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Kansas contested election.  
Speech of Samuel L. Galloway.  
of Ohio.



Class 685

Book 917





## SPEECH OF HON S. GALLOWAY,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES.

MARCH 17, 1856,

*On the Resolution reported by the Committee of Elections in the Contested Election Case from the Territory of Kansas.*

Mr. GALLOWAY said:

Mr. SPEAKER: I do not know that I shall be able to throw any additional light upon the questions which have for some time past been so fully and ably discussed. I rise rather in obedience to the urgent solicitations of many of the constituency which I represent, than in accordance with the dictates of my own judgment. And, sir, if I do not succeed in a clear expression of my views, I shall at least have the apology for not *speaking well* that the schoolboy had for not *spelling well* in the new school-house—"that I have not got the hang of the House." [Laughter.]

I desire to be impartial in the consideration of this question; and if I shall appear to those who differ from me more as a partisan than a patriot, I only ask from such the same respectful consideration which I shall always be ready to reciprocate. I am unconscious of any feeling of partiality or of prejudice influencing my judgment in regard to the gentlemen claiming the position of Delegate from Kansas on this floor; the demeanor of each, to my observation, has been correct and commendable.

Mr. Speaker, the country loudly demands a thorough investigation of this subject. With the gentleman from Indiana, [Mr. DUNN,] I am surprised that those who differ from us are unwilling to have a full investigation, and that they endeavor to preclude inquiry by interposing special, dilatory, and evasive pleas. Every lawyer who has a meritorious case is usually anxious for a full and fair trial; when, however, he is apprehensive that justice may be too speedily and certainly administered for the comfort of his client, he then earnestly endeavors, by special pleas and demurrers, to postpone

the day of doom. He who is confident that he has espoused the cause of the injured and the innocent courts investigation, and is impatient for a verdict of acquittal; whilst he who suspects the guilt of the culprit seeks relief for the necessities of his friend in peril in the flaws of an indictment, or in some stratagem which ingenuity may devise.

The past misfortunes and the present perils of the people of Kansas have produced throughout our country an unusual and profound excitement—not a mere ripple on the surface, but a groundswell of the national heart. This intense feeling, gradually increasing in power, can only be healthfully allayed by energetic remedial action by this House, and by every other branch of the Government whose power can be applied to the wrongs and grievances of the people of the Territory. I trust, then, that what the country demands, what justice requires, may be granted—that we may have a full investigation of the whole matter. I do not care where the sword of avenging justice falls, so that it strikes the guilty. If the rights of the people have been trampled on, I wish to know who they are who have perpetrated the outrage; I do not care whether it will be found that they are from Massachusetts or from Mississippi, from the North or from the South; my wish is that the rascalities of the malefactors may be exposed fully to the public gaze, and that they may suffer adequate and exemplary punishment.

Mr. Speaker, it appears to me that the constitutional rule, that "each House shall be the judge of the elections, returns, and qualifications of its own members," clothes us with plenary power. I think the discussion has

manifested that *that* power has been heretofore fully exerted. What is the object of this rule? Is it not to ascertain the genuine and legal expression of popular sentiment? What are these "returns and qualifications" but instruments of evidence by and through which the will of the people is conveyed to us? If these testimonials have been perverted from their appropriate use, it is the duty of this House, with scrutinizing eye, to follow up the channels until they arrive at the source, and see whether or not the fountain has been poisoned, and corrupt streams have thence issued.

I will not advert to the authorities which have been so abundantly presented. They have already been fully and ably descanted on by other gentlemen. The paramount consideration, upon which the majority base their report and resolution to send for persons and papers, is the *invalidity of the law* under which the sitting member [Mr. Whitfield] was elected; that law having been passed by a tumultuous assembly, acquiring position by acts of force and fraud—in palpable violation of right—in opposition to the spirit and letter of the organic act of the Territory—an assembly destitute of every element of a proper legislative body.

To these allegations it is replied, in the first place, that Mr. Reeder is *estopped* by having, in his official capacity as Governor, passed on the returns and qualifications of the members of this Legislative Assembly. To this I reply, that if wrong has been done—if wicked men have banded together for the purpose of prostituting the suffrages of the people of Kansas, and of violating the organic act of the Territory—if Governor Reeder has leagued himself with these outlaws, and winked at their enormities, then is it not both right and expedient that we should use one of the conspirators, who, unlike his confederates, has been smitten with a sense of the wrong, as *State's evidence*, for the purpose of subjecting to the power and penalties of the law the skulking perpetrators of wrong? An argument thus founded upon the assumed degradation of Governor Reeder would strongly tend to corroborate the charges preferred against the *pretended* Legislature of Kansas.

But, again: If Mr. Reeder's present position and conduct are in disreputable contrast with his acts as Governor of Kansas, and exhibit him (according to the assertions of our opponents) to be faithless and false, then his *depravity* becomes a strong reason for the inquiry proposed by the committee. When Mr. Reeder was appointed Governor, he was alike eminent for his private virtues and professional attainments. He was indorsed by the recommendation of the Executive of the nation, and sent to the people of the Territory as a man eminently capable to discharge the high and responsible duties attaching to the Governorship. If the maxim of law, *nemo repente turpissimus*—(no man suddenly becomes very base,) is

contradicted by his sudden and strange apostasy—if Mr. Reeder has become so prostituted by his brief association with the men of Kansas, then it is high time that some corrective should be devised. When offensive corruption exists in matter, a disinfectant—as chloride of lime—is used. Why not apply an appropriate remedy in a case of moral defilement? If the Territory is so morally debased, (as the argument against Governor Reeder indicates,) it is our duty to purify that infant colony, and to see that it shall grow up in all those elements of moral grandeur which will qualify it to become a worthy member of this Confederacy.

The apparent inconsistency of Governor Reeder, in impeaching the integrity of a Legislature, to a majority of whose members he had granted certificates of election, may be rationally explained. He probably only saw the voters at a single election poll, and could not know what transpired elsewhere, except by testimony furnished by contestants. There is no evidence that he shrunk from the discharge of duty in any case in which allegations and proofs of illegality were produced. It is not strange that frauds should have been perpetrated, and yet the injured fail to communicate their wrongs to the Executive. The same power which struck with terror the hearts of voters would affright them from exposing the wrongdoers. The same wicked ingenuity which would perpetrate frauds at the ballot-box, could use the arts of deception and falsehood in the chamber of the Executive. Admit the inconsistencies and errors charged upon Reeder, and yet it cannot be pretended that a *plea of estoppel*, which would conclude him, could bar the claim of people who are not even charged with any complicity in his errors. How conveniently hereafter can this novel application of the common-law dogma of *estoppel* (hitherto exclusively confined to judicial proceedings) be used to check the obliquities of legislation and legislators!

If Governor Reeder is now to be *estopped* from utterances and deeds conflicting with declarations and official acts of the year 1855, then we demand that the rule shall be applied to all who have sinned, or may sin, after the similitude of his transgression. When and where, in the history of the country, was there an act consecrated more by the high solemnities of law? When and where was a compact more solemnly consummated, than that made by our fathers of 1820? And yet, thirty-four years afterwards, in the year of grace, 1854, "privies in blood, and privies in estate" of one of the parties in that grave transaction, after having secured all the advantages "nominated in the bond" for their ancestors and themselves, annulled that sacred compact, and thus wrested from us the "privies in blood and privies in estate" of the other party, all the benefits of a contract, for the full and faithful performance of which, your ancestors pledged to our ancestors their faith and honor. Mr. Speaker, if

ever there was an occasion when the doctrine of *estoppel* might have been pleaded with pertinency and power against any man, or any set of men, violating the sacred provisions of a contract, *that was the hour*. And if Governor Reeder is to be *estopped*, I take it the doctrine of *estoppel* will place the appropriate stamp upon that tragic act—the “mother of this progeny of ills.” In the *parodied* language of the poet,

—You plucked, you ate;

The North felt the wound, and the Union, from her seat,  
Sighing through all her parts, gave signs of woe.

Without any pretensions to the spirit of prophecy, I yet predict that the day will come when many, bitterly recollecting the time of the passage of the Kansas act, will utter the language of Macbeth in the tragedy—

“Let that pernicious hour  
Stand aye accursed in the calendar!”

Many gentlemen, hot with indignation at the alleged errors and perfidy of Reeder, have hurled at him the heaviest bolts of their wrath; and the distinguished gentleman from Georgia, [Mr. STEPHENS,] not now present, enrolled him, by the vivid comparison which he drew, in the same catalogue with Aaron Burr. Yes, this man Reeder, dishonored by a *speculation in town lots*, and by a breach of the proprieties of his high executive office, was removed, and the vacant seat of magistracy was filled by a gentleman from Ohio, who imparted special glory to his name and memory by aiding in that *magnificent speculation* of 1854, by which the Territories of Kansas and Nebraska were taken, not from the *Indians*, but from Freedom and Northern freemen. What an admirable illustration of the ancient doctrine, “casting out devils by Beelzebub, the prince of devils.” [Laughter.] If Governor Reeder has been guilty of treachery, I ask by what epithet shall the conduct of his successor be characterized? I have no personal antipathy to the present Executive of Kansas, and I assail not his private character, but *that act* of infidelity to a betrayed constituency. Yes, sir, for that act Governor Shannon was buried deep beneath the denunciations and reproaches of an outraged people; and in that grave of oblivion would he have lain undisturbed, but for the resurrection voice of the Executive of this Confederacy.

The President, having repudiated Reeder for his *land speculations*, looked around for some man to fill his place; and after angling unsuccessfully elsewhere, he threw his line and bait into a stream in Ohio, and thence drew up Governor Shannon, breathed into him the breath of life, made him a *living thing*, and sent him into Kansas, to govern the people of that infant Territory. I have not now any unkind words for the gentlemen of the South; but I must speak boldly of the recreant men of the North. The President of the United States may clothe men who have been false to Freedom with the honors of office, but these cannot hide from

vision inglorious acts. Of such it may be said, as was recorded by a prophet of one who in ancient time was faithless to his trust—

“They shall not lament for him, saying, ‘Ah, brother!’ they shall not lament for him, saying, ‘Ah, lord!’ or ‘Ah, his glory!’ he shall be buried with the burial of an ass, drawn and cast forth beyond the gates of Jerusalem.”

The metaphorical language of that declaration does not too strongly express the degradation which insulted freemen affix to perfidy. Indeed, in these latter days of degeneracy there are some who have not even exhibited the reverent spirit of that well-bred animal that Balaam rode. That ass would not pass the angel of the Lord that stood before him, but “ran this way and that way,” and would not go forward; and when Baalam smote him again and again, he turned up his eye and said: “Am not I thine ass, upon which thou hast ridden ever since I was thine unto this day?” The subservient Northern minions of Slavery at first hesitated, when the *angel of Freedom stood in the way*; but, spurred and whipped by their imperious riders, they obediently and patiently moved forward, without even uttering the whining cry, “Are not we thine asses?” [Laughter.]

I proceed to a consideration of the *gravamen* of this controversy—to the allegations contained in the majority report of the committee—that the election of March 30, 1855, was effected by invasion; that force and intimidation were practiced; that the grossest frauds were perpetrated; and that, in consequence of those illegalities, the persons then and thus elected could not constitute a legal and valid Assembly, and that all acts passed by such an Assembly are utterly void. I have no words of justification or apology for any one who participated in those wrongful acts, but am anxious, as all ought to be, that all who were sharers in the fraud, come from whatever section of the Confederacy they may, should be sharers in the condemnation.

But, Mr. Speaker, I propose to exhibit some evidence in confirmation of the representations which have been made by the majority of the committee, and tending to exhibit the necessity of an investigation. I will read to you the declarations of the St. Louis *Intelligencer* as to the alleged invasion of the Kansas polls:

“Aitchison and Stringfellow, with their Missouri followers, overwhelmed the settlers in Kansas, browbeat and bullied them, and took the Government from their hands. Missouri votes elected the present body of men, who insult public intelligence and popular rights, by styling themselves ‘the Legislature of Kansas.’ This body of men are helping themselves to fat speculations, by locating ‘the seat of Government,’ and getting town lots for their votes. They are passing laws disfranchising all the citizens of Kansas who do not believe Negro Slavery to be a Christian institution, and a National blessing. They are proposing to punish with imprisonment the utterance of views inconsistent with their own. And they are trying to perpetrate their preposterous and infernal tyranny by appointing for a term of years creatures of their own, as commissioners in every county, to lay and collect taxes, and see that the laws they are passing are faithfully executed. Has this age anything to compare with these acts in audacity?”

I quote, also, an article from the *Smatter Sovereign* of April 1, 1855:

"INDEPENDENCE, March 31, 1855.

"Several hundred emigrants from Kansas have just entered our city. They were preceded by the Westport and Independence brass bands. They came in at the west side of the public square, and proceeded entirely around it—the bands cheering us with fine music, and the emigrants with good news. Immediately following the bands were about two hundred horsemen, in regular order; following these, were one hundred fifty wagons, carriages, &c. They gave repeated cheers for Kansas and Missouri. They report that not an Anti-Slavery man will be in the Legislature of Kansas. We have made a clean sweep."

This was written one day, and published two days after the election, at which were chosen the members of the pretended Legislature of Kansas. This needs no explanation; it is eminently significant of the character of the election of March 30. Hear a portion of an editorial article of the same paper, published August 28, 1855:

"Kansas, deprived of the aid hitherto received from her Southern allies, would prove an easy prey to these rapacious thieves of the North. If, however, the North flatter themselves that this can be done, we most humbly beg leave to undeceive them. We can tell the impertinent scoundrels of the *Tribune*, that they may exhaust an ocean of ink, their Emigrant Aid Societies spend their millions and billions, their Representatives in Congress spout their heretical theories till doomsday, and his Excellency Franklin Pierce appoint Abolitionist after Free-Soiler as our Governor—yet we will continue to tar and feather, drown, lynch, and hang, every white-livered Abolitionist who dares to pollute our soil."

The remark—"we will continue"—indicates that the interesting process of overawing freemen by the patriotic instrumentalities indicated had been auspiciously begun!

I read, also, an extract from a speech purporting to have been spoken by Mr. Atchison to his friends in Platte county, on the 4th of February. After describing the progress of operations with which he was connected, he says:

"Well, what next? Why, an election for members of the Legislature to organize the Territory must be held. What did I advise you to do then? Why, meet them on their own ground, and beat them at their own game again; and, cold and inclement as the weather was, I went over with a company of men. My object in going over was not to vote; I had no right to vote, unless I had disfranchised myself in Missouri. I was not within two miles of a voting place. My object in going was not to vote, but to settle a difficulty between two of our candidates; and the Abolitionists of the North said, and published it abroad, that Atchison was there with bowie-knife and revolver—and by God 'twas true. I never did go into that Territory—I never intend to go into that Territory, without being prepared for all such kind of cattle. Well, we beat them; and Governor Reeder gave certificates to a majority of all the members of both Houses; and then, after they were organized, as everybody will admit, they were the only competent persons to say who were and who were not members of the same."

Mr. KEITT. Where did you get that from?

Mr. GALLOWAY. It comes from the *New York Times*, giving the full speech of General Atchison.

Mr. KEITT. And I wish to say, in this connection, that that report has been contradicted.

Mr. GALLOWAY. I did not know of any authorized contradiction. My knowledge may not be so full as yours, and I do not vouch for its authenticity. The *Missouri Democrat* of March 12, 1856, furnishes evidence a little more recent and conclusive on the subject, taken from the *Weston Reporter*:

"PRO-SLAVERY AID SOCIETY OF PLATTE.—We feel happy in being able to announce to our readers that the age of folly has passed, and that the day of good hard practical sense is inaugurated in Weston and Platte county.

"The Self-Defensive Society has died the death of the ridiculous, and gone to the 'tomb of the Capulets,' unwept, unhonored, and unsung. Peace be to its ashes!

"At a public meeting held in this place on Saturday, 10th instant, a Pro-Slavery Emigrant Aid Society was inaugurated, and a committee appointed to obtain subscribers to the stock of the society.

"General B. M. Hughes, of Buchanan, made a very sensible speech to the meeting, by request. He took the position that Free-Soilers and Abolitionists had a legal right to vote in Kansas, and that the South must beat them at the polls by numbers.

"We note this as an evidence that light begins to shine in dark quarters. Such a declaration three months ago would have been rank Abolitionism in the eyes of the *Argus*.

"He said that the policy heretofore pursued, of going over to Kansas to vote, worked badly, and must be given up. He would never cross over to vote again. He denied that the Emigrant Aid men from Boston, who were seen in Kansas with cotton umbrellas and carpet-sacks, with their hats chalked from and to Boston, were *bona fide* settlers. They were under contract to vote twice, and they complied with the contract, and left for home.

"We are encouraged the more in this hope, from a remark which fell from General Stringfellow, which was, that he did not intend to be quite so prominent hereafter as he had been heretofore.

"We have always contended that the wild and blind policy heretofore pursued was doing more harm than good; and we rejoice with the true friends of the cause, that the day of blindness and folly has passed away, and that reason and good sense rules the hour."

Sir, do not these statements and declarations strongly tend to corroborate the allegations of the committee; and do they not justify immediate and diligent inquiry? But we do not depend exclusively upon this species of evidence. Is not the fact notorious, that in April, 1855, the editor of the *Luminary*, published at Parkville, Missouri, had his press broken and thrown into the river, and was himself driven away by a public meeting—and for what? Not that he was an Abolitionist; but because he advocated an honest fulfilment of the provisions of the Kansas-Nebraska act, and used the power of his press to prevent his friends in Missouri from disturbing the peace and rights of the actual settlers in Kansas. Does not every man who is familiar with the character of the individuals who have gone to Kansas, from various States of this Confederacy, know that the representation is uniform and universal; that on the 30th March, 1855, there was an invasion of the polls; that the ballot-boxes were taken by force; and that in some districts the number of voters was two and three-fold larger than the number enrolled by the census one month previous? With this evidence and notoriety of what transpired at the election in March, we draw the conclusion that the Legislature, elected and organized under such circumstances of force and fraud, was debauched and utterly void; that it was infected with the leprosy of fraud; that no subsequent act could eradicate its original and inherent depravity; that its enactments were but the polluted streams of a corrupt fountain; and that, by consequence, the law under which Mr. Whitfield pretends to have been elected was utterly void.



Mr. SMITH, of Virginia. Will the gentleman allow me to ask a question here?

Mr. GALLOWAY. Certainly.

Mr. SMITH. It is just this—and I really desire to be informed—do you know the number of inhabitants returned by the census report?

Mr. GALLOWAY. I would be happy to accommodate you, and will furnish you the document containing the census enumeration.

Mr. Speaker, I present and maintain, as a prominent point, to which I invite the attention of the House, that this Kansas Legislature has, by its legislation, utterly violated the *great fundamental principle* of the organic act of the Territory; and hence that all its enactments contravening the constitutional law of the Territory are void. The distinguished Senator, [Mr. DOUGLAS,] who ought to know the spirit and letter of the Kansas-Nebraska act, has, in a recent report, thus characterized that measure:

"The leading idea and fundamental principle of the Kansas-Nebraska act, as expressed in the law itself, was to leave the actual settlers and bona fide inhabitants of each Territory perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

These are the words expressing this "*leading idea*," and which may be found in the fifteenth section of the act:

"It being the true intent and meaning of this act, not to legislate Slavery into any Territory, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way."

Now, sir, I respectfully ask that gentleman, and all in this House who concur with him in sentiment, whether that "*fundamental principle*" is not totally subverted by these enactments?—

"If any person print, write, introduce into, or publish, or circulate, or cause to be brought into, printed, written, published, or circulated, or shall knowingly aid or assist in bringing into, printing, publishing, or circulating, within this Territory, any book, paper, pamphlet, magazine, handbill, or circular, containing any statements, arguments, opinion, sentiment, doctrine, advice, or innuendo, calculated to produce a disorderly, dangerous, or rebellious disaffection among the slaves of this Territory, or to induce such slaves to escape from the service of their masters, or to resist their authority, shall be guilty of a felony, and be punished by imprisonment, at hard labor, for a term not less than five years."

"If any free person, by speaking or writing, assert or maintain that persons have not the right to hold slaves in this Territory, or shall introduce into this Territory, print, publish, write, circulate, or cause to be introduced into this Territory, written, printed, published, or circulated, in this Territory, any book, paper, magazine, pamphlet, or circular, containing any denial of the right of persons to hold slaves in this Territory, such person shall be deemed guilty of felony, and punished by imprisonment at hard labor for a term not less than two years."

"No person who is conscientiously opposed to holding slaves, or who does not admit the right to hold slaves in this Territory, shall sit as a juror on the trial of any prosecution for any violation of any of the sections of this act."

These are but a portion of the infamous laws conferring *freedom* upon the people to regulate domestic institutions.

All will admit that matrimony is a domestic institution which the people ought to be free to regulate in "*their own way*." But suppose that

interesting Territorial Assembly had enacted, that if any person write, print, or circulate any document containing any statement, sentiment, or innuendo, calculated to produce a *dangerous or disorderly disaffection* among the *wives* of that Territory, or should circulate any book, paper, or circular, containing a *denial of the right of persons to hold wives* in that Territory, and that, for the former offence, he should be imprisoned not less than five, and for the latter not less than two years—would not the unanimous judgment be, that such law-makers ought to be inmates of a lunatic asylum, instead of members of a Legislative Assembly? The people of that Territory could not build prisons large enough to hold all the felons who would make "*statements and innuendoes*," causing disorderly, dangerous, and rebellious disaffections among the *wives*, and who denied the right of persons to marry; and it would not be many years until it would be more respectable to be inside than outside of a prison. Unless Slavery is a *dearer* domestic institution than marriage, I cannot conceive why slaves should be protected with more tenderness and care than wives. Is the liberty of speech and of the press to be thus caricatured by civilized legislators?

Mr. Speaker, how are they "*perfectly free*?" If you, or I, to-day, in any company in Kansas, were to express the very common, and, as we think, very reasonable sentiments, that free labor was more profitable and vastly more pleasant than slave labor, and that the people would be richer, happier, and holier, with the benefits of Freedom than with the *blessings* of Slavery, we would be liable to arrest; and although *perfectly free*, we might in a short time have the glorious experience of the *perfection* of our freedom within the walls of a prison—a place not usually regarded as affording the largest liberty.

Suppose some meek minister of Christianity, not fully having the fear of the law in his heart, should, whilst declaring the whole counsel of God, in a moment of unusual spiritual excitement utter such scriptural sentiments as these— "Is not this the fast that I have chosen, to loose the bands of wickedness, to undo the heavy burdens, and to let the oppressed go free, and that ye break every yoke?" "Whatsoever ye would that men should do to you, do ye even so to them." Might not some "popular sovereignty" Democrat, innocently suspecting that such words contained "innuendoes," at least calculated to excite "*disorderly and dangerous disaffections*," arrest him, and start him in the straight and narrow way to a place where he would not be so *perfectly free* to preach the *free* Gospel of "peace on earth and good will to men," if not *in his own way*, at least in the way prescribed by the pious legislators in Kansas?

Suppose, on the 4th of July, some patriotic and fervent patriot should read from the Dec-

laration of Independence, "We hold these truths to be self-evident, that all men are created free and equal; that they are endowed with certain inalienable rights, among which are life, liberty, and the pursuit of happiness;" might not some descendant of those sires of the Revolution, who first uttered those sentiments, which then and since have been known and felt to produce *disorderly and dangerous disaffections*, arrest the imprudent orator, and put him in a place where he would be free to meditate on the blessings of liberty?

"*Perfectly free?*" So were those victims whom the fabled robber Procrustes placed upon his iron bed. They enjoyed a *free* use of their legs; but, if they were not adapted to the principles of his legislation, he stretched them if they were too short, and lopped them off if they were too long, to suit the length of his law in regard to *free* legs. Tantalus, also, in his fabled hell, was *perfectly free* to eat and drink. To be sure, when he undertook to exercise his liberty of drinking, the water retreated from his lips, but yet he was *free* to use what he could not get. He was *perfectly free* to eat of the rich clusters of grapes that hung above him, but, when he attempted to seize them, the wind blew them from his grasp. So with the *water* of political salvation, and rich clusters of the *grapes* of Freedom, around and over the People of Kansas. As soon as the thirsty and hungry for Freedom attempt to eat or drink, although *perfectly free* to do so, they are seized and imprisoned for exercising their appetites *in their own way*.

Mr. Speaker, it is not many years since the thunders of the people were directed against a President and Congress of the United States, for their usurpation and arbitrary stretch of power, in causing to be enacted the memorable "sedition law." Thomas Jefferson, the great apostle of Democracy, and his disciples, have ever denounced it as a despotic violation of the liberty of speech and of the press. Yet, sir, that law, in all its alleged enormities, was not comparable with this sedition law of the Kansas Assembly. Under that odious law of 1798, one might offer the truth in evidence in defence: under this infamous law of 1854, enacted and advocated by the same disciples of the same Democracy, this poor privilege is denied; and the "head and front of the offending" consists in uttering the great truths of Liberty.

Why, sir, if that matchless orator and matchless man, Henry Clay, were to-day alive, and were to stand up, (as he *only* could stand) on the Territory of Kansas, and utter this sentiment, which a few years since he uttered in the Senate Hall—

"I repeat that I never can, and never will, vote—and no earthly power will make me vote—to spread Slavery over territory where it does not exist"—

—for such a sentiment, that Prince among the people would be made a prisoner among debased felons. Were the eccentric and eloquent

Randolph of Roanoke alive, and were he to utter, in the free Territory of Kansas, these thoughts, once proclaimed on this floor—

"Sir, I know there are gentlemen, not only from the Northern but from the Southern States, who think that this unhappy question—for such it is—of negro Slavery, which the Constitution has vainly attempted to blink by not using the term, should never be brought into public notice, more especially into that of Congress, and most especially here. Sir, with every due respect for the gentlemen who think so, I differ from them *to celo*. Sir, it is a thing which cannot be hid. It is not a dry rot, that you can cover with the carpet until the house tumbles about your ears. You might as well try to hide a volcano in full operation—it cannot be hid—it is a cancer in your face, and must be treated *secundum artem*!"—

—how certain and severe would be his condemnation. Why, we *Black Republicans* could not begin to imitate and utter such thrilling thoughts and burning words, and so eminently calculated to *excite disorderly and dangerous disaffections*—certainly such fanaticism would send him to the felon's cell.

Hear the language used by Randolph of Albarmarle, the grandson of Thomas Jefferson, in Richmond, Virginia, in 1832:

"How can an honorable man, a patriot, and a lover of his country, bear to see this ancient Dominion, rendered illustrious by the noble devotion and patriotism of her sons in the cause of Liberty, converted into one grand menagerie where men are to be reared for market, like oxen in the shambles?"

There would have been no escape for him. The "old apostle of Democracy" must have indoctrinated him with some of his *fanatical* notions. His language sounds like that uttered by a Black Republican—only it is a little *blacker* than any of us use. [Laughter.]

Hear what other *fanatics* of "the Old Dominion" uttered on the same occasion. Mr. Rives, of Campbell, said:

"On the multiplied and desolating evils of Slavery he was not disposed to say much. The curse and deteriorating consequence were within the observation and experience of the members of the House and the people of Virginia, and it did seem to him that there could not be two opinions about it."

Mr. Powell said:

"I can scarcely persuade myself that there is a solitary gentleman in this House who will not readily admit that Slavery is an evil, and that its removal, if practicable, is a consummation most devoutly to be wished. I have not heard, nor do I expect to hear, a voice raised in this Hall to the contrary."

Mr. Preston said:

"Sir, Mr. Jefferson, whose hand drew the preamble to the bill of rights, has eloquently remarked that we had invoked for ourselves the benefit of a principle which we had denied to others. He saw and felt that slaves, as men, were embraced within this principle."

Mr. Summers, of Kanawha, said:

"But, sir, the evils of this system cannot be enumerated. It were unnecessary to attempt it. They glare upon us at every step. When the owner looks to his wasted estate, he knows and feels them."

Mr. Chandler, of Norfolk, said:

"It is admitted by all who have addressed this House, that Slavery is a curse, and an increasing one. That it has been destructive to the lives of our citizens, history, with unerring truth, will record. That its future increase will create commotion, cannot be doubted."

Mr. Thomas Marshall, of Fauquier, said:

"Wherefore, then, object to Slavery? Because it is ruinous to the whites, retards improvement, roots out an industrious population, banishes the yeomanry, deprives

the spinner, the weaver, the smith, the shoemaker, the carpenter, of employment and support," &c.

Mr. James McDowel, jr., of Rockbridge, said:

"Who, sir, that looks at this property as a legislator, and marks its effects upon our national advance, but weeps over it as the worst of patrimonies? Who that looks to this unhappy bondage of our unhappy people, in the midst of our society, and thinks of its incidents and its issues, but weeps over it as a curse upon him who inflicts as upon him who suffers?"

Suppose the Legislature of Virginia should have passed an act similar to that of Kansas? Is there a noble Virginian—and they cannot be other than noble, descended from such noble ancestors, who uttered such thrilling sentiments of truth—who would not have exerted the energies which God has given him for the purpose of ejecting such apostates from the faith of their fathers from the Old Dominion? Certainly there are none such among the living. Yet, if the sentiments expressed by these men were uttered in Kansas, they would send their unfortunate authors to the cells of criminals. Ah, Mr. Speaker, can it be that any man is so stultified as to presume, for one moment, that such vituperative legislation is in accordance with the fundamental principle, the "*leading idea*," of the Kansas-Nebraska act—that men are to be, not free only, but *perfectly free*, to regulate their domestic institutions in their own way?

I will not consume the time of the House with further quotations from the sayings of the distinguished dead and honored living. Everybody knows that the language I have read is such as was used by the noble men of our Republic in every section of our Confederacy twenty years ago; yet, in Kansas, this day, all those men, for the utterance of such sentiments, would be branded with infamy! And, can it be that the National Legislature will tolerate men who thus tarnish the fair fame of their fathers, and violate the spirit and letter of our charter of rights? Will the North submit to it? Never. With the poet, we can fervently say:

"Is this the land our fathers loved?

The freedom which they fought to win?

Is this the soil they trod upon?

Are these the graves they slumber in?

Are we the sons by whom are borne

The mantles which the dead have worn?

And shall we crouch above their graves

With craven soul and fettered lip,

Yoked in with marked and branded slaves,

And tremble at the master's whip?

No! by their enlarging souls, which burst

The bands and fetters round them set;

By the free pilgrim-spirit nursed

Within our utmost bosoms—yet

By all above, around, below,

Be ours the indignant answer—No!"

Never will this free American people, who have drawn their life-blood and the essence of their glorious institutions from the noblest men God ever made—never can they submit to such tyranny in this nineteenth century. Mr. Speaker, if this organic act of the Territory was violated by the Territorial Legislature—if that Assembly was debauched by invasion and fraud, perpetrated on the day of the election, or by subsequent illegal acts—what is the remedy? The remedy is obvious.

What has been the uniform practice of our Government in regard to the Territories? In every other Territorial act prior to the Kansas-Nebraska act, there was contained the provision that the laws of the Territory should be submitted to Congress, and if disapproved, be declared null and void. That asserted power embraced the remedy. If that salutary provision was unintentionally or designedly omitted in the Kansas act, does that omission diminish the power of Congress, or change the settled practice and law of the country? Will any one contend that Congress had no power of this kind until each Territorial organic law was enacted; and that the power was new-born with the birth of each act? No man can stultify himself by adopting such an absurdity. The remedial power yet remains where the framers of the Constitution placed it—it is in Congress—it exists, to a certain extent, in this House.

We cannot, by our separate action, reach the root of this wide-spreading tree of wrong and iniquity in Kansas; but we can lop off a branch of that same tree, protruding into this House in the person of General Whitfield. If we cannot strike the axe at the root of the tree, we can withhold the nutritive sap, without which its vigor will decline, and thus at least partially teach the wrong-doers in Kansas that the "way of the transgressor is hard," and that justice, although it may linger, will yet have free course, and be glorified in the triumph of LAW and ORDER.

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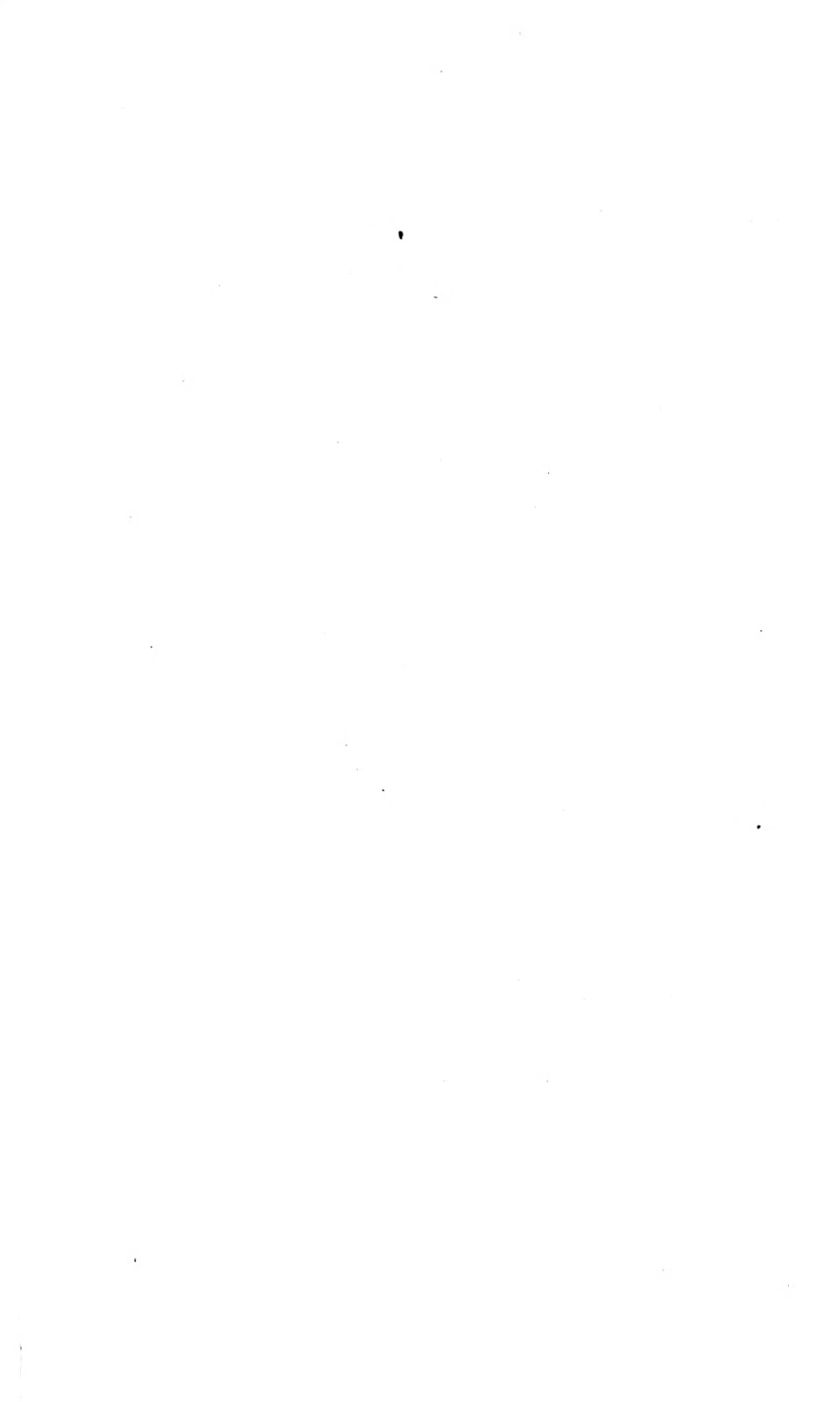
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