



Columbia Democrat.

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SELECT POETRY.

AN OLD MAN'S DREAM.

Oh for one hour of youthful joy! Give back my twentieth spring! I'd rather laugh a bright bright day Than weep a gray-haired king.

Webster on the Love of Home.

The following noble sentiments were uttered by Daniel Webster: It is only shallow-minded pretenders who make either distinguished origin a matter of personal merit or obscure origin a matter of personal reproach.

A NAME.—The Woods of Lancashire, England, are a distinguished family for character, wealth and talent: the eldest son, John Wood, has been returned member of Parliament for Preston several times, and proved himself a steady supporter of civil and religious liberty.

Upon which the astonished lawyer laid down his pen, saying it was the most extraordinary name he had ever met with in his life, and after two or three attempts, declared he was unable to record it.

"Do make yourselves at home ladies," said a hostess to her visitors one day.—"I am at home myself, and wish you all welcome."

BUCKALEW'S REPORT

The Kansas Question.

IN SENATE—Feb. 24, 1858. Mr. BUCKALEW, from the Select Committee to which was referred certain resolutions relating to the admission of Kansas into the Union as a State, made the following report:

That the Committee, in addition to reporting back to the Senate the resolutions referred to them—the one with a recommendation that it be indefinitely postponed, and the other in an amended form—doem it proper to state the grounds upon which their action is founded.

So pertinacious and vehement have been the efforts to render this measure of admission obnoxious and unpopular, and so much is the peace and harmony of the country involved in a correct understanding of it, that your committee believe that some examination of the subject in the Legislature, to be followed by the expression of its judgment, in the form of a resolution, will dissipate the minds of many from false impressions, and have a salutary effect upon public opinion.

Our experience in Pennsylvania in making and amending constitutions may be examined, to aid us in solving the difficulties of this Kansas question. For that purpose some reference will be made to our own constitutional history. In 1776, in consequence of a circular from the committee of safety of Philadelphia to the committees of the several counties, enclosing the resolution of the Continental Congress of the 13th May, members were appointed from the several counties to a Provincial Conference, which met in Philadelphia on the 18th June, and adjourned finally the 25th of the same month.

This conference recommended the election of delegates, to assemble in convention, and form a constitution for Pennsylvania, as an independent State, and provided the manner in which the elections for that purpose should be held. In consequence of this recommendation, delegates were chosen by the people, who assembled in convention on the 15th day of July, 1776, and proceeded to form the constitution of that year, without submitting it to a vote of the people or other process of ratification.

That constitution, it will be seen, had a revolutionary origin, and it continued in force forty years, until 1790. It contained some faults which disturbed its practical operations. The legislative department consisted of a single body, as in colonial times, and the executive consisted of a council and president, the latter being selected by the joint vote of the council and assembly.

A council of censors was also established, who were to review, from time to time, the conduct of the different departments of the government, and report to the people any violations of the constitution by either; and they were empowered by a two-third vote of their number, to call a convention to amend the constitution.—A single legislative body, a plural executive, and a censorial council to criticize official action, but without power to enforce its judgment, were the three capital errors of that constitution; and the arrangement for amendment through the action of the majority was found to be impracticable.

A NAMING.—The Woods of Lancashire, England, are a distinguished family for character, wealth and talent: the eldest son, John Wood, has been returned member of Parliament for Preston several times, and proved himself a steady supporter of civil and religious liberty.

At its next session the General Assembly called a convention "for the purpose of reviewing, and if they see occasion, altering and amending the constitution of the State." The resolutions for that purpose were adopted by a vote of thirty-nine to seventeen on the 15th of September, 1789.

The law-making power could initiate the necessary proceeding of change. That constitution of 1790 was proclaimed by the convention, and put in force by it, without any submission of the instrument, or any part of it, to a popular vote. It remains in force to this day, a period of sixty-eight years, modified only by certain amendments to which it has been subjected.

In 1825 a law was passed by the Legislature for taking the sense of the people upon the question of a convention to make amendments. That proposition was low ever rejected.

Ten years later—in 1835—a law was passed, entitled, "An act to provide for calling a convention with limited powers." It provided for a vote "for the purpose of ascertaining the sense of the citizens of this Commonwealth, on the expediency of calling a convention of delegates, to be elected by the people, with authority to submit amendments of the State Constitution to a vote of the people, for their ratification or rejection, and with no other or greater powers whatsoever."

The vote taken in pursuance of this act was in favor of a convention, and by the subsequent act of the 29th of March, 1839, provision was made for electing the delegates, and for the submission of the amendments proposed by them.

Without pausing to explain the particular reasons which actuated the Legislature and people, it is clear that the convention of 1837-8, the members of which were elected with reference to these laws, possessed only limited powers. They could not form a new constitution, nor abrogate the old, nor put their amendments in force. They could only frame propositions of amendment, requiring a vote to give them validity.

Those amendments of 1835 were adopted, and the constitution of 1790 was so far changed as they expunged old matter or introduced new. Among those amendments was one in relation to future amendments, which now constitutes the 10th article of the constitution, and provides that amendments may be proposed by a majority of all members elected to each House of the General Assembly at two successive sessions, which, upon being approved by a public vote, will take effect.

Under this provision one amendment was adopted in 1850, and four in 1857. If this provision regarding changes in the constitution, should receive the same construction as did the provision in the constitution of 1776, it does not furnish an exclusive mode of amendment; and the legislative power of the State is competent at any time to provide for calling a constitutional convention, the powers of which, whether general or special and limited, will depend upon the law under which the delegates are chosen.

Now, upon questions of public or political right, the whole country and all its inhabitants are under law, and judgment must be given in favor of that party or individual whose position stands sanctioned by it. If our system were not so, through all its parts, it would be worthless, and speedily dissolved under the breath of revolution, or be struck down by the strong arm of force. Nor is this condition of things incompatible with true liberty and freedom.

Such is the character of the constitution-making and amending power, as illustrated by the Constitution of the United States. And when we turn to our own State, the case is equally clear. Both of our State constitutions were formed by conventions; neither were submitted to a popular vote; and we are living at this moment under a constitution so formed; and it is manifest that a new constitution might now be established through a convention in the same manner and having equal validity with former ones.

The notice of this objection becomes important when we consider it as an assigned reason of the difference between Gov. Walker and the National Administration, leading to his resignation, and also as the reason stated by Secretary Stanton for convening the Territorial Legislature in 1857, and recommending to it the passage of an act for a vote to be taken, on the Lecompton Constitution.

Without this, according to the admission of Mr. Stanton to the Legislature, there would have been no legal pretense for the 4th of January vote, and therefore the force to be assigned to that vote will, according to him, depend altogether upon the soundness of the objection; but as we have demonstrated that the objection is wholly groundless—that not only is it not sustained by authority or reason, but is utterly condemned by the high authority of the constitution of the United States and of Pennsylvania—the whole foundation for the January vote is destroyed, and it stands without validity, or force and effect upon the constitution against which it was directed.

Every presumption should be made in favor of popular right in legal instruments of government, and the power of changing them must remain entire, unless expressly limited or forbidden. The Kansas constitution does not forbid amendment before 1854, and it does contain a declaration of popular power over constitutions similar to those quoted by our Legislature of 1839, in a case precisely similar to the present one.

Upon the final adjournment of the Kansas convention without its submission of the whole constitution formed by it to a vote, objection was made to it upon that ground; and a constitutional philosophy altogether novel was produced upon the occasion to sustain that objection, by Robert J. Walker, the Governor of the Territory. It may be found expounded at large in his subsequent letter of resignation, and it constitutes the material point in the message of Mr. Secretary Stanton to the Territorial Legislature, on the 8th December, 1857.

It was this, shortly stated—that the people cannot make or amend a constitution through agents, sovereignty being "inalienable, indivisible, a unit, and incapable of delegation," in whole or in part. The practical result arrived at by Governor and Secretary, from this doctrine, was the invalidity of the Lecompton Constitution; without a popular vote upon the whole of it. Strange as it may seem, all this is spread out in official documents, and constitutes the leading ground of objection by Governor Walker to the constitution, as stated by himself.

Nothing more untenable and more opposed to constitutional principles, as understood and practiced in this country, could be produced. Doubtless under our republican system, the people are sovereign, and constitution must proceed from them; but they would no longer be sovereign if stripped of the power of appointing agents or representatives to act for them.

It will thus be seen that the sovereign people of Pennsylvania acted through their Legislature, in selecting members to the convention which formed the Constitution of the United States; that on three occasions they have ratified amendments to it through their Legislature, and that by the fifth article, to the execution of which they have bound themselves, any future amendments may be proposed by Congress, or a convention, (under certain restrictions), and ratified by Legislatures, or conventions, in three-fourths of the States. The only exceptions, from this power of amendment, is that no State can be deprived of its equal representation in the Senate.

And in fact, with the exception of State representation in the Senate, any and all parts of the constitution may be changed, against the opposition and protest of Pennsylvania, if other States and Congress give to it adequate support. She has bound herself to all this by becoming a party to the Union, and cannot be relieved from her obligations by any refined philosophy, whether proceeding from men of distinction or not.

conducting of the election, was so imperfectly executed that its objects were wholly or mainly frustrated, and that without fault or neglect of the disfranchised—then indeed, would it appear hard and unreasonable to hold those opposed to the constitution to be bound by it, and to fasten it upon them by congressional acceptance. This objection involves disputed matters of fact, and the committee, having carefully examined it, are prepared to substantially deny its force.

The Territorial Legislature passed a law for taking the sense of the people upon the question of a convention to form a constitution, and subsequently, on the 10th of February, 1857, passed a law for the election of delegates to the convention. Both these acts obviously contemplated the possession of general powers by the convention. In neither was there any limitation or restriction whatsoever. And the delegates having been elected in view of these laws, possessed the power of forming and enacting a constitution, subject only to the ratification of Congress, as heretofore shown.

It is to be further observed upon this act, that voters omitted from the census would have full notice of the omission, and ample opportunity to have their names added, by the probate judge, to the register of names. Full time is also afforded for the proceeding. But it is notorious and undeniable that the great body of those who did not vote at the subsequent election in June, withheld themselves from enumeration and registry, and instead of assisting the officers, as good citizens should have done, interposed all possible obstacles in their way, extending in some cases to actual intimidation and force; because they denied the authority of the Territorial Government and laws, and intimated by their conduct to refuse a recognition of them.

It is not necessary to go into minute details, nor to explore the causes remote or immediate, which induced opposition to that as well as other territorial laws, although such inquiry would strengthen the general conclusions already stated. As far as the objection to the powers and proceedings of the convention, on the 4th of January, is concerned, it is manifestly untenable; that such objection, if sustained, would have no foundation, either in reason or law. The man who would assert the power of our Legislature to submit the constitution of this State to a public vote, and upon a majority being given against it, that it should stand annulled and destroyed, would be justly regarded as foolish or insane.

The objection made to admission which has probably had most effect upon public opinion, is that stated in Governor Walker's letter of resignation, after his exposition of insubmissible sovereignty, already referred to. It is, that a large part of the people of the Territory had no opportunity to vote for delegates to the constitutional convention. If this were true in point of fact and to that extent suggested—if nineteen or fifteen counties of the thirty-eight composing the territory were wholly disfranchised, without fault or neglect of their own—if the territorial act providing for the census, registry of voters, and

The official dispatches, even of Gov. Walker himself, stamp upon the Topeka party, both designs and overt acts to subvert and nullify the Territorial laws, as well as to resist any constitution, however unexceptionable, to be made by a convention convened under them. In fact, armed bands, organized in open hostility to the authority of the laws, to resist their execution, and to uphold the authority of the illegal and revolutionary Topeka constitution and government, have openly traversed the Territory in the accomplishment of their designs, and yet exist under the lead and countenance of the leaders of faction, turbulence and disorder.

No proposition can be clearer than that revolutionists, and those who openly aid and consort with them, waive for the time being their political rights under the government against which they rebel, and can have no legal claim to be consulted in those political proceedings which are conducted under the regular authority of the laws. And for them to demand that their voices should be counted to destroy the powers and work of a convention which they repudiated from the outset, and in the election of the members of which they neither desired nor attempted to participate, is both impudent and monstrous.

If there be fault upon the part of the government with reference to this insurgent and misguided population, it is that they have been treated with extreme leniency and forbearance, illly required by continued turbulence and resistance to authority upon their part. And that the appeal should now to gravely made, in their behalf, for the rejection of a legal constitution and the continuance of excitement and disorder in the Territory until they shall be pleased to subside into order and regularity, may be classed among the curiosities of fact. With equal propriety might the appeal be made in behalf of the insurgents of Utah against the attempt to enforce upon them the jurisdiction and authority of the United States.

Sound and conclusive reasons existing for the positions assumed, every consideration demands that speedy and final action be taken for the settlement of this question that has so long harassed the public mind and worked an alienation of that feeling of confidence, respect and friendship that should reign supreme among the citizens of all parts of the Union. A postponement of the recognition of the legal position now maintained by this territory for admission may fearfully increase that which already exists—revolution, faction and discord. No good citizen can longer desire a continuance of an agitation that only engenders a spirit of hostility and bitter animosity between different sections of the confederacy, and if prolonged, must ultimately lead to consequences of the most disastrous nature.

The admission of Kansas into the Union under an organic instrument, comprising in every respect with the Federal Constitution, would signify vindicate the supremacy of law, bring order out of confusion, establish the reign of peace where lawless faction now holds its sway, calm the turbulent elements of party feeling no longer sustained by the hope of power, and have the new State free to pursue her progress in an unobstructed career of prosperity.

C. R. BUCKALEW, JOHN C. EVANS, SAMUEL J. RANDALL, GEORGE W. MILLER.

THE MARRIED MAN.—How is it that girls can always tell a married man from a single one? The fact is indisputable. The philosophy of it is beyond our ken. Blackwood says that "the fact of matrimony or bachelorship is written so legibly in a man's appearance, that no ingenuity can conceal it. Every where there is some inexplicable instinct that tells us whether an individual (whose name, fortune and circumstances are totally unknown) be he, or be he not, a married man. Whether it is a certain subdued look, such as that which characterizes the lions, in a menagerie, and distinguishes them from the lords of the desert, we cannot tell; but that the truth is so, we positively affirm."

POOR LYING.—A good Methodist minister at the West, who lived on a very small salary, was greatly troubled at one time to get his quarterly instalment. He had called on his steward a number of times, but had each time been put off with some excuse. His wants at length becoming urgent, he went to his steward and told him that he must have his money, as his family were suffering for the necessities of life. "Money!" replied the steward. "You preach for money! I thought you preached for the good of souls!" "Souls!" replied the minister; "I can't eat souls, and if I could, it would be a thousand such as yours to make a decent meal."

BREACH OF PROMISE.—A young American lady in Paris threatens to sue President Buchanan for breach of promise. She says that dining at her father's table years ago, he said to her—"My dear Miss, if ever I should be President, you shall be mistress of the White House."

Why are shawls like husbands? Because every woman should have one.