

The doctrine of State rights and State sovereignty was the doctrine that nerved the hearts of our ancestors, and kindled the beacon-fires of the Revolution. It is the last thing the patriot will cling to. I believe that what rights the Federal Government has are derived altogether from the consent of the States. They have surrendered up so much power as, and no more than, was necessary for the general protection and the general welfare; and whenever the Federal Government assumes powers not granted, then it undertakes the exercise of powers which amount to tyranny.

It is objected that the constitution of Oregon is unconstitutional, and that she ought not to be admitted as a State, because she permits alien suffrage. She has a right to allow it. Every State has the right to confer the right of suffrage on whoever it pleases. Every State is entitled to regulate its own internal policy—to say who shall and who shall not vote. I appeal particularly to the members from the South. Whenever we surrender the right to determine who shall vote in the States, we do not know how soon we will be deprived of suffrage ourselves. It is a great right, and should be clung to by every State-rights Democrat as the last hope of the country. I grant that I would not allow a foreigner to vote in any State. I would only allow citizens of the United States. I would not allow any colored man to vote. If gentlemen in Massachusetts, however, allow negroes to vote, that is their own affair. The States, in their internal policy, have the right to select their own company. I have no right, we have no right, to interfere with them. The question of the right of suffrage was one that was mooted in the formation of the Constitution of the United States. As one of the rights of the States, it was regarded as one of the very pillars of the Union. The gentleman from New York [Mr. GRANGER] stated, that while the constitution allowed aliens to vote, it excluded free negroes from the State. He stated that was inequality. While the constitution of his State allows negroes to vote, does it allow them to vote on an equal footing with white persons?

Mr. MORGAN. We allow them to vote. More than one hundred of them voted for me.

Mr. CLARK, of Missouri. He does vote in New York, but not on an equality with the white man.

Mr. MORGAN. The negro does vote in New York. More than a hundred voted for me.

Mr. CLARK, of Missouri. The constitution of New York requires a property qualification for the colored voter, and not for the white man.

Mr. CLARKE B. COCHRANE. That is so.

Mr. CLARK, of Missouri. By the constitution of New York, a negro must be worth \$200 before he is equal to the white man.

Mr. CLARK, of New York. Two hundred and fifty dollars.

Mr. CLARK, of Missouri. Well, sir, a white man in New York can vote without property, and the negro has to have property. Now, where is your equality? Why, formerly, in Virginia, under her old constitution, a man had not only to be free and white, but to be an owner of land, before he was permitted to vote in that old Commonwealth, which is said to be the "mother of States and statesmen," and to have given laws to this great Confederacy. No one has ever contended

that she had not a right to do it. In the State of Missouri we make no such distinction. All free white men above the age of twenty-one can vote, whether they are rich or poor. We have universal suffrage, which is the true principle. But we require residence as a precedent to the right to vote, and so do nearly all the States? Why is that? Why can that power be exercised? It is because the States have a right to regulate their own affairs, and to govern the right of suffrage in their own way. The Government of the United States has no right at all to interfere in the matter.

But another objection made to the admission of Oregon is, that she has excluded free negroes. That objection comes with a bad grace from many gentlemen upon this floor. Sir, how many States of this Union are there that have excluded free negroes? Does not Ohio exclude them?

Mr. BINGHAM. No, sir.

Mr. CLARK, of Missouri. She did, I believe, when the Republicans had control of the State. Illinois excludes them; Indiana excludes them; and, I believe, several of the New England States exclude them.

Mr. BINGHAM. No, sir.

Mr. CLARK, of Missouri. They do it by statute, if not by constitutional provision. The doctrine is, that you can exclude them by statute, but not by the fundamental law of the land; and it is a strange doctrine, indeed.

Mr. GILMAN. Will the gentleman state what New England State excludes free negroes?

Mr. CLARK, of Missouri. I may be in error about the New England States; but I think Connecticut does.

Mr. DEAN. No, sir; the gentleman is mistaken.

Mr. CLARK, of Missouri. Well, I know that negroes are great favorites in New England, and perhaps they do not exclude them.

Now, I take the ground, Mr. Speaker, (which may not be very acceptable to some gentlemen here,) that the negro is not, and cannot be, a citizen of the United States. As a lawyer, I draw my views of the construction of the Constitution of my country from those cotemporaneous with its formation, and those luminaries who are placed upon the bench of your courts to construe and expound the laws and that Constitution which I am sworn to support; and I am not so vain or so presumptuous as to set up my judgment above the judgment of those to whom the peculiar duty is confided of expounding and construing it. Sir, it is the duty of every good citizen to obey the laws of the land. The laws of the land are made by the Congress of the United States, and it is the duty of every good citizen to obey those laws as expounded and construed by the judiciary.

Now, sir, it was said yesterday, by the honorable member from Tennessee, [Mr. MAYNARD,] that "citizens" and "people" meant the same thing. Well, in one sense, they do mean the same thing.

Mr. MAYNARD. Will the gentleman permit me to explain the extent of my remark. I meant within the purview of the Constitution of the United States.

Mr. CLARK, of Missouri. In the sense of the Constitution of the United States they mean the same thing, but the gentleman gives them a

wrong application. "Citizens" and "people" mean the same thing in the view of the Constitution, but only when the citizen is a part of the body politic. But do gentlemen suppose that, when the framers of the Constitution used the word "citizens," they meant negroes? They had not advanced as far as some of our friends have at this day. Sir, they never meant to include slaves or Africans in the terms "people" or "citizens." Never. I have the highest authority under this Government for saying that they meant no such thing. In the *Dred Scott* case, Judge Taney, in delivering the opinion of the Court, said:

"The words people of the United States and citizens are synonymous terms, and mean the same thing. They both describe the political body, who, according to our Republican institutions, form the sovereignty, and who hold the power and conduct the Government through their Representatives. They are what are familiarly called the sovereign people, and every citizen is one of this people, and a constituent member of this sovereignty. The question before us is, whether the class of persons described in the plea in abatement (*Dred Scott* was a negro) compose a portion of this people, and are constituent members of this sovereignty? We think they are not, and were not intended to be included under the word citizens, in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for, and secures to, citizens of the United States."

And again he said:

"In discussing this question, we must not confound the rights of citizenship which a State may confer within its own limits, and the rights of citizenship as a member of the Union."

In the same opinion we find the following:

"It does not by any means follow, because he has the rights and privileges of a citizen of a State, that he must be a citizen of the United States. He may have all the rights and privileges of a citizen of a State, and yet not be entitled to the rights and privileges of a citizen in any other State; for previous to the adoption of the Constitution of the United States every State had the undoubted right to confer on whomsoever it pleased the character of citizen, and to endow him with all its rights; but this character of course was confined to the boundaries of the State, and gave him no rights or privileges in other States, beyond those secured to him by the laws of nations and the comity of States. Nor have the several States surrendered the power of conferring these rights and privileges by adopting the Constitution of the United States. Each State may still confer them upon an alien, or any one it thinks proper; or upon any class or description of persons; yet he would not be a citizen, in the sense in which that word is used in the Constitution of the United States, nor entitled to sue as such in one of its courts; nor to the privileges and immunities of a citizen in the other States. The rights which he would acquire would be restricted to the State which gave them."

Now, it is strange to me to find gentlemen upon this floor objecting to alien suffrage at this late day. Why, sir, the first constitution of Illinois allowed aliens to vote. They allow them now to vote after a very short residence. And aliens have been permitted to vote in all the territories, and the gentleman from Pennsylvania [Mr. Grow] has time and again voted for territorial bills allowing it. Did he not do it in the case of Oregon and of Minnesota? Has he not done it in the case of every Territory that has been organized since he has been in Congress? Now, my position is, that while I would not vote for alien suffrage, still it is a matter for the State of Oregon to determine. It would be a dangerous precedent for Congress to interfere with such a matter. We have no right or power to do it. So, too, with reference to the exclusion of free negroes; it is a matter for their own decision. Negroes

are not citizens, and, therefore, cannot be included in that clause of the Constitution which provides that the citizens of each State shall have the same rights as citizens of other States. They are not citizens in the contemplation of the Constitution, and do not come within that provision.

Then it is said further that the courts of the country are closed against this class of people. Is it not the right of a State to declare who shall be entitled to sue in her courts? Can anybody but a citizen of the United States do it? Has not the court decided that a negro is not a citizen of the United States? And will you force a State to receive within its limits persons whom the State is not willing to admit? You would then establish for Oregon a rule which is contrary to the rule established by the highest court of the country for all the States, and you threaten to exclude her because she has done as other States have done in excluding free negroes. I ask is that fair? is it just? and is there a man upon this floor who could maintain his self-respect and vote to exclude her upon those grounds?

Mr. KELLOGG. I would ask the gentleman if there has been any other State before this, which has excluded all persons of color from suing in their courts?

Mr. CLARK, of Missouri. I cannot be interrupted. I now come to the consideration of the last objection, and that is, that Oregon has not a sufficient population. Now, I claim that Oregon should be admitted without regard to population. I urge that Oregon ought to be admitted, even though she has less than sixty thousand inhabitants, because she had a right to believe she would be admitted, from the fact that the Government proposed that she should form a constitution, and also because that constitution was formed before the enactment of the English bill. But I claim that Oregon has a sufficient population; I claim that she has more than one hundred thousand people within her borders, and I bring up, to sustain my position, the declarations of gentlemen upon this floor, who know, or ought to know, the facts in the case. The gentleman from Pennsylvania, [Mr. Grow,] last Congress, stated that from all the information he then had, Oregon had ninety thousand people—two years ago last February; that she had a population nearly equal to the ratio of representation upon this floor. This is the avowal of one upon this floor, who had the right to know. But the gentleman from Pennsylvania said he made his statement based upon information obtained from the Delegate from Oregon. Is not that Delegate now here? Is he not entitled to as much credit now, as then? Has he not been among his people since that day, and does he not know more about them now than he did then, and are not his assertions entitled to the same weight as then?

Mr. GROW. I hope the gentleman does not understand me as questioning now the veracity of the Delegate from Oregon.

Mr. CLARK, of Missouri. I understood that you did.

Mr. GROW. I stated that was my authority, without raising any question of veracity about the gentleman from Oregon.

Mr. CLARK, of Missouri. The gentleman says he raises no question of veracity. Then why is he talking about it? But I did not intend

to raise any question of veracity between the gentleman from Pennsylvania and the gentleman from Oregon. My remarks were made in a spirit of kindness. I wanted to say that the Delegate from Oregon was believed by the gentleman then; and I hoped that no occurrence had taken place which would diminish that confidence now. He gives the same information now as then; and not only that, but he gives additional information, which places her population far above the ratio required for a Representative here. That I may do no injustice, I ask the Delegate to state here, upon this floor, what he now believes to be the population of Oregon?

Mr. LANE. Being called upon to state what I know and what I believe in reference to the population of Oregon, I will do so as briefly as possible. As was stated yesterday by my friend from Georgia, [Mr. STEPHENS,] at the head of the Committee on Territories, our population, in 1850, amounted to about ten thousand. In 1855 we had a census taken, but it was not a complete one. It did not do justice to Oregon as to the number of her people. The return, however, as made in 1855, was forty-three thousand four hundred. Since that time there has been no census taken; but I will say to the House that the increase of population has been going on constantly from that time to this; and that the House may know the extent of that increase of population, I will state the increase in Douglas county, the county in which I reside. I happened to be at home in 1855, when the census was taken. I was called upon by the assessor, who was required, at the same time that he made the assessment, to take the census of the inhabitants. That year there were not over two or three hundred families in that county; there were no towns, and no settlements, save one of half a dozen houses. I came here that fall, and returned in the spring of 1857. Then I found that, in the mean time, a county seat had been located at Roseburg; that the population had increased to about one thousand people; that, instead of having to go one hundred and forty miles to get our wheat ground, we had two fine flouring mills almost in sight of my house; that every vacant quarter section of land in that county had

been taken up; and that the county could give more votes than they had entire population two years before. The country has been settling up at that rate from that day to this; and it is safe to say that we have now, in Oregon Territory, more than the population requisite for the representation of one member upon this floor. We have the requisite white population.

My friend from South Carolina, [Mr. BOYCE,] and I regret to see that he is not in his seat, referred two years ago, in some remarks he made, to the statement of Bishop Scott, given to the public in New York city. Bishop Scott went out to Oregon, established his churches, and returned with a view of getting aid for their continuance. He left in 1855, and returned the Congress before the last. He was in Oregon when the last census was taken. It was then understood and acknowledged that that census did not do justice to the Territory. In truth, there were fully fifty thousand people then there.

Bishop Scott, speaking of the extent of Oregon, its resources, &c., said that, with a population of fifty thousand scattered all over the Territory, over an immense Territory, it would be seen how necessary it was to afford aid for his churches. We have no better man than the Bishop upon the face of the earth. Though the census stated there were forty-three thousand and odd, the Bishop stated there were fifty thousand, and that was the basis upon which he spoke. There is a letter in the hands of the gentleman from Connecticut, [Mr. ARNOLD,] from Inspector General Mansfield, of the United States Army. That gentleman went all through Oregon on a tour of inspection, before the census referred to was taken. He inspected all the military posts and the forces stationed at them. Last summer he was ordered back to Oregon, and he made another tour of that Territory. In the letter I have referred to he states that he found the Willamette valley had settled up thickly and was continuing rapidly to fill up. The farms were in good order, and the prospects there were of the brightest character. He believed that the population of Oregon had increased four-fold since his former visit.

[Here the hammer fell.]