Speech of Hon. Stephen A. Douglas on territorial affairs.

SPEECH

OF

HON. S. A. DOUGLAS, OF ILLINOIS,

ON

KANSAS TERRITORIAL AFFAIRS.

DELIVERED IN THE SENATE UNITED STATES, MARCH 20, 1856.

WASHINGTON:
PRINTED AT THE UNION OFFICE.
1856.

SPEECH.

The Senate, as in committee of the whole, having taken up for consideration the bill to authorize the people of the Territory of Kansas to form a constitution and State government, preparatory to their admission into the Union when they have the requisite population—

Mr. DOUGLAS said:

Mr. PRESIDENT: I will ask the indulgence of the Senate for such length of time as the subject may require, provided my strength do not fail me, while I submit some views in vindication of the majority report, and in answer to that of the minority, of the Committee on Territories, upon the Kansas question.

In the first place, however, as we have taken up for consideration the bill reported by the Committee on Territories, to authorize the people of that territory to form a constitution and State government, preparatory to admission into the Union, it is due to the subject that I should give a brief exposition of the provisions and principles of the bill.

The first section provides, that whenever the Territory of Kansas shall contain 93,420 inhabitants, to be ascertained by a census, taken in conformity with law, (that being the present ratio for a member of Congress,) a convention may be called by the legislature of the Territory to form a constitution and State government, preparatory to its admission into the Union as a State.

The second section provides, that the convention shall be composed of twice the number of delegates which each district in the proposed State has representatives in the territorial legislature. At the election of those delegates it is proposed that all the white male inhabitants who shall have attained the age of twenty-one years, and who shall have resided six months in the Territory and three months in the district, may vote, provided they possess the qualifications required by the organic act of the Territory. By examination of the precedents, I find that it has been usual to prescribe the qualifications of the voters in the acts of Congress authorizing the people of the Territories to hold conventions and form constitutions preparatory to their admission into the Union.

The several acts of Congress preparatory to the admission of the following States prescribed a residence varying from three to twelve months as a condition of voting, to wit: Illinois, six months; Indiana, twelve months; Ohio, twelve months; Mississippi, twelve months; Missouri, three months; Louisiana, twelve months; Alabama, three months. Most of the other new States formed their constitutions under the authority of their territorial legislatures without the preliminary action of Congress. In preparing this bill I have adopted the medium according to the precedents running through our whole territorial history—six months' residence in the Territory and three months in the district in which the vote may be given.

The third and only remaining section of the bill provides for the usual grants of land to be made to the State of Kansas, on the same terms upon which they have been made to most of the other new States.

If there is anything objectionable in the details of the bill, they will be open to amendment, and I shall be ready to accept any amendment which my judgment approves.

Now, sir, a few words in regard to the speech of my colleague [Mr. TRUM BULL] delivered the other day in this body. It is well known to the Senate th at the senator from Texas [Mr. RUSK] called the attention of my colleague to th e fact

that I was absent at the time, and for that reason suggested the propriety of a postponement of the discussion until I could be present. I was absent for the reason that the state of my health did not render it prudent for me to be present, and for the further reason that it had been distinctly understood and unanimously agreed, after a brief discussion, that all further discussion of the subject should be postponed for one week, and then to be resumed on the bill now under consideration, when, according to the courtesies of the Senate, as well as the rules of parliamentary proceedings, I would be entitled to open the debate as the author of the report and bill, and the senator from Vermont, [Mr. COLLAMER,] as the author of the minority report, would be entitled to reply; after which, the subject would be open for free discussion by any senator who might desire to participate in it. Under these circumstances, I had no right to expect that my colleague would take advantage of my absence, in violation of the established usages and courtesies of the Senate, to open the discussion, and to make an assault on me personally as well as upon the report of which I was the author!

He commenced his remarks thus:

"Mr. President, I cannot consent, entertaining the views which I hold, that this report shall go before the country without expressing my dissent. I am aware, sir, that it is here accompanied by a minority report which, in my judgment, presents this Kansas question in a masterly manner. It utterly refutes the majority report upon the great question at issue; but, having been prepared without an opportunity to examine the majority report, it was impossible that it could meet and expose all its unfounded assumptions."

I wish the Senate to bear in mind that this is the first discussion which has taken place in the Senate between my colleague and myself, and that in the first paragraph of his first speech he could not refrain from a personal assault on myself. Whatever controversy, therefore, has grown out of it, or may result from it, is of his own seeking, unprovoked by me. He undertakes to tell the Senate, as a reason why he is not willing the majority report should go out to the country in connexion with the minority report, that the latter "having been prepared without an opportunity to examine the majority report, it was impossible that it could meet and expose all its unfounded assumptions." How does my colleague know that the senator from Vermont prepared the minority report without being allowed an opportunity to examine the majority report? What authority has he for the insinuation that there was unfairness practised by the majority to the minority of the committee? Where is the authority for making the charge, or rather the innuendo, of unfairness? Every member of the committee knows that the majority report was read to the whole committee on the Monday before its presentation to the Senate, or rather that about two-thirds of the report, containing every part of it which has been the subject of criticism by my colleague, was read on Monday. The senator from Vermont, who wrote the minority report, was present, heard every word, and took notes at the time of the points of dissent. The residue of the report was prepared on Monday night, and was read on Tuesday to the committee. The minority report was never shown to a member of the committee, or produced in committee, until the Wednesday afterward. Hence, the senator from Vermont had two entire days to prepare his dissent to all that part of the majority report which has been assailed by my colleague, and one day in regard to the rest of it.

It is proper here to remark, that I offered to postpone the time of making the report one day longer, if the senator from Vermont desired further time; but, on Wednesday morning, he declined availing himself of the postponement, upon the ground that he was then ready to make his report, and accordingly proceeded to read it to the committee. Then, on what authority is this innuendo of unfairness made by my colleague? A similar charge of unfairness was made in the newspapers, over anonymous signatures, nearly two weeks before the reports were prepared, in order to prejudice the public mind, and break the force of the facts and conclusions of the report when it should be made. I exposed the fraud then in open Senate, in the presence of my colleague and of the author of the minority report

I repeat the question. In the face of these facts, on what authority does my colleague, in the first paragraph of his first speech in the Senate, in referring to me, insert an innuendo containing a charge so unfounded and so offensive, and which is known to be unjust and untrue by every member of the committee?

But my colleague says the minority report is "masterly." Be it so. He says that it "utterly refutes the majority report upon the great question at issue." The senator from New York [Mr. SEWARD] endorsed the minority report in similar terms; and the senator from Massachusetts [Mr. SUMNER] returned his thanks to its author in like manner. The whole of that side of the chamber, including all the members of that party called anti-Nebraska men, or black republicans, endorse the opinion of my colleague that the minority report is a masterly production! Then, why not allow the two reports to go to the country together, and permit the discussion to proceed in the usual mode which the practice of this body requires? If the minority report is masterly, if it does utterly refute the majority report upon the great questions at issue, why does my colleague deem it necessary to be in such hot haste to rush into the discussion? What is his excuse?

"But, having been prepared without an opportunity to examine the majority report, it was impossible that it could meet and expose all its unfounded assumptions."

My colleague is unwilling to let them go together, because, although the minority report refutes that of the majority on the great point at issue, he is not satisfied to leave the country to decide upon those points. He prefers withdrawing the attention of the people from the great questions at issue to the minor points—to change the issue, and make up a new one on the minor points which are not met by the minority report. I cannot accommodate my colleague by consenting to that change of the issue. I am not willing that he shall now pass from the great points to the minor ones, and make personal issues with myself for the purpose of diverting public attention from the great questions involved in this contest between the democracy and the allied forces of know-nothingism and abolitionism.

What are these minor points?—these "unfounded assumptions"—to which my colleague deemed it so necessary to reply at once? Nearly every point upon which he assailed the majority report is alluded to by the minority report. It is true, a large portion of his speech consisted in criticisms on my political course in connexion with the slavery question prior to the passage of the Kansas-Nebraska act. I do not propose to reply to that portion of his speech on this occasion. The people of Illinois have heard it from the stump in nearly every county of the State, together with my reply to it. If his present speech is intended for that meridian, I am willing that the people of Illinois should decide between us upon the case as there presented. If, on the other hand, it was intended to enlighten the Senate, I will pass it by in silence, and leave the judgment of the Senate to stand as it was formed when the same points were made by Mr. CHASE and other abolition senators, and replied to by me at the night session, when the Nebraska bill passed.

Nor, sir, shall I take time to vindicate myself against the innuendoes contained in the garbled extracts given by my colleague from some speeches which I may have made in 1849 and 1850. The senator has chosen to quote from one of my speeches a phrase to the effect that I knew of no man in America who was in favor of the extension of slavery into Territory now free. If he had shown the connexion in which that remark was made, I should have no comment to make; I was speaking of the proposition to extend slavery by act of Congress, and in reply to those who wished to prohibit slavery by act of Congress. In that connexion I may have said, and I ought to have said, that I knew of no man in America who was in favor of the extension of slavery. If my colleague had stated that the remark which he attributes to me was used with reference to the extension of slavery by act of Congress, or the action of the federal government, instead of leaving the people of each State and Territory free to decide the question for themselves, comment or explanation from me would have been unnecessary. Other extracts were introduced

tending to make a false issue, or a true one, as the case may be, on me, in order to draw public attention from the great issues, which, according to his statement, are utterly refuted by the minority report. I shall not spend time on these minor questions.

One, however, I may allude to. He referred to that portion of the report of the committee which declares that the Kansas-Nebraska bill was intended to conform to the great principle of State equality and self-government, in obedience to the constitution. The language of the report is:

"The act of Congress for the organization of the Territories of Kansas and Nebraska was designed to conform to the spirit and letter of the federal constitution, by preserving and maintaining the fundamental principle of equality among all the States of the Union, notwithstanding the restriction contained in the 8th section of the act of March 6, 1820, (preparatory to the admission of Missouri into the Union,) *which assumed to deny to the people forever* the right to settle the question of slavery for themselves, provided they should make their homes and organize States north of 36 deg. 30 min. north latitude."

My colleague replied to that—how? He denied that the Missouri restriction assumed to do any such thing. He denied that it assumed to prohibit slavery in the Territory, except while it remained a Territory. This is one of the "unfounded assumptions" to which he deemed it his duty to be in haste to reply. This is the language which he employed:

"Did the eighth section of the act, preparatory to the admission of Missouri into the Union, assume what is here charged? That provision, in my judgment, has been very much misunderstood. It is a provision relating to the '*territory*' north of 36 deg. 30 min. north latitude, and not to the States to be formed out of it. I have not the provision before me, but I know that it provides substantially that 'in all that territory' north of 36 deg. 30 min. slavery shall be forever prohibited. The word 'forever' occurs in it; and that word seems to be very potent in the estimation of some gentlemen; but, like the word 'hereafter,' or any other word used in a law in reference to a Territory, it ceases to have effect whenever the Territory ceases to exist. After the Territory is admitted into the Union as a State, the laws provided for its government while a Territory become nugatory, unless some provision be made for their continuance."

Is that one of the "unfounded assumptions" in the majority report? Is it true, as he says, that the act of Congress known as the Missouri Compromise, although it contained the word "forever," did not mean forever? Is it true that, without the passage of the Nebraska bill, containing the repealing clause, the act of 1820 would have become nugatory and void on the people of the Territory forming a constitution at Topeka and coming into the Union? If so, what is meant by all the leaders of that great party of which he has become now so prominent a member when they charge me with violating a solemn compact—a compact which they say consecrated that Territory to "FREEDOM FOREVER?" They say it was a compact binding "forever." He says that is an unfounded assumption, for it was only a law which would become void without even being repealed; it was a mere legislative enactment, like any other territorial law, and the word "forever" meant no more than "hereafter;" that it would expire by its own limitation. If this assumption be true, it necessarily follows that what he calls the Missouri Compromise was no compact—was not a contract—nor even a compromise, the repeal of which would involve a breach of faith!

If he be right in this assumption, what excuse has he for joining in this crusade against me, and against the democratic party, on the ground that we have repealed a sacred compact—that we have removed the obligations of a solemn covenant which dedicated the country to *freedom forever?* If his position be true, he convicts all of his associates on that side of the chamber of having slandered me. If his position be true, the "unfounded assumptions" of which he speaks were the assumptions of his coadjutors, and not of myself. Why not arraign them for their unfounded assumptions? Why not denounce them for having burned me in effigy on the charge that I had violated a solemn compact which, he says, was not a compact, but a mere ordinary act of legislation, intended to be temporary in its

character, and to become nugatory and void whenever there should be people enough to form a government, and to assume the right to govern themselves!

Sir, I understand the object of this part of his speech perfectly. He knows that the abolitionists of Illinois will tolerate him even in such an "unfounded assumption," provided he makes his war bitter enough on me personally, and on the democratic organization throughout the State, to compensate them for this disavowal of a portion of their creed. It is intended to detach here and there a democrat from his party, and to carry them captive into the black republican camp, to help fight the battle in the next presidential campaign; and in the event of success, he will be rewarded for his services upon the ground that the end justifies the means.

Again, he makes the following quotation from my report, cutting the sentence in two, and omiting the first part of it:

"Another branch of this report to which I desire to call attention is in these words:

"'In obedience to the constitution, the Kansas-Nebraska act declared, in the precise language of the compromise measures of 1850, that 'when admitted as a State the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe, at the time of their admission.'"

On this passage of the report he comments as follows:

"From this clause, which has no practical effect whatever, either in the compromise measures of 1850 or the Kansas-Nebraska act, it has been contended that the compromise measures of 1850 were inconsistent with the compromise of 1820. I deny the position. There is no inconsistency between them. The Missouri Compromise, as already shown, did not prevent the admission of a State into the Union with or without slavery, as its constitution might prescribe at the time of its admission."

Here we are told that there "is no inconsistency between them"—the Missouri Compromise, the Kansas-Nebraska act, and the Compromise of 1850; that "the Missouri Compromise did not prevent the admission of a State (Kansas or Nebraska) into the Union with or without slavery, as its constitution might prescribe at the time of admission." If this assumption be true—if the Missouri Compromise was not designed to prevent Kansas and the rest of the territory north of 36° 30′ from coming into the Union as slave States—if it did not impose any prohibition or restriction upon them in this respect—if, as is here asserted, they were at liberty to come into the Union with or without slavery, as they might choose, before the Kansas-Nebraska bill was passed—and if the passage of that bill made no change in this respect, why is my colleague declaiming against it in the name of freedom and humanity? What harm has the Kansas-Nebraska act done to him and his associates, and to the cause of freedom, of which they profess to be the especial champions, if it be true, as my colleague now asserts, that slavery was not prohibited "forever" in those Territories, and that they would have had the same right to come into the Union as slave States as they now have under the Kansas-Nebraska act? Why his desertion from the democratic party, and his alliance with black republicanism, if he really believes that the Missouri Compromise, like the Kansas-Nebraska act, left the people of those Territories perfectly free to form and regulate their domestic institutions in their own way, and to come into the Union with slavery, or without, as they might determine? If his construction of the Missouri Compromise be correct, it was a mere temporary expedient, possessing none of the characteristics of a covenant or compact or contract—an ordinary legislative enactment, which was liable to be repealed at any time; and which, if it had not been repealed, would have become nugatory and void in a very brief period. I fear that the anti-Nebraska party of Illinois will regard these opinions of my colleague as "unfounded assumptions." I regret that he did not enlighten his political brethren upon this subject, and persuade them to the correctness of these opinions, prior to his own election to the Senate. Had the fusionists of Chicago understood the question in 1854, as he now explains it, I think I would have had very little trouble in obtaining a hearing in my own defence when I returned home that year.

But, sir, I said that I would not take time in the discussion of these minor points which my colleague desired to bring into the debate, overlooking the great question at issue. My colleague states that question in these words:

"The great fact remains, and it is not met by the report that the people of Kansas have been conquered, as the governor himself once said, and a legislature has been imposed upon them by violence. Without denying this, the report, to use a legal phrase, demurs to the declaration, thereby admitting the charge, but denying that it affords any reason why the acts of such a legislature should not be enforced!"

Is it true that the great fact remains undenied that Kansas was conquered? Is it true that the report demurs to this allegation, and thereby admits its truth? In what part of the report is such an admission to be found? What line, what word in the report, gives the slightest pretext for such an assertion? On the contrary, the report of the committee not only denies, but disproves, the truth of such a charge, so conclusively that no man is inexcusable for repeating it. So overwhelming is the proof of the majority report on this point, that the only mode in which the minority could avoid or break its force was by suppressing the testimony which disproved the truth of the allegation. I am aware that it is a grave and serious matter to state that the minority report suppresses the evidence which conclusively disproves the truth of the allegation that Kansas was conquered, in order to arrive at a conclusion which could never have been rendered plausible, except by the suppression of the facts as they appear on record and in official journals. But I make the declaration boldly, with a full consciousness of all its responsibilities, and with a willingness and ability at all times to make good the proposition to the entire satisfaction of all fair and impartial minds.

The facts as presented in the majority report, and proven by official and incontrovertible evidence, are, that of the eighteen election districts into which Kansas was divided, allegations of violence and illegal voting were made in seven, while there was not at the time any pretext of fraud, violence, or illegal voting in the other eleven districts. The election was held on the 30th of March, 1855, under the proclamation of Governor Reeder, and in pursuance of the rules and regulations prescribed by him. The proclamation provided, among other things, that "in case any person or persons shall dispute the fairness or correctness of the return of any election district, they shall make a written statement, directed to the governor, and setting forth the specific cause of complaint or errors in the conducting or returning of the election in said district, signed by not less than ten qualified voters of the Territory, and with an affidavit of one or more qualified voters to the truth of the fact therein stated; and the said complaint and affidavit shall be presented to the governor on or before the 5th day of April next, when the proper proceedings will be taken to hear and decide such complaint."

In view of this direct invitation on the part of the governor, to all men who were dissatisfied with the result, to contest the election, and the assurance that he would "hear and decide such complaint," it does not appear from any source that ten men were ever found in any one of the eleven districts who were willing to sign the statement, or any one man who was willing to swear to the truth of the statement, that there had been fraud, violence, or illegal voting in any one of these eleven districts! Such statements were made and presented to the governor in reference to some of the precincts in seven of the eighteen districts, but none in the other eleven. These facts are distinctly set forth in the majority report, and conclusively proved by reference to the official papers. While these facts are cautiously concealed in the minority report, and the vague charge of fraud and violence substituted for them in general terms, there is no specific denial of any one of these facts—no pretence that the election was contested in any one of those eleven districts, or any man found to make the charge, much less to swear to the truth of it, as required by the governor in his proclamation. These eleven districts, where there [illegible] and no complaints filed with the governor, elected a large majority

of both branches of the legislature—to wit, ten of the thirteen councilmen and seventeen of the twenty-six representatives of which, by the organic law of the Territory, the legislature was composed, and a majority of whom were to constitute a legal quorum for the transaction of legislative business. Hence it is entirely immaterial, so far as the legality of the legislature is involved, whether the contested cases in the other seven districts were decided right or wrong. In either event there was a legal quorum of each branch of the legislature duly and fairly elected—a sufficient number, under the organic law of the Territory, to constitute the two houses a lawful legislative assembly, competent to pass laws binding on the inhabitants of the Territory, and to impart vitality and validity to their legislative acts. It is true that in the seven contested districts the governor, after receiving the protests, and hearing the allegations of the parties, and inspecting the returns, set aside the returns, and ordered new elections in those districts, to be held on the 24th of May of that year. At this second election three of the same persons who had been returned as duly elected on the 30th of March, and whose elections had been set aside by the governor, were re-elected, and in the other districts different persons were elected than those who received the highest number of votes at the general election on the 30th of March. Thus it appears that each one of the twenty-six representatives and thirteen councilmen who assembled at Pawnee city on the 2d of July, in obedience to the governor's proclamation, went there with his commission certifying that he had been duly elected a member of the Kansas legislature. These facts are all distinctly set forth in the majority report, and no one of them directly contradicted in the report of the minority.

Now, let us see how the minority report disposes of these incontrovertible facts. It says:

"The governor of Kansas having, in pursuance to law, divided the Territory into districts, and procured a census thereof, issued his proclamation for the election of a legislative assembly therein, to take place on the 30th day of March, 1855, and directed how the same should be conducted, and the returns made to him, agreeably to the law establishing said Territory. On the day of election large bodies of armed men from the State of Missouri appeared at the polls in most of the districts, and by most violent and tumultuous carriage and demeanor overawed the defenceless inhabitants, and by their own votes elected a large majority of the members of both houses of said assembly."

Not a word about the eleven districts where there were no contests and no complaints! Not a word about the seven districts where there were contests, and complaints filed, and the election set aside by the governor! Not a word in regard to the specific number of districts to which the alleged invasion reached, and the number of councilmen and representatives whose elections were supposed to be effected by it! The minority report is not burdened with such details as would convey to the mind of the reader a distinct idea of the real state of facts, from which the inference is attempted to be drawn that "Kansas had been conquered." In lieu of these facts, we have the vague, unfounded statement that in "most of the districts" frauds were prepetrated, which controlled the election of "a large majority of the members of both houses of the said assembly."

"Most of the districts!" "A large majority of the members!" Do seven out of eighteen constitute most of the districts? Do three councilmen out of thirteen, or nine out of twenty-six representatives, constitute a large majority? These vague, unsupported declarations are interposed to break the force of a distinct statement of facts, the truth of which is sustained by the official records, and the correctness of which no man can with truth question or deny.

The minority report continues thus:

"On the returns of said election being made to the governor, protests and objections were made to him in relation to a part of said districts; and as to them, he set aside such, and such only, as by the returns appeared to be bad."

What is the inference? That the governor did not go behind the certificate, and only set the election aside because the certificate on its face was "bad?" Such

is not the fact. The governor did go behind the certificates—did inquire into the regularity of the proceedings, and the legality of the votes, as well as the form of the certificates. But it so happened that, there having been more or less illegal votes cast in these seven districts, the judges refused to certify in the form prescribed in the governor's proclamation, and verify the same by their oaths.

In each of the other eleven districts, where the proceedings had been fair and regular, the judges did make their returns in due form, and, no protests being filed, no allegations of fraud or illegal voting being made, the governor granted certificates, as a matter of course, to the persons who had received the highest number of legal votes. This was the reason why, in every case where there had been illegal voting or unfairness in the elections, there were omissions or defects on the face of the returns, showing that the judges appointed by Governor Reeder would not certify and verify the certificates by their oaths that they were all legal voters when such was not the fact. This accounts for the coincidence that in each case where there were protests or allegations of fraudulent or illegal voting filed, there appeared such defects or omissions on the face of the returns made by the judges as raised the presumption that the allegations were in some degree true. But it does not by any means follow, nor is it the fact, as intimated, although not directly stated, in the minority report, that the governor did not go behind the returns, but confined his action to the defects and omissions apparent on their face.

The fact that the governor did go behind the returns, and investigate the legality of the proceedings at the polls, is distinctly stated in the report of the minority of the committee on credentials in the Kansas legislature; and the evidence of this fact is set forth in my report from the Committee on Territories. Hence the intimation in the minority report, that Governor Reeder acted only upon what appeared on the face of the returns, and did not decide upon the legality of the elections, is not only unsupported by testimony, but expressly contradicted by the record. Unwilling, however, to rely upon the assumption that seven out of eighteen constitute "most of the districts," and that the governor did not venture to go behind the returns to investigate fraudulent voting, the minority report proceeds to assign reasons why there were no protests and allegations of illegal voting in the other seven districts.

In continuation of what I last read, it says:

"In relation to others, covering, in all, a majority of the two houses, equally vicious in fact, but apparently good by formal returns, the inhabitants thereof, borne down by said violence and intimidation, scattered and discouraged, and laboring under apprehensions of personal violence, refrained and desisted from presenting any protest to the governor in relation thereto; and he, then *uninformed* in relation thereto, issued certificates to the members who appeared by said formal returns to have been elected."

Here the statement is, that in the other eleven districts, where there were no protests alleging fraudulent voting, where no ten men could be found to sign one, where no one man could be found to swear to one, the people were so intimidated, and so thoroughly conquered and subjugated, that they dared not protest. Is this assumption sustained or justified by the history of the transaction? What portion of the Territory was reached by this influx of voters from Missouri? How far did they penetrate? What places formed the principal theatres of their operations? Were they not Leavenworth and Lawrence, and the precincts between them and in their vicinity? Yet at those very places, where the largest number of illegal votes were polled, where the scenes of violence and intimidation are chiefly located, protests were filed and allegations of fraudulent voting made, and the elections set aside, and new elections ordered by the governor, upon the ground that in those seven districts there was reason to apprehend that the voice of the *bona fide* inhabitants and legal voters of the Territory had not been freely and fairly expressed at the election. If at Lawrence and Leavenworth, and those points where it is alleged that the invaders made their most effectual efforts, the people were not

intimidated, and through fear prevented from protesting against these lawless proceedings, and contesting the election in consequence of them, what reason is there to suppose that the people were so completely conquered and subjugated that they dare not protest against their wrongs, and petition for redress of their grievances, in other districts remote from the scenes of trouble, to which the intruders did not penetrate to any considerable numbers, if at all, and where the governor did not learn that there had been any unfairness in the elections until he was removed from office by the President, more than four months afterwards? The minority report says that the governor, being "UNINFORMED *in relation thereto, issued certificates to the members who appeared by said formal returns to have been elected.*" The inference is, that if the governor had been informed in relation to this pretended invasion into those eleven districts he would not have issued the certificates.

From this it appears that the governor did consider himself authorized to go behind the "said formal returns," and investigate the legal qualifications of the voters and the fairness of the proceedings; and that he would have done so in those eleven districts had he known or been informed that the alleged invasion had extended from the other seven districts into those eleven. But, unfortunately, the governor was "uninformed in relation thereto" at the time he canvassed the votes and issued the certificates! Certainly the communication was not cut off between the governor and those districts. The highways were open; people were allowed to pass and repass; for we are informed that the returns had at that time been duly made to the governor by the judges of the election in every one of those districts. How and by whom were the "said formal returns" duly made? The governor's proclamation, under which the election was held, expressly provided that "one copy of the oath, list of voters, tally-list, and return, shall be taken by *one of the judges, who shall deliver the same in* PERSON *to the governor.*" According to the minority report, the judges whom Governor Reeder selected to conduct the election saw "large bodies of armed men from the State of Missouri" appear at the polls in most of the districts; saw them "overawe the defenceless inhabitants, and by their own votes elect a large majority of the members of both houses of said assembly" (the legislature;) saw the inhabitants "borne down by said violence and intimidation"—and that, after witnessing all these appalling scenes, these same judges wrote out and signed a return, in which they stated that the election had been fairly and honestly conducted, and that the said return contained a true statement of the votes "polled by lawful voters;" and that these judges then verified the truth of the return by their own oaths, and then delivered the same to the governor in person, without communicating to him the fact that the Territory had been thus invaded; and that the governor, being "uninformed in relation thereto," issued the certificates to the men thus fraudulently elected, under the supposition that the election had been fairly and honestly conducted in all of those eleven districts. The Senate and the country are asked to believe this incredible story, on the authority of the minority, signed by one member of the committee out of six, unsupported by a single fact, and without a particle of evidence to sustain it or impart plausibility to it. Before Governor Reeder can believe the story, he must convict each one of the judges, whom he selected and appointed to conduct the election, of perjury in swearing to the truth of the returns. Were not the judges honest and impartial men? Did not Governor Reeder believe them to be such when he appointed them? When did he first make the discovery that each one of them had betrayed his trust and violated his oath? Is it not amazing that in the selection of thirty-three men to conduct the election in those eleven districts, the governor should not have been able to find one honest man, who feared God and loved his country enough to refrain from committing perjury by swearing to false returns, and inform the governor that his own Territory had been overrun and subjugated, and its elections controlled, by an invading army from a foreign State, and that the people were so much intimidated and frightened that they dare not protest against the outrage, or petition for the redress of their grievances, or even tell their own chief magistrate how great

a calamity had befallen them while he remained wholly "uninformed in relation thereto."

Kansas conquered and subjugated, and that too without the knowledge of the governor! The polls seized and elections controlled by large bodies of armed men from Missouri, and the judges concealed the fact from the governor who appointed them! The people "borne down by said violence and intimidation," "scattered and discouraged," and filled with "apprehensions of personal violence" to such an extent that they did not dare to whisper into the ears of their favorite but "uninformed" governor the sad tale of their overwhelming calamities! How long did this reign of terror last? When did Governor Reeder become "informed in relation thereto?" How, when, by whom, and on what evidence, were these startling facts brought to the knowledge of his excellency? If he did not know the facts on the fifth of April, when he issued the certificates of election, had he ascertained them on the seventeenth of the same month, when he published his proclamation commanding each one of these "fraudulent members" to assemble and organize "a spurious legislature" at Pawnee City on the second day of July? Had he become informed of the facts when, more than three months after the election, he sent his first message to this "spurious legislature," and invoked the richest blessings of Divine Providence upon them while engaged in the performance of their high and patriotic duties! Had he heard of the alarming fact that "Kansas had been conquered" when he recommended to the legislature, thus elected and organized, to pass laws for the government of the people of Kansas upon the subject of education, and revenue, and taxation, and courts, and elections, and the militia, and, in short, upon all rightful subjects of legislation? Had he heard of the "conquest" when he vetoed the act of the legislature removing the seat of government temporarily from Pawnee City, and assigned, among other reasons, that it would occasion "a loss of time, the more valuable because their sessions were limited by the organic law of the Territory!" Who can conceive the extent of the evils resulting from the loss of ten days' time by a spurious legislature, which was forced on the people by an invading army from a foreign State? Was he "uninformed" of the facts when, on the 21st of July, he dissolved his official relations with the legislature *solely upon the ground that they were assembled at the wrong place*, and reminded them that if "our Territory shall derive no fruits from the meeting of the present legislative assembly," he had called their attention to the point that they had no right to adjourn their session from Pawnee City to Shawnee Mission? If "our Territory shall derive no fruits from the meeting of the present legislature," says the governor, "the responsibility rests not on the executive!" What "fruits" did he desire the Territory to derive from the spurious legislature? The governor must have been "uninformed" in relation to the alleged invasion when he uttered these lamentations over the loss of the fruits which he expected the Territory to gather from the action of this legislature. Had he become "informed in relation thereto," when, on the 16th of August, he addressed his last communication "TO THE HONORABLE THE MEMBERS OF THE COUNCIL AND HOUSE OF REPRESENTATIVES OF THE TERRITORY OF KANSAS," notifying them of his removal from the office of governor by the President of the United States! In that communication, which was his last official act as governor of the Territory, he repeated the opinion expressed in his message of the 21st of July: "that I was unable to convince myself of the legality of your session *at this place*, for the reasons then given." The "reasons then given" were, that the legislature was in session at the *wrong place*—to wit: at Shawnee Mission instead of Pawnee City. These were the only reasons which he ever assigned for believing that the acts of that legislature were not valid and binding on the people of Kansas. Up to that period of time—which was nearly five months after the alleged conquest—it does not appear that Governor Reeder had ever conceived the idea that the two houses of the legislature had not been fairly and honestly elected by the lawful voters and actual inhabitants of the Territory. Was he at that time "UNINFORMED" in relation to the conquest of the Territory five months previous by an invading army?

Had he never heard, during all that time, that the "Territory had been overrun by large bodies of armed men from Missouri;" that "Kansas had been subjugated;" that "the inhabitants had been borne down by violence and intimidation;" that terror reigned everywhere in the Territory; and that the people were so much alarmed that they dare not tell the horrible tale of their multiplied wrongs? In fairness and justice to Governor Reeder, we are bound to believe that during the whole of that period he had never heard a whisper of any of these things, otherwise he would have taken prompt and energetic steps "to see that the laws were faithfully executed!" Having remained "uninformed" in relation to the invasion for five months after it is alleged to have happened, it becomes important to know when, how, from whom, and upon what evidence, he subsequently learned the great fact that Kansas had been conquered. My colleague [Mr. TRUMBULL] says:

"The great fact remains, and is not met by the report, that the people of Kansas have been conquered, as the governor himself once said, and a legislature has been imposed on them by violence."

Thus we find that the governor is the authority cited and relied upon to prove this great "fact." How does he know it? We have already seen that he did not witness it; that he has no personal knowledge upon the subject; that he never heard of it for five months after it happened! Who informed him? Where is the testimony upon which his statement is founded? It is not to be found in the minority report. It was not communicated to the Committee on Territories. It does not exist in any authentic form, or in any form except the naked, unsupported statement in my colleague's speech. He says that this "great fact remains, and is not met by the report" of the Committee on Territories, but, on the contrary, is "demurred to and thereby admitted." Permit me to tell my colleague that this great fact is met in the report, and denied, and disproved incontrovertibly by the public records and official acts and messages of the same governor upon whose vague and unsupported allegation he now ventures to make the charge. Governor Reeder cannot make such a statement without stultifying himself! He is not a competent witness to impeach the public records of his own official acts by avering the existence of a state of facts of which he has no personal knowledge, and in regard to which he is admitted to have remained "uninformed" for nearly five months after they are alleged to have occurred. This unsatisfactory and unreliable statement, which has been attributed to the governor for the purpose of proving that "the people of Kansas were conquered," and "a legislature imposed upon them by violence," can receive no additional force or credit in consequence of having been endorsed by my colleague, [Mr. TRUMBULL,] and the senator from New York, [Mr. SEWARD,] and the senator from Massachusetts, [Mr. SUMNER,] and the author of the minority report, [Mr. COLLAMER,] and the other champions of the black-republican party. They have no personal knowledge of the facts, and have no moral right to manufacture testimony for political purposes by endorsing unfounded statements the truth of which is disproved by all the evidence before the committee.

But, sir, since the opposition have determined to rest their whole case upon the assumption that Kansas was conquered, and that a legislature was forced on the people by violence, I desire to follow the history of the transaction into the legislature of the Territory, and see what position each party there assumed, and what proceedings were had. Immediately after the organization of the two houses and the reception of the governor's message, a resolution was adopted by the house of representatives authorizing any person who desired to do so to contest the right of any member holding a seat in that body upon giving notice to the sitting member. This resolution was a direct invitation to all men who believed that Kansas had been conquered, or that there had been fraud and violence in the elections, or that the result had been controlled by illegal votes, to come forward and state the facts and prove their allegations.

If it were true, as alleged in the minority report, that the people had been intimidated and deterred from filing protests and making proof to the governor on

the 5th of April, one would suppose that sufficient time had elapsed to enable them to recover from their fright and induce them to appear before the legislature and vindicate their rights. That they were not deterred from appearing by apprehensions of personal violence is apparent from the fact that the seats of several members were contested, a committee appointed, testimony received, and two reports made to the house—one signed by four and the other by one member of the committee. The majority report says, that, "HAVING HEARD AND EXAMINED ALL THE EVIDENCE TOUCHING THE MATTER OF INQUIRY BEFORE THEM," they find that the seats of fifteen of the twenty-two members who were present remain uncontested, no person appearing to deny or question the fairness of their elections, or the regularity and truthfulness of the returns. Hence these fifteen representatives were permitted to retain their seats by unanimous consent; no one of the seven free-soil members who then held seats in the house interposing any objection to any one of these fifteen members. Thus it appears from the official records and journals that it was universally conceded at that time, by men of all parties, that a majority of the members of the legislature had been fairly and duly elected by the legal voters of the Territory. That majority, thus elected, constituted a legal quorum of both houses, according to the organic act of the Territory. It does not appear that there was any pretence at that time that Kansas had been conquered, and that a legislature had been imposed on the people by violence. The contest was confined to the seven disputed districts, both parties admitting and conceding that the elections and returns had been fairly and legally held and regularly made in the other eleven districts. The free-soil members of the legislature contended that Governor Reeder had decided fairly and correctly when he awarded, on the 5th of April, certificates to the seventeen members whom he adjudged to have been duly elected, and set aside the returns and ordered new elections for the other nine representatives; *and that the governor's decision was* FINAL AND CONCLUSIVE *in respect to the right of every member holding his certificate to* RETAIN HIS SEAT.

The minority report of the committee on credentials in the legislature argued at length to prove that the legislature could not go behind the governor's certificate, and inquire into the fairness and legality of the election, or whether there had been a previous election, or any other matter or thing which would invalidate the right of the sitting member under the governor's certificate. When the House overruled this position, and vacated the seats of those members who claimed under the second election held on the 24th of May, four of them signed a protest against the decision, and had it spread on the journal. In that protest they did not pretend that the legislature was a spurious body, imposed on the people of Kansas by violence; they did not pretend that, outside of the seven disputed districts, any members had been elected by illegal votes; they did not question the fact that a large majority of the members in each house had been fairly elected by lawful votes. The only point they made was, that the certificate of the governor was conclusive evidence of their right to their seats, and that, for that reason, the legislature had no authority to turn them out! Like the governor, they had never heard that Kansas had been conquered, that terror reigned, that the inhabitants were scattered and discouraged, and that the people were so much alarmed that they dare not tell the sad tale of their wrongs! Although, according to the speech of my colleague and the minority report, these wild and terrific scenes had prevailed in every portion of the Territory for more than three long months, and although consternation and alarm filled every breast and silenced every tongue, all the free-soil members of the legislature, together with the governor, remained wholly "*uninformed in relation thereto*," not dreaming of the crimes that had been perpetrated and the wrongs that had been endured until several days after they were all turned out of office!

No sooner were their offices gone than they were aroused from their fatal lethargy and false security. Floods of light poured in upon their unconscious minds; their

eyes were opened, and their hearts swelled with patriotic indignation, when, for the first time, they discovered that four months previous "Kansas had been conquered;" that "a legislature had been forced upon the people by violence;" that the "inhabitants were scattered and discouraged," and so thoroughly subdued that they dare not assert their rights or proclaim their wrongs! The time had now arrived for brave men, with strong arms and stout hearts, and patriotic purposes, to step forward and rescue their beloved Territory from the oppressors' grasp! Hence notices were promptly printed and scattered in every direction, over the signature of "Many Voters," calling upon the people to assemble in mass meeting at the city of Lawrence, on the 14th of August, to take into consideration their perilous and oppressed condition! This was the first movement in that series of acts which resulted in the attempt to put in operation a State government in hostility to the Territorial government established by Congress, and in defiance of the federal authorities! Upon this point the minority report discourses as follows:

"The people of Kansas, thus invaded, subdued, oppressed, and insulted, seeing their territorial government (such only in form) perverted into an engine to crush them in the dust, and to defeat and destroy the professed object of their organic law, by depriving them of the '*perfect freedom*' therein provided; and finding no ground to hope for rights in that organization, they proceeded, under the guarantee of the United States constitution, 'peaceably to assemble to petition the government for the redress of (their) grievances.' They saw no earthly source of relief but in the formation of a State government by the people, and the acceptance and ratification thereof by Congress."

Now, is it true that they assembled under that clause of the constitution which authorizes citizens peaceably to assemble and petition the government for redress of grievances? Is it true that they ever professed to assemble for any such purpose? Is any such purpose expressed in any resolution, address, proclamation, or any other publication emanating from any of their meetings and conventions? It cannot be found in the proceedings of the Lawrence meeting, nor of the Big Springs convention, nor of the first convention at Topeka, nor of the second convention at Topeka which formed their constitution, nor anywhere else except in the minority report of the Committee on Territories. I will explain to the Senate when and where this idea originated of justifying the revolutionary movements in Kansas under that clause of the constitution of the United States which secures to the people the right "peaceably to assemble to petition the government for redress of grievances." The Committee on Territories, in investigating this subject, had occasion to look into the opinion of Mr. Attorney General B. F. Butler in the Arkansas case, in which it was held that, while the inhabitants of a Territory had no right to take any step or do any act designed or calculated to subvert or supersede the existing territorial government, without the previous assent and authority of Congress, yet they might, under that clause of the constitution relating to the "redress of grievances," peaceably assemble and sign a petition, and accompany it with a written constitution, as a part of their petition for authority to form a State government: "*Provided, always, that such measures be commenced and prosecuted in a peaceable manner,* IN STRICT SUBORDINATION TO THE EXISTING TERRITOPIAL GOVERNMENT, *and in entire subserviency to the power of Congress to adopt, reject, or disregard them, at their pleasure.*" The fertile genius of the author of the minority report discovered that a plausible excuse for the revolutionists in Kansas could be derived from one portion of this opinion of Attorney General Butler, by making them assume the loyal devotion of humble petitioners for the redress of grievances, while concealing the fact that the whole movement has been prosecuted thus far in open defiance of the authority of Congress, for the avowed purpose of subverting the existing territorial government. Whether the daring and defiant revolutionists of Kansas will consent to be thus transformed by the single stroke of the pen into humble and suppliant petitioners remains to be seen. They will doubtless be amused as well as surprised when they shall learn from the minority report that they assembled only for the purpose of petitioning for the redress of

grievances, and that all their proceedings were conditional upon "the acceptance and ratification thereof by Congress." Let us look into their proceedings and see whether this is a fair or veritable statement of their scope and design. Their first meeting was held at Lawrence on the 14th of August, at which a preamble and resolution were adopted, calling a convention at Topeka on the 19th of September. The preamble was in these words:

"Whereas the people of Kansas Territory have been since its settlement, and now are, without any law-making power," &c.

Thus it appears that they started with the assumption that the people of Kansas were then "without any law-making power," notwithstanding the territoria legislature established by Congress was actually in session making laws on that very day. We next find them assembled in convention at Big Springs, on the 5th and 6th of September, when Governor Reeder was nominated for Congress, and resolutions were adopted repudiating the validity and authority of the territorial government.

In the following resolution they approve of the proceedings of the Lawrence meeting, for the *reason* that they repudiate the acts and authority of the territorial government established by Congress:

"*Resolved*, That this convention, in view of its recent repudiation of the acts of the so-called Kansas legislative assembly, respond most heartily to the call made by the people's convention of the 14th ultimo for a delegate convention of the people of Kansas, to be held at Topeka on the 19th instant, to consider the propriety of the formation of a State constitution, and such matters as may legitimately come before it."

Does this look like peaceably assembling to petition government for the redress of grievances? What humble petitioners! Approve and endorse the Lawrence meeting of the 14th for the reason that it repudiated the action and authority of the government which Congress had established for the Territory! The Lawrence meeting was local, being composed of the inhabitants of the town and immediate vicinity. The Big Springs meeting was a convention composed of delegates from every portion of the Territory. Thus, the movement became general, and reached every county and district in the Territory.

But let us pursue the inquiry whether this movement did proceed upon the idea, and keep within the rule laid down by Attorney General Butler in regard to petitioning for redress of grievances, "*in strict subordination to the existing territorial government.*"

Here is another resolution adopted by the Big Springs convention:

"*Resolved*, That we owe no allegiance or obedience to the tyrannical enactments of this *spurious legislature;* that their laws have no validity or binding force upon the people of Kansas; and that every freeman among us is at full liberty, consistently with his obligations as a citizen and a man, to defy and resist them if he choose so to do."

This is the first allegation I have been able to find that the legislature was a "spurious assemblage!" "Owe no allegiance!"—no "obedience to the tyrannical enactments!" The "laws have no validity!"—no "binding force on the people of Kansas!" Every freeman at liberty "to defy and resist them!" Is this what is meant by the sacred right of petition? Is this what the minority report means when it asserts the right of the people "peaceably to assemble and petition the government for the redress of grievances?"

The next resolution points out the mode in which these humble petitioners propose to redress their grievances. It is in these words:

"*Resolved*, That we will endure and submit to these laws no longer than the best interests of the Territory require, as the least of two evils, and will resist them to a bloody issue as soon as we ascertain that peaceable remedies shall fail, and forcible resistance shall furnish any reasonable prospect of success; and that, in the mean time, we recommend to our friends throughout the Territory, the organization and decipline of volunteer companies, and the procurement and preparation of arms."

They will submit only until "peaceable remedies shall fail!" What are these peaceable remedies? Fortunately we are not left to conjecture to ascertain. They are clearly defined by Governor Reeder, in a speech before the same convention which passed these resolutions, to be "an appeal to the courts, to the ballot-box, and to Congress." But suppose the courts sustain the validity of the laws, and the people sustain the legislature, and Congress refuses to overrule the people, what then? Governor Reeder has anticipated all these contingences in the same speech, and clearly indicated the course to be pursued in that event. I will let him speak in his own forcible language. He says:

"But if, at last, all these should fail—*if, in the proper tribunals*, there is no hope for our dearest rights, outraged and profaned—if we are still to suffer, that corrupt men may reap harvests watered by our tears—then there is one more chance for justice. God has provided, in the eternal frame of things, redress for every wrong; *and there remains to us still the steady eye and the strong arm, and we must conquer, or mingle the bodies of the oppressors with those of the oppressed upon the soil which the Declaration of Independence no longer protects.*"

Is this what the minority report calls "peaceably assembling to petition government for redress of grievances?" Does this sustain the declaration in the minority report that their action was all *conditional, dependent upon "the acceptance and ratification by Congress?*" The whole argument of the minority report for the vindication of these revolutionary movements in Kansas rests solely upon these two propositions, which are directly and undeniably contradicted by the whole current of their proceedings. It was in the event that redress could not be had "IN THE PROPER TRIBUNALS" that Governor Reeder proposed to have recourse to "the steady eye and the strong arm," and "to mingle the bodies of the oppressors with those of the oppressed upon the soil which the Declaration of Independence no longer protects!" It was in the same event, and dependent upon the same contingences, that the convention at Big Springs, professing to represent every county in the Territory, resolved that they would "RESIST THEM [THE LAWS] TO A BLOODY ISSUE!!" But having no faith in the legality of their own proceedings, and consequently no hope of success "in the proper tribunals," they advised their friends not to wait for the decision, but "*in the meantime*" to organize and decipline military companies, and to provide arms and munitions of war! Does the minority report refer to the organization and decipline of these volunteer companies, and to their "procurement and preparation of arms," when it speaks of their having assembled peaceably to petition for redress of grievances?

In view of these facts, I submit the question to the Senate and the country, with what show of fairness or truth does the minority report pretend that these proceedings in Kansas were had under that clause of the constitution which secures to the people the right "peaceably to assemble and petition government for redress of grievances," and that they were all conditional, dependent upon "their acceptance and ratification by Congress?" It must not be said that these facts were not known to the minority when the report was prepared. There were several pamphlet copies of these proceedings before the committee for more than three weeks before the reports were made, and at least one of them in the hands of the author of the minority report during all that time. The facts are all set forth in the majority report, and were read in open committee as a part of the report, in the presence of the author of the minority report, two days before either report was submitted to the Senate. Hence charity and courtesy require us to assume that the author of the minority report did not deem these facts material, and for that reason suppressed them, and, in consequence of their suppression, he was enabled to arrive at conclusions directly the reverse of those to which he would have been irresistibly driven if he had not suppressed them.

In pursuance of the recommendation of these two conventions, the first at Lawrence, on the 14th of August, and the second at Big Springs, on the 5th and 6th of September, a Territorial convention was held at Topeka on the 19th of September, which provided for the election of delegates to another convention, to be held

at the same place on the fourth Tuesday of October, to form a constitution and State government. At an early stage of the proceedings of the constitutional convention, a Mr. Smith offered a resolution instructing the various committees to frame their work with reference to an immediate organization of a State government. This resolution put in issue the direct question whether their constitution and other proceedings should be conditional and dependent upon their acceptance and ratification by Congress, or whether they should be absolute and independent of Congress? This proposition led to an elaborate discussion, and was at length adopted, and in substance incorporated into one of the articles of the constitution. A synopsis of this debate on both sides is set out in the majority report, from which it is apparent that the proposition was understood and decided then precisely as I state it now. Mr. Delahay, who has since been elected a member of Congress under that constitution, made an elaborate speech against the proposition, upon the ground that it was avowedly an "*act of rebellion.*" On the other hand, it was justified and defended as standing upon the same footing with the Declaration of Independence, with the distinct avowals on the part of its advocates that they would not wait a day for the action of Congress.

No man can read that debate and doubt that it was their fixed purpose to put a State government in operation in conflict with the existing Territorial government, and in defiance of the authority of Congress. The idea of acting in subordination to the constituted authorities was scouted. The party which wished to remain loyal to the existing government, until superseded by lawful means, was defeated, and the revolutionists carried everything their own way. The constitution was adopted; the election for State officers and legislature has taken place, and the government put in operation on the 4th of this month, without the consent of Congress, and in defiance of the constituted authorities in the Territory.

These facts are all set forth in the majority report—while the minority report passes over in silence the debates and proceedings of the convention which formed the constitution at Topeka, and the Big Springs convention, and all other acts which give the real character to the movement—and show it to be a case of open and undisguised rebellion. The minority does not question, much less disprove, the truth of any fact stated in the majority report, nor does it produce any new or additional evidence which would qualify or change the character of the revolutionary movement as presented in the majority report. The distinguishing feature of the minority report is, that it suppresses a large portion of the material facts, and, in consequence of that omission, is enabled to arrive at conclusions which would have been utterly impossible had all the facts been truly and fairly presented. While the minority report distinctly states that the whole movement in Kansas was nothing more than "peaceably to assemble and petition government for the redress of grievances," and that their action was conditional upon "the acceptance and ratification by Congress," there are some passages which betray doubts of the correctness of this position. For instance:

"Whatever views individuals may at times, or in meetings, have expressed, and whatever ultimate determination may have been entertained in the result of being spurned by Congress and refused redress, is now entirely immaterial. That cannot condemn or give character to the proceedings thus far pursued."

"Immaterial" as to the object of the assembly! Why, sir, its character depends on its object—the motive and the ultimate design give character to the transaction. Is it immaterial whether they assembled peaceably to petition for redress of grievances or to organize and mature a plan of rebellion against the United States? Is it immaterial whether the plan contemplated submission or resistance to the authority of Congress in case of an adverse decision upon their application for admission into the Union? The mere statement that "whatever ultimate determination may have been entertained in the event of being spurned by Congress and refused redress is now entirely immaterial" betrays a consciousness that there was an "ultimate determination" inconsistent with their loyalty

to the constitution and laws of the land. Why not state all the facts from which that "ultimate determination" clearly appears, instead of concealing it by suppressing the material facts which gave character to "the movement?"

Again:

"Thus far this effort of the people for redress is peaceful, constitutional, and right. Whether it will succeed rests with Congress to determine; but clear it is that it should not be met and denounced as revolutionary, rebellious, insurrectionary, or unlawful, nor does it call for, or justify the exercise of, any force by any department of this government to check or control it."

A movement should not be called "revolutionary" when its origin, progress, and aim consist in nothing but revolution! It should not be called "rebellious" when its authors, in an event certain to happen, avowed their "ultimate determination" to be rebellion! It should not be called "insurrectionary" when its first act, and each successive act, proclaimed violent resistance to the laws of the Territory, even to "a bloody issue!" It should not be called "unlawful" when its avowed object was to overthrow by force the whole system of laws under which they lived! Neither the government nor any department of it should use any force to "check or control" this revolutionary movement, even when the supremacy of the laws could be maintained in no other way! Such are the conclusions of the minority report!

In reply to all of this, I have only to say that the majority of the committee are of the opinion that things should be called by their right names—that revolution should be checked—that rebellion should be put down—that insurrection should be suppressed—and that the government should use with firm hand and steady nerve whatever force may be necessary to maintain the supremacy of the laws against all organized resistance, from whatever quarter it may come.

In this connexion it is worthy of remark that the particular acts of the legislature which have been forcibly resisted, and for the violation of which the prisoners have been rescued from the officers, are not the same laws that are represented as being barbarous and oppressive. Of the vast number of enactments affecting almost every relation in life, and filling a volume of nearly one thousand pages, only two are complained of as being unjust and oppressive. These are the statutes in regard to elections and slaves.

All of the others, so far as we have been informed, are entirely unobjectionable, and well adapted to the promotion and protection of the best interests of society. The disturbances which have arisen in Kansas have no connexion with these two obnoxious laws. No prosecutions have been had under them; no complaints have been made of their violation; and hence no attempts have been made to enforce them. The outrages complained of are murder and arson, and breaches of the peace. Persons charged with these various crimes have been violently rescued from the custody of the officers of the law, by armed mobs, upon the pretext that the acts of the legislature providing for the punishment of persons guilty of these crimes against life, and property, and society, are invalid, and consequently the offenders are entitled to go free. I repeat, that in every instance where a collision has taken place between the officers of the law and the mob which rescued the prisoners, it was a case arising under the law against murder, or house-burning, or a breach of the peace! In no one instance has the violence grown out of a case under the election law, or the slavery law! And yet the moment the sheriff arrests a person on the charge of murder, or robbery, or arson, or breach of the peace, and a mob armed with Sharpe's rifles rescues the prisoner, and the sheriff summons a posse of good citizens to enforce the law, the action of the mob is justified upon the ground that the same legislature which passed the laws for the punishment of those crimes also passed two other laws upon the subject of elections and slavery, which the mob did not like, and their friends here think ought to be declared null and void! Should the whole frame-work of society be destroyed and blotted out merely because it may contain a small portion of material which is not

entirely sound and acceptable? Marriages have been solemnized, children have been born, deaths have occurred, estates have been distributed, contracts have been made, and rights have accrued, under the system of laws which the Kansas legislature have enacted, which it is not competent for Congress to divest and annul. Are you prepared to disturb and destroy all the social, domestic, and pecuniary relations and interests of the whole people of Kansas, merely because you do not like two acts of their legislature, which have remained a dead letter upon the statute book, if, indeed, they bear the construction which you seek to place upon them in order to render them odious? For what purpose, and to what end, are all these calamities to be inflicted upon the people of Kansas? Is it necessary that the whole body of white people shall suffer in order that the interests of the negro may be advanced? How do you expect to promote the interests of the negro by annulling the whole system of laws enacted by the legislature of the Territory? The constitution which your friends have formed at Topeka, under which the State government has recently been organized, and with which the senator from New York [Mr. SEWARD] proposes to admit the State into the Union, *forbids the negro forever to enter the State!* You profess to be the especial friends of the negro; your consciences are greatly disturbed lest he will not be well treated in Kansas; and at the same time you are in favor of a proposition which denies to him forever the right to enter, live, or breathe, in the proposed State of Kansas! If the negro be free, you will not let him come! If he be a slave, you will not let him stay! And yet you are so much aggrieved at his sad condition that you are willing to blot out and destroy the whole system of laws for the protection of white folks on account of the injustice which you fear will be done to the poor negro!

Mr. President, there are a few other points which I wish to discuss briefly, if my voice and strength will permit me to continue.

Mr. BUTLER. If the senator will give way I will move an adjournment.

Mr. DOUGLAS. I am grateful to the senator for his kind proposition; but my health is such that I fear I would not be able to speak to-morrow, after the exhaustion of to-day, if I should avail myself of his courtesy. I prefer, therefore, to finish now what I have to say, if possible.

It has been my unpleasant duty thus far to trace the points of difference and conflict between the two reports, and the conclusions to which they lead. I now approach a material point, and invite the especial attention of the Senate and country to it, in which the majority and minority reports agree—I ALLUDE TO THE CAUSES WHICH HAVE PRODUCED ALL OF THESE UNFORTUNATE DIFFICULTIES IN KANSAS. We agree in ascribing them to the same general causes, although we differ widely in regard to the remedies proper to be applied. We agree that they were the natural and legitimate results of two rival and hostile systems of emigration, organized in and prosecuted from the opposite and extreme sections of the Union for the purpose of controlling the domestic institutions of the Territory—the one having for its paramount object the prohibition, and the other the protection, of the institution of slavery in Kansas. The proposition is thus stated in the majority report:

"Combinations in one section of the Union to stimulate an unnatural and false system of emigration, with the view of controlling the elections, and forcing the domestic institutions of the Territory to assimilate to those of the non-slaveholding States, were followed, as it might have been foreseen, by the use of similar means in the slaveholding States, to produce directly the opposite result. To these causes, and to these alone, in the opinion of your committee, may be traced the origin and progress of all the controversies and disturbances with which Kansas is now convulsed.

"If these unfortunate troubles have resulted as natural consequences from unauthorized and improper schemes of foreign interference with the internal affairs and domestic concerns of the Territory, it is apparent that the remedy must be sought in a strict adherence to the principles, and rigid enforcement of the provisions, of the organic law."

The minority report, after justifying and applauding the movements and operations of the Massachusetts and New England emigrant aid societies, by sending

emigrants to Kansas for the purpose of controlling the elections and prohibiting slavery as a "lawful and laudable" experiment, and after commending and applauding in like manner the counter movement in Missouri and the other slaveholding States as "a highly praiseworthy and commendable" effort, speaks thus of the consequences of the experiment of arraying the whole inhabitants of the Territory into two opposing and hostile parties, each struggling to defeat the other in the accomplishment of the object which brought them there:

"It now becomes necessary to inquire what has in fact taken place. *If violence has taken place as the natural, and perhaps unavoidable, consequence of the nature of the experiment, bringing into dangerous contact and collision inflamable elements*, it was the voice of a mistaken law and immediate measures should be taken by Congress to correct such law. If force and violence have been substituted for peaceful measures there, legal provisions should be made and executed to correct all the wrong such violence has produced, and to prevent their recurrence, and thus secure a fair fulfilment of the experiment by peaceful means, as orginally professed and presented in the law."

Mr. COLLAMER. That word "experiment" I have used throughout as referring to the experiment of the law.

Mr. DOUGLAS. I will show what it means. I will show that the word "experiment" is used to designate the operations of the emigrant aid societies of Massachusetts and New England, and the counter movement which these emigrant aid societies drew after them by way of antagonism in the slaveholding States. I will now read other passages to show that I have stated the position of the minority fairly:

"This subject, then, which Congress has been unable to settle in any such way as the slave States will sustain, is now turned over to those who have or shall become inhabitants of Kansas to arrange; and all men are invited to participate in the *experiment*, regardless of their character, political or religious views, or place of nativity."

What experiment? That of settling the slavery question by "those who have or shall become inhabitants of Kansas." In order to lay the foundation for justifying the New England emigrant aid societies for their participation in this experiment of foreign interference with the domestic affairs of a distant Territory, the minority report proceeds to justify all that has been done by Missouri and the other slaveholding States to counteract the efforts and defeat the designs of the New England aid societies, and to send persons there for the purpose of controlling the election, and making Kansas a slaveholding State.

The minority report proceeds as follows:

"Now, what is the *right* and the *duty* of the people of this country in relation to this matter? Is it not the right of all who believe in the blessings of slaveholding, and regard it as the best condition of society, either to go to Kansas *as inhabitants*, and by their votes to help settle this good condition of that Territory; or if they cannot so go and settle, is it not their duty, by all lawful means in their power, to promote this object by inducing others like-minded to go? This *right* becomes a *duty* to all who follow their convictions. All who regard an establishment of slavery in Kansas as best for that Territory, or as necessary to their own safety by the political weight it gives in the national government, should use all lawful means to secure that result; and, clearly, the inducing men to go there to become permanent inhabitants and voters, and to vote as often as the elections occur in favor of the establishment of slavery, and thus *control* the elections, and preserve it a slave State forever, is neither unlawful nor censurable. It is and would be highly praiseworthy and commendable, because it is using lawful means to carry forward honest convictions of public good. All lawfully associated efforts to that end is equally commendable. Nor will the application of approbrious epithets, and calling it *propagandism*, change its moral or legal character, from whatever quarter or source, official or otherwise, such epithets may come. Neither should they deter any man from peaceably performing his duty by following his honest convictions."

Having said thus much in behalf of the "right" and "duty" of the Missourians to go into Kansas and control the elections for such a "highly praiseworthy and commendable" object as "the establishment of slavery" in the Territory, the minority report proceeds in this wise to show that it was equally "praiseworthy and commendable" for the New England emigrant aid societies to send men there to "control the elections and prohibit slavery:"

"On the other hand, all those who have seen and realized the blessings of universal liberty and believe that it can only be secured and promoted by the prohibition of domestic slavery,

and that the elevation of honest industry can never succeed where servitude makes labor degrading, should, as in duty bound, put forth all reasonable exertions to advance this great object by lawful means, whenever permitted by laws of their country. When, therefore, Kansas was presented by law, as an open field for this experiment, and all were invited to enter, it became the right and duty of all such as desired to go there as inhabitants for the purpose, by their numbers and by their votes lawfully cast, from time to time, to carry or *control*, in a legal way, the election there for this object. This could only be lawfully effected by permanent residence, and continued and repeated effort, during the continuance of the territorial government, and permanently remaining there to form and preserve a free-State constitution. All those who entertained the same sentiments, but were not disposed themselves to go, had the right and duty to use all lawful means to encourage and promote the object. If the purpose could be best effected by united efforts, by voluntary associations or corporations, or by State assistance, as proposed in some southern States, it was all equally lawful and laudable. This was not the officious intermeddling with the internal affairs of another nation or State, or the territory of another people."

In these two extracts we have the position of the minority report clearly defined.

First, it was the "right" and "duty" of the slaveholding States to send men to Kansas to acquire the right to vote, and thus control the elections and establish slavery in the Territory; and "if the purpose could be best effected by united efforts, by voluntary associations, or corporations, or State assistance, it was all equally lawful and laudable."

Second, it was the "right" and "duty" of the non-slaveholding States to use the same means to send men into Kansas for the purpose of becoming voters and controlling the elections and prohibiting slavery.

Third, that each of these movements on the part of the two sections of the Union was "equally lawful and laudable"—was "highly praiseworthy and commendable"—and that "neither was unlawful nor censurable," although "THE NATURAL, AND PERHAPS UNAVOIDABLE, CONSEQUENCE OF THE NATURE OF THE EXPERIMENT WAS TO PRODUCE VIOLENCE" BY "BRINGING INTO DANGEROUS CONTACT AND COLLISION INFLAMMABLE ELEMENTS!"

Thus it appears that this line of policy is adopted and defended as a "praiseworthy and commendable" rule of action, on the supposition that its natural, if not unavoidable, consequence is to produce violence. Is this the policy of the anti-Nebraska men? Is this the ground upon which my colleague [Mr. TRUMBULL] pronounces the minority report a "masterly" production? Was it in view of this position that the senator from Massachusetts [Mr. SUMNER] returned thanks to its author for such an admirable document, and that the senator from New York [Mr. SEWARD] took upon himself the obligation to make good all its positions? Is it true that the author of the minority report is prepared to defend a line of policy which, according to his own acknowledgment, leads naturally, and perhaps unavoidably, to violence?

Mr. COLLAMER. I did not say so.

Mr. DOUGLAS. I have shown that the language used is susceptible of no other construction. The report defends the "right" and asserts the "duty" of the slaveholding States to attempt to control the elections and establish slavery in Kansas. It also defends the "right" and asserts the "duty" of the free States to attempt to control the elections and prohibit slavery in the same Territory, and then says:

"If violence has taken place as the natural, and perhaps unavoidable, consequence of the nature of the experiment, bringing into dangerous contact and collision inflammable elements, it was the vice of a mistaken law, and immediate measures should be taken by Congress to correct such law."

Here is a distinct acknowledgment that violence was the natural, if not unavoidable, consequence of that line of policy marked out and pursued by the New England emigrant aid societies, and the counter movements in the southern States, which those societies brought into existence by way of antagonism! The fact is admitted, coupled with an excuse which explains the political designs of the whole movement. If violence results from the action of the emigrant aid societies, the fault is to be charged on the Nebraska act, as "the vice of a mistaken law." What

"vice" was there in the Nebraska act? The minority report answers the question It turned over the decision of the slavery question to the inhabitants of Kansas. It contained the principle of self-government in obedience to the constitution. It left the people free to form and regulate their domestic institutions in their own way. This was all the vice of a mistaken law! It banished the question of slavery agitation from the halls of Congress, and turned it over to the people who were immediately interested in, responsible for, and had a right to control, the decision of the question. If that great principle of self-government which the minority report calls "the vice of a mistaken law" had been permitted to have fair play in Kansas, as it did in Nebraska, there would have been no more trouble or violence in the one than in the other. In Nebraska, to which the emigrant aid societies did not extend their operations, and where emigration and settlement were left to flow in their natural channels, nothing has occurred to disturb the peace and quiet of the Territory. There this "vice of a mistaken law" produced peace and harmony, instead of violence and conflict, as its natural, and perhaps unavoidable, consequence. In Nebraska, where the principle of self-government was permitted to have fair play under the provisions of the same "mistaken law," but where "the experiment of bringing into dangerous contact and collision inflammable elements," the natural, and perhaps unavoidable, consequence of which was violence, was not deemed "highly praiseworthy and commendable"—where it was not considered a "right" and a "duty" of the States in the two extreme sections of the Union to attempt to control the political destinies of a distant Territory, and with that view to array all the inhabitants into two great hostile parties, and force peaceable men into the ranks of the one or the other for protection—where foreign interference has yielded to the principle of non-intervention—the Kansas-Nebraska act has worked out its own vindication. It has shown, that while violence is the natural, and perhaps unavoidable, result of "the experiment" attempted by the emigrant aid societies to control the political destinies of the Territory by foreign interference and a spurious system of emigration, no such consequences do flow from the operation of the principle of self-government, when, in the language of the Nebraska act, the "*people are left* PERFECTLY FREE *to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States!*" Since, then, the "experiment" of foreign interference, by the confession of the minority report, has produced violence and bloodshed as its natural, and perhaps unavoidable, result, should not the remedy be sought in the abandonment of the experiment which caused the mischief, in rebuking and restraining foreign interference, and false and fraudulent schemes for controlling the elections by non-residents, and maintaining firmly and impartially the true principles of non-intervention, by giving fair play to the great principle of self-government, in obedience to the constitution, as provided in the organic law of the Territory?

This brings us to the direct and distinct issue between the majority and minority reports—between the supporters and the opponents of the principles involved in the Kansas-Nebraska act. The one affirms the principles of non-intervention from without, and self-government within, the Territories, in strict obedience to the constitution of the United States; while the other insists that the domestic affairs and internal concerns of the Territories may be controlled by associations and corporations from abroad, under the authority of the legislatures of the several States, or of Congress, as they may be able to gain the political ascendency over the one or the other. In the prosecution of this line of policy, the opponents of the principles involved in the Kansas-Nebraska act, having failed to accomplish their purposes in the halls of Congress and under the forms of the constitution, immediately organized themselves into an emigrant aid association in this city, and through their friends and co-laborers obtained acts of incorporation from the legislature of Massachusetts, with a capital of five millions of dollars in one instance, and one million of dollars in another, to enable them there to accomplish indirectly what they had found themselves unable to do by the action of Congress. With them it was a

great point gained, if, by an organized system of foreign interference, under color of a legislative enactment, they could draw after it a counter movement in conflict with it, and thus produce violence and bloodshed as "the natural, and perhaps unavoidable, consequence of the experiment," and charge the odium of the whole upon the Nebraska bill and its supporters, as a fulfilment of the predictions which they had made and were resolved should be realized as political capital in the approaching presidential election. They have succeeded by this system of foreign interference in producing violence, and bloodshed, and rebellion in Kansas; and it now only remains to be seen whether the minority report shall be equally successful in convincing the people that "the natural, and perhaps unavoidable, consequences" of their own action are justly chargeable to "the vice of a mistaken law," the principles and provisions of which were intended to be outraged and brought into disrepute by these very proceedings. When the time shall arrive, and I trust it is near at hand, that the cardinal principles of self-government, non-intervention, and State equality, shall be recognised as irrevocable rules of action, binding on all good citizens who regard, and are willing to obey, the constitution as the supreme law of the land, there will be an end of the slavery controversy in Congress and between the different sections of the Union. The occupation of political agitators, whose hopes of position and promotion depend upon their capacity to disturb the peace of the country, will be gone. The controversy, if continued, will cease to be a national one—will dwindle into a mere local question, and will affect those only who, by their residence in the particular State or Territory, are interested in it, and have the exclusive right to control it. What right has any State or Territory of this Union to pass any law or do any act with the view of controlling or changing the domestic institutions of any other State or Territory? Do you not recognise an imperative obligation resting on the United States to observe entire and perfect neutrality towards all foreign States with which we are at peace, in respect to their domestic institutions and internal affairs? Has that obligation any higher source of authority than that spirit of comity which all civilized nations acknowledge to be binding on all friendly powers? Are not the different parts of this Union composed of friendly powers? Are they not all at peace with each other, and hence under an obligation to preserve a friendly forbearance and generous comity quite as sacred and imperative as that to which all foreign States, at peace with each other, acknowledge their obligation to yield implicit obedience? Have you not passed neutrality laws, and exerted the whole executive authority of the government, including the army and navy, to enforce them, in restraining our citizens from interfering with the internal affairs of foreign States and their Territories? Are not the different States and Territories of this Union under the same obligation towards each other? Indeed, does not the constitution of the United States impose an additional and higher obligation than it is possible for the laws of nations to enjoin on foreign States? How can we hope to preserve peace and fraternal feeling between the different portions of this Union unless we are willing to yield obedience to a principle so just in itself, so fair towards all, that no one can complain of its operation—a principle distinctly recognised by all civilized countries as a fundamental article in the law of nations, for the reason that the peace of the world could not be preserved for a single day without its observance?

But the agents and champions of the emigrant aid societies, failing in their attempts to vindicate these mischievous schemes of foreign interference, endeavor to palliate what cannot be justified on the plea that the slaveholding States have done the same thing for which they are arraigned! Even if this were true, it would be difficult to prove that two wrongs make a right. But this excuse cannot avail the Massachusetts Emigrant Aid Company. That company was chartered and organized after the Kansas-Nebraska bill passed the Senate, and in anticipation of its passage in the House. It preceded all counter-movements many months in point of time, and sent out several large bodies of emigrants before any steps were taken or opposing organizations were made to counteract the effects of its opera-

tions. The agents sent out in charge of the first bodies of emigrants in the summer of 1854 report to the company, and the report was published in pamphlet by the secretary of the company, and widely circulated, *that the people of Missouri received them kindly, and welcomed their arrival as friends!* The political designs and ultimate objects of the company were not openly avowed by them until their numbers increased to such an extent as to give them a controlling power in many settlements immediately on the Missouri border. Then all disguise was thrown aside and the purpose of the company openly avowed to abolitionize Kansas with the view of erecting a cordon of free States as a perpetual barrier against the fomation and admission of any more slave States. The violence of their language against domestic slavery anywhere and everywhere created apprehensions in the minds of the people of Missouri that they also meditated a relentless warfare upon the institution of slavery within the limits of that State as a part of their ultimate plan of operations. In this connexion I will notice a remark of my colleague, in which he represents me as saying in the majority report that the New England Emigrant Aid Company did intend to wage a relentless warfare on the institution of slavery within the limits of the State of Missouri, and then demands the proof to sustain the truth of the assertion. His mode of defending his friends who have linked their political fortunes with these emigrant aid societies is more ingenious than creditable. He cuts in two the sentence which he professes to quote entire, represents me as saying what I did not say, and then demands the proof to sustain the false issue which he has made for me. What the majority report did say on this point is as follows:

"When the emigrants sent out by the Massachusetts Emigrant Aid Company, and their affiliated societies, passed through the State of Missouri in large number, on their way to Kansas, the violence of their language, and the unmistakable indications of their determined hostility to the domestic institutions of that State, *created apprehensions* that the object of the company was to abolitionize Kansas as a means of prosecuting a relentless warfare upon the institutions of slavery within the limits of Missouri. *These apprehensions* increased and spread with the progress of events, until they became the settled convictions of the people of that portion of the State most exposed to the danger by their proximity to the Kansas border. The natural consequence was, that immediate steps were taken by the people of the western counties of Missouri to stimulate, organize, and carry into effect a system of emigration similar to that of the Massachusetts Emigrant Aid Company, for the avowed purpose of counteracting the effects, and protecting themselves and their domestic institutions from the consequences, of that company's operations."

The report does not say that these aid societies intended to make war on slavery within the State of Missouri. I made no such charge. My statement was that the conduct of the emigrants "CREATED APPREHENSIONS that the object of the company was to abolitionize Kansas as a means of prosecuting a relentless warfare upon the institution of slavery within the limits of Missouri." Does my colleague take issue with this statement, as I made it, and as it reads in the report, and not as he chooses to make it for me? Does he deny that the conduct of the emigrants produced such an "apprehension" in the minds of the people of Missouri, and that in the progress of events this "apprehension" became "a settled conviction," under which they acted when they took steps to organize a counter-movement and avert the consequences which might be expected to result from the emigrant aid societies' operations? I will now adduce the testimony to prove that such was the case, to the end that it may not be questioned hereafter. A convention of delegates from all portions of the State of Missouri was held at Lexington, in that State, in the month of July, 1855, to consider what measures were necessary to protect themselves and their domestic institutions from the machinations of the New England emigrant aid societies. At that meeting a preamble and resolutions were adopted, and a committee appointed to prepare and publish an address "to the people of the United States" expressive of the views of the people of Missouri touching the slavery question and Kansas difficulties:

"Whereas this convention have observed a deliberate and apparently systematic effort on the part of the several States of this Union to wage a war of extermination upon the institu-

tion of slavery as it exists under the constitution of the United States, and the several States, by legislative enactments annulling acts of Congress passed in pursuance of the constitution, and incorporating large moneyed associations to *abolitionize Kansas, and through Kansas to operate upon the contiguous States of Missouri, Arkansas, and Texas;* this convention, representing that portion of Missouri more immediately affected by these movements, deem it proper to make known their opinions and purposes, and what they believe to be the opinions and purposes of the whole State, and to this end, have agreed to the following resolutions:"

This preamble shows conclusively that the Missourians did labor under the impressions, and act under the apprehensions and convictions, stated in the majority report. The resolutions unanimously adopted by the same convention show with equal clearness that the people of Missouri were opposed to the whole scheme of foreign interference with the affairs of the Territory, and were in favor of leaving to the actual *bona fide* inhabitants of the Territory the right to decide the slavery question for themselves, unmolested by intrusions from any quarter; and that they only adopted the counter-movement to the New England emigrant aid societies in what they believed to be necessary self-defence. I will now read a portion of the resolutions:

"*Resolved*, That the incorporation of moneyed associations, under the patronage of sovereign States of this Union, for the avowed purpose of recruiting and colonizing large armies of abolitionists upon the Territory of Kansas, and for the avowed purpose of destroying the value and existence of slave property now in that Territory, in despite of the wishes of the *bona fide* independent settlers thereof, and for the purpose, equally plain and obvious, whether avowed or not, of ultimately abolishing slavery in Missouri, *is a species of legislation and a mode of emigration unprecedented in our history, and is an attempt, by State legislation, indirectly to thwart the purposes of a constitutional and equitable enactment of Congress, by which* THE DOMESTIC INSTITUTIONS OF THE TERRITORIES WERE DESIGNED TO BE LEFT TO THE EXCLUSIVE MANAGEMENT AND CONTROL OF THE BONA FIDE SETTLERS THEREOF."

"*Resolved*, That we disclaim all right and any intent to interfere with the *bona fide* independent settlers in the Territory of Kansas, from whatever quarter they may come, or whatever opinions they may entertain; but we maintain the right to protect ourselves and our property against all unjust and unconstitutional aggression, present or prospective, immediate or threatened; and we do not hold it necessary or expedient to wait until the torch is applied to our dwellings, or the knife to our throats, before we take measures for our security and the security of our firesides."

The address which accompanies the series of resolutions from which I have read these two is written with great clearness and ability, and in a spirit of conciliation and patriotic devotion to the constitution and the Union. I had marked copious extracts which I intended to read to the Senate, but will refrain, except to a limited extent, for the want of time, and in consequence of the too great length to which my remarks have already been extended. It condemns in strong and unequivocal terms the whole system of foreign interference with the internal concerns and domestic affairs of the Territory as "a scheme never before heard of or thought of in this country, the object and effect of which was to evade the principle of the Kansas-Nebraska bill, and, in lieu of *non-intervention by Congress*, to substitute *active intervention by the States*."

It arraigns the Massachusetts Aid Company as "a scheme totally at variance with the genius of our government, both State and federal, and with the social institutions which these governments were designed to protect, and its success would have been as fatal to those who contrived it as it could have been to those intended to be its victims."

It alleges that "no slaveholding State has ever attempted to colonize a Territory," but has always left the public lands "to occupancy of such settlers as soil and climate invited." It argues that if Massachusetts, by her legislation, has a right to send an army of abolitionists into Kansas for the purpose of controlling its domestic institutions, she would have an equal right to send them into Missouri for a like purpose; that South Carolina would have the same right to send an army of slaveholders to Delaware or Iowa; that "there is no difference in principle between the cases supposed;" that "if justifiable and legal in the one, it is equally so in the other;" that "they differ only in point of practicability and expediency;" that "the one would be an outrage, easily perceived, promptly met, and speedily repelled;" that

the other is disguised under the forms of emigration, and meets with no populous and organized community to resent it. The address asserts that "what Missouri has done, and what she is still prepared to do, is in self-defence and for self-preservation; and from these duties she will hardly be expected to shrink."

In view of these considerations, and with the hope of preserving peace, and harmony, and fraternal feeling between all portions of our common country, this address appeals to the patriotism of the North to join with the South in putting down this pernicious and mischievous foreign interference with the domestic concerns of a distant Territory, and to allow the *bona fide* inhabitants of Kansas to form and regulate their domestic institutions to suit themselves, in obedience to the fundamental principle of the Kansas-Nebraska act. Upon this point it says:

"If ever there was a principle calculated to commend itself to all reasonable men, and reconcile all conflicting interests, this would seem to have been the one. It was the principle of popular sovereignty—the basis upon which our independence had been achieved—and it was therefore supposed to be justly dear to all Americans, of every latitude and every creed."

But why should I accumulate evidence on this point? I have already produced sufficient to convince any reasonable man that the people of Missouri never contemplated the invasion and conquest of the Territory of Kansas—that to whatever extent they imitated the example of the New England emigrant aid societies, it was done upon the principle of self-defence, and only for the purpose of counteracting what they believed to be the dangerous tendencies of the operations of these societies—that the Missourians have at all times been ready and willing to abandon their counter-movement so soon as those who forced upon them the necessity of such action should abandon their designs, and cease their efforts to shape and control the domestic institutions of Kansas by an unwarranted scheme of foreign interference. From these facts it is apparent that the whole responsibility of all the disturbances in Kansas rests upon the Massachusetts Emigrant Aid Company and its affiliated societies. The remedy for these evils must be found in the removal of the causes and abandonment of the policy which produced them, and in faithfully and rigidly carrying into effect the provisions of the Kansas-Nebraska act, which guaranty to the people of that Territory the perfect right "*to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States.*"

A word or two more on another point and I will close. My colleague has made an assault on the President of the United States for his efforts to vindicate the supremacy of the laws, and put down insurrection and rebellion in the Territory of Kansas. In my opinion, the President of the United States is entitled to the thanks of the whole country for the promptness and energy with which he has met the crisis. It was his imperative duty to maintain the supremacy of the laws, and see that they were faithfully executed. It was his duty to suppress rebellion and put down treason. My colleague says that it will be necessary to catch the traitor before the President can hang him. My opinion is, that, from the signs of the times, and in view of all that is passing around us, as well as at a distance, there will be very little difficulty in arresting the traitors—and that, too, without going all the way to Kansas to find them! [Laughter.] This government has shown itself the most powerful of any on earth in all respects except one. It has shown itself equal to foreign war or to domestic defence—equal to any emergency that may arise in the exercise of its high functions in all things except the power to hang a traitor!

I trust in God that the time is not near at hand, and that it may never come, when it will be the imperative duty of those charged with the faithful execution of the laws to exercise that power. I trust that calmer and wiser counsels will prevail, that passion may subside, and reason and loyalty return, before the overt act shall be committed. I fervently hope that the occasion may never arise which shall render it necessary to test the power of the government and the firmness of the executive in this respect; but if, unfortunately, that contingency shall happen,

if treason against the United States shall be consummated, far be it from my purpose to express the wish that the penalty of the law may not fall upon the traitor's head!

My colleague also arraigns the President because he has issued a proclamation against the insurgents in Kansas, on what he considers insufficient evidence, and because he did not take effectual steps to prevent illegal voting by non-residents of the Territory, at the general election on the 30th of March, 1855. His words are:

"Senators have justified and commended the entire action of the executive in reference to Kansas affairs; but, for my part, I can see no justification in the documents before us for *such* a proclamation and *such* orders as have been issued. When an invading army marched into Kansas, and controlled its elections by driving its inhabitants from the polls, we were told the President had no such official knowledge of the fact as would justify his interference to protect the ballot-box. How is it that he could neither see nor hear of those invasions, in utter disregard of an act of Congress, and yet is so ready, without any official information, to take notice of an opposition to the enactments of a spurious territorial legislature? The fact that Governor Reeder did not officially notify him of the Missouri invasion is no excuse. It is the duty of the President to see that the laws of the United States be faithfully executed; and if Reeder neglected his duty he should have removed him. It cannot be that the President was uninformed of the manner in which the elections in Kansas were carried; the facts were proclaimed throughout the land, and known to everybody."

Why can it not "be that the President was *uninformed* of the manner in which the elections in Kansas were carried?" The minority report says that Governor Reeder was "uninformed in relation thereto" on the 5th of April, when he examined the returns and issued the certificates of election! Governor Reeder was in Kansas at the time—in the very centre of the scenes of the alleged invasion—charged with the imperative duty of seeing the laws faithfully executed. The election was held under his proclamation, in pursuance of such rules and regulations as he had prescribed. The judges who conducted the elections were all appointed by him; the returns were made to him; he invited contests to be decided by himself in all cases of unfairness or irregularity; he received protests, heard allegations, examined into the facts, and granted or withheld the certificates according as he found that the elections were fair or unfair, legal or illegal. In view of all these facts, the minority report exculpates and justifies the governor upon the ground that he was "uninformed" in relation to the conquest of Kansas, while my colleague says that "it cannot be that the President," who was two thousand miles from the field of operations, was "uninformed" in relation to the same facts! How was the President to know "the manner in which the elections in Kansas were carried" unless he could rely upon the fidelity of the governor to whom the law of Congress had confided the trust of superintending the elections, and collecting the facts, and making known the result? But my colleague will not excuse the President for being "uninformed" of facts which, if true, the governor ought to have known, but failed to communicate, while the minority report, which my colleague pronounces a "masterly" paper, finds ample justification for the governor in the assumption that he was "uninformed in relation thereto," although present at the time, and required by law to know the facts, and clothed with the power and means of ascertaining them. But my colleague will not excuse the President for the reason that it is his duty "to see that the laws of the United States be faithfully executed." My colleague forgets, if he ever knew the fact, that by the act of Congress erecting the Territory the governor was charged with the duty and responsibility of conducting and managing the first election, and that, consequently, his proclamation prescribing the rules and regulations under which this particular election was held became the law for this purpose, which he, as governor of the Territory, instead of the President of the United States, was bound to see faithfully executed. Although these facts are set forth in the "masterly" report of the minority which he so heartily endorses, my colleague still insists that the governor's neglect of duty furnishes "no excuse" for the President. We have been repeatedly told during this debate that the conquerors of Kansas invaded the Territory on one day and

returned to their homes in Missouri on the next day with flags flying and drums beating! The unpardonable sin which the President committed consists in the fact that he did not know that "Kansas had been conquered" before the event happened, in order "to justifiy his interference to protect the ballot-box!" According to my colleague and this "masterly" report, the President should not be forgiven, because he "could neither see nor hear of these invasions" until after the mischief was done and the invaders had made their escape, while Gov. Reeder, who, by proclamation, made the law under which the election was held, and was bound to see it faithfully executed, was perfectly excusable in remaining "uninformed" in relation to the conquest for nearly five months after the event.

I will not follow my colleague further in his assaults upon the President of the United States. It must be apparent that nothing I can say can reconcile him to anything the President has done.

Time will show whether the President will be able to survive the assault. I am not in the habit of speaking in the language of eulogy. It is not my purpose to do so on this occasion. But I feel that it is due to the subject, and to the occasion, to express my conviction that the President is entitled to the thanks of the whole country, and will receive the grateful acknowledgments of every true democrat in the Union, for the promptness, firmness, and fidelity with which he has performed his duty upon all the issues growing out of this Kansas-Nebraska question.

In conclusion, Mr. President, I feel it my duty to apologize to the Senate for the desultory manner in which I have performed my public part in this discussion. My excuse is to be found in the state of my health. I have endeavored to present the points at issue between the majority and minority reports fairly and distinctly. They make up a direct issue on certain great principles which the country must decide.

When the subject shall have been thoroughly discussed and fully understood, I shall have no fear of the verdict the people will render on the points stated.