which Surgeon Burns and Philip S. White delivered appropriate addresses to the assembled crowd. The lid of the coffin was removed, and several thousand persons came forward and took a look at the venerable features of the deceased. The military escort was composed of the Washington Guards, Major Guards, Lamott Guards, Light Guards, Frankford Artillery, Montgomery Artillery, and a company of City U. S. Marines, under the command of Lieut. Boyd. A very numerous array of citizens followed the remains to the Lutheran cemetery in the Darby road. Twenty-fourth ward, Twelfth and Twenty-fourth Ward Guards, Capt. Smith, Lower Schuylkill Guards, Capt. Dougherty, and Spring Garden Guards, Capt. Dougherty, were stationed in the street, to keep the way open for the hearse, which was followed by the cars to the Swedes' church, at which place the interment took place. The firing was admirably done by the company. The funeral attracted to the burying-ground a large concourse of spectators from the surrounding country.

LATEST NEWS

By Telegraph to The Press.

FROM WASHINGTON.

SPECIAL DESPATCHES to "THE PRESS"

THE TARIFF.

WASHINGTON, March 29.—The tariff discussion has been fixed in the House for Wednesday of next week. Our friends are sanguine that Mr. MORRILL's bill will pass by a decided majority. The utmost anxiety is manifested to see General FOSTER, the Democratic candidate; Col. CURTIN, the Republican candidate, and all those who are actively supporting these excellent candidates for Governor, on the ground, to rally their respective friends, so as to have action on the question, and take it out of the Presidential canvass.

THE HUNTER COMBINATION BROKEN UP.

I learn, upon good authority, that a caucus held for the purpose of uniting the Southern delegates at Charleston upon Mr. HUNTER, of Virginia, broke up in something like a row, the high contracting parties finding it impossible to bring their forces together.

MORE TROUBLE IN THE ADMINISTRATION CAMP. THE INDIANA UNITED STATES MARSHAL.

There has been a sharp fight going on between Senator FITCH and the Hon. Mr. ENGLISH, of English bill notoriety, for the United States Marshalship of Indiana, made vacant by the death of JOHN L. ROBINSON. Mr. ENGLISH is a candidate for the United States Senate, in the place of Mr. FITCH, and presented his father for the office. FITCH opposed the appointment, on the ground that ENGLISH would use the patronage and influence of the office to elect his son, and asked the appointment of one of his own friends. After a terrible contest, the President to-day sent in the name of ENGLISH to the Senate. FITCH will try to defeat his confirmation. By the appointment, the President is understood to declare his wish that ENGLISH shall succeed FITCH. It remains to be seen which side the Democratic Senators will take in the controversy.

THE SEIZURE OF THE SPANISH-MEXICAN STEAMERS, AND CAPTAIN TURNER.

Public sentiment here is almost universal in support of the action of Captain TURNER, who led in the attack upon the Spanish-Mexican steamers. His despatches will be published to-day, or to-morrow. From his letters to confidential friends it appears that he acted under clear orders, thus confirming my former despatch. His friends fear that the President and his Cabinet will act as usual, and only half sustain the capture of these ships. OCCASIONAL.

[DESPATCH TO THE ASSOCIATED PRESS.]

THE COMMITTEE ON THE TERRITORIES.

WASHINGTON, March 29.—In the Committee on Territories to-day, after a long and very interesting discussion, the bill for the admission of Arizona was reported by a majority of the Committee, the delegate from New Mexico, concurred in Mr. MOWRY's statements, and testified that the organization of Arizona was regarded as a necessity by the people of New Mexico.

Mr. WILLIAMS, from Jefferson, gave a statement, showing the necessity for a Territorial Government. He estimates the voting population at eight thousand.

The President has appointed Major ELISHA G. ENGLISH, a member of the Indiana Legislature, and an active Democrat, postmaster of that State, in place of Mr. ROBINSON, deceased.

The President's protest took the House by surprise, no intimation having preceded its transmission to that body.

IMPORTANT REPORT

ON THE

ADMISSION OF KANSAS INTO THE UNION,

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

THURSDAY AFTERNOON.

[BY SPECIAL TELEGRAPH FOR "THE PRESS."]

The Committee on the Territories, to whom were referred the Constitution adopted by the people of Kansas on the 29th day of October, A. D. 1859, and the Memorial of the Convention, praying Congress to admit Kansas as a State into the Confederacy, having had the same under consideration, beg leave to submit the following report:

Article first of the amendments to the Constitution guaranties "*the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*" The Constitution being the supreme law of the land, this right of the people cannot be restricted or impaired in any manner by any action of Congress. The power of a Territorial Legislature to assemble at all times, peaceably to assemble and to petition for a redress of grievances. If the grievance complained of be the Territorial organization, they may accompany their petition for its abrogation with a specification of the kind of Government or the form of redress desired. This right attaches to, and is neither authorized by any previous act of Congress or not.

Such was the doctrine affirmed during President JACKSON's Administration in the decision of the Attorney General transmitting instructions to the Governor of Arkansas, who was disposed to prevent the formation of a Constitution by the people, without a previous act of Congress for that purpose. In these instructions, given by direction of the President, September 1st, 1835, referring to the right of the people to act without such authority, he says:

"They undoubtedly possess the ordinary privilege and immunities of citizens of the United States. Among these is the right of the people peaceably 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 assembly, or in convention 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 to their petition cannot be material, so long as they confine themselves to the mere right of petitioning, and conduct all their proceedings in a peaceable manner. And, as the power vested in Congress over the Territories is plenary and unlimited, they may accept any Constitution formed, which, in their judgment, meets the sense of the people to be affected by it.

"If, therefore, the citizens of Arkansas think proper to accompany their petition by a written Constitution formed in the manner you state, whether by a convention of delegates chosen by such assemblies, I perceive no legal objection to their power to do so."

Under this doctrine, which is only an enforcement of the right guaranteed by the Constitution, and is in accordance with the uniform practice of the Government *for more than half a century*, the people of any Territory may, at any time, petition Congress for admission into the Union as a State. An inquiry into the manner of the formation of the Constitution of a proposed State is of no consequence, save as a means of ascertaining whether it "meets the sense of the people to be affected by it." Enabling acts of Congress, or any other acts *preliminary to the ratification of a Constitution by the people*, are, therefore, important only as a means of authenticating the will of the people, or of proving the genuineness of their votes.

Of the twenty States added to the Union since the adoption of the Federal Constitution, eleven have been admitted without any previous act of Congress authorizing the formation of a Constitution. Six of these formed their Constitutions while Territorial Governments in pursuance of laws emanating from their respective Territorial Legislatures. Following these precedents, the people of Kansas present their petition accompanied by a Constitution formed in pursuance of an act of the Territorial Legislature, approved by the Governor on the twenty-first day of February, A. D. 1859, and ratified and adopted by the people at an election held for the purpose, as required by said law, on the first Tuesday of October last.

Your committee, regarding the right of the people of a Territory peaceably to assemble and form for themselves a Constitution and State Government, to be presented as their petition to Congress, as one of the guarantees of the Constitution, cannot regard any condition imposed by Congress, attempting to impair the exercise of that right, as valid or binding, either upon the people already organized in a subsequent Congress, such condition could be imposed, then the people could be deprived of a right secured in the Constitution itself, so long as Congress should refuse or neglect to remove such condition.

As in this case, should it be claimed that until a certain number of inhabitants shall be ascertained by a local census *no application for admission of a State* into the Union is to be received, then the people of Kansas, could be excluded so long as Congress should neglect or prevent the taking of a census. Such a doctrine would place in the majority of Congress to nullify at will any of the guarantees of the Constitution.

The people of Kansas, therefore, in presenting their application for admission as a State into the Union, *have done nothing but what they have an undoubted* right to do under the Constitution; and it is for Congress to be satisfied with the position of it as shall seem to them to be just and proper.

By article 4, section 3, of the Constitution, "*New States may be admitted by the Congress into the Union.*" The power of Congress over this whole subject is, therefore, plenary and unlimited. The acceptance or rejection of a petition for the admission of a State rests entirely in the decision of Congress at the time of such application. The questions to be considered on such application are—the conformity of its organization to the requirements of the Constitution; the amount of its population; and whether the majority of the people desire to be admitted into the Union under the Constitution presented; if so, would the welfare of the people of the proposed State, and the general interests of the whole country, be promoted by its admission.

The first and most important of these inquiries is to determine whether the majority of the people to be affected by it desire such admission. For, however clearly the application may be the exercise of a constitutional right, it is, nevertheless, a mere petition; and unless approved by a majority of those upon whom it is to operate, the petition should not be granted.

In the case there can be no question but that the Constitution presented meets the wishes of those who are to be affected by it, for it was adopted and ratified at a fair election, held for that purpose, in which the whole people, without distinction of party, participated, by a majority of four thousand eight hundred and ninety-one, in an aggregate vote of fifteen thousand nine hundred and forty-two, being almost two to one! This is shown as appears by the official proclamation of the Governor, which is hereby appended, and made part of this report.

As to population, if there was any doubt on that point, your committee regard it as waived by the action of Congress. A majority of both Houses, on the thirteenth day of April, A. D. 1858, declared by vote that there was sufficient population *within the limits now proposed for* Kansas to enable it to be admitted as a slave State; and certainly that *same* population, increased by two years' immigration, should be, in the judgment of your committee, sufficient for a free State, unless Congress proposes to establish one rule, as to population, for the admission of slave States, and another and a different one for free States.

Your committee, therefore, deem it unnecessary to inquire into the precise number of the present population of Kansas, for, if under ordinary circumstances there could be any objection on this point, they have so far as Kansas is concerned, been twice removed by the action of Congress. In addition to the instance just cited, the House of Representatives four years ago passed an act for the admission of the State; and the Senate passed an act for the immediate formation of a State Government, in order to such admission, without regard to population. Since the first action of Congress the population has more than doubled, and has increased very largely since the last.

At the last session of Congress, Oregon was admitted with a less population than that of Kansas. The largest vote ever polled at any election in Oregon previous to admission was ten thousand one hundred and twenty-one, (10,121,) while the vote polled in Kansas on the adoption of this Constitution, (and that, too, under a registry law that required six months residence for the voter,) the aggregate vote polled includes the vote of the fifteen counties not officially returned, exceeded seventeen thousand (17,000.)

Of the 237 Congressional districts in the Union, there were, by the official returns of the last Congressional elections, one hundred and fifty-two (152) districts that polled, each, less than seventeen thousand (17,000) votes! So, the legal vote of Kansas, on the first Tuesday of April, A. D., 1859, exceeded that of almost two-thirds of the Congressional districts in the Union.

A Territorial Government, being limited in the exercise of political powers, and the people thereof greatly restricted in their action, should be continued only so long as the necessities which give rise to it last. Whenever, therefore, the population becomes sufficiently numerous to maintain a Government of their own, without imposing upon them excessive burdens of taxation, and they are desirous of taking upon themselves the responsibilities of a State Government, they should not be refused or kept back, unless there are reasons of a general character, affecting the whole country, and thus relieve them from a condition of Territorial vassalage by restoring them to their rights of self-government, of which, from the necessities of the case, they have been partially deprived? For, during the existence of the Territorial Government, the people do not select their own rulers, nor can they legislate without being subjected to the supervision of the General Government over their acts.

The Governor is appointed by the President, with veto power on all acts of the Legislature, which neutralizes the votes of two-thirds of its members. The judges who construe the laws are also the appointees of the President. The people of a Territory, therefore, have no voice in the selection of its executive or judicial officers, for they all hold their positions at the will of the President.

While the Government of every independent people, under our system, is composed of three departments—the executive, the legislative, and the judicial—the people have no voice or control in the selection or the management of either of these departments, save in the legislative; and even in this department an executive officer, wholly irresponsible to the people, controls by his veto two-thirds of the power of that. So the people of a Territory, even under the Kansas-Nebraska bill, are invested with only the one-third part of the powers of one of the three departments of their Government. So long, then, as the people continue under a Territorial organization, as now constituted, they are clothed with only one-ninth part of the powers of their Government, the balance being vested in the Government of the United States.

Until the formation of a State Government this supervision results not only from the power vested in the General Government by the Constitution itself, but to a great degree from the nature of a Territorial Government and the necessity of the case. The settlers of a new Territory, at the first, are few in numbers and widely separated, have to contend with the savage and the wild beast for the dominion of the wilderness, and are for a time, not of sufficient numbers, strength, or wealth to protect themselves alone against the unvilized inhabitants which surround them. Hence the General Government establishes a temporary government, appoints its executive and judicial officers, prescribes their duties and limiting their jurisdiction, fixing the salaries of all the expenses of the Territory in its sessions; builds its members and the other public buildings, and as a general rule, must have a supervisory power over the necessary government thus created. But this supervision over these at the earliest practicable moment consistent with the general welfare and protection of the frontier settlements.

In the case of Kansas there can be no doubt that there is at this time sufficient population and wealth to maintain a firm Government without excessive taxation upon its people, so there can be no reason on that account for continuing longer the Territorial organization.

If there was a uniform rule as to population for new States, and that of Kansas was less than the required number, yet the history of its Territorial Government, and the circumstances surrounding its people, from the time of their first settlement, would of themselves be sufficient to make their application for admission an exception to any general rule which could be made.

The Government under which they have been forced to live began with a despotism cruel and bloody, established by armed usurpation, and marked in its continuance by revolting atrocities which characterize savage warfare, emanating directly from the Territorial organization, and protected and defended by it, and clothed with its authority. As to the character of the Territorial Government imposed upon the people of Kansas, your committee beg leave to refer to the despatches of Governor Geary to the President, dated Sept. 9, 1855, *Executive Documents, 34 Sess. 34th Cong., Vol. 1. Pt. 1, pages 33 and 39*, in which he says:

"I find that I have not simply to contend against bands of armed ruffians and brigands, whose sole aim is fraud and robbery, but that I have to contend with adherents and advocates of conflicting sentiments and local institutions, and evil-disposed persons actuated by a desire to obtain political positions; *but worst of all, against the influence of men who have been placed in authority and have employed all the destructive agents in their power to excite the worst passions of the people, the sacrifice of every just, honorable, and lawful consideration.*

"I have barely time to give you a brief statement of facts as I find them. The town of Leavenworth is now in the hands of the Southern Rights party. *Men have been enrolled as militia, perpetrate outrages of the most atrocious character, under the shadow of authority from the Territorial Government.*

"Within a few days *these men have robbed and driven from their homes unoffending citizens; have fired upon, and killed peaceable citizens; have driven off stolen horses and property, under the pretence of employing them in the public service.* They have seized persons upon no other offence than that of having helping them of all their valuables, placed them on steamers and sent them out of the Territory.

"In isolated or country places no man's life is safe. Murders are of daily occurrence. Almost every farm-house is deserted, and no traveller has the temerity to venture upon the highways without an escort."

In describing the condition of the Territory at the time of his arrival, in his farewell to the people of Kansas, under date of Dec., 1st Session. 35th Cong., No. 17, page 200, he says:

"Desolation and ruin reigned on every hand; homes and firesides were deserted; the smoke of burning dwellings was almost everywhere visible; women and children, driven from their habitations, wandered over the prairies, among the woodlands, or sought refuge and protection in the public camps."

Such was the character of the Government, and the condition of the people of Kansas, as described by an eye-witness in his official despatches to the President of the United States, at the very time that Congress, by a Constitution by the people, without a previous act of Congress for that purpose. In these instructions, given by direction of the President, September 1st, 1835, referring to the right of the people to act without such authority, he says:

"They undoubtedly possess the ordinary privilege and immunities of citizens of the United States. Among these is the right of the people peaceably 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 assembly, or in convention 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 to their petition cannot be material, so long as they confine themselves to the mere right of petitioning, and conduct all their proceedings in a peaceable manner. And, as the power vested in Congress over the Territories is plenary and unlimited, they may accept any Constitution formed, which, in their judgment, meets the sense of the people to be affected by it. For instance, if the people of Kansas, for the purpose, in which the whole people, without distinction of party, participated, by a majority of four thousand eight hundred and ninety-one, in an aggregate vote of fifteen thousand nine hundred and forty-two, being almost two to one! This is shown as appears by the official proclamation of the Governor, which is hereby appended, and made part of this report.

As to population, if there was any doubt on that point, your committee regard it as waived by the action of Congress. A majority of both Houses, on the thirteenth day of April, A. D. 1858, declared by vote that there was sufficient population *within the limits now proposed for* Kansas to enable it to be admitted as a slave State; and certainly that *same* population, increased by two years' immigration, should, be in the judgment of your committee, sufficient for a free State, unless Congress proposes to establish one rule, as to population, for the admission of slave States, and another and a different one for free States.

Your committee, therefore, deem it unnecessary to inquire into the precise number of the present population of Kansas, for, if under ordinary circumstances there could be any objection on this point, they have so far as Kansas is concerned, been twice removed by the action of Congress. In addition to the instance just cited, the House of Representatives four years ago passed an act for the admission of the State; and the Senate passed an act for the immediate formation of a State Government, in order to such admission, without regard to population. Since the first action of Congress the population has more than doubled, and has increased very largely since the last.

At the last session of Congress, Oregon was admitted with a less population than that of Kansas. The largest vote ever polled at any election in Oregon previous to admission was ten thousand one hundred and twenty-one, (10,121,) while the vote polled in Kansas on the adoption of this Constitution, (and that, too, under a registry law that required six months residence for the voter,) the aggregate vote polled includes the vote of the fifteen counties not officially returned, exceeded seventeen thousand (17,000.)

Of the 237 Congressional districts in the Union, there were, by the official returns of the last Congressional elections, one hundred and fifty-two (152) districts that polled, each, less than seventeen thousand (17,000) votes! So, the legal vote of Kansas, on the first Tuesday of April, A. D., 1859, exceeded that of almost two-thirds of the Congressional districts in the Union.

A Territorial Government, being limited in the exercise of political powers, and the people thereof greatly restricted in their action, should be continued only so long as the necessities which give rise to it last. Whenever, therefore, the population becomes sufficiently numerous to maintain a Government of their own, without imposing upon them excessive burdens of taxation, and they are desirous of taking upon themselves the responsibilities of a State Government, they should not be refused or kept back, unless there are reasons of a general character, affecting the whole country, and thus relieve them from a condition of Territorial vassalage by restoring them to their rights of self-government, of which, from the necessities of the case, they have been partially deprived? For, during the existence of the Territorial Government, the people do not select their own rulers, nor can they legislate without being subjected to the supervision of the General Government over their acts.

The Governor is appointed by the President, with veto power on all acts of the Legislature, which neutralizes the votes of two-thirds of its members. The judges who construe the laws are also the appointees of the President. The people of a Territory, therefore, have no voice in the selection of its executive or judicial officers, for they all hold their positions at the will of the President.

While the Government of every independent people, under our system, is composed of three departments—the executive, the legislative, and the judicial—the people have no voice or control in the selection or the management of either of these departments, save in the legislative; and even in this department an executive officer, wholly irresponsible to the people, controls by his veto two-thirds of the power of that. So the people of a Territory, even under the Kansas-Nebraska bill, are invested with only the one-third part of the powers of one of the three departments of their Government. So long, then, as the people continue under a Territorial organization, as now constituted, they are clothed with only one-ninth part of the powers of their Government, the balance being vested in the Government of the United States.

Until the formation of a State Government this supervision results not only from the power vested in the General Government by the Constitution itself, but to a great degree from the nature of a Territorial Government and the necessity of the case. The settlers of a new Territory, at the first, are few in numbers and widely separated, have to contend with the savage and the wild beast for the dominion of the wilderness, and are for a time, not of sufficient numbers, strength, or wealth to protect themselves alone against the unvilized inhabitants which surround them. Hence the General Government establishes a temporary government, appoints its executive and judicial officers, prescribes their duties and limiting their jurisdiction, fixing the salaries of all the expenses of the Territory in its sessions; builds its members and the other public buildings, and as a general rule, must have a supervisory power over the necessary government thus created. But this supervision over these at the earliest practicable moment consistent with the general welfare and protection of the frontier settlements.

In the case of Kansas there can be no doubt that there is at this time sufficient population and wealth to maintain a firm Government without excessive taxation upon its people, so there can be no reason on that account for continuing longer the Territorial organization.

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