KANSAS AND SLAVERY.

SPEECH

OF

HON. HENRY BENNETT,

OF NEW YORK.

Delivered in the U.S. House of Representatives, March 29, 1858.

I.—SELECT COMMITTEE.

Mr. Chairman: A select committee was ordered by the House, authorized to send for persons and papers, and instructed to inquire whether the Lecompton Constitution was acceptable and satisfactory to a majority of the legal voters of Kansas; and to inquire into all the facts connected with the formation of said Constitution, and the laws under which the same was originated; and into all such facts and proceedings as have transpired since the formation thereof, having relation to the question or propriety of the admission of said Territory into the Union under said Constitution.

The contradictory statements of the different parties, the allegations contained in the President's Kansas message, and the charges of fraud in relation to the Lecompton Constitution, all required this investigation to be made, that the whole truth should be known before Congress acted upon the admission of Kansas. For this purpose, a select committee was ordered by the House. No bill was referred to it, nor was it authorized to report any measure for the action of the House. It had no legislative duty to perform. Its whole duty was to send for persons and papers, to take evidence of the facts upon the subjects of inquiry referred to it, and to report the facts and the evidence to the House, for its consideration. It was strictly a committee of investigation.

The Speaker, by appointing a majority of this committee opposed to the investigation, and to the resolution of the House by which it was ordered—a thing unprecedented in appointing a committee of this kind, and in violation of all sound parliamentary precedent and authority—placed an insurmountable obstacle in the way of proceeding with the investigation, without some further order or action by the House. No witness has been called or examined, and no evidence desired by those in favor of the investigation has been allowed to be taken. The proceeding has unfortunately been conducted as a party question, and the majority of the committee have persistently overruled the minority in all their attempts to comply with the order of the House, and proceed with the investigation. The majority have permitted copies of a few papers to be procured, such as go to sustain their line of argument in favor of the Lecompton Constitution, which were open and public, and within the reach of every member of Congress without the aid of a committee. But they have refused to take any evidence which would go to controvert their positions or allegations.

In effect, the majority of this committee, by a strict party vote, have refused to proceed and take evidence and examine witnesses, and have by their action overruled and disobeyed the order of the House, upon the ground that, in the view they entertain, the whole inquiry is immaterial; holding this Constitution as a legal record complete and perfect, that no evidence could contradict or impeach, and no fraud could vitiate or destroy. This position is as unsound as the course of the majority is indefensible.

The action of a court required to investigate the facts in relation to a disputed deed, that should allow its production, but refuse all evidence to show it a forgery, or that it was obtained by fraud, no one would justify or defend. Yet, that does not state the case so strongly as it may be stated against the action of the majority of this committee; as in that case the court would not only take the evidence, but decide upon it. The position of this committee was more like that of an examiner directed to take
the evidence in a cause, having no power to decide what it is, but to return it for the consideration of the court, who should set up his opinion that the court ought to act in the case without proof, and should therefore refuse to take the evidence, and return only his views and opinions to the court, instead of the evidence as directed. The question of the effect of the evidence was not to be decided by this committee; that would be to substitute their opinion for the judgment of the House. That question would properly arise after it was taken, and when it was considered by the House, and not before. And upon that subject there might be great differences of opinion. Each member would be entitled to judge and decide for himself, with all the facts before him. And the majority of the committee, in overruling the judgment and order of the House, and in substituting their views, have not only disobeyed its authority, but deprived every member of his right to have the facts before him, and of judging and deciding thereon for himself. The House and the majority of this committee are directly at issue. Whether the dignity and authority of the House shall be maintained, and its order enforced, or in this manner overruled, and defeated, is a matter to be decided by the House. As one of the minority of this committee I have performed my duty, by calling its attention to the subject, and stating the facts as an explanation on their part, for not proceeding with the investigation, namely, that they were prevented from doing so by the action of the majority, which, at the last meeting, after directing one of their number to make a report, adjourned the committee without day.

II.—EVIDENCE TAKEN.

The majority of the committee say the only proof they deem material is documentary, "about which there can be no dispute." Had that been the opinion of the House, no investigating committee would have been ordered. The majority return an opinion, that the facts to be investigated are immaterial; in other words, they are in favor of the Lecompton Constitution, no matter how dishonest and fraudulent it may be, and no matter how such the people may be opposed to it. Therefore, all the evidence proposed, they say, is inadmissible; yet they present quite an imposing statement in their report, as a full history of this Constitution. 1. The law to take the sense of the people as to calling a Convention. 2. The law to call the Convention. 3. The registry and apportionment. 4. The proceedings of the Convention. 5. The Constitution. 6. The vote as to the pretended adoption of the Constitution. All these are immaterial. And they say they permitted the following to be taken, as immaterial: 7. The law of December 17, 1857, submitting the Constitution to a fair vote. 8. The result, as certified, of that election. 9. Mr. Calhoun's statement to Senator Green. When this statement is examined, it will be found that no evidence has been taken, of any kind sought or contemplated. The laws referred to as published, and the Constitution as presented, all could have, and they have, in no way been proved before the committee. How these laws have been executed, or what has been done under them, is not shown. There is no proof as to the proceedings taken under the first law. It is said only a few votes were given, and that it could in no sense indicate the sentiment of the people. There is no evidence, even, which way the majority was, so far as votes were given. There is no evidence as to the number of people there are in Kansas; but the best evidence to be had would not make its whole population fifty thousand—not enough to entitle it to admission, or to a single Representative in Congress.

The proceedings under the law to elect delegates are not shown. A copy of an extract of a Kansas newspaper has been obtained, which is not evidence, and which, if admitted, only shows that the law was not complied with. The result or vote at this election is not shown. The proceedings of the Convention are only shown by producing a part of a mutilated journal, called the Journal of the Convention, but not proved in any way. An extract from a newspaper, and part of a journal, mutilated and not proved, is the sum total of facts, or evidence of facts, obtained by this committee. The last part of the journal, that which would show something as to the adoption of the Constitution, or about its submission, has been taken off. There is no proof, the Constitution is as adopted by the Convention. It has been in suspicious hands ever since, and there should be some evidence of its genuineness, as well as of the election of the delegates according to the law. That election was to be held after a census and registry of all the legal voters! There is no evidence this was done. What a full compliance with the order of the House! In one word, there has been no legal evidence of any facts taken before the committee. Even Calhoun was not allowed to be examined! The House might as well not have ordered the committee, as to have one thus appointed, and thus refusing to act!

III.—ENABLING ACT.

The Territories of the United States are under the government and control of Congress. No legal proceedings can be taken to organize a State Government in a Territory, except by the authority of Congress. Any proceedings adopted in the Territory for that purpose, (without such authority,) whether originating with the Legislature or the people, can only be regarded as an unauthorized voluntary application, and is entitled to no consideration, except as an expression of the sentiments and wishes of the people. If it is clearly shown to be the expression of the will of a majority of the people, Congress may adopt it; otherwise, it should be rejected. The Territorial Legislature, as such, has no power to call a Convention to form a State Constitution, in order "to subvert" the Territorial Government. In the case of Arkansas, this was so decided by the Attorney General, Mr. Butler. He said:

"To suppose that the legislative powers granted to the General Assembly include the authority to delegate to the Territorial Government established by the act of Congress, and of which the Territory of Arkansas is a constituent part, would be manifestly absurd. Consequently, it is not in the power of the General Assembly of Arkansas to adopt any law for the purpose of selecting members to a Convention to form a Constitution and
But the President and his friends insist that the Constitution was made and adopted in a legal manner. The Territory, would be null and void; if passed by them, notwithstanding his veto, by a vote of two thirds of each branch, it would still be equally void.\(^3\)

In the case of Michigan, the President (then in the Senate) held the same doctrine. He said:

"No Senator will pretend that the Territorial Legislature had any right whatever to pass laws enabling the people to elect delegates to a convention for the purpose of forming a State Constitution. It was an act of usurpation on their part."

But the President and his friends insist that the organic act, in this case, conferred upon the people of Kansas the right to form their State Constitution in their own way. If this was conceded, the authority was given to the people, and not to the Legislature. The authority granted to the Legislature is specified in that act, and none was given in any form to call a Convention to form a State Constitution. If the act authorized the people to form a State Constitution, it was independent of the Legislature; and the Topeka Constitution was made and adopted in a legal and regular manner.

IV. — TOPEKA CONSTITUTION.

Early in 1855, and long before the Lecompton fraud was planned, impelled by the alarming condition of the Territory, the people took proceedings to form a State Constitution, to ask admission as a State, and place themselves under the protection of law. The first Convention of delegates elected, met at Topeka on the 19th of September, 1855. They made no Constitution, but provided for a fair election of delegates to a Constitutional Convention in October, 1856. And at a general election, delegates were fairly elected from the whole Territory, by a vote of two thousand seven hundred and ten, all voting who chose to vote, and the rest ascertaining, according to the latest Democratic creed. The delegates assembled and proceeded to form a Free-State Constitution—one as unobjectionable as that of any State in the Union. That Convention directed the Constitution to be submitted to a vote of the people for their adoption or rejection, at an election to be held on the 15th of December, 1855. At that election it was voted upon, and adopted by a vote of two thousand and three thousand, only forty-six votes being given against it.

As before, this election was fair, and all had an opportunity to vote, and all were therefore concluded.

This movement originated with the people. It was three times before them at elections, at the last of which it was fairly adopted. At each of these elections, a larger vote was given than was given for the Lecompton delegates. And if ever those not voting should be held as assenting and concluded, it should be so held in this instance. The people of Kansas have, then, "in their own way, and in strict accordance with the organic act, framed a Constitution and State Government," which is republican in form, according to the President's own theory. This Constitution framed at Topeka was, in truth and in fact, the act and deed of the people of Kansas, made and adopted by them, without any dictation, and in their own way. If no enabling act was necessary, it was strictly legal and regular. And, in any view, it was as legal and regular as the Lecompton Constitution can be regarded. Besides, it was fairly submitted to and adopted by the people. The other never was.

As early, then, as December, 1855, there had been a State Constitution not only made, but adopted by the people, and the Territory was prepared for admission as a State. If, after that time, as the President insists, "no authority existed in the Territorial Legislature which could possibly destroy its existence or change its character," then the whole of the proceedings of the Lecomptonites were irregular and void. For the law to elect the Lecompton delegates was passed by the Territorial Legislature in February, 1857, more than a year after the people of Kansas had, in their own way, made and adopted a Constitution, and prepared the Territory for admission as a State.

V. — LECOMPTON CONSTITUTION.

The first proceedings for the Lecompton Constitution were taken, not by Congress, or by the people of Kansas, but by the so-called Territorial Legislature. This was irregular and wrong.

1. If it had been a legal Legislature, it had no power to do this. "It was an act of usurpation," according to the President.

2. This was an act of a legal Legislature; it was not elected by the people; it could not represent the people. It was an unlawful assembly, imposed upon the people of Kansas by foreign violence and votes, as has been established by legal evidence, taken by order of the last Congress. Congress could not make this illegal assembly the real representatives of the people. It never attempted to do so, as has been erroneously assumed. The people refused to recognize it. And in the last Congress the House of Representatives denied its authority, and declared all its proceedings void. The following is a copy of the preamble and first section of the act, as passed by the House:

"Whereas the President of the United States transmitted to the House, by message, a printed pamphlet, purporting to be the laws of the Territory of Kansas, passed at Shawnee Mission, in said Territory; and whereas unjust and unwarranted tests are prescribed by said laws as a qualification for voting or holding office in said Territory; and whereas the committee of investigation, sent by the House to Kansas, report that said Legislature was not elected by the legal voters of Kansas, but was forced upon them by non-residents, in violation of the organic act of the Territory, and having thus usurped legislative power, it enacted cruel and oppressive laws: Therefore, 

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all rules or regulations, purporting to be the laws of the Territory of Kansas, passed at Shawnee Mission, in said Territory; and whereas unjust and unwarranted tests are prescribed by said laws as a qualification for voting or holding office in said Territory; and whereas the committee of investigation, sent by the House to Kansas, report that said Legislature was not elected by the legal voters of Kansas, but was forced upon them by non-residents, in violation of the organic act of the Territory, and having thus usurped legislative power, it enacted cruel and oppressive laws: Therefore, 

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all rules or regulations, purporting to be the laws of the Territory of Kansas, passed at Shawnee Mission, in the Territory of Kansas, by a body of men claiming to be the Legislative Assembly of said Territory, and all acts and proceedings whatsoever of said Assembly, are hereby declared invalid, and of no binding force or effect."

For both reasons, the law calling the Convention was void. But even that law was never complied with.

The census and registry were never made as required.

The law under which the delegates to the Lecompton Convention claimed their election, passed
by this unauthorized and illegal Legislature, is said to be "a fair law." It required a census to be taken, and a registry of all the legal voters in the Territory to be made before that election; the list of voters to be carefully corrected by the probate judges; one copy of such corrected lists to be filed with the Governor, another with the Secretary, and copies of the voters in each election district to be printed, and generally distributed among the inhabitants; one copy to be delivered to each judge of elections, and three copies to be posted up at each place of voting. And no person was to be permitted to vote whose name did not appear on such corrected lists. After the census and registry were "completed," and not before, an apportionment of the delegates to be elected was to be made by the Governor and Secretary, "by dividing the whole number of legal voters in the Territory by sixty."

No such census and registry were ever made and "completed;" and consequently no apportionment of the delegates could legally be made under the law.

4. The census and registry never being "completed," the apportionment was made in violation of law, and the Convention was illegally constituted, even if the law had been valid.

By a copy of an extract from a Kansas newspaper, directed to be obtained by a majority of the select committee, (the only evidence given of the census and registry required by the law,) it appears a census was made in fourteen counties, and a registry in eighteen counties. There being thirty-eight counties in Kansas, this left twenty-four counties in which no census was taken, and twenty counties in which no registry was made. (Often called nineteen, but in fact twenty, as now appears.) These twenty counties were wholly deprived of delegates or representation, and no one residing in them could vote.

The Pro-Slavery party had the whole machinery of the Territorial Government in their hands; and it was their duty to see this law faithfully executed. They did not do this. The registry was unfairly made, as far as it went. No one denies that these twenty counties, by the fault of the Pro-Slavery officers of the Territory, were deprived of the right to vote and to be represented. But, again, it is said not to be material, as Calhoun says there were not many voters! Even the committee of fifteen agreed that his statements were no evidence, and much less could his opinions be. But who knows how many voters there were in these twenty counties, settled as rapidly as Kansas had been? No one; no reliable estimate could be made, even by an honest man. That was one reason why a registry was required. The law required a registry of all, the legal voters. These partisan officers could not deprive a single county of the right to vote, and of representation, but by a direct violation of the law. But the pretense that there were but a few voters in these counties is untrue in fact. Governor Walker states that fifteen of these counties, "in which there was no registry, gave a much larger vote at the October election, even with the six-months qualification, than the whole vote given to the delegates who signed the Lecompton Constitution." It cannot be known how many more there were who did not vote. More than half the counties were deprived of representation, and nearly half the legal voters of their right to vote—taking into account the many omitted in the eighteen registered counties, and the total omission of all in the remaining twenty counties. Had these counties been represented, it would have controlled the result, not only as to submitting the Constitution to a vote, but as to what it should be; for so well did the delegates understand the farce they enacted, and how much their proceedings outraged public sentiment, that only a bare majority attended. The Constitution was adopted by less than a majority of the Convention, and the refusal to submit it was decided by a majority of only two of those attending.

It is said the people prevented a registry from being taken. This is not shown. The majority refuse proof, and then resort to such allegations! It would have been disproved, had evidence been taken. The Pro-Slavery party had the power in their hands: three thousand United States troops, "dragoons and a battery!" This law did not affect the persons or property of the people. Their names only were required. In every settlement, they could have been readily obtained. The law allowed an officer for each precinct. It might as well be objected, that the census could only be taken in half the States, because some maiden lady in one of them refused to give her age, (which her next-door neighbor would readily have done;) after which, all further efforts were
abandoned. Those refusing, if any, were liable to penalties; those not refusing, had a right to be registered. Did each voter in twenty counties refuse? No opportunity was given! It was not pretended to be taken. It was not intended to be taken. This was only another fraud. And this silly pretence shows there is no answer to be made to it.

A copy of the census registry and apportionment, as it now appears, is annexed:

<table>
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<tr>
<th>Counties</th>
<th>Districts</th>
<th>Population</th>
<th>Voters</th>
<th>Delegates</th>
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<td>1,065</td>
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<td>512</td>
<td>436</td>
<td>2</td>
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<td>2,807</td>
<td>440</td>
<td>5</td>
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<td>1,537</td>
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<td>4</td>
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<td>685</td>
<td>231</td>
<td>3</td>
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<td>415</td>
<td>266</td>
<td>2</td>
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<td>900</td>
<td>496</td>
<td>3</td>
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<td>9</td>
<td>3727</td>
<td>1,388</td>
<td>8</td>
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<tr>
<td>Johnson</td>
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<td>60,000</td>
<td>33,555</td>
<td>4</td>
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<td>3,722</td>
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<td>0</td>
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<td>54</td>
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<td>0</td>
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<td>0</td>
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<td>415</td>
<td>1</td>
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<td>Linne</td>
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<td>17</td>
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<td>0</td>
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<tr>
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<td>17</td>
<td>2,622</td>
<td>615</td>
<td>1</td>
</tr>
<tr>
<td>Dorr</td>
<td>18</td>
<td>512</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Five counties</td>
<td>19</td>
<td>9,500</td>
<td>231</td>
<td>3</td>
</tr>
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</table>

Four counties were wholly omitted in the foregoing list. There are thirty-eight counties in all. Thirty-six counties are named in the Constitution. It then gives one Senator and one Representative to the country lying west of Wise, Butler, Davis, and Hunter, not naming the counties. There are two counties west of these, Arapahoe being one.

VI.—POPULATION INSUFFICIENT.

In fourteen counties where the census was taken, there were twenty-three thousand one hundred and forty-nine inhabitants. To these counties, fifty of the sixty delegates were given. At the same rate as to voters, the population in the other four registered counties would be four thousand six hundred and twenty-nine—making a total in the eighteen counties of twenty-seven thousand six hundred and sixty-eight—not one-third enough for a single Representative, which requires about ninety-three thousand five hundred. If the twenty counties not registered contain only some three thousand inhabitants, as our opponents assert, Kansas has only one-third the population required for her admission as a State. And that is a good objection. If these twenty counties have twenty thousand inhabitants, the number is still too small for admission, while it is so large as to destroy all presence of fairness in the election of delegates to the Lecompton Convention. The fraud would vitiate the proceedings. And in any view, the number is not much more than half enough. The time has not arrived for the people to determine their own institutions for themselves, according to the Democratic creed. The best information to be obtained, makes the population about 45,000!

VII.—PLEDGES.

In 1820, the Missouri compromise line was established by Southern votes, and Kansas and all the other territory south of that line was pledged to Freedom, and Slavery therein "forever prohibited."

This, like all efforts to admit slave States, was a political question, to increase and extend the unequal political power given to the owners of slave property, by the admission of new slave States, with their Senators and Representatives in Congress. The effort to make Kansas a slave State has the same object in view. The slave States have about six millions of free people—the free States about thirteen millions. Yet the slave States have already more than four times the extent of territory admitted as new States, in proportion to their population, that the free States have. The slave owners numbered, in 1850, less than three hundred and forty-seven thousand; yet they are counted, in representation, at between two and three millions; and they have, by this unequal power, controlled the Government for the last sixty years. They wish to make this inequality still greater, and to make their power absolute. Nine new slave States have been added, with eighteen Senators and forty-eight Representatives in Congress. And this unequal power is held by them all. New free States have not been added in the same proportion. According to proportion, the additions of land to Slavery are more than four times what has been allowed to the free States. But all this does not satisfy the slave power!

Hence, when Kansas was to be settled, they made their arrangements to reduce that to Slavery. To do this, the Missouri prohibition was repealed, in 1854, against the uniform action of the Government since the day of its establishment, upon the plea that it was unconstitutional, that Congress had no power to legislate upon the subject of Slavery, and the great principle that it belonged to the people was adopted. To extend slavery, the delegates were given, in 1850. In 1820 and the finality of 1850 shared the same fate; the Slavery question was reopened and renewed; it was unsettled wherever it had been settled, and the struggle transferred to the people of the Territory, to be again settled by them. They have again settled it, but their decision is now disregarded! By the terms of that act, Congress and the Government were bound not to interfere, but to leave the people "perfectly free" to settle that question for themselves in their own way. The Democratic party declared that as their party creed in their Cincinnati platform. The President endorsed it. He got upon it pragmatically, he thought it was a part of it, and, in his inaugural, approved of the conception of Congress in applying the rule "that the will of the majority shall govern in the settlement of the question of domestic Slavery in the Territories," and said "it was the imperative and indispensable duty of the Government of the United States to secure to every resident inhabitant the free and independent expression of his opinion
by his vote. This sacred right of each individual must be preserved." How was this sacred right of each individual preserved at the election for delegates?

In his instructions to Governor Walker, he said:

"The institutions of Kansas should be established by the votes of the people of Kansas, unawed and uninterrupted by force or fraud."

And further, that

"When such a Constitution shall be submitted to the people of the Territory, they must be protected in the exercise of their rights to vote for or against the instrument. And the fair expression of the popular will must not be interrupted by fraud or violence."

And in his letter to the Connecticut clergymen, he said:

"It is my imperative duty to employ the troops of the United States, should this become necessary, in defending the Convention against violence while framing the Constitution, and in protecting the bona fide inhabitants qualified to vote, under the provisions of this instrument, in the free exercise of the rights of suffrage, when it shall be submitted to them for approbation or rejection."

This was on the 15th August last. Up to that time, it was not only their right to vote upon the Constitution, but it was his imperative duty to protect them in the exercise of that right.

Governor Walker and Secretary Stanton, in their published letters and speeches, state that they pledged their honor and character to the people of Kansas, in every way, that the Constitution should be submitted to them for adoption or rejection, and told them they expressed the views of the President and the whole Cabinet. They spoke to them officially as the officers of the President. Even the delegates to the Convention gave pledges to see that this was done—a majority of them in writing, as it is stated. One of them was signed by Calhoun and the seven other delegates from Douglas county!

All were pledged to this—the party, the President, the Governor, and the Delegates—as deeply as men could be; yet all these pledges have been deliberately and wantonly violated by this Administration.

VII.—WHY THE CONSTITUTION WAS NOT SUBMITTED.

The answer is easy, why the Constitution was not submitted to the people; because, if it had been, it would have been rejected by a vote of more than five to one. This was a matter of entire and absolute certainty. The refusal to submit it was a confession of its weakness. Speaking of the Free-State party, the President says:

"They have ever refused to sanction or recognize any other Constitution than that framed at Topeka. Had the whole Lecompton Constitution been submitted to the people, the adherents of this organization would undoubtedly have voted against it."

But that would have been no harm, and no reason for refusing to submit it, even with the Pro-Slavery party, unless the Free-State party, by voting against it, could have defeated it; and that is conceding this to be the Constitution of a minority, to which the majority were known to be opposed. Rebellious people—preferring Freedom to Slavery! Why, indeed, submit it to them, when they were unalterably opposed to it, and "would doubtless have voted against it?"

Again, the President says they refused to vote for delegates to the Convention, not because "there was an omission to register the comparatively few voters who were inhabitants of certain counties of Kansas," but because they had predetermined, at all hazards, to adhere to their revolutionary organization, and defeat the establishment of any other Constitution than that they had framed at Topeka. Disloyal subjects! What right had they to adhere to their own Constitution and their own opinions, against United States troops and Federal dictation—against a legal minority sustained by the President! The "few voters of certain counties" were all the voters in more than half the counties of the Territory, by fraud deprived of all representation and of all right to vote! Is that maintaining the sacred right of each individual to vote? And if those not voting were Free-State men, as the President assumes—and as is doubtless the fact—they composed more than three-fourths of the legal voters, even in the registered counties. Here, those who could vote are censured for not voting! They expected and desired to vote upon the Constitution, but that is not allowed, because they "would doubtless have voted against it;" and the minority had "predetermined, at all hazards, to adhere to" the Constitution they had framed at Lecompton! The arguments used in favor of this Constitution concede, or assume, that the majority of the people are opposed to it. The President does not deny this; the majority of the committee do not deny it; no honest, unpardiced man can deny it. Is there a member of this House who will rise here in his place, and say that he honestly believes a majority of the people of Kansas are in favor of this Constitution? I ask for a reply. Will any one say "yes" to that inquiry? Not one! No one believes it; and yet you are for forcing it upon them against their will. Is that your non-intervention? Is that the "popular sovereignty" you promised them?

The argument is, one party is legal, and the other illegal—that is, one party has a right to their opinions, and the other party has not; that the people in fourteen States will not like it if Kansas is not made a slave State; and if they pledge made to them, because they voted for the President, that Kansas should be made a slave State? If not, why should they demand any interference by the President? Why should he urge the absurdity that, after a Pro-Slavery Constitution, irrevocable as to Slavery, is once firmly fixed upon the people, they can get rid of it, and make it a free State much easier than they can before? A proposition so repugnant to reason as to require no answer. It's statement is its refutation. Make it a slave State, beyond the power of change, but by revolution, in order to give the majority a better chance to make it a free State!

IX.—REMONSTRANCE OF THE LEGISLATURE.

The Legislature elected in October, and fairly representing the people of Kansas, protest against the Lecompton Constitution, as follows:

Preamble and joint resolutions in relation to the Constitution framed at Lecompton, Kansas Territory, on the 7th day of November, 1857.

"Whereas a small minority of people living in nineteen of the thirty-eight counties of this Territory, avail themselves—
selves of a law which enabled them to obstruct and defeat a fair expression of the popular will, did, by the odious and exclusive procedure of the previous machinery of said law, procure the return of the whole number of the delegates of the Constitutional Convention rejected a minor body of the people of the Territory; and whereas, by reason of the defective provisions of said law, called the Convention or interfering with its action, recommending simply the passage of a law submitting the Constitution to a fair vote, and expressing his confident belief that, if adopted, Kansas would be peaceably admitted under it; and if rejected, that Congress never would violate the rights of the people by forcing a Constitution upon them against their will, fairly expressed. The Legislature met, and passed an act in accordance with this recommendation, on the 17th December, 1857, submitting the Constitution fairly to the people, at an election to be held on the 4th of January last. On that day an election was held under the law, and according to law; and the vote stood, for the Constitution, 162 against it, 10,226—being the largest vote ever polled at any election in Kansas, and the last election held, and the question being directly upon the Lecompton Constitution. The election was fairly and peaceably conducted, and this vote stands of record as the actual and legal expression of the will of the people of Kansas against this Constitution; rejecting it not only by a majority, but by a vote almost unanimous. The people have decided, and rejected the Lecompton Constitution.

The election was recognised and approved by the Administration before it was held, and Governor Denver was directed to see it properly conducted, "without interruption." And he did so. The election was fairly and peacefully conducted.

Secretary Cass, in his instructions dated 11th December, 1857, says:

"The Territorial Legislature doubtless convened on the 7th instant, and while it remains in session its members are entitled to be secure and free in their deliberations. The right of the people to form and regulate their domestic institutions in their own way; but, on the contrary, at every stage in the anomalous proceedings of this Convention, the Legislature had no power to order (as indisputable, unless disproved by higher evidence.)

Resolved, That the action of the part of Congress was wrong. In the judgment of the members of the Legislative Assembly, it is an entire abandonment of the doctrine of non-intervention in the affairs of the Territory; and a subversion, in the matter of the electoral interference in the half of a minority engaged in a despicable attempt to defeat the will and violate the rights of the majority.

Resolved, That the people of Kansas Territory claim these facts, thus authoritatively stated by the legal Legislature of the Territory, should be taken as indisputable, unless disproved by higher evidence, that has not been done or attempted. And these facts brand as irregular and fraudulent, and prove that the people of Kansas are opposed to it.

X.—PROTEST OF THE PEOPLE.

The refusal to submit the Lecompton Constitution to the people, for their adoption or rejection, in violation of the organic act, of the general understanding, and of all the promises that had been made, created such a feeling of just indignation, that acting Governor Stanton, in order to preserve the public peace, judged it advisable to convene the Legislature to take such action as might be deemed proper to prevent the attempted fraud from being consummated, showing that he at least intended to fulfil the promises he had made. For his integrity in this respect, he deserves the thanks of all good men.

In his message, he advised against repealing the law calling the Convention or interfering with its action, recommending the passage of a law submitting the Constitution to a fair vote, and expressing his confident belief that, if adopted, Kansas would be peaceably admitted under it; and if rejected, that Congress never would violate the rights of the people by forcing a Constitution upon them against their will, fairly expressed. The Legislature met, and passed an act in accordance with this recommendation, on the 17th December, 1857, submitting the Constitution fairly to the people, at an election to be held on the 4th of January last. On that day an election was held under the law, and according to law; and the vote stood, for the Constitution, 162 against it, 10,226—being the largest vote ever polled at any election in Kansas, and the last election held, and the question being directly upon the Lecompton Constitution. The election was fairly and peaceably conducted, and this vote stands of record as the actual and legal expression of the will of the people of Kansas against this Constitution; rejecting it not only by a majority, but by a vote almost unanimous.

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Secretary Cass, in his instructions dated 11th December, 1857, says:

"The Territorial Legislature doubtless convened on the 7th instant, and while it remains in session its members are entitled to be secure and free in their deliberations. In rightful section must also be respected. Should the authorities on election by the people, for any purpose, this election should be held without interruption, no less than those authorized by the Convention. Whole the peace of the Territory is preserved, and the freedom of elections is secured, there need be no fear of disastrous consequences."

Why should not the decision of the people of Kansas be respected? It is their right to make their own Constitution; they are to live under it, and be governed by it. And that right was guaranteed to them by the organic act. But because the decision was in favor of Freedom, and against Slavery, the Administration now disregards this election. The President objects: First, that he has had no "official information" of the result. Second, that, after the doings of the Convention, the Legislature had no power to order the election.

1. As to notice. The President, upon the principles of special pleading adopted in the message, does not deny information, but admits it; his denial is, that it has not been officially communicated. "If it has not, it is the fault of the President's friends, who give or withhold "official information," just as he wills and directs. Calhoun, President of the bogus Convention, has long been here. Why is official information improperly withheld? Are the fraudulent returns still incomplete, or secreted in so many places he has as yet been unable to gather them together? But we have an official report—admitted, too, by the select committee to be correct—showing the result to be —for this Constitution, 162 votes! against it, 10,226 votes!!! It is said, if all the returns had been made, the majority against the
Constitution would have been over twelve thousand! !!

2. As to the validity of the election. The act of the Legislature calling the Convention did not require the Constitution to be submitted to the people, and the President said this was a reason, and the bogus Legislature passed it, by a two-thirds vote, over his veto. Was the fraud, since attempted, then designed?

All concede that the Legislature could then have required its submission! But no one contends it could have dictated the form of the Constitution. Why this difference? The right to form the Constitution was delegated to the Convention; and it was an act of usurpation) only their own acts. The act of the Legislature (and the President says it was an act of usurpation) only authorized them to form a Constitution. That was all the authority the Convention had. It had no legislative powers. The Legislature could not be affected by it— that remained the same, until Kansas was admitted as a State, as if no Convention had been called. Yet the Convention assumed legislative power, and provided that all laws not repugnant to their Constitution should not be altered, amended, or repealed, (they omitted to provide against the passage of a new law,) until after the Constitution was adopted; and that all civil and military officers should hold their offices until after that time. The Convention met in September, and adjourned over until after the October election, to know what kind of a Legislature might be elected; and with all the frauds practiced, it was against the Pro-Slavery party. Then they legislated their laws to stand and their officers to hold over, in the Convention. In effect, the Convention abolished the Governor and Legislature, without a pretense of authority to do anything of the kind. Until it is admitted as a State, Kansas must remain a Territory. The President calls it a Territory, and keeps the Territorial officers there. And the Governor and Legislature hold their offices until others are commissioned to act. No caucus or convention could deprive them of their offices or impair their authority.

This Convention also displaced the legal officers and judges of election, and appointed John C. Calhoun to a dictatorship, with full power to fill these places with his own corrupt tools and agents, acting under no legal responsibility or sanction whatever, for the Convention could not impose any, to conduct an election for the pretended submission, and for State officers under this Constitution, so as to declare their friends elected, let the result be as it might! This election was to be held on the 21st December.

Before that time, and before the Constitution was pretended to be in existence for any purpose, the Legislature provided by law for its submission to a fair vote of the people.

On the 5th of December the President said, in his annual message:

"Whether Kansas shall be a free or slave State must eventually, under some authority, be decided by an election."

On that very same day, Gov. Stanton convened the Legislature of Kansas to provide for such an election. On the 17th of December, the law was passed, and under it the question has been decided "by an election!"

The President also said:

"The truth is, that no other authentic and satisfactory mode exists of ascertaining the will of a majority of the people of a State or Territory, on an important and existing question, like slavery in Kansas, except by leaving it to a direct vote."

Here that authentic and satisfactory mode has been adopted, and the will of the majority has been ascertained "by a direct vote!"

Had the Legislature calling the Convention enacted it might have put the Constitution into operation without submitting it to the people, its authority to do so would have depended entirely upon that act of the Legislature; and that act, like any other law, might have been changed or repealed, or a submission required at any time before the Constitution had been put into operation under it; and no State Constitution could be put into operation until Congress admitted the Territory as a State. Attempting to do this, is called rebellion! And where there was a general dissatisfaction expressed, the Legislature should require it to be submitted to a vote, as they did. A mere law may be changed by the same power that can enact it. A further law may also be enacted.

When it is admitted the power belonged to the Legislature, and that it might have directed a submission before the Convention met, it may not be denied the same power still remained, and a submission could just as legally be directed afterwards as before; and this provision, afterwards made, would be as legal as if embraced in the original act. This power had not been surrendered. The Legislature could not lose it, or the Convention acquire it, by implication. The law for the submission is as valid as the law for the Convention; one rests on the same authority as the other, and must have the same force and effect. The law ordering the election was therefore legal and valid, and the decision of the people under it final and conclusive!

3. As to the effect of this election. The past and the present Administrations have constantly urged the people of Kansas to settle all their difficulties peaceably at their elections. Yet the President now refuses to recognize that fair and peaceable mode of settlement. The professions and practice are in conflict. At one time, when the Legislature was elected, an armed invasion interferes and prevents a fair election; at another, they are required to vote "viva voce," so that frauds may be practiced to any necessary extent. And, by the President's officials, the people in twenty counties are disfranchised and denied the right to vote. All these fraudulent proceedings are recognized, and these are all held to be valid elections. But when a fair election has been held, the President will not hear the result, or recognize its force when heard!

He says a submission to the people is correct in principle, and he trusts will be adopted "on all future occasions." Why apply this correct principle to future occasions only? No case can
ever arise where a greater necessity for it will exist. In this case, it was made indispensable by the organic act.

It is not only correct in principle, but it is universal in practice. There is not an existing State Constitution in the Union that has not, in some way, been sanctioned by a vote of the people governed by it. Why should Kansas be made an exception?

Whether the law for this election was valid, as the people all believed, or invalid, as is now pretended, is, in truth, wholly immaterial, so long as the election was fairly held, and the will of the majority fairly expressed. No legal objection or legal quibble can change or alter the great fact that the people of Kansas, not only a majority, but the whole people, with almost one unanimous voice, have repudiated, rejected, and condemned this Constitution. That no man may deny or dispute. The assent of the people is as necessary as the assent of Congress to this instrument; indeed, more so; for they are to live under it, and be governed by it. Congress cannot rightfully force a State into the Union against their will, and under a Constitution rejected by them. This would be an arbitrary and unconstitutional exercise of power. A Government thus imposed upon the people would not be republican, either in form or in fact.

Had the people of Kansas all signed a remonstrance against this Constitution, and sent it here, would it be any answer to say no law had been passed authorizing them to protest against it in this manner? The fact is the same, whether their wishes are or are not expressed under color of law. The voluntary expression of public sentiment is the same as if it was done under the forms of law. And here the fact cannot be denied, the people are opposed to this Constitution.

Xiletote the State Officers on the Fourth of January.

According to the official certificate of Gov. Denver and the presiding officers of the Legislature, who were present at the canvass, the Free-State officers and member of Congress were all elected, the lowest majority being over three hundred in Leavenworth county.

The Free-State members were elected; and to the House, twenty-nine Free-State and fifteen Pro-Slavery members were elected. Mr. Calhoun, however, who does the heavy work in this Kansas business, has never declared the result, either as to the State officers or members of the Legislature. It is said he stated freely, in Missouri, that the entire Pro-Slavery State ticket was elected, and also the Pro-Slavery member of Congress, and that the Pro-Slavery party had a majority in both branches of the Legislature. And this, no doubt, will be the declared result, contrary to the true vote, as certified by Governor Denver. If intended to be made otherwise, it would have been actually settled long ago, and been used as an argument in favor of the expedience of accepting the Lecompton Constitution. Withholding these election returns, and refusing to declare the result, with the knowledge, and, as it must be presumed, the approval of the Administration, is one of the many things that mark the true character of this Lecompton fraud. But the secret is out at last: Calhoun, in his statement to Senator Green, says the whole Free-State vote at this election was seven thousand and fifty-nine, of which six hundred and thirty-one were "illegally cast," and that the legal Pro-Slavery vote was six thousand five hundred and eighty-one. Deducting the six hundred and thirty-one votes which he declares illegetal, and the Pro-Slavery party have a majority of one hundred and fifty-three!

XII.—Delaware Crossing.

On the 4th of January, the Free-State officers were elected, as I have stated, by about three hundred majority. This majority it was necessary to overcome, and to change the Legislature by having a majority in Leavenworth county. Enough votes to do this were fraudulently returned from Delaware Crossing, namely, three hundred and seventy-nine—every vote Pro-Slavery!

It has since been established; and Isaac Munday, one of the judges of the election at that place, testified—that only forty-three votes were polled at that place; that the returns had been taken off, a forged return of three hundred and seventy-nine votes added, and the certificate of the judges attached; that the true returns were given to Henderson, to carry to Calhoun, before this forged vote was added. Calhoun denies receiving them, but the forged returns are found secreted on his premises. In this transaction Calhoun, his chief clerk, Diffendorf, and Henderson, one or all, appear to be implicated, and their testimony and statements do not agree. This appears to be a sore place; and Mr. Calhoun was forced to come out in the newspapers, with a story, that he, poor soul, was imposed upon! The proof of the fraud could not be disputed; and Calhoun said if Governor Denver would take the testimony of the judges of the election, he would count out this fraudulent and forged vote. Monday, on his way to give his evidence, was shot. The dead tell no tales. His testimony was never taken again, as Calhoun required. He exposed to the public; his brother-in-law, Diffendorf, and Pro-Slavery men say Munday shot himself, or was murdered by some Free-State man! How improbable! He had no reason for suicide; he had concluded to serve God, and let Slavery alone.

Who had anything to fear from Munday’s evidence? What party might lose? What men be exposed by it? Who could have any motive of fear or of revenge, to prompt them on to such a deed? Those who had been guilty of forgery or perjury, or both, in regard to this transaction! If he was murdered, it was not by Free-State men; they were glad to have him tell the truth; they wanted his evidence! It was done by some friend of the Pro-Slavery faction, for fear of a re-vengé—another crime in the effort to make Kansas a slave State.

XIII.—Voting by Free-State Men.

That part of the Free-State party that voted for State officers on the 4th of January (about half the Free-State men refused to vote) have
been claimed as endorsing and assenting to the Lecompton Constitution. This is an error. They voted to take from their enemies, in any case of exigency, all presence of authority; and they voted protesting against the Lecompton Constitution.

The Convention nominating the Free-State officers unanimously

Resolved, That the candidate nominated by this Convention, on accepting this nomination, will be considered as pledged, should the Constitution be approved by Congress, to adopt and execute immediate measures for enabling the people, through a new Constitutional Convention, to obtain such a Constitution as the majority may approve. The Convention refused to submit the Constitution thus framed to a fair vote of the people, for their ratification or rejection, and that the Territorial Legislature did provide by law for its submission, under which law it was submitted and rejected by an overwhelming majority of the people of Kansas; and for the sake of harmony and the integrity of the Union, we, the officers elected under said Constitution, do most respectfully and earnestly pray your honorable bodies not to admit Kansas into the Union under said Constitution, and thus force upon our people an organic law against their express will, and in violation of every principle of popular government.

G. W. SMITH, Governor elect.
W. M. ROBERTS, Lieutenant Governor elect.
ANDREW J. MEADE, State Treasurer elect.
J. K. GOODIN, Auditor of State elect.

These facts are stated by responsible men. They are true, and can be proved; and they are undisputed.

XIV.—SUBMISSION ON TWENTY-FIRST DECEMBER.

The pretended submission, on the 21st December, of the Constitution, was a most shameless fraud. To submit a Constitution to the people, allowing them to vote for it, but not to vote against it, was no submission. It was a confession that it ought to be submitted, but a refusal to submit it.

The President says the Convention "did not think proper to submit the whole of this Constitution to a popular vote" but they did submit the question whether Kansas should be a free or a slave State to the people." And he afterwards says that this election presented "a fair opportunity" to decide the question of Slavery. It is true, the votes were to be labelled "Constitution with Slavery" and "Constitution with no Slavery;" but it is equally true, that the Constitutions, in both cases, established and perpetuated Slavery; the one with no Slavery being made unalterable and irrepealable, and in that respect even worse than the other, which did allow slaves to be emancipated upon certain terms! The President says that "Kansas is as much a slave State as Georgia or South Carolina; and, therefore, that "Slavery can never be prohibited in Kansas, except by means of a constitutional provision." The Constitution with no Slavery declared "that the right of property in slaves now in the Territory shall in no case be interfered with." If it is now a slave State, and the right of property in slaves and their increase cannot be interfered with, it must remain so. Instead of a prohibition of Slavery, here is a constitutional sanction. It also declared, in relation to amendments, that "no alteration shall be made to affect the rights of property in the ownership of slaves."

The other Constitution was one undisguisedly establishing Slavery, and prohibiting its repeal, but allowing slaves, upon certain terms, to be emancipated. Here was a double fraud. First, the votes must be "for the Constitution," and could not be against it. Next, the votes must be for Slavery, and could not be against it. If they voted for the "Constitution with no Slavery," that established Slavery, and made it perpetual! What a "fair opportunity" was here presented! A fair opportunity to establish Slavery! and to provide that it should never be abolished! and no opportunity to vote against it in any way. "Heads I win, tails you lose"—what a fair opportunity! The President regrets the people neglected to improve it. It was an insulting fraud, that a blackleg would have the grace to disown.

XV.—VOTE ON THE TWENTY-FIRST DECEMBER.

According to the official certificate of Governor Denver and the presiding officers of the Legislature, the whole vote was six thousand seven hundred and twelve for the Constitution at this election. They were present at the canvass on the 14th of January. According to Colburn, it is now six thousand seven hundred and ninety-five. When or how the eighty-three votes were added is not explained! This vote, as reported and counted, was to a great extent fraudulent.

The following is a comparison of the reported vote of four precincts, with the actual vote, as proved by the judges and clerks of the elections, before the investigating committee of the Territorial Legislature:

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Reported</th>
<th>Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oxford</td>
<td>1,229</td>
<td>42</td>
</tr>
<tr>
<td>Shawnee</td>
<td>783</td>
<td>115</td>
</tr>
<tr>
<td>Fort Scott</td>
<td>230</td>
<td>120</td>
</tr>
<tr>
<td>Kickapoo</td>
<td>1,917</td>
<td>395</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,347</strong></td>
<td><strong>622</strong></td>
</tr>
</tbody>
</table>

Here are frauds at four precincts of nearly three thousand of the six thousand votes returned. But this is denied and the proof withheld! The officers of the Legislature say:

"Taking into view other but less important frauds, we feel safe in saying, that of the whole vote polled, not over two thousand were legal votes, polled by citizens of the Territory."

The real vote at this election was, in fact, about the same as at the election for delegates; that is, the actual strength of the factious Pro-Slavery minority, according to the best and most reliable evidence to be obtained—namely, about two thousand.

At the election on the 4th of January, when a fair vote either way was allowed, there was from ten to twelve thousand majority against this Constitution. At the election on the 21st of December, the real vote was about two thousand in its favor. But at this election no one could vote against it!

XVI.—AMENDING THE CONSTITUTION.

The President insists that the majority, if they are for a Free State, (as he seems to assume,) can amend this Constitution at pleasure, after it is adopted; and says:
The will of the majority is supreme and irresistible, when expressed in an orderly and lawful manner. They can make and unmake Constitutions at pleasure. It would be absurd to say that they can impose fetters upon their own power, for what they cannot consent to must be unlawful.

His position is, that the proceedings to make a Constitution are irrepealable, and the question of its adoption cannot even be submitted to the people; but when once firmly fixed upon them, the will of the majority is supreme and irresistible. The very reverse is the fact. Before they are admitted under it, the will of the minority is fettered by no conditions, and should be supreme and irresistible. After it is adopted, it can only be amended in a legal manner, according to its provisions, and Slavery could never be prohibited.

Can a majority of the people, or even of the States, amend the Constitution of the United States, in violation of its provisions? If so, the clause allowing a representation upon property to a small class of citizens, against the equal rights of all other citizens, might be amended, and in that way Slavery might be disconnected from politics and from Congress, and from all questions as to the political power or the political ascendency of a privileged class. It would then cease to be political, and, like all other property interests, become a matter of pecuniary importance only. No longer an element of political power, it would cease to be a source of discord and strife. That would place all the citizens of all the States upon a real and just equality, and establish an unbroken peace upon the subject of Slavery. Can the provision allowing two Senators to each State, which is not amendable, be changed? If not, can Slavery be abolished against the express terms of this Constitution?

The President promised the people of Kansas, through the Governor he appointed for them, that the Constitution should be submitted to the people, for them to adopt or reject. That promise has been violated. Now he expresses an opinion, that if the Constitution establishing Slavery could be changed two Senators to each State, and the will of the majority is supreme and irresistible, after it is adopted, it can only be amended in a legal way, and according to its provisions, and Slavery could never be prohibited.

The rulers of this Government, the privileged political class, who represent Slavery, say they must have equal rights in the Union, or they will go out of it. It is just and right that the people of different States and different sections, of different occupations and pursuits, should have equal political rights, and, in proportion to their numbers, equal political power. We all agree in this great principle, upon which alone a representative Government can rest. If those who complain are denied this, I will aid them to obtain it by a change of policy, or of the Constitution itself. Will they do the same? Will they consent to stand upon a real and true equality? If so, we have only to examine fairly what section, or class of States, or individuals, have had more than their equal share of political power, and correct it. If this question of Slavery has been made, and is, a question of political power. So says Senator Mason; so says the gentleman from Mississippi, [Mr. Davis] and I admit it. It is this that brings it here; it is this that gives to it its bitterness; and, as they say, endangers the Union. How stands the account? Who holds the power of this Government in their hands? Who have held it in their hands for the last sixty years? Is it the Representatives of all the people of all the States equally? Have the Representatives of the free States had it in their control? No man can say so truly. History records the fact that the owners of slave property, small in number, are masters of this Government, and have, for the last sixty years. So said Mr. Meade in 1848; so said Mr. Clay in 1850; and so says Mr. Hammond in 1858; and the records of the Government prove it beyond dispute. It is as astonishing as it is undeniable. The free States (slave-owners may well use that term in reproach and in derision) have only been free to do as their masters—the owners of slave property—directed.

The population of the free States is over thirteen millions; of the slave States, over six millions. There have been eighteen Presidential elections; twelve Presidents were slaveholders; six were not, but Northern men with Southern sentiments. The slaveholders have held the Presidency for forty-eight years—more than two-thirds of the entire period. No Northern man has ever been re-elected; five of the slave-owners have been. As far as the Presidency is concerned, the slave-owners have had more than their equal rights. There are over twenty millions of free people in the Union; the slaveholders numbered, in 1850, three hundred and forty-six thousand
and forty-seven. According to numbers, they should have had the Presidency but a single year; they have had it over forty-eight!

Since 1809, the President pro tempore of the Senate has been a slaveholder—except Mr. Southard, of New Jersey, and Mr. Bright, of Indiana, for five or six years in all! And they were zealous adherents of the slave power! A single year was all they could claim upon the principle of equal rights!

Since 1829, for thirty-eight years, closing with the present Congress, Slave-owners have been Speakers of the House for thirty years, and free-State men for only eight years! The Speaker, by the appointment of committees, controls the legislation of the country more than any other officer of the Government, and the committees never were appointed in so unfair and partisan a manner as in the present Congress!

In the thirty-five Congresses, we have had twenty-two Speakers who were slave-owners; and twelve who were free-State men. What class of men have had more than their equal rights?

Since 1841, slave-owners have held the office of Secretary of the Navy, except two years, up to the organization of the present Cabinet; and since 1849, a slave-owner has always been Secretary of War. The free States furnish most of the shipping and seamen for the navy, and most of the soldiers for the army; but slave-owners command them. Who have had more, in this, than their equal rights?

Since 1789, up to the present Administration, the Secretary of State has been appointed fourteen times from slave-owners, and only eight times from free-State men. This is the first officer of the Cabinet, who has charge of the foreign relations of the country. What men have had more than their equal rights?

In the Supreme Court, five of the nine judges, including the Chief Justice, have always been slave-owners, and only four from the free States, and these must be sturdy adherents of the slave power. So that one department of the Government has been forever exclusively in the hands of slave-owners. Is this giving the other citizens their equal rights? Nearly one hundred to one of the people of this country are not slave-owners, and more than three-fourths of the business of this court arises in the free States!

There is a class of the people having more political power than any other class of citizens—namely, the slave-owners. There are three hundred and forty-six thousand and forty-seven of them, including men, women, and children. They admit and boast that they have controlled the Government for sixty years, and do now. They own three million two hundred and forty thousand two hundred and eighty-seven slaves. Three-fifths of them are counted; so that three hundred and forty-six thousand and forty-seven persons are counted as if they numbered in fact two million two hundred and sixty-eight thousand six hundred and nineteen in the scale of representation. These three hundred and forty-six thousand are counted nearly two million more than they are, because they own slaves! Instead of three Representatives in Congress, they have thirty, because they own slaves! But this is not all the political power they have. They control those States. The free whites in the slave States, not owning slaves, numbering five million eight hundred and thirty-eight thousand three hundred and fifty-seven, the great body of the people, do not seem practically to have any political power. Who ever heard of any of them being President, Vice President, a Cabinet officer, Senator, or member of Congress, or a judge of the Supreme Court, or filling any other important office under this Government? The slave-owners, by their property and political privileges, are made the ruling class in those States. They control the press, and force submission to their will, by a system of terrorism and constrained public sentiment. We must add to their power the nearly six million non-slaveholders in the slave States. These three hundred and forty-six thousand slaveholders, bound together by a single interest, have therefore in their hands practically the political power of about eight millions of people, bond and free. They have 30 Senators and 90 members in the House! Do they claim more than that for their equal rights?

We find that three hundred and forty-six thousand slaveholders have had one department of the Government in their hands absolutely—the Judiciary; the Executive practically, and also the Legislative—all; and yet they are going out of the Union if they cannot have their equal rights!

This is no over statement. More than twenty million of free people are governed by some three hundred and forty-six thousand slaveholders, and have been for sixty years; and they claim more, or will go out of the Union after equal rights! All I can say is, if they were fairly out of the Union, we might, after their departure, have equal rights!

They talk of an equilibrium—that is the phrase. A greater absurdity could not be imagined. How can you arrest the natural increase of over twenty million of free people, and the immense immigration here, to keep pace with three-fifths of your increase of slaves? For, if one increases faster than the other, your equilibrium is overthrown. You cannot do this; and, therefore, you attempt to overthrow the principle of equal rights in representation. Every departure from this is a step towards despotism. Would it not be absurd for the shoemakers in the free States (and they are more numerous than the slaveholders) to demand an equilibrium, or say they would leave the Union? Or for Rhode Island to say she would dash the Union into fragments, unless her relative strength in the Government was kept exactly stationary, as it was when there were but thirteen States in the Union? We should answer to all these claims—"You are not wronged, your rights are not invaded, you have your just and equal share in the Government in proportion to your numbers; that is republican and democratic." So have slaveholders; and more than that, just so much more as slave representation increases it. And whether there should be one or more slave States,
their equal rights can never be destroyed. Increasing free States or decreasing slave States could never deprive a single slave State of their equal rights. It might lessen, it could never remove, the inequality and injustice that now exist. It might lessen, it could never destroy their equal rights.

On a former occasion I presented my views more fully upon this subject, giving facts and figures, which no one has ever disputed, and to which I will now merely refer. *See Appendix to Cong. Globe, vol. 33, page 637, ff.*

XVII.—KANSAS MESSAGE.

A strange delusion seems to pervade the mind of the President in relation to the state of parties in Kansas. This arises from the difficulty of inducing him to realize the fact that a great majority of the people of Kansas are opposed to the policy of the Administration; are opposed to extending Slavery into free territory, and making Kansas a slave State. The President speaks of one of the political parties of Kansas as "enemies" of the Government, "revolutionary," and in a state of rebellion; and of the other, as "friends of the Government," loyal and strictly regular. It is a strange delusion to which I will now merely refer. *See Appendix to Cong. Globe, vol. 33, page 637, ff.*

The figures, which no one here has ever disputed, and more fully upon this subject, giving facts and figures, have been sanctioned and adopted; criminal prosecutions for political opinions corruptly instituted; leading Free-State men unlawfully arrested and imprisoned; crime left unpunished, and criminals protected; and a standing army, in violation of law, has been and is now stationed in Kansas, to force the people to submission. All this, and much more. I ask, does the President wish to make Kansas a slave State, and all in vain. It has only inspired an unyielding spirit of resistance in the people. It has only deepened and strengthened their love of liberty and hatred of oppression.

The issue between the President and the people of Kansas is simply this: he is determined to make Kansas a slave State, in spite of the people; and they are determined it shall be a free State, in spite of the President. By the law, the people of Kansas were to be left perfectly free to form and regulate their own institutions in their own way. They do not understand "non-intervention" to mean Executive dictatorship! or "popular sovereignty," that the minority shall rule! And they will never understand it—they never will submit to it. Instead of regulating their own affairs, they are denied the right to be heard in regard to the Constitution that is to be forced upon them. Their consent is not required. Their protest is not regarded. And, after all these pledges and professions, Slavery is to be forced upon them, against their recorded will and their earnest protestations, by the Congress of the United States and the power of the General Government.

XVIII.—REBELLION.

The old charge of rebellion is made anew. In revising this foolish and exploded false pretence, the President reflects upon the Kansas judiciary. Their decision upon this question should be treated with as ready respect, by the President at least, as an extra-judicial opinion of the Supreme Court. This question has been judicially settled. During the last Administration, indictments were directed and pronounced against Governor Robinson and ninety-seven other leading Free-State men, for treason and constructive treason, because they had taken steps for the admission of Kansas as a free State—this same rebellion of the people against the minority, that the President has so often condemned. The people of Kansas have appeased a free-State Constitution, and elected officers under it, so as to put it into immediate operation, if admitted. The Lecomptonites have done the same, and a little more; for they have not only elected officers under their
Constitution, but have abolished the Governor and Legislature, and the offices of election—
in fact, set up the whole Government. As to rebellion, the President's "friends" are worse off than his enemies in Kansas. Minnesota has elected her officers. Is Minnesota in rebellion? Is a Territory in rebellion by preparing for and asking admission as a State?

Indictments against the leading Free-State men were directed and found, and they were arrested and imprisoned. The judges appointed by the last Administration were the willing tools in this act of tyranny and oppression—judges who issued process to destroy hotels and printing presses as nuisances if owned by Free-State men, and who discharged men arrested and indicted for murder if they belonged to the Pro-Slavery faction. No crime committed against a Free-State man has ever been heard of as having been redressed or punished by them. I drew articles of impeachment to present in the last Congress against one of these corrupt judges, Lecompte; but the Slave Power is so strong in this Government, that there is no place in it where he could be fairly tried and justly punished. It would have been as idle as the complaints that Governor Geary preferred against him; and for that reason alone I abandoned it.

After a long delay and imprisonment, these ninety-eight State prisoners and Administration rebels were brought to trial before these judges—the friends and officials of the past and present Administrations. And even Lecompte and Cato were forced to acknowledge that they had done nothing criminal, and the indictments were dismissed. The intended purpose was answered: while these men were imprisoned, the Lecompton fraud had been planned and prepared. After all this, for the President to call these proceedings of the Free-State party rebellious, is disrespectful to the pure judiciary of Kansas—men who would go as far for Slavery as the most degraded of men dare go; whose judicial action the President should respect, if no one else does.

XIX.—GOVERNORS OF KANSAS.

Since October, 1854, counting the Secretaries who have acted as Governors, Kansas has had seven Governors—Reeder, Shannon, Woodson, Geary, Walker, Stanton, and Denver—all appointed by President Pierce or Buchanan, within a little over three years; and all removed by them, or forced to resign, but Denver, and it is said he is soon to be removed. Both Administrations were insanely bent upon forcing Slavery into Kansas, the last being (like the last state of the man who took into his council seven other spirits more wicked than himself) "worse than the first." All these men were the party friends of the Presidents appointing them, some of them Southern men; some Northern men with Southern sentiments. Two of them voted in Congress to repeal the Missouri compromise, and open Kansas to Slavery; and all were bound by their party prejudices and party feelings to carry out the wishes of their party in Kansas. Bound, too, by every motive of interest or ambition to carry out that policy—selected by the President and removable at his will; selected as the very man in each case best fitted to aid in the great purpose of making Kansas a slave State—each of these men went to Kansas bitterly prejudiced against the Free-State party, just as the President is now. Some of them were men of great ability and rare and ripe experience, who were as well qualified by their high standing and position to command respect and inspire confidence as any that could have been selected. Yet all these men have learned to respect the rights of the people of Kansas when they came to know them, however strongly prejudiced against them before. All these men have been forced to bear unwilling testimony in their favor. And when the cry of oppression has been heard from that far-off Territory, and these men have been called upon to explain why there was disturbance, and why there was complaint, they have been compelled to say the disturbances were the work of the Pro-Slavery party and their allies, and that the Free-State men had been wronged and trampled upon. Reeder said so, and he opposed, as well as he could, Missouri invasion and dictation, and he was removed!

Shannon, partisan as he was, and reckless as he was, under whose rule almost every spot in Kansas was witness to some great crime—so that it furnishes to this day its legend of horror written in blood—even he, at last, was forced to confess the same. The light of truth shone too brightly around him to be resisted, and then he was removed!

Geary appears to have desired to do justice to the people of Kansas. He said the disturbances were made by the Pro-Slavery party, and the Free-State party had been greatly wronged. He even attempted to punish crime; he stood by and heard the dying declaration of Buffum, murdered by Hayes; and he promised to see that the murderer was punished. He caused him to be arrested, and he was indicted by a Pro-Slavery grand jury. Judge Lecompte discharged him. Again he was arrested, and again discharged. The Governor appealed to the President to remove Judge Lecompte: It was said that he would be removed; he was not removed, but Governor Geary was!

Governor Walker went there, believing in rebellion, and proclaiming rebellion, until he learned it was only a paper rebellion, made by the Executive to cover its own proceedings. He found the people orderly and peaceable; he found that all they asked was the rights of American freemen, to have a voice in making the Government and the Constitution under which they were to live. He promised this to them, for himself, for the President and the Cabinet; he pledged his honor to see that this was allowed to them; but when it was found the people would not consent to make Kansas a slave State, he was required to violate his promise and his pledge of honor; this he would not do, and he was forced to resign!

Governor Stanton had again and again pledged the Administration (and he had authority to do so) that the Constitution should be submitted to a fair vote; and when the Convention—that has since become a fugitive from justice—refused to
do this, he called together the Legislature, who passed a law requiring its submission; and it was submitted. The election under this law established the great fact that a Free-State party was, in truth, the people of Kansas. For the act of honesty and independence, Stanton was removed!

It may be said, to the credit of these men, that not one of them—no man of character enough to hold the place—has ever yet been found who would do the work required at his hands. They all give their testimony against the insane folly of attempting to force Slavery upon the people of Kansas. If any man will not believe their united testimony, he would not believe though a witness should rise from the dead. But if no Governor would do all the dirty work required, the man has at last been found that will. Calhoun, once President of a Convention—no more an officer than the president of a last year's caucus—has all the power of the Territory placed in his hands. He is as irresponsible, and his power is as irrepealable, as that of the Lecompton Convention—with this Administration. He has nothing at nothing. Governors are no longer needed.

It is said he dare not return to Kansas. Stringfellow, Atchison, Baford, and their desperate cowpers, have left Kansas in despair, and dream no longer that Slavery can be forced upon her people. But this Administration, more desperate than they, is still insanely and pertinaciously laboring to accomplish it. XX. PEACE IN KANSAS.

It is urged that admitting Kansas under the Lecompton Constitution would secure "peace." No greater mistake could be made. Instead of peace, it would be a declaration of civil war. The people of Kansas never will submit, and never should submit, to such an act of oppression. There is a point beyond which a free people cannot be driven. Congress would then indeed force them into rebellion in defence of the inalienable right of self-government, in defence of the Constitution and Government by the people. If Congress undertakes to force it upon us, I will fight—as sir, I will suffer death, rather than submit to the damnable thing; I swear, by the great Eternal, that I will resist as long as I live: and if it is not destroyed during my life, I will disinherit my children if they will not promise to struggle against it after I am gone."

Thus speaks one of the men nominated on the same ticket with Calhoun as a delegate to the Lecompton Convention, and whose name, without his authority, was placed to the pledge, signed by Calhoun and others, to submit the Constitution to the people, for their adoption or rejection. He did not attend the Convention. Only a bare majority of the delegates elected did attend.

The following is a copy of the last resolution passed by the Kansas Legislature before its adjournment:

Resolved by the Legislative Assembly of the Territory of Kansas, the Council concurring, That we do hereby, for our lives, our fortunes, and our sacred honor, to resist the Lecompton Constitution and Government, by force of arms, if necessary; that in this perilous hour of our history we appeal to the civil and free world for the territory of our position, and call upon the friends of Freedom everywhere to arm themselves against this last act of oppression in the Kansas drama.

Resolved, That the Governor be requested immediately to transmit certified copies of these resolutions to the President, the Speaker of the House of Representatives, and the President of the Senate, of the United States, and a copy be transmitted to our Delegate in Congress, and to be an address of Congress.

They declare their fixed purpose to resist this rejected minority Constitution by force of arms, if attempted to be forced upon them. Does this constitute peace? Is it an evidence of peace, that in case Congress adopts the Lecompton Constitution, and people of Kansas will put the Topeka Constitution into operation, and stand by it at every hazard? Is it an evidence of peace, that all reliable evidence from Kansas represents the people as fixed in their purpose of resistance, if the Lecompton Constitution is attempted to be forced upon them? They say:

"If it is rebellion for us to insist on our right to live under our own Government—a Government born of the free men of the land, and enshrined in the blood of our martyrs, and endorsed by the people's votes, then we are ready for it."

The newspapers of Kansas express the same determination:}

We know that, let come what may, no Pro-Slavery Legislature or officer will ever be able to assume the reins of power. Cost what it may, we stand to this, and will support it while a free voice is left to encourage action, or a free arm left, to strike a blow!"—Leavenworth Times.

"There is no mistaking it—no evading it. There can be no compromise. It is either submit and be slaves, or resist and be free!"—Lawrence Republican.

An extract from a letter of L. A. Prather, Esq., will serve to indicate the state of feeling in Kansas:

"I am a Democrat, and that in the broadest sense of the term. I am also a Southerner, from the bosom of old Virginia; but I have in my heart a yearning to see the poor freemen of Kansas into the Union under the Lecompton Constitution; and whose name, without his authority, was placed to the pledge, signed by Calhoun and others, to submit the Constitution to the people, for their adoption or rejection. He did not attend the Convention. Only a bare majority of the delegates elected did attend.

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