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AND THE

CONSTITUTION OF THE UNITED STATES

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John C. Beckwith.





Joseph Lane



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# JOHN C. BRECKINRIDGE,

OF KENTUCKY.

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## A BRIEF MEMOIR OF HIS LIFE.

JOHN C. BRECKINRIDGE is a native of Kentucky, and was born near Lexington, January 16, 1821. He received his education at Centre College, enjoyed the benefits of some months at Princeton, and after going through the requisite law studies at Transylvania Institute, was admitted to the bar at Lexington. Hoping to find a fruitful field in which to sow his knowledge, he emigrated to the Northwest; but after something less than a couple of years spent in Burlington, Iowa, he returned to his native State, and took up his abode at Lexington, where he still resides. He entered immediately on the practice of his profession, and met with a well-merited success.

The trump of war, however, excited the military ardor of our young Kentuckian, and the result was creditable service as a major of infantry during the Mexican war. He also distinguished himself as the counsel for Major-General Pillow, in the celebrated court-martial of that officer.

On the return of Major Breckinridge from Mexico, he was elected to the Kentucky Legislature, and created so favorable an impression as a legislator, that he was elected to Congress from the Ashland District, and being re-elected, held his seat from 1851 to 1855.

His career in Congress was marked by a devoted attention to his duties as a legislator. Whenever he spoke, his eloquence drew forth the enthusiastic plaudits of both political friends and opponents.

Introducing (on the 30th of June, 1852) the resolutions of respect to the memory of Henry Clay, who had died the day previous, Mr. Breckinridge laid the fullness of his

young heart on the grave of the great Kentuckian, in whom "intellect, person, eloquence, and courage, united to form a character fit to command. Standing by that grave, and with the memories of the great dead about him, "the mere legerdemain of politics" appeared contemptible to him. What a reproach was Clay's life on the false policy which would trifle with a great and upright people! "If I were to write his epitaph," said Breckinridge, "I would inscribe, as the highest eulogy, on the stone which shall mark his resting-place, 'Here lies a man who was in the public service for fifty years and never attempted to deceive his countrymen.'"

In the Thirty-second Congress, Mr. Breckinridge was instrumental in securing an appropriation for the completion of a cemetery near the city of Mexico, in which the remains of the American officers and soldiers who fell in battle, or otherwise, in or near the city of Mexico, should be interred. He also favored an appropriation for a weekly mail with the Pacific, and advocated putting these contracts to the lowest bidder.

Though Mr. Breckinridge did not seek to be constantly before the House, he took a very distinguished position, and sometimes, in debate, was sharp and effective.

Hon. Mr. Giddings, in the course of a speech (16th March, 1852) on the Compromise Measures and Fugitive-Slave Law, denied that the Federal Government had power to pass laws by which "to compel our officers and people to seize and carry back fugitive slaves." Mr. Breckinridge briefly pushed him into an enunciation of his most extreme doctrines, and then said, "Against the impotent ravings of his baffled fanaticism I placed the plain words of the Constitution. To his coarse and offensive language I have no reply."

With the debate on the Nebraska bill, in 1854, Thirty-third Congress, Mr. Breckinridge's name is intimately woven. It was during this discussion that his difficulty with the Hon. Mr. Cutting, of New-York, took place. On the 21st of March, Mr. Richardson, desiring to reach the Nebraska bill, heretofore reported by him, moved the House to go into committee of the whole on the state of the Union. After some slight discussion, this motion was lost. Having proceeded with the business on the Speaker's table, several small bills were taken up and referred, and the Nebraska Bill reached by title. Much feeling was manifested, and all seemed to regard this as a crisis. Mr. Richardson and Mr. Cutting rose together. The former moved to refer to the committee of the whole on the Union. The Speaker recognized the mem-

ber from Illinois, and the member from New-York raised a point of order. Richardson said his purpose was to amend the bill, and that Cutting's course would kill it. Mr. Cutting persisted in his motion, and supported it by a speech, disclaiming any disrespect to Mr. Richardson as Chairman of the Committee on Territories, and stating that it was understood that that committee had already discussed and elaborated the subject. He was opposed to putting it again through the circuitous mode of referring it to them, and having it on the Speaker's table as it was to day. The North was in a state of civil insurrection since the introduction of the bill; and he thought it was a time, not for parliamentary tactics, which give rise to suspicion, but for full, frank, and manly discussion. He was in vain appealed to; he would not withdraw; and his motion being passed, he clinched the vote by moving to reconsider, and then laying the motion on the table.

Mr. Millson, of Virginia, having brought up the Nebraska matter, in a discussion on the Indian Appropriation Bill, on the 23d, was followed by Mr. Hunt, of Louisiana, "two enemies of the bill," having precipitated the debate on the House. Mr. Breckinridge entered the lists, in a memorable speech, in which he strongly stigmatized the course of Mr. Cutting. "The gentleman may be for the bill," said he, "but his voice is that of an enemy." He warned the friends of the measure from following the member from New-York, whose course would kill it; and preferred to have a score of open enemies than a professed friend who struck in the manner he did.

On the 27th, Mr. Cutting replied at great length, to the imputations thrown out by Mr. Breckinridge, when the latter retorting, a scene of great excitement took place. The difficulty was carried out of the House, and for some days public curiosity was aroused at the prospect of a duel, the preparatory steps for such a settlement having been taken. On the 31st, however, Mr. Preston informed the House that Mr. Cutting had left the matter in the hands of Colonel Monroe, of New-York, and General Shields, United States Senator from Illinois, and Mr. Breckinridge had referred to Colonel Hawkins, of Kentucky, and himself (Mr. P.); and he was authorized to state that a settlement had been effected, mutually satisfactory and honorable to both parties. On the part of both gentlemen he also offered an apology for any violation of the rules of the House which had taken place in the excitement of debate.

In recognition of Mr. Breckinridge's identification with the views of the administration, President Pierce tendered to him the mission to Spain; but the honor was respectfully declined, family matters compelling Mr. Breckinridge to this course. He was a delegate to the Cincinnati Convention in June, 1856. After the nomination of Buchanan for the Presidency, several names were offered for the second office—among others, that of John C. Breckinridge, proposed by the Louisiana delegation, through General J. L. Lewis. Acknowledging the flattering manifestation of good will, Mr. Breckinridge begged that his name would be withdrawn. On the first ballot, however, the Vermont delegation, through Mr. Smalley, believing that no democrat has a right to refuse his services when his country calls, cast its five votes for Breckinridge. Many other States followed, and of the total he received fifty-one votes, second on the list, and only eight under the first, General Quitman. On the second ballot, Maine, New-Hampshire, and Vermont, led off for Breckinridge; Massachusetts followed, with eleven out of thirteen votes; Rhode Island followed with her four; then the New-York "softs" gave him eighteen. Delaware, Maryland, and Virginia, voting in the same way, it became quite obvious that he was the choice of the body; and though several of the remaining States voted for other candidates, they quickly, one by one, changed their votes—the several delegates making neat and appropriate speeches in announcing the change. The names of other candidates were withdrawn, and the whole poll went for J. C. Breckinridge, at which the convention rose, and with waving of handkerchiefs, and the loudest vocal demonstrations, directed its attention upon the tall and graceful delegate from Kentucky, who had been so unexpectedly nominated for so exalted a post. It was long before the demonstrations subsided so as to allow a word to be heard. At last, the commanding figure of Mr. Breckinridge stood fronting the mighty triumph. It certainly was a time to try a young man. He spoke briefly and becomingly. The result just announced was unexpected, and his profound gratitude was without words. He gave the convention the simple thanks of a true heart; and, expressing his appreciation of their first choice, and linking his humble name with that of the tried statesman of Pennsylvania, cordially endorsed the platform, and sat down amid the booming of cannon, and the vociferous applause of the multitude outside, breaking in upon and almost overpowering the loud cheers within the hall.

Three days after this exciting and gratifying scene, his neighbors gathered to congratulate him at Lexington.

He was elected Vice-President, having received one hundred and seventy-three electoral votes, being fifty-nine over William L. Dayton, the Republican candidate for the same office. Thus, at the age of thirty-five, he had served his country abroad, had been a legislator in his State and in the National Legislature, had been tendered the representation of the Republic in Europe, and elevated to the second office in the gift of the people.

As President of the United States Senate, he took the chair of that eminent body early in the first session of the Thirty-fifth Congress, December, 1857, and, with some intermission, caused by the illness of his family, presided during that stormy session.

At Florence, Kentucky, on the 24th of July, 1858, the Vice-President, then being in rustication in his own State, attended, by invitation, a meeting of his fellow-citizens, and addressed them in an eloquent speech on the topics of the day. He defended the administration against the charge of extravagance, showing that the "Americans" and "Republicans," who clamored so much about extravagance, were the very parties that attempted, in the previous session, to add several millions to the budget; that the extravagant and objectionable appropriations were made by a "Republican" house, and the only resistance made against them was by Democrats. He reviewed the slavery question up to 1820, when intervention against slave States commenced, followed with a rehearsal of the Wilmot Proviso movement, and the reaction that followed, expressing a belief that the people of Kentucky had not appreciated the scope and force of the anti-slavery movement, which was broadening and deepening at the North. He showed them how the slavery question had killed the old Whig party—an organization that was bold, open, gallant, full of pluck and fire—how the American party had died, partly of the same issue, and partly of an inherent weakness in its constitution, and thought that the gentlemen who caused the death of the last party, left afloat in Kentucky, would and should become democrats, to enable the State to cope with the republicans. It was impossible to remain neutral. The Democratic party was not a destructive, but a conservative party, based upon the Constitution, and the rights of citizens and States. It alone had survived the agitation, and was now vital, untamable, and unconquerable. The speech gave great satisfaction.

On the removal of the Senate from the old and time-honored chamber, which had been the scene of so many great events of American history, to the new one, the Vice-President made a feeling address. He gave an historical outline of the exigencies to which Congress was put in its early days, holding its sessions, as the chances of war required, at Philadelphia, Baltimore, Lancaster, Annapolis, and Yorktown, and, during the period between the conclusion of peace and the establishment of the present government, at Princeton, Annapolis, Trenton and New-York. He followed with a history of the choice of the present locality, the foundation of the city, the building of the capitol, and the onward career of our Legislature, with suggestive memorials of the great men who had made the place they were leaving immortal.

At the last session of the Kentucky legislature, Mr. Breckinridge received the unsought-for nomination of his party for the United States Senate. He was elected to succeed Hon. John J. Crittenden from the 4th of March next, by twenty-nine majority, on joint ballot. His senatorial term would expire in 1867, had not the people determined to elevate him to a higher position.

Upon receiving intelligence of his election, Mr. Breckinridge immediately left Washington for Frankfort, the capital of Kentucky, where, in the presence of the legislature, he delivered that great speech which at once stamped him as one of the foremost statesmen of the day. It will suffice here to remark, that he boldly enunciated the principles laid down in the Dred Scott decision—the equal rights of all citizens of the United States in the territories.

Breckinridge possesses all those personal traits which endear the man as much to the masses as to his more immediate friends. He is a courtly and polished gentleman, chivalrous and high-toned, the very soul of honor, a second Bayard in the battle-field, a man of intellect, honest and straightforward in the expression of his opinions, no politician, no wire-puller, no trickster, prompt in decision, quick in execution, a very lion of the tribe of Jackson.

His presence is the personification of nobleness. No word describes his person more correctly. With his warm heart and ever genial smile, no wonder he attracts the admiration of all who come in contact with him.



## JOSEPH LANE,

OF OREGON.

---

### A RAPID SUMMARY OF HIS LIFE.

JOSEPH LANE, the second son of John Lane and Elizabeth Street, was born in North Carolina, on the 14th of December, 1801. In 1804 the father emigrated to Kentucky, and settled in Henderson county. He had the benefit of having sprung from Revolutionary stock, and, if he learned little else, imbibed many stirring lessons of patriotism and its glorious results from the elders who surrounded the hearthstone of his boyhood. At an early age he shifted for himself, and entered the employ of Nathaniel Hart, Clerk of the County Court. In 1816 he went into Warwick county, Indiana, became a clerk in a mercantile house, married, in 1820, a young girl of French and Irish extraction, and settled on the banks of the Ohio, in Vanderburg county.

Young Lane soon became the man of the people among whom he had cast his lot. In 1822, then barely eligible, he was elected to the Indiana legislature, and took his seat, to the astonishment of many older worthies. Hon. Oliver H. Smith, a new member likewise, and since a United States Senator from 1837 to 1843, describes, in a work recently published, the appearance of Lane on the occasion. "The roll-calling progressed as I stood by the side of the clerk. 'The county of Vanderburg and Warwick!' said the clerk. I saw advancing a slender, freckled-faced boy, in appearance eighteen or twenty years of age. I marked his step as he came up to my side, and have often noticed his air since: it was General Joseph Lane, of Mexican and Oregon fame in after years."

On the Ohio, Lane became extremely popular as a good neighbor and a man of enlarged hospitality. Near his dwell-

ing, the river has a bar, which never fails at low water to detain a small fleet of boats. Lane's farm-house had ever its doors open; an invitation was extended to all to come and help themselves, the host never consenting to receive remuneration, though hundreds have partaken of his store. Any boatman on the river, says a reliable informant, felt himself at liberty to take any of his boats for temporary use without asking. Such was Joseph Lane on his homestead. Acquaintance with river life made him a good pilot of the Ohio and Mississippi rivers, which gained him an additional meed of respect from the "river men."

As farmer, produce-dealer, and legislator, many years rolled over his head, every year adding to his popularity as a man, both in his private and public capacity. He was frequently re-elected by the people, and continued to serve them at short intervals, in either branch of the legislature, for a period of twenty-four years.

Mr. Lane was a fearless legislator, always acting from a conscientious belief in the truth of his views, and following them up with spirit and undeviating vigilance. Those who are best acquainted with this portion of his career, delight to dwell upon the zeal and tenacity with which he upheld the trusts confided to him, and denounced the wrongs which threatened to thwart his designs for good. He is, however, a man of deeds rather than words—though he does not lack the power to express his views clearly and forcibly.

Never in favor of expediency, he was always for what seemed right to him. When it was thought that Indiana, overburdened with debt, would be compelled to repudiate, the prospect of the disgrace which would thereby result to the State aroused all his indignant energies. He would not hear of such a thing. He felt it would be a disgrace to him, as a working-man, with the will and the strength to labor, to repudiate a debt. What was it, then, to a State of which he was a representative? He toiled untiringly to avert it, and had the satisfaction of seeing his efforts successful.

In politics, General Lane has always been of the Jefferson and Jackson school. Possessing a strong intellect, and a memory retentive of facts, and quick to use them, he has become thoroughly acquainted with the history and politics of the country. Mr. Yulee observes, "He has written with his plough and sword, and spoken by his deeds; and, though unused to the ornaments of rhetoric and literature, he is, nevertheless, powerful in debate, and especially well qualified in political and Presidential conflicts on the stump to over-

whelm the opponents of Democracy." He supported Jackson in 1824, '28, and '32, gave his voice and energies for Van Buren in 1836 and '40, "as long as the latter followed 'in the footsteps of his illustrious predecessor,'" and went for Polk in 1844. His activity and earnestness were contagious, and could not but infuse into those about him, and into the public men of the State generally, the spirit which had led him to so honorable a prominence.

In the spring of 1846, the war commenced between the United States and Mexico, and a call was made upon Indiana for volunteers. Lane, then a member of the State Senate, immediately resigned, and entered Captain Walker's company as a private. He chose Walker as his commander, having a high opinion of his bravery—an opinion which that gallant officer's conduct and death at Buena Vista completely justified. When the regiment met at the rendezvous—New Albany—Joseph Lane was taken from the ranks by the unanimous voice of the men, and placed at the head as colonel; and in a very few days afterward he received—unsought and unexpected by him—a commission from President Polk as brigadier-general. On the 9th of July he wrote a letter of acceptance, and entered on the command of the three regiments forming his brigade. Two weeks after (24th of July) he was at the Brazos, with all his men, and concluded the report announcing his arrival to General Taylor in these words: "The brigade I have the honor to command is generally in good health and fine spirits, anxious to engage in active service." On the 20th of August, he wrote to Major-General Butler, claiming active service. His brigade did not relish being left in the rear to garrison towns or to guard provisions and military stores, while the regular army, and the volunteers ordered on to Camargo, would have the honor of being actively engaged.

Lane had an idea that the Indiana men were raised to do some fighting, and he was impatient of delay. The second day after his letter to Butler, he wrote again to General Taylor, complaining of the advance of troops out of their order of precedence. Without being disrespectful, he demanded for his command a share in the dangers and honors of the active service. Despite his anxiety to go on, he had to remain several months, in a most irksome mood, on the swampy banks of the Rio Grande, where his troops, suffering under the sweltering sun, were decimated by the pestilential diseases of the climate.

At length he was ordered to Saltillo, and made civil and

military commandant of that post by Major-General Butler. After the battle of Monterey, Lane was ordered to join General Taylor.

The famous battle of Buena Vista was fought on the 22d and 23d of February, 1847. General Lane was third in command, and served on the left wing. From the beginning to the end he was in the hottest of the fight. On the morning of the 23d, Lane had the honor of opening the continuation of the battle, on the plain, where he was attacked by a force of from four to five thousand infantry, artillery, and lancers, under Gen. Ampudia. At this crisis, Lane's force was reduced to four hundred men ; and with this phalanx he received the Mexican onset.

As Lane commenced the fight on the 23d, so was he in "at the death." The Illinois and Kentucky regiments, suffering sorely, were falling back under a terrible charge by the collected infantry of Santa Anna, when Lane, though wounded, came up with the Indiana men, and with the Mississippi men, under Colonel Jefferson Davis, opened a destructive fire upon the Mexicans, checked their advance, and enabled the retreating regiments to form and return to the contest. Failing to pierce the American centre, Santa Anna retired from the field.

In this battle, where all were heroes, it is the more honorable to find Lane, with four or five others, particularly noticed. Here is a picture of him : "When the grape and musket-shot flew as thick as hail over and through the lines of our volunteers, who began to waver before the fiery storm, their brave general could be seen fifty yards in advance of the line, waving his sword with an arm already shattered by a musket-ball, streaming with blood, and mounted on a noble charger, which was gradually sinking under the loss of blood from five distinct wounds. A brave sight indeed was this !"

Major-General Wool, writing to Lane, May 23d, regrets that he is about to lose his valuable services, and testifies to his readiness to do honor to his command, his country, and himself. Again, July 7, Wool writes, "I have seen you in all situations—at the head of your brigade, in the drill, and in the great battle of the 22d and 23d of February ; and, in the course of my experience, I have seen few, very few, who behaved with more zeal, ability, and gallantry, in the hour of danger." And General Taylor, in his report, says, "Brigadier-General Lane (slightly wounded), was active and zealous throughout the day, and displayed great coolness and gallantry before the enemy."

Remaining encamped near the battle-field until June, he was ordered, with his brigade, to New-Orleans, where the latter was disbanded, its term of service having expired. On his return home, public festivals at New-Albany and Evansville greeted him, while his appearance everywhere commanded and elicited the most enthusiastic admiration. An order to join Taylor's line, however, allowed him but a short season of repose in the bosom of his family.

Having been transferred to General Scott's line of operations, he reached Vera-Cruz, with his command, on the 16th of September, 1847. On the 20th, he set out for the city of Mexico, at the head of two thousand five hundred men. At Jalapa this force was increased by Major Lally's column of one thousand men, and at Perote by a company of mounted riflemen, two of volunteer infantry, and two pieces of artillery.

Leaving his train at San Antonio Taamaris with a suitable defence, Lane marched against Huamantla with over two thousand men. On the morning of the 9th of October, the people were startled by the approach of the soldiers. White flags were immediately displayed; but no sooner had the advanced guard, under Captain Walker, entered the town, than volley after volley assailed it. A deadly combat ensued. Walker gallantly charged upon a body of five hundred lancers and two pieces of artillery on the plaza. General Lane, advancing at the head of his column, encountered the heavy reinforcement of Santa Anna, who had arrived with his full force. Soon the roar of battle resounded from street to street. For a short time the Mexicans confronted their assailants with the energy of despair; but the terrible decision of the Americans prevailed, and their flag soon waved over the treacherous town. A large quantity of ammunition was captured, and some prisoners—one of whom was Major Iturbide, son of the former emperor of Mexico. This was the last field on which Santa Anna appeared in arms against the United States. For this victory Lane was brevetted major-general.

Having rejoined his train, General Lane arrived at Puebla on the 12th of October.

Lane's campaign, from the departure from Vera Cruz up to this point, was a series of brilliant movements and victories. A surgeon attached to his command wrote home, about this period, that no writers—only the soldiers—could tell with what ingenuity and bravery Lane conducted his handful of men. "I never"—he adds—"before could un-

derstand how cowards were transformed into brave men as by miracle."

The battle of Tehuallaplan was the last fought in Mexico. Peace was soon declared ; but General Lane—who, not inappropriately, says Jenkins, was styled by his brother officers and soldiers "the Marion of the army"—remained some months directing the movements consequent upon the return of our troops. On evacuating the conquered land, Lane remarked to a friend, "I left my plough to take the sword with a thrill of pleasure ; for my country called me. I now go home to resume the plough with as sincere joy."

About the 1st of August, 1848, General Lane reached Indiana. His fellow-citizens were rejoiced to see him ; but he had not time to respond to the favors extended to him, for on the 18th he—without any solicitation on his part—were appointed Governor of Oregon. On the 28th his commission reached him, and on the next day he set out for his post.

On the 2d of March, 1849, about six months after his departure from home, he arrived safely in Oregon City. This journey cost the Government *nothing*—General Lane not making any charge for his expenses, besides which, he aided largely in subsisting the troops the greater part of the time with the product of his rifle, as he was both the pilot and the hunter of the party.

The Indians of Oregon—of whom there were between fifty and sixty tribes—kept the whites in a constant state of jeopardy. The progress and settlement of the territory were greatly impeded by their depredations. In 1850, a formidable outbreak took place on Rogue River, in the southern part of Oregon. Governor Lane took the field in person, collected a force of settlers, miners, a few officers and men of the regular army, attacked the Indians at Table Rock, and, after a desperate conflict, in which he was severely wounded, drove them from their position. Following this success up with his accustomed vigor, he so severely chastised them that they were glad to accept any terms of peace.

As Delegate from Oregon, General Lane was unremitting in his advocacy of the interests of the Territory, and untiring in his efforts for her admission into the Union.

The evening of the day Oregon was admitted to the sisterhood of States, the federal city was alive with festivity in honor of the event. A band serenaded the President, Vice-President, Mr. Stephens, of Georgia, General Lane and others. In response to a call, Governor Stevens introduced General Lane—new Senator elect from the State of Oregon

—to the people. He made a brief speech, in which he said that a bulwark had been raised that day on the shores of the Pacific against foreign invaders, and a fresh assurance given of the perpetuity of the Union.

While Governor Lane was in Oregon, he was named for the Presidency by the convention assembled at Indianapolis to revise the State Constitution of Indiana. The Democratic State Convention, which met February 24, 1852, formally presented his claims for the Chief Magistracy, pledging the vote of the State to him. On his arrival in Indiana from Oregon, he had a public reception, at which, in the course of an address of welcome, Governor Wright thus briefly viewed the career of the guest of the day :

“He has been the artificer of his own fortunes ; and, in his progress from the farmer on the banks of the Ohio and the commandant of a flat-boat, to posts of honorable distinction—to a seat in the House of Representatives and in the Senate of Indiana—to the command of a brigade upon the fields of Buena Vista, Huamantla, and Atlixco—to the Governorship of Oregon, and thence to a seat in Congress—he has displayed the same high characteristics, perseverance, and energy. The annals of our country present no parallel for these facts. He entered the army a volunteer in the ranks, looking forward only to the career of a common soldier. He left a major-general, closing his ardent and brilliant services in that memorable campaign by fighting its last battle and capturing its last enemy.”

We must acknowledge our indebtedness to the book entitled “Our Living Representative Men,” by John Savage, Esq., for several extracts embodied in these sketches.

## NATIONAL DEMOCRATIC (BRECKINRIDGE) PLATFORM,

PUT FORTH AT CHARLESTON, APRIL 30, 1860, AND AT BALTIMORE,  
JUNE 23, 1860.

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*Resolved*, That the platform adopted by the Democratic party at Cincinnati is affirmed, with the following explanatory resolutions:

*First*—That the government of a Territory organized by an act of Congress is provisional and temporary, and during its existence all citizens of the United States have an equal right to settle with their property in the Territory, without their rights, either of person or property, being destroyed or injured by Congressional or Territorial legislation.

*Second*—That it is the duty of the Federal Government, in all its departments, to protect, when necessary, the rights of persons and property in the Territories, and wherever else its constitutional authority extends.

*Third*—That when the settlers in a Territory, having an adequate population, form a State Constitution, the right of sovereignty commences, and being consummated by admission into the Union, they stand on an equal footing with the people of other States; and a State thus organized ought to be admitted into the Federal Union, whether its Constitution prohibits or recognizes the institution of slavery.

*Resolved*, That the Democratic party are in favor of the acquisition of the island of Cuba, on such terms as shall be honorable to ourselves and just to Spain, at the earliest practicable moment.

*Resolved*, That the enactments of State Legislatures to defeat the faithful execution of the Fugitive Slave Law, are hostile in character to, and subversive of, the Constitution, and revolutionary in their effect.

*Resolved*, That the Democracy of the United States recognize it as an imperative duty of the Government to protect naturalized citizens in all their rights, whether at home or in foreign lands, to the same extent as its native-born citizens. And,

*Whereas*, One of the greatest necessities of the age, in a political, commercial, postal, and military point of view, is a speedy communication between the Pacific and Atlantic coasts; therefore, be it

*Resolved*, That the National Democratic party do hereby pledge themselves to use every means in their power to secure the passage of some bill, to the extent of the constitutional authority of Congress, for the construction of a Pacific Railroad from the Mississippi River or the Pacific Ocean, at the earliest practicable moment.



## THE CINCINNATI PLATFORM,

PUT FORTH MAY 22, 1856.

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*Resolved*, That the American Democracy place their trust in the intelligence, the patriotism, and the discriminating justice of the American people.

*Resolved*, That we regard this as a distinctive feature of our political creed, which we are proud to maintain before the world as a great moral element in a form of government springing from and upheld by the popular will; and we contrast it with the creed and practice of Federalism, under whatever name or form, which seeks to palsy the will of the constituent, and which conceives no imposture too monstrous for the popular credulity.

*Resolved*, Therefore, that entertaining these views, the Democratic party of this Union, through their delegates, assembled in general Convention, coming together in a spirit of concord, of devotion to the doctrines and faith of a free representative government, and appealing to their fellow-citizens for the rectitude of their intentions, renew and reassert before the American people, the declarations of principles avowed by them, when, on former occasions, in general Convention, they have presented their candidates for the popular suffrage.

1. That the Federal Government is one of limited power, derived solely from the Constitution, and the grants of power made therein ought to be strictly construed by all the departments and agents of the Government; that it is inexpedient and dangerous to exercise doubtful constitutional powers.

2. That the Constitution does not confer upon the General Government the power to commence and carry on a general system of internal improvements.

3. That the Constitution does not confer authority upon the Federal Government, directly or indirectly, to assume the debts of the several States, contracted for local and internal improvements, or other State purposes, nor would such assumption be just or expedient.

4. That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interest of one portion of our common country; that

every citizen and every section of the country has a right to demand and insist upon an equality of rights and privileges, and a complete and ample protection of persons and property from domestic violence and foreign aggression.

5. That it is the duty of every branch of the Government to enforce and practise the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government and gradual but certain extinction of the public debt.

6. That the proceeds of the public lands ought to be sacredly applied to the national objects specified in the Constitution, and that we are opposed to any law for the distribution of such proceeds among the States, as alike inexpedient in policy and repugnant to the Constitution.

7. That Congress has no power to charter a National Bank; that we believe such an institution one of deadly hostility to the best interests of this country, dangerous to our Republican institutions and the liberties of the people, and calculated to place the business of the country within the control of a consecrated money power and above the laws and will of the people; and the results of the Democratic legislation in this and in all other financial measures, upon which issues have been made between the two political parties of the country, have demonstrated to candid and practical men of all parties their soundness, safety, and utility in all business pursuits.

8. That the separation of the moneys of the Government from banking institutions, is indispensable to the safety of the funds of the Government and the rights of the people.

9. That we are decidedly opposed to taking from the President the qualified Veto power, by which he is enabled, under restrictions and responsibilities amply sufficient to guard the public interests, to suspend the passage of a bill whose merits cannot secure the approval of two thirds of the Senate and House of Representatives, until the judgment of the people can be obtained thereon; and which has saved the American people from the corrupt and tyrannical dominion of the bank of the United States, and from a corrupting system of general internal improvements.

10. That the liberal principles embodied by Jefferson in the Declaration of Independence, and sanctioned by the Constitution, which makes ours the land of liberty and the asylum of the oppressed of every nation, have ever been cardinal principles in the Democratic faith; and every attempt to abridge the privilege of becoming citizens and the owners of soil among us ought to be resisted with the same spirit which swept the alien and sedition laws from our statute-books.

*And whereas*, Since the foregoing declaration was uniformly adopted by our predecessors in National Convention; an adverse political and religious test has been secretly organized by a party claiming to be exclusively Americans, and it is proper that the American Democ-

racy should define its relations thereto ; and declares its determined opposition to all secret political societies, by whatever name they may be called,

*Resolved*, That the foundation of this Union of States having been laid in, and its prosperity, expansion, and pre-eminent example in free government, built upon entire freedom of matters of religious concernment, and no respect of persons in regard to rank, or place of birth, no party can justly be deemed national, constitutional, or in accordance with American principles, which bases its exclusive organization upon religious opinions and accidental birthplace. And hence a political crusade in the nineteenth century, and in the United States of America, against Catholics and foreign-born, is neither justified by the past history or future prospects of the country, nor in unison with the spirit of toleration and enlightened freedom which peculiarly distinguishes the American system of popular government.

*Resolved*, That we reiterate with renewed energy of purpose the well-considered declarations of former conventions upon the sectional issue of domestic Slavery, and concerning the reserved rights of the States—

1. That Congress has no power under the Constitution to interfere with or control the domestic institutions of the several States, and that all such States are the sole and proper judges of everything appertaining to their own affairs not prohibited by the Constitution ; that all efforts of the Abolitionists or others made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences ; and that all such efforts have an inevitable tendency to diminish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions.

2. That the foregoing proposition covers and was intended to embrace the whole subject of slavery agitation in Congress, and, therefore, the Democratic party of the Union, standing on this national platform, will abide by and adhere to a faithful execution of the acts known as the Compromise measures, settled by the Congress of 1850 : “ The act for reclaiming fugitives from service or labor included ; ” which act being designed to carry out an express provision of the Constitution, cannot, with fidelity thereto, be repealed or so changed as to destroy or impair its efficiency.

3. That the Democratic party will resist all attempts at renewing in Congress, or out of it, the agitation of the Slavery question, under whatever shape or color the attempt may be made.

4. That the Democratic party will faithfully abide by and uphold the principles laid down in the Kentucky and Virginia resolutions of 1792 and 1798, and in the report of Mr. Madison to the Virginia legislature in 1799—that it adopts these principles as constituting one of the main foundations of its political creed, and is resolved to carry them out in their obvious meaning and import.

And that we may more distinctly meet the issue on which a sectional party, subsisting exclusively on Slavery agitation, now relies to test the fidelity of the people, North and South, to the Constitution and the Union :

1. *Resolved*, That claiming fellowship with and desiring the cooperation of all who regard the preservation of the Union under the Constitution, as the paramount issue, and repudiating all sectional parties and platforms concerning domestic slavery, which seek to embroil the States, and incite to treason and armed resistance to law in the territories, and whose avowed purpose, if consummated, must end in civil war and disunion, the American Democracy recognize and adopt the principles contained in the organic laws establishing the Territories of Nebraska and Kansas, as embodying the only sound and safe solution of the Slavery question, upon which the great national idea of the people of this whole country can repose in its determined conservation of the Union, and non-interference of Congress with Slavery in the Territories or in the District of Columbia.

2. That this was the basis of the compromises of 1850, confirmed by both the Democratic and Whig parties in National Conventions, ratified by the people in the election of 1852, and rightly applied to the organization of the Territories in 1854.

3. That by the uniform application of the Democratic principle to the organization of Territories, and the admission of new States, with or without domestic Slavery, as they may elect, the equal rights of all the States will be preserved intact, the original compacts of the Constitution maintained inviolate, and the perpetuity and expansion of the Union insured to its utmost capacity of embracing, in peace and harmony, every future American State that may be constituted or annexed with a Republican form of government.

*Resolved*, That we recognize the right of the people of all the Territories, including Kansas and Nebraska, acting through the legally and fairly expressed will of the majority of the actual residents, and whenever the number of their inhabitants justifies it, to form a Constitution, with or without Domestic Slavery, and be admitted into the Union upon terms of perfect equality with the other States.

*Resolved, finally*, That, in view of the condition of the popular institutions in the Old World (and the dangerous tendencies of sectional agitation, combined with the attempt to enforce civil and religious disabilities against the rights of acquiring and enjoying citizenship in our own land), a high and sacred duty is involved, with increased responsibility, upon the Democratic party of this country, as the party of the Union, to uphold and maintain the rights of every State, and thereby the Union of the States—and to sustain and advance among us constitutional liberty, by continuing to resist all monopolies and exclusive legislation for the benefit of the few at the expense of the many, and by a vigilant and constant adherence to those principles and compromises of the Constitution—which are broad enough and strong enough to embrace and uphold the Union as it

was, the Union as it is, and the Union as it shall be—in the full expression of the energies and capacity of this great and progressive people.

1. *Resolved*, That there are questions connected with the foreign policy of this country which are inferior to no domestic question whatever. The time has come for the people of the United States to declare themselves in favor of free seas, and progressive free trade throughout the world, and, by solemn manifestations, to place their moral influence at the side of their successful example.

2. *Resolved*, That our geographical and political position, with reference to the other States of this continent, no less than the interest of our commerce and the development of our growing power, requires that we should hold sacred the principles involved in the Monroe doctrine. Their bearing and import admit of no misconstruction, and should be applied with unbending rigidity.

3. *Resolved*, That the great highway, which Nature as well as the assent of States most immediately interested in its maintenance has marked out for free communication between the Atlantic and the Pacific oceans, constitutes one of the most important achievements realized by the spirit of modern times, in the unconquerable energy of our people; and that result would be secured by a timely and efficient exertion of the control which we have the right to claim over it, and no power on earth should be suffered to impede or clog its progress by any interference with relations that it may suit our policy to establish between our government and the governments of the States within whose dominions it lies; we can, under no circumstances, surrender our preponderance in the adjustment of all questions arising out of it.

4. *Resolved*, That in view of so commanding an interest, the people of the United States cannot but sympathize with the efforts which are being made by the people of Central America to regenerate that portion of the continent which covers the passage across the inter-oceanic isthmus.

5. *Resolved*, That the Democratic party will expect of the next administration that every proper effort be made to insure our ascendancy in the Gulf of Mexico, and to maintain permanent protection to the great outlets through which are emptied into its waters the products raised out of the soil and the commodities created by the industry of the people of our Western valleys and of the Union at large.

# CONSTITUTION

OF THE

## UNITED STATES OF AMERICA.

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WE the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common Defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

### ARTICLE I.

#### SECTION I.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

#### SECTION II.

1. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

2. No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

3. Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode

Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland, six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4. When Vacancies happen in the Representation from any State, the Executive Authority thereof shall issue writs of Election to fill such Vacancies.

5. The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

### SECTION III.

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

2. Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

3. No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

4. The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

5. The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

6. The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

7. Judgment in Cases of Impeachment shall not extend further than to removal from Office, and Disqualification to hold and enjoy any Office of Honour, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment according to Law.

### SECTION IV.

1. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law

make or alter such regulations, except as to the places of chusing Senators.

2. The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

#### SECTION V.

1. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

2. Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

3. Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

4. Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three Days, nor to any other place than that in which the two Houses shall be sitting.

#### SECTION VI.

1. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony, and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

2. No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

#### SECTION VII.

1. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

2. Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not, he shall return it, with his Objections to that House



in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

3. Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

## SECTION VIII.

The Congress shall have Power

1. To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

2. To borrow Money on the credit of the United States;

3. To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

4. To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

5. To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

6. To provide for the Punishment of counterfeiting the Securities and current coin of the United States;

7. To establish Post Offices and Post Roads;

8. To promote the progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

9. To constitute Tribunals inferior to the supreme Court;

10. To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

11. To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

12. To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

13. To provide and maintain a Navy;

14. To make Rules for the Government and Regulation of the land and naval Forces;

15. To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

16. To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the Discipline prescribed by Congress;

17. To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, Dock-Yards, and other needful Buildings;—And

18. To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

#### SECTION IX.

1. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or Duty may be imposed on such Importation, not exceeding ten dollars for each Person.

2. The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

3. No Bill of Attainder or ex post facto Law shall be passed.

4. No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

5. No Tax or Duty shall be laid on Articles exported from any State.

6. No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

7. No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

8. No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any Present,

Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

## SECTION X.

1. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

2. No State shall, without the consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

3. No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of Delay.

## ARTICLE II.

## SECTION I.

1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected as follows:

2. Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[\* The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List, the said House shall in like manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation

\* This clause within brackets has been superseded and annulled by the 12th amendment, on page 462.

from each State having one Vote; A Quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.]

3. The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

4. No Person except a natural born Citizen, or a Citizen of the United States at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

5. In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

6. The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period, any other Emolument from the United States, or any of them.

7. Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—

“I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

## SECTION II.

1. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

2. He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be estab-

lished by Law: but the Congress may by Law vest the Appointment of such inferior Officers as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

## SECTION III.

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the officers of the United States.

## SECTION IV.

The President, Vice President, and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

## ARTICLE III.

## SECTION I.

The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

## SECTION II.

1. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers, and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

2. In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make

3. The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

#### SECTION III.

1. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

2. The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

### ARTICLE IV.

#### SECTION I.

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

#### SECTION II.

1. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

2. A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

3. No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the party to whom such Service or Labour may be due.

#### SECTION III.

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

2. The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other

Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

#### SECTION IV.

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

#### ARTICLE V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year one thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

#### ARTICLE VI.

1. All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

2. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

#### ARTICLE VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth IN WITNESS whereof We have hereunto subscribed our Names,

GEO WASHINGTON—  
*Presidt and deputy from Virginia*

NEW HAMPSHIRE.

JOHN LANGDON,                      NICHOLAS GILMAN.

MASSACHUSETTS.

NATHANIEL GORHAM,              RUFUS KING.

CONNECTICUT.

WM. SAML. JOHNSON,              ROGER SHERMAN.

NEW YORK.

ALEXANDER HAMILTON.

NEW JERSEY.

WIL: LIVINGSTON,                  DAVID BREARLEY,  
WM. PATERSON,                      JONA. DAYTON.

PENNSYLVANIA.

B. FRANKLIN,                          THOMAS MIFFLIN,  
ROBT. MORRIS,                        GEO: CLYMER,  
THO: FITSIMONS,                      JARED INGERSOLL,  
JAMES WILSON,                         GOUV: MORRIS.

DELAWARE.

GEO: READ,                            GUNNING BEDFORD, Jun'r,  
JOHN DICKINSON,                      RICHARD BASSETT,  
JACO: BROOM.

MARYLAND.

JAMES M'HENRY,                      DAN: OF ST. THOS. JENIFER,  
DANL. CARROLL.

VIRGINIA.

JOHN BLAIR,                            JAMES MADISON, Jr.

NORTH CAROLINA.

WM. BLOUNT,                          RICHD DOBBS SPAIGHT,  
HU. WILLIAMSON.

SOUTH CAROLINA.

J. RUTLEDGE,                          CHARLES COTESWORTH PINKNEY,  
CHARLES PINKNEY,                      PIERCE BUTLER.

GEORGIA.

WILLIAM FEW,                          ABR. BALDWIN.

Attest:              WILLIAM JACKSON, *Secretary.*



ARTICLES  
*In Addition to, and Amendment of,*  
THE CONSTITUTION

OF THE  
UNITED STATES OF AMERICA,

*Proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth article of the original Constitution.*

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

ARTICLE III.

No Soldier shall, in time of peace, be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall be issued, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district, wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have Compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.



## ARTICLE VII.

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

## ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## ARTICLE IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

## ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

## ARTICLE XI.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any foreign State.

## ARTICLE XII.

1. The Electors shall meet in their respective states, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.



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