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Plain Truths for the People

Benjamin Franklin Wade

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PLAIN TRUTHS FOR THE PEOPLE.

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SPEECH

OF

SENATOR WADE, OF OHIO.

Delivered in the Senate of the United States, March 13 and 15, 1858.

Mr President, I would gladly forego the task that is now before me, especially as the whole subject has been debated by those much more able to enlighten the Senate and the country upon it than I can claim to be. Indeed, after the able report of my colleague on the Committee on Territories, the Senator from Vermont, [Mr. COLLAMER] on all the points involved in the controversy, which met with my entire approbation, backed by that masterly speech which he made on the case, it would be arrogant in me to suppose that I could add anything that would tend to enlighten either the Senate or the country on the subjects therein discussed. I would not speak at all, sir, if I did not know that the people of the State which I in part represent are more deeply moved with the consideration of this question than they ever have been before. They consider it a question of the first magnitude. They are alarmed at the boldness with which a Constitution is urged upon a reluctant people against their will. They are alarmed at the progress of the principle of despotism which they think they perceive connected with the administration of this Government.

PROSCRIPTION.

It is thought that we are very unreasonable because we take so much interest in the institution of Slavery. I have been here long enough to know that that great body of Northern people who remain true to the traditions of their fathers, who act up to the spirit of those who inaugurated our institutions, are just as much proscribed from any of the benefits, emoluments, or honors of this Government, as if they were alien enemies. There are nearly thirteen hundred thousand voters belonging to the great Republican party of the North, who, year after year, see the Government administered by hands that to them are alien, and they cannot participate in it. Why? Because, when a nomination comes before you, the question is asked, how stands this Northern man upon the institution of the South? What are his views? Did he

ever, in an unguarded moment, give utterance to the impulses of the heart of every freeman? Did his tongue ever pronounce that which the heart of every freeman feels? If he did, and any spy can fish it up, and bring it here, he is proscribed from any favors from the Government under which he lives, and which he supports. This should furnish a reason to you why almost everything political that is unpurchasable in the market, that grounds itself upon principle, and cannot be swerved by those appliances, now ranks in the great Republican party of the North. If men are purchasable, if Executive favor can reach and sway them, if any of those appliances that are brought to bear in political controversies can swerve them from the truth, they have gone over to you; they have repudiated the principles under which they were born; they have forgotten the sentiments that they imbibed even from their mothers' breasts. Such men have repudiated all this, and sworn fealty to an institution that they hate; such are the men of the North who find favor in this Government; the rest are aliens, proscribed by you. Yet, sir, because they are not perfectly patient under this state of things, they are said to be fanatical Abolitionists. I should like to know how long the patience of the South would hold out? Let us reverse this nefarious judgment; let Northern majorities come here as inexorable as you; let us inquire, is he a slaveholder that is proposed for office? does he train in their company? and if he ever dropped a word that favored the institution of Slavery, let us proscribe him—would there be any shrieking? would you bear it like lambs? I do you the credit of saying that you would rise up under such proscription as this, and show a spirit more worthy of the fathers than we do on this side. I know you would. If we should undertake to hold you to those same intolerant and proscriptive principles that you exercise towards us, you would hear a howl worse than Mr. Buchanan heard from the South when Walker would not count fraudulent votes.

ANTAGONISM.

Mr. President, I have stated some of the reasons why Northern men take a deep and abiding interest in the question of Slavery, because it tends to fasten its nefarious shackles upon them. We may just as well look it right straight in the face, for it never will be allayed with sentiment; you may sing hosannas to this Union until you are hoarse; you may talk of our common blood and our common memories; and you may eulogize that great flag under which our fathers fought; and you may go into hysterics on the subject; but I tell you that Governments, in the long run, will be governed by their interests as they understand them, and by nothing else. These are all very pretty matters in their place, but the administrations of government are made of sterner stuff. They are never perpetuated by sentiments like these. I say to you, Mr. President, there is unfortunately—and I regret it as much as any other man—a diversity between us in our government that seems almost irreconcilable. I do not know but that means may be found by which this great gulf can be bridged over; but on the one hand you find the freest communities that the world ever saw, where real and unadulterated Democracy does not reign as a sentiment, but is lived out in practice by all the people; where there is no aristocracy; where there is no man so high that he can claim a privilege beyond his most humble fellow citizen. This is the nature of the communities of the North, and of none more so than of that State which I have the honor in part to represent here. That is the freest of the free. It was there that the mind of that great patriot, Thomas Jefferson, fixed his eye the moment we had repelled the force of Great Britain. His philanthropic eye saw that great and beautiful wilderness lying open, soon to be peopled by the citizens of the United States. It was a leading object with him to carry into practice those beautiful theories of equality which had charmed his great mind so long. He labored unceasingly until he had fixed out a document fully to carry out there his great idea that the people should rule the Governments of the earth. He found nothing in the way of his theory; there was a blank sheet of paper. There was a Government to be laid, unstained by any of the crimes of ancient Rome. No institutions had grown up there, inconsistent with right; and he fixed upon that soil to carry out the great theory of self-government for which the world had labored and sighed for so many generations; and there the work was completed. In that region there is no aristocracy. In that glorious region there is no slave. Whoever comes there impressed with the image of God, is acknowledged to have an inalienable right to liberty that none but God can take away.

This is the character of the communities composing more than one-half the States of this Union. How is it on the other side? Why,

sir, I understood the Senator from Virginia, [Mr. HUNTER,] in the beautiful speech that he made yesterday, which would have challenged the admiration of every one, except for some sentiments that were scattered through it, to say—I have not had the benefit of seeing his speech printed, but I think he said—that these ideas of political equality which were held up before our communities were utopian and fanciful, and never could be realized. This probably was not his language, but it was his sentiment. Those principles of equality, asserted in the great charter of human liberty, the Declaration of Independence, he believes to be utopian, incapable of practice; mere abstractions, not to be lived out.

I wish Southern gentlemen were better acquainted than they seem to be with Northern institutions. I tell the Senator from Virginia, you are wrong in believing this to be an abstraction. It is, thank God, a truth, the realization of which any man can witness who will cross over into my State. I have heard these sentiments uttered so often on the other side of the Chamber, that I have come to know that our views of government are just as diverse as men's views possibly can be. There is, as I said before, an antagonism existing between us, which I know not how you are to cover up. The Declaration of Independence an abstraction! Are the great rights which it proclaimed, and which were the boast and glory of our fathers "glittering generalities," having no practical meaning? If so, I would ask any man, what did you gain by that boasted Revolution of yours? Wherein does your Government differ from any despotism on the face of the earth? Once break loose from the glorious doctrines of that great charter of liberty, and you are in the slough of despond; you have nothing to distinguish you from the most horrible despotism that ever reigned over prostrate human nature. I ask again, why do you boast of what your fathers did, if they established a mere abstraction, or, as it is sometimes called, a "glittering generality?" The Senator from South Carolina, carrying out the same idea, said:

"In all social systems there must be a class to do the menial duties, to perform the drudgery of life. That is, a class requiring but a low order of intellect, and but little skill. Its requisites are vigor, docility, fidelity. Such a class you must have, or you would not have that other class which leads progress, civilization, and refinement."

Now, suppose you had not that class which leads progress, civilization, and refinement: which class can you dispense with best? Of what use is your idle aristocracy? In God's name, have they not been the curse, the blight of every nation of the earth? You cannot have this refined aristocracy, says the gentleman, unless you have a class to do your drudgery; and that is the sentiment of the whole South. How diametrically opposed to it is the whole practical system of the North! Is it reasonable, is it right, that "a class" shall do

your drudgery—"a class" that shall obey? Sir, labor should never be done by a class. If you obeyed the mandate of the Almighty, and labor were distributed among all the able-bodied men, it would cease to be a task; it would become a mere amusement, and it would tax no man's physical powers above what would consist with his health and his welfare. It was designed—for God is just—that this drudgery of which the Senator speaks should be distributed among all the able-bodied men, so as to make it light, and then it would not be inconsistent with the highest perfection of civilization and refinement; but, on the other hand, would lead directly to it. Labor done by a class! That, sir, was the old curse of the Old World. A class has been assigned to do the drudgery, to do all that is valuable, to produce everything that is beneficial; and the system leaves aristocratical drones, useless, vicious idlers, whom any community can well dispense with. I say this class you can dispense with, to the advantage of any community that I know of; but the class who do your labor cannot be dispensed with. The Senator says you must have a class to do your degraded labor. I deny that labor is degraded; and here is the point of difference between us, which I fear can never be overcome. That is one grand reason why we resist your system coming into our Territories; it is because you are determined to contaminate all labor by this degraded class. Will the free, intelligent laborer place himself upon a level with your mere abject chattel, and toil there? Sir, he cannot do it, and ought not to do it, and will not do it.

THE WORKING CLASSES.

What an idea of labor! The Senator supposes that the laboring class want but very little mind and very little skill. Sir, there is nothing on earth that puts the human intellect to all that it can attain, like the varied labor of man. What does your drone, your refined aristocrat, do in his mind? What problems does he work out? He consumes the products of labor; he is idle, and ten to one he is also vicious. He never invents. Go to your Patent Office, and see what are the products of your degraded labor and your refined aristocrat. The latter never invents anything, unless it is a new way of stuffing a chicken or mixing liquor. [Laughter.] He invents nothing beneficial to man. Degraded labor, with a low intellect, is all you want! Sir, the machinery brought into operation by intelligent labor is doing now more drudgery than all the slaves upon the face of the earth. The elements are yoked to the machines of human usefulness, and there they are doing the work of bone and muscle, and your system cannot abide with it. The doom of Slavery would be fixed, if it was by nothing else than the products of intelligent labor. You drudge along in the old way; you invent no steam engine, because your labor is degraded. You do not

want skill; you want but very little mind; and the Senator thinks the more ignorant the laborers are the better, for, he says, they are so degraded that they have no ambition, and they never will endanger this refined class that eats up the proceeds of their labor!

That is the idea of government that prevails all through the slaveholding regions of the South. Again, the Senator says of the degraded class that do the drudgery:

"It constitutes the very mud-sill of society and of political government; and you might as well attempt to build a house in the air, as to build either the one or the other, except on this mud-sill."

And then he goes on to say that we of the North have white slaves; that we perform our labor by white slaves. This class must exist everywhere, and they must be a mud-sill upon which you must erect civil societies and political organizations. How little that gentleman understood of the spirit of our Northern laborers! I would like to see him endeavoring to erect his political institutions upon their prostrate necks as mud-sills. I think it would be a little troublesome. He might as well make his bed in hell, or erect his building over a volcano, as to undertake to build on his Northern "mud-sills." Then, with a simplicity that shows he knows nothing of Northern society, he says we have sent our missionaries down to their very hearthstones, to endanger their system. I do not know how that is; but he turns round and asks how we would like them to send their missionaries up to teach our laborers their power. I was astonished at such an idea as that being presented to political men of the North, who know and see and feel the power of the laboring class of men. We are all laboring men, and the politician cannot live, unless they breathe upon him; he cannot move, unless he moves with their entire approbation. They are the soul, the strength, the body, the virtue, the mainstay, of all our society. Deprive our State of its laborers, and what would it be? We have nothing else, and we have none of your refined society that is spoken of. We all labor, and are all disgraced, as the gentleman would call it, in our community. Labor with us is honorable; idleness is disreputable. That is the state of things with us, and the laboring man knows full well, and needs no missionary to tell him, the potency of his vote.

We should like to have your missionaries come up and endeavor to endanger our society! Good heavens! One man has the same interest in upholding it as another. Suppose one man is richer than another in Ohio. There is no very great diversity, as a general thing; but suppose he is; take the child of the poorest man in our State, and has he any temptation to overthrow our Government? No, sir. Full of life, full of hope, full of ambition to go beyond him who has gone furthest, he wishes to avail himself of the same securities which have ministered to the upbuilding of others. He is a

citizen, who holds all the rights of citizenship as dear as the most wealthy. His stake in society is the same; his hope is the same; his interest in good government is the same. He is none of your prostrate mud sills, deprived of those rights which God Almighty has given him, trampled under foot, and made to minister to the interests of another man. There is no such system as that with us.

ALLIES OF THE SLAVEHOLDERS.

But the Senator spoke about a degraded class in our great commercial cities. I have to confess that there is some truth in that. We have a degraded class in the cities. They are the off-scourings generally of the Old World—men who come here reduced to beggary by their ignorance; reduced to beggary by their vice; ignorant, vicious, dangerous. I do not deny it. They are incident to all large cities; but the Senator should not complain of them. They are the chief corner-stone of your political strength in the North. Find me the vicious ward of any city that does not uphold your system of Slavery, vote for its candidates, support its measures, and labor for its men. No, sir; you should not complain of this vicious population. In truth and in fact, they are about the only stay and support you have there now, and you ought not to traduce them. From their very natures, they attach themselves to you, and I do not think by any treatment you will be able to drive them off. They are naturally with you; they were slaves in their own countries; they do not know anything else than to be the understrappers of somebody; and when they hear that here are slaveholders contending with freemen, you find them with the former all the time.

UNION AND DISUNION.

Mr. President, I think this shows the antagonism between the institutions of the North and the South. We have not made them so. Nobody here is particularly to blame for the state of things that exists. It has grown imperceptibly with our growth. Our lot has been cast either on one side of the line or the other. Our habits and our education have conformed to that state of things existing where our lot has been cast. I can appreciate and make allowances for that, but I cannot be biased as to the right of the matter. I know where that is.

Now, what is the remedy for this? If you bring us into collision, your system of despotism encountering our system of freedom here on this floor, do you suppose there will be no excitement? Is any one so superficial as to believe that it will depend on the temper and disposition of a man how this great controversy shall be settled? Not at all, sir. You may preach harmony, you may preach forbearance till doomsday; but a violent conflict will take place every time these principles meet on this floor or elsewhere, because they are naturally antagonistic. God Almighty has made them so, and man cannot reconcile them. What,

then, is our safety? It is to stand upon the principles you once professed, rigid State rights, yielding to the General Government just as little power as is possible to cement it together so far as to provide for the common defence; for the moment you drag these things into the General Government, I assure you that you must reach collision till doomsday, and conciliation will not come.

I do not know, what is to be the result of this controversy. I know some of you threaten to leave the Union unless you are gratified every time a collision takes place between us; and that Texas of ours, with which I opened this debate, stands in a singular attitude towards us to-day. I have in my drawer three resolutions of her Legislature, presented to us at this session, asking for men for her protection, and for sums of money to indemnify her for expenses incurred, as she claims, in protecting herself, and urging upon the General Government to make further provision for that State, which has already cost us so much. Her Legislature has sent to us a fourth resolution. I have not got it here, but I heard it read at the table; and, if I understood it aright, she has given us fair notice that she is about to go out of this Union. At all events, I do not think that was in good taste. I do not think it was politic; because we may say to her, "if you are really going to leave us, perhaps it is best for us to make no further appropriation for you." Why beg of us protection, and turn right around and tell us "we are going to put you at defiance; we are going to hold a Hartford Convention of the South, to deliberate whether we shall leave the Union?" Before I vote for the supplies she asks, I think I shall want to hear an explanation of this. I may want to know whether they are to inure to the benefit of the Union, or to furnish powder to blow out our own brains.

Let me say here, Mr. President, that I have no apprehensions about the Union. The people I represent have got bravely over any qualms about your dissolving the Union. You may preach about it, and howl about it, until your lungs are sore; it will not move a muscle of my constituents or of myself. I know that our destinies are cast together; and whether it is beneficial or not—and I do not know whether it is or not—you can obtain no divorce. We are wedded for better or for worse, and forever; and we had better make the best of our lot. You cannot go out. The Senator from Alabama [Mr. CLAY] asked the Senator from Wisconsin, [Mr. DOOLITTLE,] in the course of his remarks, whether, if they undertook to go out of the Union, we were going to forcibly interpose to prevent it? I do not remember exactly what the answer was, but I wanted to ask another question, for it has taxed my ingenuity to know how it is you can get a State out of this Union. If the most violent resolution, if the most flaming declaration, could have

done it, your Union would have been blown to atoms long ago. It wants something more than Conventions; it wants something stronger than resolutions. I do not know how you propose to effect it. How can a State go out? A man may commit treason under the Constitution of the United States, if he levies war against them; he may be hauled up and punished; but how, in Heaven's name, is a State to go out of the Union? I should like to have some one who talks about it show me the *modus operandi*.

THE SUPREME COURT.

There was one thing I failed to mention in its proper place. I allude to the late nefarious decision of your Supreme Court. They made a new discovery—a discovery that, by vigor of the Constitution of the United States, you can carry Slavery all over the continent wherever your flag may float. I approach that subject with no pleasure. I wish I could entertain a good opinion of the judges of that court. I wish I could believe they were patriotic. I wish I could believe they held the scales of justice equal between the rich and the poor, the great and the small, unswayed by political considerations, uninfluenced by anything but their duty, which is the most Godlike that man can ever administer; that is justice unaimed, unbiased justice. I wish I could believe that that court were actuated by no other than these great Godlike principles in the decision they have made. It was a most extraordinary decision. The mode of coming at it, the decision itself, the time when it was made, are all calculated to inspire the mind with a suspicion that all is not right. I affirm that the Supreme Court, in making this decision, has done what no court of the United States had ever done before; but I do not hold this court, and never did hold it, in that reverence which some gentlemen pretend to entertain. I remember that it seems to be the mere instrument of political power. It follows it as the incident follows the principal. In the old Federal times, when your alien and sedition law was passed, and it came before that court, they found no difficulty in maintaining that most flagrant violation of the Constitution. Your sedition law was upheld by the judges of that court, and men were imprisoned by its process; and yet to day there is not a man to be found in these United States but what considers that law a most disgraceful law to remain on the statute book. It does not remain there as a law, but it stands there as a memorial of the madness of party, and the easy method in which men will violate the Constitution of the United States. That was upheld. All men now consider it as infamous, notwithstanding it had the sanction of that court.

Almost the entire speech of the Senator from Louisiana—and I wish he was here—was made for the purpose of sustaining the validity of that decision. I am not going extensively into

it, for I have not time, nor does it need a very extensive examination to show that it is a fallacy, a mere sham; that it has not the semblance or color of authority.

THE DRED SCOTT DECISION.

Dred Scott, the plaintiff, claimed that he was a free man; and according to the course of practice from the earliest organization of the Government, in every district, (for the cases establishing it are numerous enough,) he sued for his freedom in the Circuit Court of the United States. The pretended claimant put in a plea to the jurisdiction. He said that Dred Scott was a negro; that his ancestors came from Africa; that they were slaves, and therefore he was not a citizen of the United States, and he had no right to a hearing in that court. Dred Scott demurred to that plea; and that demurrer came up before the court, and it was the only question they could decide. After getting the plaintiff out of court, and saying he has no standing here, after murdering him, the court go on to declare principles most fatal to the liberties and rights of many of the American people. The like was never done before in any court. No court in this Union has been heretofore more chary of giving decisions that were not called for by the case, than the Supreme Court of the United States. They have always repudiated it. They would never go further than the necessities of the case required them to go. Was not the decision of the question of jurisdiction an end of this case? A majority of the judges decided that Dred Scott had no right to be in the court. They dismissed him from their consideration. What further was there to do? The Senator from Louisiana, in his argument, did not pretend, as a lawyer, to argue that this was not the effect of the decision; but he uttered what seemed to me very much like sophistry. He read from the opinions of the court, claiming that they had a right to go further. I do not care what they claimed. Any man that ever went through a lawyer's office knows that when they decided that the plaintiff had no standing in court, the case was at an end; and any opinion they should give after that was a *vere obiter dictum*, entitled to no more respect than though it had been delivered here or in the streets.

Mr. President, there is another thing to be considered in reference to that case. Here, to be sure, was a poor negro, having no friends, no consideration, nobody to look to his interests. He was a member of a degraded class, with whom the court might deal with perfect impunity. I fear that the court, swayed by political reasons, forgot the rights of Dred Scott, and plunged into this political whirlpool, in order to control its currents. Is it not remarkable that America, the first nation in the world, should decide that a man may be so low that he cannot even seek his rights in the courts of the country? Was there ever anything like it in any community before, whether civilized or

barbarous? The court tells us we have men among us so low that they can have no rights; that they are mere merchandise. But I will not travel into that field, which has been so ably discussed by the Senator from New Hampshire, [Mr. HALE.] They grounded their decision upon history, not the Constitution. They travelled out of the Constitution of the United States, and sought to found their decision upon what they picked up as scraps of history here and there; and that history was entirely and utterly perverted, as was proved by the Senator from New Hampshire, so palpably that no gentleman on the other side has yet risen to challenge its accuracy; and they cannot do it. I have a law of Virginia here in my drawer, which was passed at about the period of which the Supreme Court speak when they say that negroes were considered as chattels whom any man might seize and convert to his own use. At that very instant, in old Virginia, he was a citizen, made so by statute, if he was free; and I do not know but that he had all the rights of a white man. At all events, he was declared there to be a citizen. He was then a citizen in at least eight of the States of this Union.

Mr. MASON. Will the Senator advert to that statute, and give me its title? I will not interrupt him now, though.

Mr. WADE. I will show it to the gentleman.

Mr. MASON. I will not interrupt the gentleman now.

Mr. WADE. I have it here, though I may not be able to put my hands on the exact place at this moment. In eight States of the Union, a black man was a citizen; and I do not know but that he was entitled to all the rights of a white man; for at that period you will find, if you search the history of the country, that a distinction between black and white was not taken. It was between slave and free. That was the question. Up to the time alluded to by the Chief Justice, I can find nothing that discriminates between the color of men. The only question was, whether a man was a freeman. If he was, he was entitled to all the rights of a freeman; if he was not, he was a slave. But the Chief Justice says that all of them were so held. Good heavens! Had he not heard of the scathing anathema of Thomas Jefferson, of Judge Tucker, and of other great lights and worthies of the Old Dominion, about that same period, in language more pointed than any other men could use? When was it that Thomas Jefferson said he trembled for his country, when he reflected that God was just, and that his vengeance would not sleep forever? Yet the Chief Justice says it was not controverted by anybody. Sir, it was controverted by every man of the Revolution. They, seeking their own rights at the cannon's mouth, claiming for themselves the utmost freedom, and invoking the aid of God to help them to work it out, had not the impudence to look to Heaven, and ask a bless-

ing on their exertions in favor of a liberty which they denied to their fellow men. No such reproach, Judge Taney, can be brought on the heads of the great worthies of the Revolution.

The honorable Senator from Louisiana, with that plausible and beautiful style of which he is so completely master, tried to escape from the rugged inconsistencies of this nefarious decision, by passing a eulogy on the old Chief Justice. It was beautiful; it relieved him from the burden of encountering the enormous, glaring unconstitutionality and breaches of law summed up there. Why, sir, he went so far as to send the old man to Heaven even before he died. I do not think that decision will help him on his road. He coolly joins the current of popular opinion, turns away from the poor man who has sought the administration of law in his behalf, and says to him, "you are a negro, and you cannot sue in court; if you have rights, we cannot investigate them; you are a mere chattel." Sir, if that helps a man to heaven, God forbid that I should act upon such principles.

CONGRESS NOT BARRED OUT.

There is another consideration connected with this decision. I have not time, and I have not made it a point, to go into all its enormities. There are only one or two points in it that I wish to bring before the Senate. So far as I have heard them, those who yield to the decision of the Supreme Court seem to suppose that it is obligatory on everybody, and that the Senate of the United States, like poor Dred Scott, are barred and thrown out of court; that the President of the United States, and the House of Representatives, and every department of the Government, are ignored, and no better off than poor Dred Scott. I deny the doctrine—the most dangerous that could be admitted in a free country—that these judges, holding their office for life, reposing with total immunity, have any right to decide the law of the land for every department of this Government. Sir, you would have the most concentrated, irresponsible despotism on God's earth, if you give such an interpretation to the decisions of that or any other court. No, sir; each department must act for itself. I stand here, clothed with the same power, to proclaim what is the Constitution upon the passage of any law that comes before us, as that or any other court. I follow my own interpretation of the Constitution; I am bound to do it; I have sworn that I would, and I beg of the Senate never to yield to this arbitrary doctrine that the Supreme Court can bind the other departments of the Government; that we must yield to the decisions that they make. No, sir; never. They may decide on the poor man's rights, who is so unfortunate as to fall within their grasp. They have decided that Dred Scott could not sue in the court. Right or wrong, constitutional or unconstitutional, that stands. It is the highest court; it has decided in the last resort. Dred Scott's rights have been determined, and determined

forever; but no other department of the Government, no other right, was touched. Talk about their deciding that Slavery exists in Kansas as much as in South Carolina! Talk about the highest tribunal in the land deciding that Slavery is in your Territories; that every inch of ground outside of the free States is slave territory! I pity the weakness of the man who yields to any such ideas as that. That court has no such transcendent power. It could bind nobody but the suitors in the court. It would be unfortunate if it could.

I know with what avidity your facile President seized upon the idea, and stultified himself by saying that it was a mystery to him that any man should ever doubt it. The Senator from Michigan [Mr. CHANDLER] yesterday disposed of him in that particular. He disposed of him forever, and showed a hypocrisy, I am compelled to say, disgraceful to a man, even in a private station. He who had deliberately put forth the doctrines of the Missouri Compromise; he who had sought, over and over again, in the ripeness of his judgment, after full deliberation, to procure its extension and recognition by Congress, now turns coldly around, and tells us it is a mystery that any man should ever have doubted it! Well, sir, if Mr. Buchanan is a mystery to himself, he is no mystery to me.

HEAR THE SLAVE POWER.

There is one other consideration that I wish to bring before the Senate. Why is it, and how is it, that the Southern States, with one-third, or less than one-third, of the free population of this nation, have been enabled for sixty years to rule the destinies of the country? It has been done, in the first place, (and that is one reason why I contest every inch of ground,) because in a close oligarchy you have a power that a democracy of the same numbers can never have politically. The power of the Government seems to be in inverse ratio to the number of people that participate in the Government. And this is obvious enough. You have a class of not more than three hundred and fifty thousand slaveholders in the United States. They have governed this Union (so says the Senator from South Carolina, and he says truly) for sixty long years; not the people of the South, mind you; he says the slaveholders have ruled the nation. That is true. First of all, they placed their feet on the necks of all those who do not hold slaves. The poor men of the South he utterly ignores, as having any political power, and I suppose they have none. They have votes, no doubt; but those votes are given in accordance with the will of this aristocracy, who are all-powerful; for it has been observed, and truly observed, that he who has the power over the subsistence of another has the power over his will. You, the wealthy slaveholders of the South, wield absolute dominion over your poorer white neighbors; therefore it was that the Senator from South

Carolina said the slaveholders have ruled the nation. You three hundred and fifty thousand slaveholders have ruled your six million whites, (I go according to the census of 1850,) you have not only ruled your six million, but you have also ruled the fourteen million free people of the North.

How have you done it? You have done it because you had a general bond of interest uniting you, tying you together as if animated by one soul. What was the interest of one, was the interest of another. You are forced all on the same platform, all acting to one end. You found the Democracy of the North divided in various pursuits, laboring in their various avocations, with very little time to study this problem of politics; and you have always been able to seduce enough of us over to you, to enable you to carry your Government along. I know that gentlemen smile at this; but I am compelled by truth to state facts here that I wish I could hide from the world. It is a rottenness at the North that you do not have. It is disreputable to us, but I am compelled to admit it.

A DAGUERRETYPE FOR THE BENEFIT OF FUTURE AGES.

Your allies, the doughfaces of the North, in my judgment, are the most despicable of men. The modern doughface is not a character peculiar to the age in which we live, but you find traces of him at every period of the world's history. He is void of pride; he is void of self-respect; he is actuated by a mean, grovelling selfishness, that would sell his Maker for a price. Why, sir, when old Moses, under the immediate inspiration of God Almighty, enticed a whole nation of slaves, and ran away, not to Canada, but to old Canaan, I suppose that Pharaoh and all the chivalry of old Egypt denounced him as a most furious Abolitionist. [Laughter.] I do not know but that they blasphemed their God, who had assisted the fugitives from labor to escape. I have no doubt at all, that when some Southern gentlemen of the Gospel come up to preach to the North, they will say that the Almighty acted a very fanatical part in this business. I am afraid they will say so; for He was aiding and abetting in the escape. But amidst the glories of that great deliverance, even feeding upon miracles of the Almighty as they went along, there were not wanting those who loved Egypt better than they loved liberty; whose souls longed for the flesh-pots of Egypt; and who could turn from the visible glories of the Almighty God to worship an Egyptian calf. These were the doughfaces of that day. They were national men. [Laughter.] They were not exactly Northern men with Southern principles; but they were Israelites with Egyptian principles. [Laughter.]

Again: when the Saviour of the world went forth on his great mission to proclaim glad tidings of joy to all the people of the earth, to break every yoke, and to preach deliverance to the captive, He met with the same class of men

in the persons of Judas Iscariot and the chief priests. In the days of our own Revolution, when Washington and his noble associates were carrying on that struggle to establish justice, and to secure the blessings of liberty to themselves and their posterity, they met with the same class of men in the admirers of George III and Lord North.

They are all of the same class—false to the education of their fathers—false to the great principles which have been instilled into them by their mothers from their birth—willing to do anything that will minister to the cupidity of their masters, let the consequences be what they may. It is this class of men, aided by a close aristocracy at the South, that has enabled the minority to rule with iron hand the majority, since the organization of this Government. I have endeavored to daguerreotype these men for the benefit of future ages; for I believe that, like the Indian tribes, they are disappearing. You have put them to very hard service, sir. They die faster than the Northern negroes in your rice-swamps—politically, I mean. You put them to service that they cannot stand. When you ask them to vote for a fugitive bill, they may do it once, but political death stares them in the face. When you ask them to go with you for the repeal of the Missouri restriction, you find the same state of things. And now, worst of all, when you ask them to fasten upon their fellow men, in a Territory of the United States, a Constitution which that people abhor, I tell you every Northern representative who participates in this act is not only politically dead, but he may thank his God if he escapes with that.

A LAWYER ADMITS AWAY HIS OWN CASE.

I find, sir, that I am detaining the Senate longer than I wished; and yet, if I am to go over the argument of the subject immediately under consideration, I shall have to detain them some time longer. ["Go on!"] I shall be as brief as possible on this part of the case. I desire first to notice some things in the argument of the able and eloquent gentleman from Louisiana, [Mr. BENJAMIN] who addressed us on the day before yesterday. He endeavored to show that there was a distinction between the right of a slaveholder to his slave and the remedy he might have; and hence he claimed that, when a slave went into a free country, the master did not lose his right over him, but lost the remedy. He said that in a free country, where there was no law for the protection of the rights of the master, he did not lose his right to the slave, but lost his remedy—lost his power to control the slave. He likened it to the case of a man who had a patent right, or a poet who had a property in the productions of his own inspiration. I will read the Senator's language, to show how the most gifted man, when he is not on his guard, may admit away his own case. He said:

"There lives now a man in England, who, from time to time sings, to the enchanted ear of the civilized world, strains of such melody that the charmed senses seem to abandon the grosser regions of earth, and to rise to purer and serener regions above. God has created that man a poet. His inspiration is his; his songs are his by right Divine; they are his property, so recognised by human law; yet here, in these United States, men steal Tennyson's works, and sell his property for their profit; and this because, in spite of the violated conscience of the nation we refuse to give him protection for his property."

Again, following out the same idea, he said:

"Does not every man see at once that the right of the inventor to his discovery, that the right of the poet to his inspiration, depends upon those principles of eternal justice which God has implanted in the heart of man; and that wherever he cannot exercise them, it is because man, faithless to the trust that he has received from God, denies them the protection to which they are entitled."

That is a very sound doctrine, in my judgment; it is an appeal to that higher law which has been so much traduced. The poet has a divine right to the inspiration of his genius and the products of his mind; the inventor of a machine has a God-given right to the use of his discovery. Does not the honorable Senator see, that if these rights are from God, above human law, no Constitution and no law can take them away? And how much more has a man a right to his own body and to his own soul, than he can be said to have to his own productions? How could the gentleman fail to see that, if the poet and the inventor had this divine right, the slaveholder could not claim the right of ownership over another man? Would not that man have the same God-given right that he claims for the poet and the discoverer? Most assuredly he would. This admission stultified his whole case. He admits, then, that Slavery would be impossible. It is not a matter of right. No, sir; he might as well admit at the outset that Slavery is not a matter of right. It is a matter of positive law. It is a matter of force. It is a matter of fraud. It is not a matter of right; and the moment the slave gets beyond the power to enforce the mandate, he is as free as his master. Has God Almighty put any mark on him, by which you can say, when he gets into a foreign jurisdiction, which is the slave and which the master? The slave might as well claim a right to the master, as the master to the slave, the moment he passes beyond the jurisdiction.

THE GREAT FRAUD.

Now, Mr. President, with regard to the Kansas question, I shall treat it very briefly. I contended here, four years ago, that the abrogation of the Missouri restriction would be attended by the same train of circumstances that has taken place. I contended then that you were opening this Territory to strife and to contention; that you were putting it up to a vendue, to make it a theatre where the most selfish and outrageous passions would contend for the mastery; that you were begetting a state of civil war. You claimed that it was going to be all peace; that it was done for the purpose of withdrawing this terrible controversy from

the Halls of Congress to your Territories. Do you gain anything by it? Agitation begins in your Territories. Is it not sure to find its way into these Halls?

The House of Representatives sent into that Territory a commission of the most honorable men, not on one side of politics, but on both, there to investigate the charges that were made against the first Legislature. I have its report before me. I have read more than ninety of the depositions that were taken, of men who are not impeached, men who were partisans, many of them against the side of the question which I advocate. Here are their depositions. Perhaps I had better read some of them. They go to show you that even before this law was passed, there were organized upon the borders of Missouri divers lodges, under different names, for the sole and only purpose of carrying Slavery into that Territory at all hazards. That was the object of their organization. They had all the paraphernalia of a secret society. They had their grips, their pass-words, their modes of recognition of one another; and before the day of election they went over there, embodied in military array, in vast numbers, with their colors flying and their drums beating, with guns, cannon, pistols, and bowie knives. They disseminated themselves through all the Territory, took possession of all the polls but one, and frequently removed the judges, giving them a certain time to deliver the poll books—a few minutes—holding watch in hand, and pointing pistols at the heads of the election judges. They drove them off with force and fraud. This is undeniable. The volume before me proves it. It will go down to the latest posterity, that these nefarious acts are proved. They are part of the records of your legislation. They never shall be gainsayed.

I know the Senator from South Carolina, and a good many other Senators, have been willing to divide the odium of this transaction with us. He thought there were disgraceful frauds on both sides—"disgraceful," said he, "to the country," and he has not sought to investigate them. He says it is a disagreeable subject, and he has no doubt both sides are guilty. Sir, it was not on both sides. It was only on one side. You took possession of those polls. You elected your own men, members of a foreign State, who came in there to control the destinies of this Territory, which it was especially said should be ruled as its own citizens pleased.

I do not want to detain the Senate by reading the pages which I have turned down in this document, unless some gentlemen wishes to hear them. They are long, but they are all pertinent. All go to show the facts I have stated, and there is nobody to deny or contradict them. Now, you say we do not prove them. Did not we ask you for a commission to examine them during the last Congress? We made charges; we said they were true; we had letters and communications imploring us to in-

vestigate the state of things that was prevailing there; but as often as we asked you to give us a commission, you refused it. Standing on that refusal, you turn round and deny the weight of the authorities we produce. Sir, that will not go down. Now, at a later day, when your candle-box frauds, your forgeries most disgraceful, are coming to light—when they are known of all men—we ask you for a commission to investigate this matter; and as often as we ask it, you turn round coolly and vote us down, and then deny that there is any such thing! Sir, the country will take cognizance of that.

The fraud by which the election of March 30, 1855, was carried, is established. I know you undertake to estop us by saying that Governor Reeder gave certificates to a majority of the members. So he did; but that did not cure the usurpation. I think the Governor allowed but four days to receive protests contesting the seats of the members elect. The people, scattered as they were, could not prepare their memorials to the Governor and get them there in time. In every instance where it was done, the election was set aside for most palpable frauds; but the setting them aside availed nothing. There were your blue lodges, your usurpers, in power. They were taking their seats by a usurpation; they were not to be turned aside by anything like this. New elections were ordered in several of the districts, and in every instance the Free State men were returned; but, on the very first day of the meeting of the Legislature, without investigation, without referring to a committee, they just turned every Free State man right out of the Legislature. What good would it do to give certificates? But is a man to be estopped on a gross usurpation like this? Is an American citizen to be cheated out of his rights under forms of law? I ask any honorable gentleman on the other side, would you submit to it? No, sir, you would not. Would you submit to be governed by a gang of usurpers, who, without right, and in defiance of right, had taken possession of your ballot-boxes, defeated your election, turned your countrymen out, and foreigners usurped your places? Would technicalities avail? No, sir; I have too high an opinion of you to believe that.

It would be idle, mere miserable pettifoggery, to come in and say, oh, you have certificates from the Governor, and that cures everything, and we cannot be admitted to prove that it was a usurpation. Sir, there was not a man who received his certificate as having been elected on that day, who had any more title to a seat in the Legislature than he had to the kingdom of heaven; and can a certificate give a man the right to rule in this country? Sir, American liberty rests on no fragile basis like that; and shame to the man who will say that he would succumb to a fraud like this.

Such was the original usurpation. It was the result of fraud. It was worse than void. It was a result brought about by the commis-

sion of the highest crimes against American liberty that man can be guilty of. It was a Legislature elected in this manner, that took the initiatory steps towards the Convention which framed this Constitution. I say a body elected in such a manner could do no legal acts. They got together, however, and in hot haste passed all the laws of Missouri in a body, as the Senator from Michigan stated yesterday. They did not alter their titles, but they took a short road, by saying we will take the whole code, and wherever it says State it shall be construed to mean "Territory." I have looked through that code somewhat, and there I find the provisions for patrols to keep the slaves in order at night, as they have in Missouri. Those laws were transferred into the Territory of Kansas before there was, perhaps, a single slave there. Laws were passed ordering the people to patrol the districts, to see that the slaves kept in order. The fact is, that they swallowed the Missouri statute book whole, and did not know what was in it, and to them it made no difference what was in it. They went further, and passed laws which would have been disgraceful to any king or country, from Nero to Nicholas. You can find no such laws on any statute book. They were unconstitutional; and even General Cass, on this floor, was compelled to say that they were infamous and disgraceful to the age; but yet the Senate of the United States would not repeal them.

The Senator from Louisiana did not touch on this subject. He passed it by as easily and as lightly as he could. He dwelt on the beauties of old Judge Taney more than he did on the frauds and violence in Kansas. He talked about the Toombs bill, and said we would not vote for it. He said the people of the Territory sent here petitions, and wanted Congress to accept the Topeka Constitution, but the majority in this body would not do that, but were willing to pass an enabling act. There is a little curious history mixed up with that act, which has come out at this session. It is all of a piece with the candle-box frauds, and shows that that was intended as a snap judgment. The Toombs bill was plausible upon its face, and really the great objection to it at the time was the state of the Territory. It was then in the hands of the Border Ruffians, the usurpers, and it was impossible to get officers there who would act with any fairness, or give any certainty that anything like justice would be done. That was our real objection to it, for I was in my heart so convinced that the principle was universally acknowledged that a Constitution formed by a Convention ought to be submitted to the people, that I did not know but it was contained in that bill; I was off my guard. I could not believe any American citizen would endeavor to rob a people of this God-given right of forming their own institutions, especially as you had said that the people of Kansas, above all others, should be perfectly free to

make their own institutions in their own way.

How was that? I have learned during the session, by what has come out at side-bar here, that this was a matter of deliberation at that day; that the Committee on Territories, as I have understood the statement, were summoned to the house of their chief, there to sit in judgment on this very clause, whether the people should or should not have this right; and I understand that there such a clause in the first bill was stricken out, and it was passed by this body without any such clause.

Mr. HALE. For "peculiar reasons."

Mr. WADE. Yes, sir, for peculiar reasons. It was a matter of premeditation. It did not happen by accident. You did not intend, at that period or at any other, that the people should have the right to sit in judgment on the Constitution by which they were to be governed.

[A running discussion here took place in regard to the meeting of the committee and its deliberations, in which Mr. Bigler reaffirmed what he had previously said about the striking out of the clause for submitting the Constitution to the people. It was finally cut short by the motion to adjourn. On the following Monday, Mr. WADE resumed.]

THE LITTLE MYSTERIES OF POLITICS.

Mr. President, when I alluded on Saturday to that enabling act which was called the Toombs bill, I had no idea that I was about to wake up so many reminiscences as I have, in almost every direction, in this Chamber. I called attention to it, not with any purpose whatever of raising any question over the manner in which a clause in that bill seemed to have been stricken out. I do not care who struck it out; I do not care what deliberations were had about it. The reason, and the only reason, why I alluded to it was, that I thought the Senator from Louisiana, [Mr. BENJAMIN,] in calling attention to it, had given it a consequence to which it was not entitled; and I had some observations that I thought proper to make on that point. But the Senator from Pennsylvania, [Mr. BIGLER,] always exceedingly jealous of any imputation as to his differing with the President on any question, supposed that some one was about arraigning him for a departure from the Democratic faith on this subject. Now, sir, I should have been the last man in the world to suspect him of any such thing. I supposed he and the President were just as much alike as the Siamese twins. [Laughter.] I supposed what one thought the other thought; what befel one, always befel the other at the same time. I have no doubt that he is always orthodox. I hardly know, from his remarks, who was the great discoverer of this improved idea of popular sovereignty. The President, to be sure, tells us that, in regard to submitting Constitutions to the people, he formerly held that this Constitution must be submitted to the people of Kansas, to the whole people; and that they must have a fair opportunity to vote on it,

and must not be interrupted by fraud or violence; but in his late message he tells us that his mind at that period was fixed entirely on the Slavery clause; he did not think of anything else. I understand the Senator from Pennsylvania to have declared on Saturday that he formerly held that a Constitution certainly should be submitted to the people, for their approval or dissent; but he also observed that he, like the President, when he said so, thought of nothing except the Slavery clause. I do not know but that it may be prudent, in the view of some, to withhold the whole of a Constitution from the consideration of the people who are to live under it at the time. It might be an overdose; it might be a little too much for the stomachs of the people to take a whole Constitution; and if the people are not to judge of it, who can do it better than Doctor Buchanan, or the Senator from Pennsylvania? They give it to the people by clauses; they suppose there are some things too high for the consideration of the people, when they come to investigate a Constitution. There are other matters, if I understand them, which it is safe to intrust the people with, and they are to be the judges of what shall be submitted.

But, sir, I was led to this course of remark from the zeal of gentlemen to define their positions on this subject. I suppose it is a principle of the Democratic party always to be in line with the President on all subjects. I suppose, if he takes snuff, every true Democrat ought to sneeze, or else be read out of the party; and I suppose all true Democrats are willing to do that. I have taken it for granted that such would be the fact. But I will state my object in calling attention to the Toombs bill. I was not invited into the famous council where all the clauses of that bill were taken under consideration, and yet I doubt not that I understand it just about as well as they did, and they will correct me if I do not state it aright. A bill admitting Kansas under what was called the Topeka Constitution had lately passed the House of Representatives, at the period at which the Toombs bill was framed. It was sent here; and this body had voted it down. The Republicans voted for it, and the Democracy voted against it. We were outnumbered, and the Topeka Constitution was killed. As the Presidential campaign was approaching, it did not look exactly right, considering the commotions that had taken place in Kansas Territory, that, after voting down the proposition the people of the Territory had given you, you should go into the canvass without substituting anything for it. If I was to guess now, I should think that council was held for the purpose of getting up a very plausible measure, which they knew the Republicans would have to vote against, and which could not pass the House of Representatives, and which would be a very good thing to take on the stump in the canvass. My opinion is, that that is about all the importance

that is to be attached to what was called the Toombs bill.

I do not care much what clauses it had in it. It was plausible enough on its face, I know, except in this particular; and I was off my guard in relation to it. I did not look to see whether it had that or not; I did not care whether it had it or not. I knew then, as now, that the Administration had everything their own way in that Territory; and when you provided for officers to execute your law, if it were made by an angel from heaven, it would be perverted to the very worst of purposes, and it would be turned into a party channel that could not be got rid of. I knew that was so, and I voted against the bill, because no bill could be properly, justly, and equitably carried out in the Territory under the officers who then presided there. It gave the Democratic party a little advantage over us, because our ideas were not patent on the face of the bill, and people would probably look to its language more than they would to the circumstances prevailing in the Territory, which rendered it exceedingly inexpedient that anybody should then vote for the immediate organization of the Territory into a State, under the officers who were to take charge of it.

The Senator from Louisiana alluded to it as a reproach to the Republicans here, that they did not vote for it, as though it was an olive branch held out by the Democracy that we refused, and the people there refused. He intimated, that while we professed to wish that something might be done to make peace in the Territory, and give the people a State Constitution, with a right to regulate their affairs, we stood here to reject it. He said, that while the people were calling for assistance, we were voting against the measure proposed, to which, he argued, there was no objection. That is a very lawyer-like argument, and very shrewd, and it might possibly deceive the people; but it will not deceive Senators. We all understand these little policies that prevail here. I will say no more about that bill. It is a thing of the past; let it go.

THE CONVENTION.

I am not in a condition to prolong this debate a great while, and therefore I shall pass to the next phase of the matter. You say the Legislature authorized a Convention. They could call it; there was nothing wrong about it; but I contend there was no authority about it. They called a Convention. Now, this is the position I assume, and I invite attention to it from any part of this Chamber, from the most eminent lawyers in it: If the Territorial Legislature had no authority to call a Convention; if it still required an enabling act to give it real legal validity; then, when they called their Convention, it was perfectly optional with the people to comply with the act or not. It was a mere voluntary call on them, not authorized by law, inviting them to vote for delegates

to frame a Constitution under which they would live.

This act having no binding authority of law, it was at the option of every man to do just as he pleased about it. If he went, it was well enough. If he failed to go, you could not denounce him as having done anything wrong, because there was no law compelling him to go. It was a mere invitation from an irresponsible power, to come up and aid them in doing a certain act. That is all the shrewdest lawyer can make out of it. So we strip you even of the technicality of law, upon which you seek to deprive the people of Kansas of the right of self-government. Your technicality has failed you. It is not even necessary for us to go back, and show your Legislature to be arrant usurpers and enemies to the great mass of the people there, as they were. We may, if we see fit, denounce you as rebels with as much reason as you have denounced us, because you got together without authority of law, and sought to frame a Constitution under which you would live.

The President has said, over and over again, that this was done by authority of law, that the people had a perfect right to go and vote, and that it was their duty to go; and that if they did not go, they were in default. He said it was all fair. Now, sir, I take no pleasure in saying that the President, at the very time he made this declaration, if he was not blind, deaf, and dumb, must have known that it was not true. If he had read the communications that were sent to him constantly from that Territory, by its Governors and its other officers, he could not fail to have known, at the time he made this declaration, that in one-half of the counties no census was taken or record made of the voters, and the law required that as a condition upon which a man should vote. No man need rise and tell me here that that is not so, because I will face him down with authorities that he cannot overcome. I have the law that required the registry; I have the law that required the census to be taken. The question is, was it taken? If it was not taken, why was it not done? Governor Walker says it was not taken for no fault of the people there. He says, in some of his letters, that it was not taken in many counties, because there was no pay provided for those who should do it, and they would not do it for nothing; and in other places, the people, suspecting that it was all a trick and a fraud, were reluctant. But that was no excuse. You never have taken a census of the United States where there were not vast numbers of people who were most strenuously opposed to it; and on inquiring, your deputy marshals, as they go round, were frequently chased out of the houses by the women with broomsticks, thinking, probably, that the object was to levy a tax on them. Would that be any excuse for not taking a census? You find one or two men who are reluctant or opposed to it for any

reason. Can the President plant himself upon a solitary objection like that, and say it was an excuse that the people would not submit their names to be registered? If a man would not comply with the law, if he would not give his name when he was asked, he would be no gentleman, I grant you; but you could not convict him of any crime for not doing it, and certainly you could not deprive his neighbor, who was perfectly willing to give his name, of his rights. You indulge in these generalities; you say that A, B, C, or D, went into a country, and Tom, Dick, or Harry, said, "I will not have my name registered," and then turn about and say the people can lose their liberties by a default consequent on such proceedings as these! Sir, it is arrant nonsense, come from what source it may.

The fact was, that the people could not vote if they would; and, in a great many instances, would not if they could; and I commend them for it. The experience they had had in that Territory had shown them already that it was a mere empty mummy to vote, for votes did no good. Cincinnati Directories and candle-box returns have been infinitely more potent than the real votes of the inhabitants of that Territory. What good would it do them to vote? You had already taught them that there was a purpose to be accomplished, and, if votes would not answer, Cincinnati Directories, forged returns, anything, would be resorted to; the thing would move on, majority or no majority.

The American people are supposed to be a shrewd people. They understand pretty well Peter Funk auctions. Once in a while, a greenhorn gets taken in, but the great mass of the people will not be taken in by them. But the President of the United States has set up and devised schemes as shallow, as fraudulent—yea, as infamous as that; and he supposes the people of the United States are going to be defrauded by such nefarious means as those. Sir, he will find they will not work. They would not work in the days of the Revolution, and much less will they work now.

TERRITORIAL ELECTION.

Well, sir, a Legislature was elected shortly after the time these delegates were elected to frame a Constitution. You attempted an outrageous fraud then, in order to carry the Legislature. Your Oxford and Delaware Crossing frauds were resorted to. I have the evidence of them all here. Nobody doubts them. There is not a man here who will rise and say that it is not the truth that these frauds were open, palpable, notorious, and understood by everybody. Governor Walker investigated them, and said so. He even went up into one of the precincts where these frauds were committed, and found that it was impossible such a vote could have been cast there. He found the people amazed that any such pretences should be made; and he found that the names of your best men, whose names were notorious, known

all over the country, were on the voting lists, because they did not seem to have great facilities in inventing names. They seized upon all the great names of the country, and placed them upon their list. Governor Walker took the returns of Johnson county and others. He seemed to ponder over that subject a little; and I am sorry that he did. I am amazed that any man, in any section of the country, the very moment that he found that such a gross, insulting fraud had been sought to be palmed off upon the people, should hesitate an instant to throw it into the face of the scoundrels who had presented it. He hesitated, and after he knew how it was, he saw fit to place his rejection of the return on a technicality, rather than on the naked deformity—the want of votes. They had not certified the fraud in technical language, and therefore he threw it out. I should have thrown it out for the substantial reason, and thrown your technicality to the dogs.

How was he met? It was said—I do not know with what truth, it was in all the papers—that the fortunes of the Governor and Secretary declined, from the moment they rejected these infamous frauds. It changed the character of the Legislature. It gave a vast majority in that Legislature to the Republicans; whereas, if these frauds were made effectual, they would have made this Legislature just like that which preceded it. It was a great disappointment, and it is said that some sections of the country “howled” over it; and President Buchanan, as they began to howl, trembled at their howling, and it resulted in the dismissal of both those honest officers from their trust. Sir, future ages will be amazed at the audacity of the President who would make it a matter of reproach to one of his officers that he had failed to give effect to a fraud which should confine a man to the penitentiary for life.

ACTION OF THE CONVENTION.

But, sir, the fraud was discovered; nobody could gainsay it; the Free State legislative ticket was triumphant; and now what is to be done? Your Lecompton Convention quailed and trembled under that aspect of the case. They went to drumming up their men, and they hardly got a quorum, because they saw that the sceptre had departed from this Judah, and it had got into the hands of honest men. Your Lecomptonites did not like to brave public opinion, and enact this famous Lecompton Constitution. I believe they never did get a quorum there. The fact is, that every man who had the least sense of decency or shame about him, never appeared in the Convention at all; but a minority appeared, and they conjured up a Constitution. We have it here, sir. We have it sent to us for ratification by the President of the United States; and when he sent it, he was in full possession of these nefarious facts. Instead of sending it to us, he should have trampled it under his heel as a spurious thing, disgraceful to all who gave assent

to it. They made their Constitution, and they provided for submitting a part of it to the people. How? It is sometimes contended on this floor that it was understood when this Convention met that they were to be clothed with plenary, sovereign, irrevocable power, to make just such a Government for that people as they pleased; that their doings, under no circumstances, were ever to be submitted to the people. There is plausibility in that, because you recollect that the act calling the Convention was vetoed by the Governor because it did not contain a clause submitting the Constitution to the people; but it was passed over the head of your Governor by a two-thirds vote of these patriots. So it was premeditated malice. It was deliberated upon; and fraud was meditated by them. They knew very well they could not make a mistake about it, that the people who had just returned a Legislature against them, by more than three to one, would nullify this beautiful Constitution of theirs mighty quick, if it were submitted to them; and hence they were going to steal a Constitution, and fasten it on the necks of their fellow citizens behind their backs and against their will. The President has aided and abetted this fraud.

Now, sir, after the Lecompton Convention made this Constitution, even if there had been any legality about it, before it became binding on the people, the Legislature whom the people had just chosen took the subject under consideration, and they sent forth their edict of more than ten to one, (for they represented more than ten to one of the people of the Territory,) that this Constitution should be submitted to the popular vote. But Mr. Buchanan says, “ah! it was a little too late.” Good God, sir! When a man lets judgment go against him by default, I know of no court that will not permit him to pay the costs, open the default, and try the case on its merits; but when the great cause of human liberty and right, when the great cause of the American citizen is concerned, when the question is, shall the American citizen have a voice and vote as to the Constitution under which he and his posterity are to live, perhaps forever, ah! then he is debarred, he has no power to set it aside! He is foreclosed, just as the people were foreclosed, because they would not go and vote at your Peter Funk election for a Convention.

THE PLEA OF THE USURPERS.

There was a default. Who was to take advantage of their default? That would be a material inquiry, it strikes me. They were too late, says President Buchanan. Too late for whom? Were they not making a Constitution for the people of the Territory of Kansas? Who had a right to interfere? Were they to lose their right by laches, if they committed laches by suffering a default? To whose benefit was it to inure? What tyrant is there that is ready, when the people make default, to claim that meed of liberty which should have be-

longed to them? Why, sir, in an adversary suit, I understand that if a man will not take care of his rights, judgment will pass against him; and, after all the provisions of the law have been complied with, he may forfeit his rights to his adversary; but here there is no adversary. It is the people themselves asking to make a Constitution for themselves; and President Buchanan and many Senators here likened it to some adversary suit, in which there is a party that has some right to take advantage of any want of compliance with the law. Is this your new fangled popular sovereignty? Who is to take advantage of it? Why, sir, it is as much a slave State, says the President, as Georgia or South Carolina. Was it to inure to their benefit, if the people should lose a day in asserting their rights? Was any other State to gain what they lost? If there ever was a tissue of legal nonsense dished up and sent to the Senate of the United States, it is such a message as the President has sent here. I hate to use harsh terms, but I have a reason for them. If it is new in the history of this Government, the things I comment on are new.

The people lose their own rights; they are a day too late; the tyrant has bestrode their necks; the Constitution is framed; and Mr. Buchanan says, "ah, you are too late to retrieve your rights; somebody has got hold of them; I do not know who, but you have lost them. You ought to have been on the alert; you have lost a day, and your liberties are gone forever." Why, sir, even in the good old Norman days they said the dignity of a freeman was such, that even their highest courts could not force him to come in under ten days. First, they must go to him, and invite him to come in like a gentleman, tell him what the business was for which he was wanted, because it was beneath the dignity of a free citizen in England, at that period, to have a summons come in such a mandatory form that he must obey it in a moment. It seemed to be a mark of servitude that our sturdy ancestors would not submit to. It is not so now, however. In one day, your liberties may be gone. In one day, you may become a slave, and be denied all chance of liberty.

Why do you say these men are rebels and traitors? You have had an army of two thousand men in Kansas, and all the paraphernalia of war, for what purpose? To compel that people to conduct their domestic concerns in their own way! [Laughter.] They would not do it. Did you ever hear of so perverse a race as there is in that Territory? Two thousand soldiers, with all the paraphernalia of war, are required to force a people to do just as they please. [Laughter.] Governor Walker wrote to the President, over and over again, before he got the hang of these men. The first persons he met in the Territory, when he got there, were those busy Border Ruffians, always in communication with the President, who seem

to have mesmerized him and entranced him. The Governor, no doubt, took letters of introduction to some of the first Border Ruffians in the Territory; and they seemed to have obtained their knowledge at first from that source. They wrote ferocious letters for about a month. Governor Walker, however, finally took it upon himself to act the missionary. He thundered forth his proclamation. First, he told the people he would enforce those Border Ruffian usurped laws upon them; but he had the grace to say, that when the Constitution came to be acted upon, all of them should have a fair opportunity to vote. He said, "such are my instructions from the President, such is my will; and in that respect you shall not be thwarted." He went amongst the people; he found them uneasy about the Government which was ruling them. He wrote to the President, over and over again, that there was reason to fear there would be civil war if tyranny was persisted in, and that the only way he could pacify them was by assuring them, on the authority of the President, that they should have the right to make their own Constitution, in their own way. He said that was the only pacification he could offer them; and if he had not done it, the Territory would have been in a blaze of war. He wrote to the President that he had told the people of his consultations with the President; he informed them that they had the faith of the President and the Cabinet that the Constitution would be submitted to them. The people there had had a little experience of Presidents and Cabinets. They said to Governor Walker, "these are very fine words of yours; but we have been dealt with so falsely and perfidiously by our Government, that we fear even your good faith cannot protect us; but he gave such assurances as ultimately pacified them.

A SECRET HISTORY.

There must be some secret history connected with the course of the Administration in reference to this matter, which it would be exceedingly interesting to have unfolded. The President in his inaugural had proclaimed, in the hearing of the whole people of the United States, that the people of Kansas should have a free and fair opportunity to vote on their own Constitution. He proclaimed that, as a matter of course, that must be done. He admits it in his last message. He acknowledges in that message that he made these general statements, but he says his mind dwelt on the question of Slavery only. Well, sir, I am not a man who wishes to keep anything back, and I tell my friends here who expect to support the people of Kansas in their course, you cannot blink the question; it is Slavery that the people are opposed to. I have no doubt they would like to express their sentiments on every part of the Constitution; but I candidly admit that if there were no Slavery in it, there would not be much contention about it on the other side of the Chamber, nor on this. Let not my friends

say that it makes no difference whether there is Slavery in it or not, and that the bare question is on the submission. I agree that they are right in principle on that. The people should pass upon anything and everything connected with their welfare, touching the Constitution under which they are to live; but nevertheless the Slavery question is the great matter that divides us.

Mr. President, there is something extraordinary in the manner in which this Constitution was submitted. Was the like of it ever heard of before? I have heard floating rumors that the ingenuity of this whole District was invoked to invent that form of submission; but I do not know how the fact was. I do not believe that rude Border Ruffianism had the ingenuity to invent these meshes of Slavery. I fear that the fingers of men at the other end of the avenue may be tainted with it. I do not know that; but I have shrewd surmises about it. How was it submitted? I will ask, first, why did you submit it at all? On the other side of this Chamber, you claim that the Convention was under no obligations whatever to the people; that the Convention was supreme; that it might do as it pleased; that, if it did not submit it, the people must be content—a doctrine as much fraught with despotism as anything that can be found in the Eastern world. You say that a set of men called into a Convention can, at their will, frame an instrument by which the whole people are to be bound, hand and foot, against their will. Why, sir, it is an absurdity, in my judgment, altogether too palpable for argument in any part of the United States.

If we hold our liberties by such a tenure as that, they stand on a more fragile basis than I have supposed. Why, sir, I have always supposed that everybody understood, that when a Convention was framing a Constitution, it was merely making a proposition to the people who were to be governed by it. They say to the people: "Will you have this? We have done our best to make a Constitution which we, as members of this community, have believed would be acceptable to you. We propose, therefore, that you look into it, and, if it meets your approbation, make it your Constitution." I have always supposed that that was the meaning of the action of such a Convention; and certainly it is, if American liberty means anything.

The men assembled at Lecompton dare not present their Constitution to this body without some attempt to cover it up; they must make an attempt to submit it. How have they done it? Why, sir, they have contrived, by ingenuity, to get up a scheme whereby the form of voting might be preserved to the people, and the result be the same, let them vote as they would. It makes me think of a man who built a hog pen up in our country once, and the rails were so crooked and winding, that when his

hogs got through, and thought they had got out, as they would along they came right in again. [Laughter.] So here, the people were to say "Constitution with Slavery," or "Constitution without Slavery." If they said "Constitution with Slavery," that gave them Slavery up to their ears; it never could be done away with. If they voted "Constitution without Slavery," what would an unsophisticated man suppose would come then? He would suppose he had got out of the pen; but the fact is, it twisted him right in where he was before. He had not gone an inch; Slavery was there; it was to be there; it was to be protected there forever, vote as you would. And they extorted an oath, before they put this nefarious fraud to the people, that they should support it.

Now, sir, whoever devised this scheme, had a more mean and contemptible opinion of the American people than is consistent with Republicanism or Democracy. I do not believe there is a despot on God's earth that dare deal thus with his people; and you say they are to be bound by such a Peter Funk operation as that! Do you suppose men are to be entrapped and deprived of their liberties in this way? The only difference in the result, whether they voted for the Constitution with Slavery or without it, was, whether they would allow the future importation of slaves into the State, or whether those now there should be kept in Slavery, with their posterity, forever. It was to be a slave State, and, in the language of the President, as much a slave State as Georgia or South Carolina, whether the people voted that they would have the Constitution with Slavery, or whether they said they would have it without Slavery. Is not that a fine aspect to hold up to the American people, to suppose they are to be gulled by a such a thing as that?

Then they provided, in the schedule, that the vote should be returned to one John Calhoun, the President of the Convention. I deny, as a legal proposition, that Calhoun could politically live one moment after the Convention had expired. All the incidents die with the principal. He was defunct, and it was not in the power of the Convention to keep him on foot in his official form one hour after that.

But, passing by that point, we see the shrewd ingenuity with which it was done. This Calhoun was empowered, as dictator there, to fix all the election districts, to appoint the judges, his own mere creatures and instruments, to make the returns, and they were to make them to him, and, as it is construed now, to make them either this year or next year, just as he pleases. They said the returns should be made to him in eight days after the election, but he need never exhibit them at all; and he has proclaimed in this city, to the honorable Senator from Illinois, who has stated it on this floor, that unless his Constitution be adopted, he, in his sovereign majesty, never will make known what was done!

Mr. President, is it not an open, downright insult, offered to the American Senate, to send this fugitive from justice, armed with this tremendous power of turning a constitutional majority one way or the other, just as he sees fit? Will the liberty-loving people of the United States submit to this kind of authority and dictation? Who is this John C. Calhoun?

A. A. A. He drops the "C."

Mr. W. M. I am glad he does so, for the honor of his predecessor. Who is he? We know nothing about him. The only history of him we have, is, that he has been indignantly driven out by that people, as a violator of their laws, as a man so infamous that they would not suffer him to live there at all, and he has fled to the place where everything that is anti-republican and tyrannical seems to fly—he has sought a city of refuge here, where everything so vile to live at home seems to find a place.

How can we justify our course as to who shall govern the Territory of Kansas. ["The State."] Well: the State of Kansas, when it gets to be a State. I know the President calls it a State now, and did it a great while ago. Was ever anything done like it on this continent before? When before was a man armed with authority to take the votes of the people of a State, bury them up in a candle-box, if you please, or carry them in his pocket, not letting anybody be witness of what he has got, and there hold them in the face of the whole people just as long as he pleases, and, if he pleases, so forever? No, if you give sanction to frauds like this, American institutions are on their last legs, and they ought to be. John Calhoun, sitting in some public house in this city, with the destinies of a great State in his pocket, and he refusing to exhibit the truth to the Senate of the United States, to the President of the United States, to the House of Representatives, or to anybody interested to know anything about it! Dictator John Calhoun is to say who shall rule Kansas. A gentleman here said the other day, "Cotton is King." He was mistaken. Sir, it is John Calhoun who is King.

But I do not wish to pursue this subject any further. I am sick of it. The honorable Senator from South Carolina [Mr. Calhoun] said he had seen enough to satisfy him that these frauds were sickening and shameful, and he did not want to investigate them. It is sickening; it is loathing to the American mind to contemplate these nefarious frauds that are flouted in our faces; and we have no means to redress them. Sir, we should scout them from us with indignation; and I hope, for the honor of the American name, that all these proceedings, so fraught with most palpable and undeniable fraud, will receive the stern denunciation of this body.

THE CONCLUSION.

Many gentlemen who are attempting to justify the admission of this Territory into the Union under the Lecompton Constitution,

say that other States have been admitted without an enabling act. Sir, all that is said on this subject I will not say is mere sophistry; but it ought to deceive nobody. Perhaps more than half the new States have come into the Union without any enabling act. I do not think that such act is at all essential. Here are a people all homogeneous, all having the same interests, having no matter of contention between them; they could get together, and, without any dissent, frame a Constitution, and ask us to admit them under it. The evidence must be such, always has been such, in every instance, that there has been no reason to doubt that the Constitution had the approbation of the whole people, or of a vast majority. Why do you require a popular vote on that point? Because, when there is dispute, it is the only means of ascertaining where the majority is; but if there is no dispute, you can have no confidence in a other

way, and it is just as legitimate. What has that to do as a precedent with a case where civil war even is raging in regard to the Constitution that is presented; where strife, contention, and arms, are invoked to settle the controversy? You are likening that to a peaceful gathering of homogeneous people, all agreed to fix their institutions in their own way. Sir, there is no parallel. One throws no light on the other. The people of Kansas, in three days, can settle this matter, if you will let them. You are convulsing the whole nation by the attempt to force a Constitution on the unwilling necks of a people, which they abhor and detest. Withdraw your force, withdraw your coercion, say to that people, "assemble yourselves together peacefully, and determine what Constitution you choose to live under;" and my word for it, sir, the hour you do so, peace and tranquillity will reign throughout the whole of Kansas. Every man knows it.

This contention is kept up for no other reason than to hang on the necks of that people this pet institution of Slavery. In one hour you can make peace. Adopt the other course, and God only knows to what it will lead. I do not know what may be the result now; but it has never yet been found that by external interference, by force, or by fraud, you could coerce any set of American people to submit to a Government they abhorred and detested. If they do it now, it will only mark the degeneracy of this age and of this people, and show that we are verging towards Slavery and Despotism. In my judgment, it is as necessary for us to rebuke and overthrow the frauds to which I have alluded, as anything else we possibly can do. If there is anything more dangerous to this Union than another, it is the immunity that is given to fraud, allowing your ballot-box to be invaded. Why, sir, the hour your ballot-box is undermined to that degree that the American people shall not have confidence in it, from that very hour you render free government impossible.