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1856

## Admission of Kansas

Galusha A. Grow

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# ADMISSION OF KANSAS.

## SPEECH

OF

### HON. G. A. GROW, OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES, JUNE 30, 1856,

*On closing the debate on the Bill reported from the Committee on Territories for the admission of Kansas into the Union as a State.*

Mr. GROW said: The first test vote on the bill under consideration will be on the motion to commit it to the Committee of the Whole on the state of the Union; after having disposed of the pending instructions—one proposed by the gentleman from Georgia, [Mr. STEPHENS,] in the nature of a substitute; the other, an amendment thereto, restoring the Missouri Compromise, offered by the gentleman from Indiana, [Mr. DUNN.] Before speaking on the merits of this bill, I propose to say a word as to the effect of this motion, should it prevail. Every person who has served in this Hall is aware, that at this stage of the session, should this bill be referred to the Committee of the Whole on the state of the Union, it could never, in all probability, be reached. If it is proposed to send it there for the purpose of amendment, that object would not be secured; for, in order to reach it, it would be necessary to lay aside every bill on the Calendar preceding it, one by one, by a majority of the Committee. And the same majority which could lay aside the bills so as to reach this, could, when reached under the ruling in the Nebraska case, strike out the enacting clause, and report the bill to the House without a single amendment, or any opportunity for one. If, then, the only object in referring is to have it amended, gentlemen will see that that object would not be accomplished by the reference.

As to the instructions proposed by the gentleman from Georgia, [Mr. STEPHENS,] I have but a word to say. His amendment, which is similar to a number of amendments that have been introduced lately in the other wing of the Capitol, professedly for the relief of Kansas, proposes the appointment by this Administration of a certain number of men, who are to go into Kansas, take a census of voters, and provide for the election, at some future day, of delegates to form a State Constitution. I have no faith in any measure of redress for the people of Kansas, which is to be placed in the hands of this Administration to execute. A bill organizing the Territories of Nebraska and Kansas was passed by Congress, and it was the President's bounden duty to see it car-

ried out in good faith to the citizens who relied on its protection. He signed that bill, was therefore a part of it, and it was his duty to see that its letter and spirit were in no way violated, but that the rights secured to citizens under it were fully protected. He entirely failed to do so. Having thus failed—

Mr. McMULLIN, (interrupting.) Will the gentleman yield me the floor for two minutes?

Mr. GROW. For what purpose?

Mr. McMULLIN. To explain the course of the President.

Mr. GROW. Not now. If I have time to finish the remarks which I propose to make, before the expiration of my hour, I will yield the floor with great pleasure to the gentleman from Virginia. If he proposes to ask me a question pertinent to the subject I am speaking on, I will hear and answer it; otherwise, I am unwilling to yield at this time.

The President having failed to protect the citizens of Kansas in the rights secured to them by the organic act, I ask whether we should now place in his hands any measure of proposed relief or protection for that people? When a public officer betrays his trust in one case, will you intrust the same charge to his keeping again? Do you expect any relief to the people of Kansas from this Administration, or from the minions whom it has sent to that Territory? To expect it would be as great folly as to hope to protect your lamb from a second attack of the wolf, by putting two bells on its neck instead of one. I am opposed to any measure of relief, the execution of which is to be intrusted to men who have trampled on every right most sacred to American freemen, and who have given to the flames the houses of peaceable citizens, and driven them forth homeless into the wilderness.

It is proposed by this substitute that five men be appointed by the Administration which has permitted all these wrongs, to take a census of the population of Kansas; and that they may employ such persons as they please to assist in taking it. No person is to vote at the election for delegates to form a Constitution, unless his

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name is on that census list. They might employ, under this power, Stringfellow, Jones, and Donaldson, to go out and take the census of the people—making such a list as would suit their purposes, and secure the success of the border ruffians in their crusade in behalf of Slavery.

But, even if the list was a fair one, what security have you that a fresh invasion would not be effected, or that armed men would not go to the polls, seize upon the ballot-boxes by force, and drive away the legal voters of the Territory by violence, as has been done in every election heretofore held in the Territory? The penalty fixed in this substitute for illegal voting would not prevent it, for it is simply a fine *not to exceed* a certain sum of money. Should a Slavery propagandist be brought before Judge Lecompte, charged with illegal voting, who believes that, when the penalty is not to exceed five hundred dollars, it will exceed six cents? Who believes that the penalty would ever be fairly enforced under such an administration of law as exists in Kansas? A Judge who orders the destruction of public buildings, printing presses, and private dwellings of respectable citizens, as nuisances, on the mere finding of a grand jury, is not to be trusted with the rights of American freemen.

But, sir, there is some encouragement for the friends of Freedom in Kansas in the propositions which have been submitted within a few days in this Hall and in the Senate. It is, that the ground taken in the early part of the session with respect to Kansas is abandoned by the men who resisted the appointment of any committee to investigate the transactions in that Territory, alleging that no frauds or violence had been committed; and even if there had, this House had no power to control or redress them.

Propositions for settling the troubles in Kansas, and professedly to prevent the repetition of the wrongs and injustice perpetrated upon her people, are now made by those who strenuously opposed the appointment of that committee, and justified or apologized for the wrongs which their report exposes; and the ground taken in the opening of the session, that Kansas must have a population of ninety-three thousand four hundred and twenty before she could be authorized to form a State Constitution, is abandoned on all sides. That was really the only plausible objection that could be made to her immediate admission; and that yielded, what objection can there be, save that her Constitution prohibits Slavery?

The power of Congress to admit new States is conferred in section three, article four, of the Constitution, in these words:

"New States may be admitted by the Congress into this Union."

The time, mode, and manner, of admission, is therefore left entirely to the discretion of Congress.

The proposition is now to admit her as a State into the Union, after taking a census, without regard to the number of inhabitants. Why delay her admission, then, for the taking of a census, when it is proposed to admit her, whatever her population may be? I appeal to every gentleman who proposes to admit the State of Kansas,

after the taking of a census, without regard to the number of her inhabitants, why not admit her at once, and put an end to all these troubles?

Some gentlemen say, we ought to take no action upon the subject until the Investigating Committee, which was sent into the Territory, have made their report. Now, that report, so far as the question of the admission of Kansas into the Union is concerned, it seems to me is wholly immaterial, except as furnishing an additional reason for her admission, in order to relieve the people from great wrongs. But if it is considered necessary, that Commission has returned, and any member who is not satisfied as to the condition of things in Kansas, can satisfy himself by an appeal to the members of the Commission.

The question now before us is, whether the people of Kansas are to be relieved from their oppressions and wrongs by its immediate admission as a State into this Union? So far as that question is concerned, it makes no difference whether the Kansas legislation was valid or invalid. Even if valid, and elected without fraud or violence, the pretended laws they enacted, and which were transmitted to this House by the President of the United States, are a disgrace to any civilized people. The only question is, whether you will relieve these people from that despotism and wrong, by admitting them now as a State into the Union? There is no other way in which you can effectually relieve them, and prevent constant invasion of their rights by non-residents.

But it is said, that if the laws enacted by this Legislature are wrong, they can be repealed—that the ballot-box is the proper place to change unjust laws. As a general proposition, that is true. But this legislation was forced upon the people of Kansas, through fraud and violence, by an invasion of non-residents. Of the six thousand three hundred and thirty-one votes polled at that election, but fourteen hundred and ten were legal votes, as ascertained by the investigations of the committee sent by this House to Kansas. After enacting laws which even Southern Senators, rising above the prejudices of their section, have declared on the floor of the Senate to be *cruel, oppressive, and palpably unjust to one section of the Union, and an insult to honorable men*, they provided against their repeal by disfranchising at the polls—by unauthorized test oaths—all who are opposed to them. They provided for their execution in the spirit in which they were enacted, by taking from the people any voice in the election of their officers.

There is not an officer in the Territory of Kansas to-day, civil, military, or judicial, save the thirteen members of the Council of the spurious Legislature, (who hold over another year,) in the selection of which the people have had any voice. The executive and judicial officers were sent by the Federal Government, and the Legislature appointed, or provided for the appointment, by their own appointees, of the election boards, sheriffs, constables, justices of the peace, and all other officers in the Territory. And then, to guard against the change of any of their "cruel and unjust laws," they require, as a qualification to vote

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and to hold office in said Territory, in addition to other obnoxious qualifications, an oath to support the Fugitive Slave Law; and they postponed the next meeting of the Legislature till the 1st of January, 1857. But, as the Council hold over another year, no change can be made in these laws by the people themselves, even if they were not disfranchised at the polls, till after the 1st of January, 1858; so that, from the time of passing the Territorial law by Congress, which provided for annual sessions of the Legislature, it will be almost four years before a change can be effected in the Legislature, so as to repeal these laws.

The gentleman from Georgia [Mr. STEPHENS] the other day referred to legislation in his own State which he believed to be unconstitutional and oppressive; but the courts decided that it was constitutional, and he submitted to the decision, as was the duty of a good citizen. But if a provision had been appended to that law, prohibiting any man from voting for its repeal until he had sworn to support it, would he have felt himself bound to abide by it?

Sir, the people of Kansas are in a different position from that of any people in any State in this Union, in respect to any laws of which complaint was ever made. For the first time in the history of the Government, is an oath required of a voter to support particular laws, as a qualification to vote at any election. Well might the Senator from Delaware [Mr. CLAYTON] declare it an "injustice unexampled." A Legislature, that denies the right of private judgment, that has stripped the people of all voice in the selection of their own rulers, that strikes down freedom of speech and of the press, under the penalties of not less than two years' imprisonment at hard labor, and that tramples upon every right dear to a freeman, has been imposed upon the people of Kansas by fraud and violence—their houses have been burned, and their property destroyed, under the sanction of this Administration and its appointees. There being no peaceable mode for the people of the Territory to change these "cruel and oppressive" laws for more than two years, they resorted to the only peaceable mode of redress under the circumstances. And that was to form a State Government, and ask admission into the Union.

They proceeded, peaceably, as they had a right to do, under the Constitution of their country, to form a State Government, and ask of Congress to admit them into the Union as a State. Their memorial is before you, and is to be answered by your action on this bill. All the proceedings preliminary to the formation of this Constitution have been as regular and orderly as the disturbed condition of the Territory would allow; and instead of being confined to any class or party, it was of a general character, and extended an invitation to all citizens to participate. The first public meeting for that purpose was held at Lawrence, September 15, 1855, at which time the following resolution was passed:

"Resolved, That we, the people of Kansas Territory, in mass meeting assembled, irrespective of party distinctions, influenced by common necessity, and greatly desirous of promoting the common good, do hereby call upon and request all *bona fide* citizens of Kansas Territory, of what-

ever political views or predilections, to consult together in their respective election districts, and, in mass convention, or otherwise, elect three delegates for each Representative to which said election district is entitled in the House of Representatives of the Legislative Assembly, by proclamation of Governor Reeder, of date 19th of March, 1855; said delegates to assemble in convention at the town of Topeka, on the 19th day of September, 1855, then and there to consider and determine upon all subjects of public interest, and particularly upon that having reference to the speedy formation of a State Constitution, with an intention of an immediate application to be admitted as a State into the Union of the United States of America."

In accordance with this recommendation, delegates were elected in the different election districts, who met at Topeka, on the 19th of September, A. D. 1855, to take into consideration the expediency of calling a convention to form a State Constitution. The address issued by this convention was to the *legal voters* of Kansas, and closed in these words:

"And whereas the debasing character of the Slavery which now involves us impels to action, and leaves us, as the only legal and peaceful alternative, the immediate establishment of a State Government; and whereas the organic act falls in pointing out the course to be adopted in an emergency like ours: Therefore, you are requested to meet at your several precincts in said Territory hereinafter mentioned on the second Tuesday of October next, it being the ninth day of said month, and then and there cast your ballot for members of a convention, to meet at Topeka on the fourth Tuesday in October next, to form a Constitution, adopt a Bill of Rights for the people of Kansas, and take all needful measures for organizing a State Government preparatory to the admission of Kansas into the Union as a State."

After this address, which fixed the time and places of election, provided for the appointment of judges, and the qualification of voters, elections were held in every district in the Territory, and delegates elected to meet at Topeka the 23d October, 1855, to form a State Constitution. They met at that time and place, formed a Constitution, and submitted it to a vote of the people for ratification on the 15th of December following. The 15th of January, 1856, a Governor, Legislature, and State officers, were elected; and the Legislature met on the 4th of March, 1856, and after receiving the Governor's message, appointing committees, and electing United States Senators, adjourned to the 4th of July.

All these proceedings were necessary, before their application to Congress for admission; for the power given to Congress by the Constitution is to admit *States*, not Territories. The new State must therefore have all the "agents indispensable to its action as a *State*," before its application; and such was the decision of the Attorney General, transmitted by General Jackson to the Governor of Arkansas, September 21, 1835. Referring to the third section of the fourth article of the Constitution, he says:

"This provision implies that the new State shall have been constituted by the settlement of a Constitution or frame of Government, and by the appointment of those official agents which are indispensable to its action as a State, and especially to its action as a member of the Union, prior to its admission into the Union. In accordance with this implication, every State received into the Union since the adoption of the Federal Constitution has been actually organized prior to such admission."

Instead of the proceedings of the Free State movement in Kansas being against law, it is clearly in accordance with law and constitutional right. The Free State men in this movement have done nothing but what they had a

right to do. The people of any Territory have a right, under the Constitution, to call a convention at any time, with or without an act of Congress or of the Territorial Legislature, and to form a State Government, and apply to Congress for admission into the Union. The *right* of a people "to alter or abolish" their form of Government is an inherent one, and is classed in the Declaration of Independence, as indispensable to the inalienable rights of man.

The mode and manner of accomplishing it in organized States properly belongs to the forms of law, to be prescribed by the State Government; but in the Territories, Congress is the only power that can prescribe the forms; for a Territorial Government emanating from Congress can be changed, modified, or abrogated, only by its consent. That consent, however, can be expressed as well after as before the action of the people. If Congress, then, has prescribed no form, whatever action the people think proper to adopt, in order to secure a change of Government, provided it be conducted in a peaceable manner, is lawful and constitutional—lawful, because it violates no valid law—constitutional, because article first of the amendments to the Constitution secures to the people everywhere, under its jurisdiction, the right, paramount to all law, *peaceably to assemble, and to petition the Government for a redress of grievances.*

General Jackson, in replying to the Governor of Arkansas in 1835, who solicited of him instructions for his guidance in case the people of that Territory, without a law of the Legislature, proceeded to elect delegates to a convention, and to organize and put in operation a State Government, without the authority of Congress, says, through his Attorney General, in the opinion just cited, that—

"It is not in the power of the General Assembly of Arkansas to pass any law for the purpose of electing members to a convention to form a Constitution and State Government, nor to do any other act, directly or indirectly, to create such new Government. Every such law, even though it were approved by the Governor of the Territory, would be null and void."

The Governor of Arkansas, in this same communication to the President, expressed the opinion that, under the Constitution and laws of the United States, no measures can lawfully be taken by the citizens of Arkansas, to form a Constitution and State Government, until Congress shall first have granted them authority so to do; and that he will therefore feel himself bound to consider and treat all such proceedings as UNLAWFUL. That is precisely what the Administration and its abettors, under similar circumstances, are now doing in reference to Kansas. And it is to be regretted that the President did not send to his Governor in Kansas the opinion sent by General Jackson to his Governor in Arkansas, in days when Democracy meant something besides propagating and nationalizing the institutions of human bondage. In instructing his Governor as to the rights of the people, he says:

"They undoubtedly possess the ordinary privileges and immunities of citizens of the United States. Among these is the right of the people 'peaceably to assemble, and to petition the Government for the redress of grievances.' In the exercise of this right, the inhabitants of Arkansas

may peaceably meet together in primary assembly, or in conventions chosen by such assemblies, for the purpose of petitioning Congress to abrogate the Territorial Government, and to admit them into the Union as an independent State. The particular form which they may give to their petition cannot be material, so long as they confine themselves to the mere right of petitioning, and conduct all their proceedings in a peaceable manner. And as the power of Congress over the whole subject is plenary and unlimited, they may accept any Constitution, however framed, which in their judgment meets the sense of the people to be affected by it. If, therefore, the citizens of Arkansas think proper to accompany their petition by a written Constitution, framed and agreed on by their primary assemblies, or by a convention of delegates chosen by such assemblies, I perceive no legal objection to their power to do so; nor to any measures that may be taken to collect the sense of the people in respect to it."

Does the Constitution *meet the sense of the people to be affected by it?* The existence of Slavery was the only question upon which the people were divided, and the vote for delegates to the Convention settled that by a majority of legal voters.

All the proceedings preliminary to the formation of a Constitution in Kansas have been conducted in a peaceable manner. The Legislature that convened on the 4th of March passed a resolution that no act of theirs was to have the force of law, and no officer elected under that Constitution was authorized to act, until confirmed by some subsequent action of the Legislature, and thus they await the action of Congress. Governor Robinson, in his message to the Legislature, speaking as the agent of the State thus organized, shows its peaceable character and subordination to the action of Congress, in the following extract:

"It is understood that the deputy marshal has private instructions to arrest the members of the Legislature, and the State officers, for treason, as soon as this address is received by you. In such an event, of course, no resistance will be offered to the officer. Men who are ready to defend their own and their country's honor with their lives, can never object to a legal investigation into their action, nor to suffer any punishment their conduct may merit. We should be unworthy the constituency we represent, did we shrink from martyrdom on the scaffold, or at the stake, should duty require it. Should the blood of Collins and Dow, of Barber and Brown, be insufficient to quench the thirst of the President and his accomplices in the hollow mockery of 'squatter sovereignty' they are practicing upon the people of Kansas, ten more victims must be furnished. Let what will come, not a finger should be raised against the Federal authority until there shall be no hope of relief but in revolution."

The people of Kansas, relying on their constitutional rights and the official decisions of the Government, and following the precedent of Tennessee, Arkansas, Michigan, Florida, and Iowa, all of which formed State Constitutions without any act of Congress authorizing the same, present themselves, through the memorial of their Legislature, and ask admission into the Union. Why should not their prayer be granted?

Since the objection to the immediate admission of Kansas, on account of insufficient population, is abandoned, there can be no other, unless a sectional one, except the allegation of informality in her proceeding, in not having a previous act of Congress authorizing them. I have shown that such an act is not necessary on any principle of constitutional right. Five States have been admitted without any such act. And, so far as the forms of law were concerned, Michigan came into the Union against them, having entirely sup-

planted the Territorial Legislature before the action of Congress.

Michigan applied for admission with a Constitution formed by her people without any previous act of Congress. Under it she had elected a Governor, Legislature, United States Senators, and member of Congress. Her application was met with the same objection as is now urged against Kansas—that her proceedings were not only without law, but against law and good order; and that class of objectors were opposed to receiving her memorial, on the same grounds urged by a class of Senators against the memorial of Kansas, for it would be recognising the *State of Michigan* when there was no such State; and to recognise her as such would be sanctioning treason. Congress, however, admitted her, on condition that her people should assent to a change of boundary. The legally-constituted authorities called a convention, fixed the time and place of holding the election for delegates, and prescribed the qualifications of voters. This convention, so constituted, rejected the terms of admission. But the people, by a spontaneous movement, without any legislative act whatever, called another convention, and accepted the condition of admission fixed by Congress. Under these circumstances, Michigan was admitted into the Union.

Kansas, with far greater reasons than ever existed heretofore for a departure from the usual forms of proceeding, asks at your hands the same boon. In the case of Michigan, the times were more fortunate than those of Kansas. Andrew Jackson was then President; Benton, Niles, W. R. King, and a host of other equally illustrious leaders of the Democracy, were then in the Senate Chamber, and espoused her cause. No threats or efforts were then made to subdue liberty.

Kansas, having violated no law, lays her petition for a redress of grievances at your feet. For doing this, some of her citizens are exiled from their homes, and others pine in chains, charged by the Government of their country with treason—*treason* in peaceably forming a State Constitution under the right guaranteed by the paramount law of the land, in order to ask of Congress admission into the Union—*treason* for doing precisely what the people of Arkansas and Michigan did almost a quarter of a century ago, and which was endorsed by Congress and the then President of the Republic. But times have changed, and men with them.

The Democracy in the days of Jackson stood upon the principles of the fathers of the Republic in reference to the Territories, and justified the right of the people peaceably to assemble at all times, and petition for a redress of grievances.

The gentleman from Georgia, [Mr. STEPHENS,] in his remarks on Saturday, appealed to the higher law to sustain Slavery. Without stopping to discuss Scripture authority on that point, for it belongs to the theologian as one of his controverted questions, I wish here only to say, that if Slavery and its existence rest on the Old Testament for their support, then the same authority

will support white Slavery as well as black, and the amalgamation of master and slave. In the Slavery of the patriarchs there was intermarriage between the master and slave—the sons and daughters of the one with the sons and daughters of the other. It is not questioned that the slaves of that day were white. If that was the case, then the gentleman's argument proves too much, and there is a rule of the logicians, that an argument is as faulty that proves too much, as one that proves too little. If the Bible argument be good, whites can be seized and carried into bondage, and masters and slaves may amalgamate. But I will pass by for the present the defence of Slavery, as authorized by the practice of the patriarchs; for how far their example should be followed, or can be, consistently with the new dispensation that declares "that whatsoever ye would that men should do to you, do ye even so to them," will come up properly on a bill now pending in reference to another patriarchal institution existing in one of the Territories.

The gentleman seemed to think that the spirit of Jefferson would feel indignant that he should be quoted as authority by Republicans. Sir, if the spirits of the departed hover over the scenes of earth, and watch with solicitude its affairs, with what anguish must that spirit contemplate the wrongs in Kansas, who exclaimed, when on earth—

"With what execration should the statesman be loaded, who, permitting one-half the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies, destroys the morals of the one part, and the *amor patriæ* of the other!"

If the spirits of the sainted dead hover over their country, watching its destiny with anything of their earthly solicitude for its welfare, what anguish must wring the heart of his noble co-patriot, who, in the Senate Chamber, in 1819, declared that—

"Nothing can more gladden the heart, than the contemplation of a portion of territory consecrated to Freedom, whose soil should never be moistened by the tear of the slave, or degraded by the step of the oppressor or the oppressed."

Can the spirits of such men be wounded by the appeal of the living to their authority to vindicate the rights of the freemen of their native land, and save from degradation the very territory that once so gladdened the patriotic heart!

Tyranny and wrong rule with brute force one of the Territories of the Union, and violence reigns in the Capitol of the Republic. In the one, mob law silences with the revolver the voice of justice, pleading for the inalienable rights of man; in the other, the sacred guarantees of the Constitution are violated, and reason and free speech are supplanted by the bludgeon; and, in the Council Chamber of the nation, men stand up to vindicate and justify both! Well may the patriot tremble for the future of his country, when he looks upon this picture, and then upon that!

Can the spirits of the departed, unless they partake more of earth than when surrounded by their clay tenements, look down on these scenes without anguish and bitter sorrow?

Mr. Speaker why, should the application of

Kansas for admission be delayed, when it seems to be conceded on all sides that it is proper to admit her without requiring the ratio of population necessary for a Representative in a State? That idea seems to have been entirely abandoned. Then why delay this application, when every man must be satisfied, in his own judgment, that it would restore peace to Kansas to give her a Government of her own formation, with officers and courts of her own selection? Immediate action is necessary, in order to put an end to the strife in the Territory, which, the President informs us, threatens the peace not only of Kansas, but of the Union. The representatives of Freedom and of Slavery, struggling for supremacy, rally to the plains of Kansas with the implements of war and violence. Is the bitterness engendered in these conflicts to be allayed, and the dangers of bloodshed to be averted, by Congress authorizing the people of the Territory, at some future time, to do what they already have the right to do, without any such authority? An act of Congress authorizing them to form a State Constitution confers no right that they do not already possess, and is no redress of present grievances, or relief against unjust and oppressive laws. How can gentlemen who claim to be the special advocates of the right of men to govern themselves in the Territories object?

It is an inherent right of a people, the world over, to govern themselves; and that right cannot be interfered with without injustice, unless the condition and circumstances under which they may be placed necessarily impose restraints. Such is the case with the Territories. The population, in the first instance, being too small to support a Government, Congress establishes one, and pays all its expenses. Consequently, it must have a supervision over its acts, for the same reason that a principal must have control over the acts of his agent; otherwise, he might be involved in any amount of expenditure for purposes which he entirely disapproves. If the people could go into the Territories, in the first place, in sufficient numbers to support a State Government, Congress should have nothing to do with them any more than with a State.

But being for a time too weak and feeble in numbers to support a State Government, from the necessity of the case Congress must form a Government for them, and they must submit, during this infancy of their existence, and during this inability to support a Government, to such conditions as may be imposed by Congress. But those conditions should be removed at the earliest practicable period. When the people are of sufficient numbers to support a Government of their own, and ask it at your hands, why withhold it? Why not free your Treasury from the burden of supporting their Government, and allow them that right which belongs to them—the inherent right of the people to govern themselves, to protect their own ballot-boxes, their own lives, and their own property? The objection made to the admission of Kansas, under present circumstances, by most of the opponents of her admission, is, that law and order must be maintained in this Territory; and that was a point urged by

the gentleman from Georgia, [Mr. STEPHENS.] Sir, law and order have not been violated in that Territory, save by the officials of your Government. We have the testimony of Governor Shannon himself, as to the peaceable character of the citizens of Lawrence, who, by his own letter to the President, of November 28, 1855, shows that the influence of the Executive office of the Territory was to be wielded in behalf of Slavery, whose interests he regards as synonymous with law and order. In writing the President, in reference to the arming of the Free State men, he says:

"This military organization is looked upon as hostile to all Southern men, or rather to the law and order party of the Territory, many of whom have enemies and friends, and all have sympathizers, in Missouri."

The first invasion of Lawrence was made before any legal process of any kind or description was ever issued against any citizen of that place. In the letter of Governor Shannon to the President, December 11, 1855, which gives an account of the invasion of Lawrence, he bears testimony to the law-abiding character of the people of that place. He says:

"It was at once agreed that the laws of the Territory should have the regular course, and that those who disputed their validity should, if they desired to do so, test that question in the judicial tribunals of the country; that in the mean time no resistance should be made to their due execution, and the citizens of Lawrence and vicinity were, when properly called on, to aid in the arrest of any one charged with their violation, and to aid and assist in the preservation of the peace and good order of society." \* \* \* "It is proper I should say that they claimed that a large majority of them had always held and inculcated the same view."

The people of Lawrence reiterated this declaration in the following communication adopted in a public meeting of her citizens:

LAWRENCE, May 14, 1856.

DEAR SIR: We have seen a proclamation issued by yourself, dated 11th May, and also have reliable information this morning that large bodies of armed men, in pursuance of your proclamation, have assembled in the vicinity of Lawrence. That there may be no misunderstanding, we beg leave to ask respectfully, (that we may be reliably informed,) what are the demands against us? We desire to state, most truthfully and earnestly, that no opposition whatever will now, or at any future time, be offered to the execution of any legal process by yourself or any person acting for you. We also pledge ourselves to assist you, if called upon, in the execution of any legal process. We declare ourselves to be order-loving and law-abiding citizens, and only await an opportunity to testify our fidelity to the laws of the country, the Constitution, and the Union.

We are informed, also, that those men collecting about Lawrence openly declare that their intention is to destroy the town, and drive off the citizens. Of course, we do not believe that you give any countenance to such threats; but in view of the exciting state of the public mind, we ask protection of the constituted authorities of the Government, declaring ourselves in readiness to cooperate with them for the maintenance of the peace, order, and quiet of the community in which we live.

J. B. DONALDSON.

United States Marshal for Kansas Territory.

And at a still later day, the committee of safety of Lawrence sent to Marshal Donaldson the following:

We, the committee of public safety for the citizens of Lawrence, make this statement and declaration to you as Marshal of Kansas Territory.

That we represent citizens of the United States, and of Kansas, who acknowledge the constituted authorities of the Government; that we make no resistance to the execution of the laws, National or Territorial; and that we ask protection of the Government, and claim it as law-abiding American citizens.

For the private property already taken by your posse,

we ask indemnification; and what remains to us and our citizens, we throw upon you for protection, trusting that under the flag of our Union, and within the folds of the Constitution, we may obtain safety.

SAMUEL C. POMEROY,	WM. Y. ROBERTS,
LYMAN ALLEN,	S. B. PRESTON,
JOHN A. PERRY,	A. H. MALLORY,
C. W. BABCOCK,	JOEL GROWN.

Yet, after all these declarations by men who had violated no law, and who had proposed, in a written communication to the Governor and Marshal, of 17th of May, to deliver their arms, if desired, "to Colonel Sumner, so soon as he should quarter in the town a body of United States troops sufficient for their protection, to be retained by him as long as such force shall remain," Lawrence was sacked, and its public buildings and printing presses destroyed.

Where is there a man under arrest in Kansas, or with any civil process against him, who has shot down men there for freedom of speech, or who has destroyed printing presses, burned the dwellings of peaceable and defenceless citizens, and sent their wives and children into the wilderness, to find protection with the savage, against their less-merciful pursuers? Where is the man who has been arrested by your guardians of law and order for any of these outrages and wrongs? Under the sanction of officers of the law, citizens have been stopped upon the highways, their persons searched and papers seized, without any legal process; their property taken and confiscated; and they, unless engaged in the work of making Kansas a slave State, compelled to carry a pass, signed by some official of the Territory, in order to save themselves from robbery or murder by these conservators of law. Thus are American freemen, on American soil, reduced to the condition of a Southern slave, who must have his master's written pass in order to leave the plantation.

With the shout of law and order you lay in ashes the houses of peaceable citizens, destroy their printing presses, and with cannon batter down their public buildings. With the shout of law and order you disarm the citizen, while the Constitution of his country declares that the right "to keep and bear arms shall not be infringed." With the shout of law and order you search and take from the houses and persons of the citizens, without legal process, their papers and effects, when the Constitution of the country declares that "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 search shall in any case be made without a warrant issued on oath, describing the place to be searched, or the person or thing to be seized. With the shout of law and order you seize law-abiding citizens, and by mob law exile them from their homes, for declaring that Slavery is an evil, and ought to be prohibited by law, while the Constitution guaranties freedom of speech and of the press. With the shout of law and order you arrest and put in chains order-loving citizens, on a charge of high treason, for peaceably assembling and petitioning the Government for a redress of grievances—

thus trampling upon all law and the most sacred guarantees of the Constitution of your country.

Law and order is the excuse of despotism, the world over, for all its enormities. It was to preserve law and order that Poland was blotted from the map of nations, and the dungeon and the rack silenced the voice of patriotism in Hungary. To preserve law and order, the streets of Naples are crowded with chained gangs, and its quarries are covered with galley-slaves, guilty of no offence save that they hate oppression and love liberty. For the same reason, some of the noblest sons of France are to-day pining in hopeless exile, and Siberia is full of hearts too large to be contained by their native land.

The law and order that reigns over the graves of crushed humanity is more to be dreaded than all else; it is the order of death. Order reigns in desolation—reigns everywhere, when you close the mouths of men, either by brute force or under the sanction of law. The scaffold sends its victim to a quiet rest, and order reigns over his grave. The order of Kansas is the order that reigned in Warsaw on the 7th of September, 1831, when, with its streets red with the best blood of its citizens, and the shrieks of liberty stifled as her last votary fell, Paskiewitch sent to the Czar his memorable dispatch, "Order reigns in Warsaw." The satrap of this Administration in Kansas exhibits a like love of law and order with his prototype, whose example, with becoming propriety, he might well imitate, if he succeeds in crushing out in Kansas the spirit of liberty, by sending a like dispatch to his superior, "Order reigns in Kansas."

Law and order enlist in the service of any master who, for the time being, chances to hold the sceptre of power. They are just as efficient for oppression and wrong as for freedom and right. When enlisted in behalf of despotism, I pay no homage at their shrine. But liberty and law are the twin divinities who guard the rights of man, and watch over his happiness. At their altar, all good men will lay their offerings. But the law and order of despotism is to be execrated the world over; and the day has passed away when outrage and wrong are to be vindicated by the cry of law and order.

In view of the wrongs and outrages perpetrated upon the people of Kansas, the patriot may well exclaim, in the language of Madame Roland on ascending the scaffold: "Oh, Liberty, what crimes have been committed in thy name!"

Mr. Speaker, were there no precedent for the admission of a State under like circumstances, those surrounding this case would, of themselves, be sufficient to establish one. Truth, justice, and humanity, need no precedents; they make them. It is old abuses and time-sanctioned wrongs that trench themselves behind formulas.

Why should an American legislator hesitate in the performance of any act that his judgment approves, for want of a precedent? The existence of the Republic, and its whole history, is in violation of all precedent.

There is not one of the universally-recognised truths of to-day, but what was the rankest heresy when first proclaimed, and the fagot and



rack dripped with the blood of its martyrs. The world's conservatism trembled when fifty-six bold merchants, farmers, and mechanics, proclaimed the inalienable rights of man. As for myself, there is but one book of precedents that can in any way control my action as a legislator, and that is written upon my heart by the finger of Him who made it.

"Let the dead past bury its dead;  
Act, act, in the living present,  
Heart within and God o'erhead."

One word here, in answer to the gentleman from Georgia, [Mr. STEPHENS,] who thought these troubles the result of other causes than the repeal of the Missouri Compromise. The wrongs of Kansas date from the day that the Missouri Compromise was repealed. On the heads of its repealers rest the blood shed in Kansas, and the wrongs and the outrages which have been heaped upon it. The repeal was for the purpose of making Kansas a slave State. It was a conspiracy from the start; and it has been carried out with violence and brute force. Without that repeal, Slavery could never have gone there. There would have been no effort to force it into the Territory. Without it, Kansas would have been saved from civil war, and the repose and harmony of the Republic would have continued undisturbed. On the heads, then, of the repealers rests the responsibility for all these troubles. Strife, anarchy, and bloodshed, are the first fruits of that repeal, and the second seal is not yet opened.

But the gentleman says that the country is at peace, and is prosperous and happy. True, but the agitation in the country is not based upon dollars and cents. It is founded upon principle—a principle underlying the foundation of our Government—a principle which enters into the spirit and genius of the Republic. And I ask the politician, if this agitation is not the result of the repeal of the Missouri Compromise, how it happens that but nine of those from the North who voted for that repeal were returned to this House, while some forty who voted against it occupy seats here to-day? How happens it that every election for Senator in the North, since the

repeal, with one exception, has resulted in the election of an opponent to that repeal? Does he believe that there has been no change in the popular sentiment? Does he believe that the people remain quiet and satisfied with the existing condition of affairs? If so, how does it happen that in every State election, save one, held in the North since that repeal, the Democratic party, which was the instrument by which it was accomplished, has been defeated, and its banner trails in the dust on the proudest fields of its former triumphs? And why does it rejoice to-day in accessions from the ranks of its old enemies, to save it from hopeless ruin? It trampled on the holiest and best impulses of the human heart, and it must now receive its retribution. I desire here to quote a reason which I urged against the repeal of the Missouri Compromise at the time, a part of which, results have already made prophetic, and each day is verifying the correctness of the balance of the prediction:

But, sir, as an early and constant friend of this Administration, I desire the defeat of this bill; for its passage will, in my judgment, insure, beyond a doubt, an anti-Administration majority in the next Congress. As an earnest and devoted friend to the Democratic party, to which I have cheerfully given my best energies from my earliest political action, I desire the defeat of this bill; for its passage will blot it out as a national organization, and, leaving but a wreck in every Northern State, it will live only in history. As a lover of peace, harmony, and fraternal concord among the citizens of the Confederacy, and as a devotee at the shrine of this Union, with all its precious hopes to man, I desire the defeat of this bill; for its passage will tear open wounds not yet healed, lacerate spirits already frenzied, and "the bond of confidence which unites the two sections of the Union will be rent asunder, and years of alienation and unkindness may intervene before it can be restored, if ever, to its wonted tenacity and strength."

If you would calm the spirits that you have frenzied, heal the wounds you have inflicted upon the country, and restore peace and harmony to the Republic, admit Kansas as a State with her free Constitution. And if you would end this sectional strife forever, return to the example of the Fathers of the Republic, and cease your efforts to propagate Slavery under the protection of the flag of your country, and desist from the attempt to nationalize the institutions of human bondage.

WASHINGTON, D. C.

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