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Speech of Hon. Alexander H. Stephens of Georgia on the Bill to Admit Kansas as a State Under the Topeka Constitution

Alexander Stephens

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SPEECH

Slavery

OF

HON. ALEXANDER H. STEPHENS,

OF GEORGIA,

ON

THE BILL TO ADMIT KANSAS AS A STATE

UNDER THE TOPEKA CONSTITUTION.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, JUNE 28, 1856.

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1856.

ADMISSION OF KANSAS.

The House having under consideration the bill reported from the Committee on Territories, providing for the admission of Kansas into the Union as a State, with the constitution prepared at Topeka by the free-State party.

Mr. STEPHENS said: I propose, Mr. Speaker, before I proceed to what I have arisen mainly to say on this occasion, to ask the consent of the House to allow me now to offer the amendment which I stated yesterday I wished to propose to the bill now before us.

Mr. WASHBURN, of Maine. If the gentleman asks that consent now, I shall object to it, as I shall at all times.

Mr. STEPHENS. On the motion to commit the bill to the Committee of the Whole on the state of the Union, the amendment is not in order, unless by unanimous consent.

Mr. WASHBURN. I understand that to be a side measure, intended to destroy the bill, and I shall object to it now, and at all times.

Mr. STEPHENS. I state to the gentleman that I have no *side blows* for this bill, nor is my amendment intended as any *side measure*. I wish my proposition to come distinctly before the House as a substitute for the pending bill. I am opposed out and out to this bill as it now stands. I want no misunderstanding on that point. I will, however, vote for the substitute; and what I want is a direct vote between the bill now pending, and the substitute offered as an amendment. But as the gentleman from Maine will not allow me to offer my proposition as an amendment, I now move to amend the motion to commit this bill to the Committee of the Whole on the state of the Union, by adding to it, "With instructions to report this amendment in lieu of the original bill;" in other words, with instructions to strike out all in the original bill, and to insert my amendment in lieu thereof. That is the motion which I submit to the House, and upon it I shall proceed with what I have to say.

It is immaterial to me, Mr. Speaker, if I can get a vote in the House on the proposition submitted by me, whether it goes to the Committee of the Whole on the state of the Union, or not. I am myself prepared to vote on it to-day, either in the House or in the Committee of the Whole on the state of the Union. But I am inclined to think that it had better go to the committee. We can then take up this amendment, and consider it in detail. It may be some gentlemen would suggest modifications, which I would accept. We can then discuss the merits of the original bill. Its friends can amend that, if they wish. My amendment can be put in such form as a majority of the committee may desire, if a majority be favorable to its objects. I therefore shall vote for the reference. But the gentleman from Ohio [Mr. CAMPBELL] the other day said, that the motion to refer or commit, made by the gentleman from Indiana, [Mr. DUNN,] and which is now pending, was equivalent, if successful, to a defeat of the bill. The gentleman from Maine [Mr. WASHBURN] also followed in the same line. Now, I told these gentlemen, day before yesterday, and I state it again to the House, that I do not consider the motion to commit the bill to the Committee of the Whole on the state of the Union, if carried, as equivalent to a defeat of the measure at all. By no means, sir. What is the argument of those who say a reference of the bill is tantamount to its defeat? Nothing better than this, as argued by the gentleman from Maine, to wit: that all the friends of the Kansas bill, two years ago, when that bill was referred to the Committee of the Whole on the state of the Union, considered it as equivalent to its defeat. That is his argument, and the authority adduced by him to sustain it. Sir, it is immaterial to me what certain friends of the Kansas bill may have thought would be the effect of its reference, when it was referred. If they considered that reference as equivalent to its defeat, the sequel showed that they were in error. That is all. It was referred. It was considered two weeks in committee, and it was then passed.

Mr. WASHBURN. Will the gentleman allow me to say that that was simply because they broke down the rules of the House in two instances. If they had not they never could have got that bill out of committee.

Mr. STEPHENS. Will the gentleman state what two instances?

Mr. WASHBURN. In the first place, by deciding that under the 119th rule you might strike out the enacting clause of the bill. In the second place, by rising and reporting the bill to the House when there was no quorum voting, as every body knows.

Mr. RICHARDSON. The gentleman from Maine is totally mistaken when he says there was no quorum.

Mr. STEPHENS. I hope the gentleman from Illinois will let me proceed. The gentleman from Maine is mistaken in both his instances. The record shows that the tellers, Mr. CLINGMAN and Mr. SAPP, reported 103 in favor of the motion, and 22 against it. That is more than a quorum—one hundred and eighteen was a quorum—one hundred and twenty-five voted. Though a great many present refused to vote, more than a quorum, however, did vote on the motion to strike out. It does not require a quorum to vote on a motion to rise, as every one knows. And as far as the violation of the 119th rule is concerned, I have this to say to the gentleman—as I said the day before yesterday—that nothing can be clearer than that everything done in the committee on the passage of the Kansas bill under the 119th rule, was legitimate and proper; and that no rule of this House was violated or overrode on that occasion. This I intend to show beyond cavil or doubt. The charge that there was no quorum voting is answered by the record, as I have stated; then as to the two other charges—for besides the charge relating to the 119th rule now made, the gentleman from Maine, [Mr. WASHBURN,] or some other gentleman, said, two days ago, that there was another rule violated. What one I do not know—for no one was mentioned—but the statement was, that the committee had violated the rules of the House by setting aside other bills having priority in the order of business on the Calendar to the Kansas-Nebraska bill. That was one statement; and I think it was also said that upwards of a hundred bills were thus set aside to reach this one. Now, Mr. Speaker, I have the rules of the House before me, and ask the attention of the House to the 135th rule:

"In Committee of the Whole on the state of the Union the bills shall be taken up and disposed of in their order on the Calendar; but *when objection* is made to the consideration of a bill a *majority of the committee shall decide, without debate*, whether it shall be taken up and disposed of, or laid aside; provided, that general appropriation bills, and, in time of war, bills for raising men or money, and bills concerning a treaty of peace, shall be preferred to all other bills at *the discretion of the* committee; and when demanded by any member the question shall *first be put in regard to them.*"

Even in times of war, appropriation bills, and bills relating to treaties of peace, have no other preference, except that the question of taking them up first shall be first put. A majority may lay even them aside.

Sir, could a rule be written more plainly? Can language be more clear or more distinct than this—that when the House goes into the Committee of the Whole on the state of the Union, and when the first bill in order is read by the Clerk, and a gentleman objects to taking it up, it is then submitted to the committee whether it will be taken up or not; and a *majority of the committee have the expressly-granted power to determine, without debate*, whether they will then act on it, or lay it aside for other business; and so on to the second, and so to the third, and to the fourth, and to the one hundred and fiftieth, if you please? Was it not perfectly competent for a majority of the Committee of the Whole on the state of the Union, when the Kansas bill was in committee, to pass over other bills, and take up that bill when they wished to do so?

This they did. Each bill was laid aside as it was reached. They had a right to do it. They violated no rule in doing it. The number of bills laid aside to reach it was only eighteen, I think. But if the number had been legion—if there had been one hundred, or five hundred, or a thousand, it would have made no difference.

Sir, the rule in this case is as clear as it could be made; and the action of the committee on that occasion was strictly in order. This I maintain, and defy an answer or reply to it.

Now, then, sir, as to the 119th rule.

When the committee on that occasion had laid aside the first bill, and the second bill, and the third bill, and so on, until they had come to the Kansas bill, the eighteenth in order—which they had a right to do—they took it up for consideration; and after it had been discussed for two weeks in committee, which was as long as was thought proper by the House, the 119th rule was resorted to, to stop debate in committee and bring the subject before the House for a vote. That rule is as follows:

"A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, shall be equivalent to its rejection."

Under this rule, a motion was made by myself in committee to strike out the enacting words of the Kansas bill—a motion which *took precedence of all motions to amend*, as the rule says. The motion was properly put; and it was carried by a vote of one hundred and three for it, to but twenty-two against it, as I have said. Where, then, was there any violation of the rules in this? But the gentleman from Ohio, [Mr. CAMPBELL,] who says he wishes to reply to what I say, insisted the day before yesterday that this 119th rule never was intended to apply in committee.

The rule, in its language, was too clear, too overwhelming, too unanswerable; but to avoid its conclusiveness against him, he said *it was made to apply to the House, and not to the Committee of the Whole, &c.* Well, sir, let us see how this subterfuge will avail the gentleman. The history of this rule, as given in our Manual, is as follows:

"In 1814, a Committee of the Whole struck out the first and only section of a bill, and so reported to the House. Mr. Speaker Cheves refused to receive the report, on the ground that it was tantamount to a rejection of the bill, which the committee had not power to do." Just as the gentleman now says. "After this, that the merit of questions might be tested in Committee of the Whole, rule 119 was adopted."

This history clearly shows that it was expressly *adopted for the Committee of the Whole, &c.*

I have produced this additional authority to show that there was *no violation of the rule on the*

occasion alluded to—that the Committee of the Whole on the Kansas bill did just exactly what the rule intended that they might do, and fully empowered them to do. But gentlemen say, if this rule was *intended* to be applied to the Committee of the Whole, why has it never been put in practice before? That was the argument of the gentleman from Maine.

Well, Mr. Speaker, my reply to him is, that it has been put in practice before. It was adopted in 1822. Ten days after its adoption, on the 2d of March, 1822, first session of the Seventeeth Congress, I find the Journal of the House record thus:

"The House took up and proceeded to consider the bill for the relief of Benjamin Freeland and John M. Jenkins; and the amount reported thereto from the Committee of the Whole House, on the 14th instant, being read as follows: '*striking out the enacting clause of said bill*,'

"The question was put on concurring with the Committee of the Whole House in the said amendment,

"And passed in the affirmative."

Here the committee did the very same thing, ten days after the rule was adopted, that was done on the Kansas bill. What did the House do? Did they say that the Committee of the Whole had acted improperly? No, sir. The Journal says: "the question was taken upon concurring with the Committee of the Whole on said amendment, and it passed in the affirmative."

I find in the first session of the Eighteenth Congress, on the 22d of May, this record:

"The question was then taken to concur with the Committee of the Whole House on striking out the enacting words of the bill from the Senate, entitled 'An act relative to the Patent Office and to the salary of the superintendent thereof,'

"And passed in the affirmative."

Again, sir, in the first session of the Twenty-First Congress, I find on the Journal this record:

"The House resolved itself into a Committee of the Whole House on the bill (No. 127) for the relief of Walter Livingston, deceased, and after some time spent therein, the Speaker resumed the chair, and Mr. Storrs, of New York, reported the same, with the *enacting clause stricken out*."

"The question was then put, that the House do concur with the Committee of the Whole House in striking out the enacting words of said bill,

"And passed in the affirmative—yeas 84, nays 59."

I find in the same Congress, in the action of the House on the bill for the relief of John Robinson, that

"The question was then put to concur with the Committee of the Whole House in striking out *the enacting words of the bill* (No. 175) for the relief of John Robinson,

"And passed in the affirmative.

"So the land bill was rejected."

Sir, I shall not go on with this record. It is sufficient for me to state to those gentlemen who complain of my motion under this rule, that their not knowing that such a motion had ever been made before does not seem to me to be an argument of much merit or force. I show you, Mr. Speaker, the House, and the country, the rule. No man can question that. I show you, also, its history; and from that, that it was made for just such a purpose as the one I applied it to. No man now can gainsay that. I go further, and show you the *practice* of the House under it. No man can any longer question that. Then, sir, how can gentlemen rise up here, and say that the passage of the Kansas and Nebraska bill was accomplished by overriding the rules of the House? Gentlemen may have been surprised and astonished at the parliamentary tactics practiced under the rule; they may never have dreamed of how the friends of a measure, in committee, could vote to strike out the enacting words—thus apparently defeating it—and then, when it was so reported to the House, reverse their position, disagree to the report of the committee striking out the enacting words, and then pass it. They may not have understood the process by which a bill might be temporarily apparently killed by its friends in Committee of the Whole, for the purpose of getting it out, and then revived again in the House, by disagreeing to the report of the committee; but this is the whole of it. This is the ground of all this clamor about the violation of the rules of the House, in the passage of the Kansas bill—for it is nothing but clamor.

The charge of a violation of rules has not the semblance of a fact to rest upon. And let no man hereafter say that sending a bill to the Committee of the Whole is equivalent to its defeat. Our rules requiring this committee, and directing how business shall be disposed of in it, are wise and proper. And the rules, when properly administered, work harmoniously for the perfection and dispatch of legislation. It is only those who do not understand them who see confusion and mystery in them. Where, then, was the wrong or the fraud perpetrated on the rules in the passage of the Kansas bill? It exists only in the fancy of gentlemen who declaim so violently on the subject. I said, sir, I intended to vindicate the action both of the committee and the House on that occasion, and put the matter beyond all future cavil or doubt. This, I think, I have done. Now, sir, I intend also, with the same confidence, to vindicate the principles of that bill against the equally unfounded assaults which have been made upon them. What, sir, are those assaults?

The gentleman from Ohio [Mr. CAMPBELL] said the other day, and again says, that the passage of the Nebraska bill was the origin of all the troubles in the country. Sir, what troubles does he allude to? What troubles have we upon us? Standing in my place in the Hall of the Representatives of the United States, I ask to-day, what troubles is the country laboring under? Were any people of the world ever more prosperous than the people of the United States now are? We are at peace with all other nations; we hear of no complaint about Federal taxes or high tariffs; we hear of no disarrangement of the currency or of the finances of the country; we hear of no clamor against banks; our tables are not loaded down with petitions or remonstrances against grievances of any sort; thrift and plenty seem to be smiling over the land from one extent to the other. Our commerce was never more flourishing; agriculture never yielded a more bountiful supply from the bosom of the earth to the tillers of her soil than it now does, nor was the average value of products ever higher. Industry, in every department of business, whether upon the ocean or the land, never had more inducements to ply its energies, not only for competency

and comforts, but for the accumulation of riches and wealth. Never did labor, in all its branches, receive more readily than it now does fair and justly compensating wages. Our internal and foreign trade was never in a more flourishing condition. What are the troubles, then, of which the gentleman speaks? Why, sir, if one could cast his eye over this wide Republic at this time, and see the thrift and prosperity in every department of industry, arising from our benign institutions, he would almost be compelled to exclaim, that all the troubles of which we hear grow out of nothing but that exuberance of liberty and multitude of blessings which seem to be driving us on to licentiousness. This we see in the mobs at Cincinnati, Louisville, New Orleans, in this city, and in San Francisco. The laws have been set aside; force has been resorted to; arms have been used; and men have been slain. But the absorbing theme now is the "civil war," as it called, in Kansas. This is the announcement made in a neighboring city, the commercial metropolis of this Union, the other night, according to a report of their proceedings which I find in a newspaper, to a large crowd of people there assembled. I see it was proclaimed that civil war was raging in Kansas; and that that assembly gave shouts of applause at the announcement! These are the troubles I suppose of which the gentleman speaks—troubles produced not by this Kansas bill, but by the mischievous designs and reckless purposes of those who, in their efforts to defeat the quiet and peaceful operation of the sound purposes of that bill, have for some time been engaged in their unholy work of attempting to get up civil war in the country, and can now shout in applause at even the most distant prospect of success.

This, sir, is the work of that class of restless malcontents, who have for years been endeavoring to produce a sectional conflict in this country; who have no regard for the constitutional equality of the States of this Union; who repudiate the most sacred obligations of that compact which binds us together, and who have proclaimed that the Constitution itself is a league with death and a covenant with hell! How far they shall be permitted to go on with their work until checked by a sound reactive public sentiment—how far they shall get sympathy and cooperation from those whom they are now attempting to mislead—how far they may be successful in their long cherished wish for civil strife, I cannot say. That is a problem for the future to settle; that depends upon the virtue, intelligence, and integrity of the people. But that they ought not to succeed—that they ought not only to be discouraged, but rebuked and condemned in every part of this country, and by every man who has a spark of patriotism in his bosom, as well in the North as in the South, I this day maintain. But the gentleman from Ohio says all this comes from the Kansas bill. How? In what way?

What is there wrong in that Kansas measure? It has been said that it is a fraud. It has been said that it is the greatest of iniquities. It has been said that it is a crime against God. It has been said that it is a crime against nature. Well, sir, what is this fraud, this iniquity, this crime against nature and against God? It is the simple declaration of the principle that the people of the Territories of Kansas and Nebraska—the pioneer freemen there—our own brothers in flesh and blood—going there from every State of the Union, for the purpose of settling that distant frontier—there to build up new homes for themselves and their posterity—should have the right, without limitation or restriction from any quarter, save the Constitution of the United States, to form and mold just such institutions for their own government as they pleased—a right which lies at the foundation of all our State governments, and upon which the whole Republic, in its several parts, is built and established. This is the fraud, this is the iniquity, this is the great crime of crimes, the security to the people of the Territories of the right of self-government under the Constitution. The amount of the crime is, that freemen shall be permitted to make such constitutions, republican in form, for their own government, without dictation or control from any other power, as they please. Tell it wherever you go, that this was the monstrous outrage committed by an American Congress in 1850, the middle of the nineteenth century, on the Territories of Utah and New Mexico, and repeated by the same body in 1854, on the Territories of Nebraska and "bleeding Kansas!" This is the whole of it—nothing more and nothing less. These troubles we now hear of—these efforts to get up civil war—these shouts at the announcement that civil war has already commenced—are but part and parcel of that spirit which animated a portion, and only a portion, of the opposition to the Kansas bill, during the pendency of that measure in this House. That same spirit at the North that had so bitterly opposed the establishment of this great principle of territorial policy in 1850 could not bear the idea of its being carried out in the future.

I recollect very well, sir, that while the Kansas bill was progressing here, a newspaper in the city of New York, edited by a man of great ability, untiring energy and industry, and who is now the head and front—the animating spirit of the present opposition, and civil war champion's undertook to lecture this House as to our duty in regard to that bill. We were told then by him what an enormous wrong it would be; and when the measure was about to pass an editorial in that paper reached here, from which I wish to present some extracts, to show that it is the same spirit now at work:

"We urge, therefore, unbending determination on the part of the northern members hostile to this intolerable outrage, and demand of them, in behalf of peace—in behalf of freedom—in behalf of justice and humanity—resistance to the last. Better that confusion should ensue—better that discord should reign in the national councils—*better that Congress should break up in wild disorder—nay, better that the Capitol itself should blaze by the torch of the incendiary*, or fall and bury all its inmates beneath its crumbling ruins, than that this perfidy and wrong should be finally accomplished."

This is the language of the New York Tribune in reference to the Kansas bill a few days before it passed. Yes, sir, even then that editor declared that it was better that this Capitol should be burnt

by the torch of an incendiary—better that the Government should go into dissolution, than that the people colonizing and settling Kansas and Nebraska should be just as free as the people of New York, or, as he states it, than that this act of perfidy and wrong should be finally accomplished. What wrong did the act contain? Wrong to whom? to whom was there anything in it either wrong or unjust? Was it wrong to the people of the South, one large section of the Union, to permit them to enjoy an equal and fair participation of the public domain purchased by the common blood and common treasure of all? Was it wrong or unjust to permit the people of New York, Massachusetts, and other States of the North going into a new Territory, to be as free there as they were in their native homes? Was it wrong or unjust to allow all from all the States, who might be disposed to quit the old States, and seek to better their fortunes by cutting down the forests of the West, turning up its virgin soil, and making the wilderness to blossom as the rose, to enjoy the same rights which their fathers did in the early formation of all our present State constitutions and governments? Whom, I say, did the bill wrong? To whom did it deal any injustice? Was it the slave, the African, whom his southern master might take there? How could it be unjust even to him? Is not his condition as much bettered by new lands and virgin soils as that of his master? Is not expansion of that portion of southern population quite as necessary for their comfort and well-being as it is for the whites? Would you keep them hemmed in in their present limits, until subsistence shall fail, and starvation shall effect the objects of a misguided humanity?

Without stopping here to say a word upon the subject of southern society, and the relation which the negro there sustains to the white man, either as to the necessity of that relation, or its wisdom or propriety, does it work any wrong or injury to the slave to take him from old lands to new lands? Is not his condition bettered by the change? And have we not new lands enough for all? Your Topeka convention, which formed the pretended free-State constitution now before us, proposed to exclude the negro and mulatto forever from that country. Upon the score of humanity, then, even towards the "poor negro" about whom so much sympathy is attempted to be excited, I ask, which does him the greater wrong, the Kansas bill, or the project of your free-State constitution? Who, to him, is the Good Samaritan in this case? The Free-Soil Levite, who would leave him to starve without land to work? or his humane southern master, who is willing to provide both land and shelter, food and raiment? Where, then, is the wrong of this bill? It consists in nothing but permitting the freemen of our own race to settle this question of the *status* of the African amongst themselves, as they in their wisdom and patriotism may think best for the happiness of both races, just as the freemen of our own race did in each of the old thirteen States of the Union.

But, sir, the House did not heed this lecture of the editor. The bill passed this body; it passed the Senate; it received the constitutional approval of the Executive, and became the law of the land. The revolutionary spirit, however, which invoked the burning of the Capitol, did not stop with defeat in all three of the departments of legislation. Members of Congress with others, beaten in the House of Representatives, beaten in the Senate, failing in their threats and denunciations of the Executive, betook themselves forthwith to plotting schemes to defeat the will of the people as constitutionally expressed. Societies were formed, one of them by members of this House, immediately after the bill passed; money was raised; circulars were issued,—all with the avowed purpose of sending people to Kansas to prevent the peaceful and quiet operation of the wise and beneficent principles of the territorial law—movements having a direct tendency to kindle this civil war of which we now hear.

The Capitol fortunately was not burnt—that suggestion did not take. Disorder did not reign here—that suggestion did not take. But bodies of men were organized—not allowing the legitimate laws of nature, of climate, and of soil to determine the character of the pioneer population from all the States alike who might choose to make settlement there. Men were sent out in large companies, with arms and munitions of war; Sharpe's rifles were sent; artillery was sent. What for? Did these colonists go to Kansas as our forefathers sought homes at Plymouth, St. Mary's, Jamestown, and Savannah? Or did they not rather go as the train-bands of Cortes and Pizzaro went forth thirsting for the conquest of the Montezumas and the Incas? Was not their sole object to effect by force and violence what they had failed to do by legislation? What other meaning can be put upon the following manifesto which was published in the "Herald of Freedom," their organ at Lawrence, the head-quarters of these emigrants in the Territory:

"Come one, come all, slaveocrats and nullifiers; we have rifles enough, and bullets enough, to send you all to your (and Judas's) 'own place.' 'If you're coming, why don't you come along?'"

Was not this a direct invitation to arms? And whatever troubles or disturbances exist in Kansas, let them not be charged to the Kansas bill, but to those who have sworn in their wrath that that bill never shall work out its natural and legitimate results, if they can prevent it. As well might the wars about points of doctrine and religious creeds which have disgraced Christendom, be charged upon the heavenly principles of the gospel. Christ himself said that it was impossible but that offenses in this world of wickedness would come. When bad men are at work, they cannot be prevented. The principles of that bill are in no way responsible for any outrages or trampling upon rights by parties on the other side of the controversy, got up and provoked in that Territory by designing men outside, for mischievous purposes. And the friends of that bill—those who stand pledged to its principles—condemn outrages on either or both sides alike.

But a word, sir, as to the nature and extent of these difficulties. Are they not greatly exaggerated and magnified? Let us look at the facts. Some men, it is true, have been killed—some on

both sides. And what else could have been expected? What other result could have been looked for by those instigating the movements I have alluded to? The first man killed in the Territory was Davis. He fell by the hands of those calling themselves free-State men. Then Dow, a free-State man, was killed by Coleman; but the quarrel between them arose about a land claim. It was a private and personal matter. Coleman immediately gave himself up to the legal authorities, claiming to have acted in self-defense. Whether he did or not, I do not know, and will not pretend to say; but a friend of Dow, of the name of Branson, having made threats of avenging his death, was arrested under a peace warrant, and, while in the hands of an officer, was rescued by a party of free-State men. Warrants were taken out for these, and they took shelter in Lawrence, where they put themselves in defiance of the civil authorities. The posse was called out to aid in the arrest, and this led first to the seige of Lawrence, and then to the capitulation of December last. In this war, no lives were lost. Two or three other homicides had been committed in the Territory; but in all, from the organization of the Territory, up to the attempted assassination of Sheriff Jones, I think not exceeding half a dozen! In what part of the United States, sir, in the same length of time, with the same population they have in Kansas, have there been fewer murders or deaths by violence? How many were killed in the riots last year in Cincinnati? How many in Louisville, Kentucky?

I venture to say to-day, that with all this clamor about civil war in Kansas, more lives have not been lost there, since the organization of the Territory, than have been in several of the large city elections of the United States within the last twelve months. It is not my wish to make light of these things, but to take a calm and dispassionate view of them. A strong and general tendency to disregard law and order is one of the most lamentable evils of the day. It is not confined to Kansas, but it is seen and felt everywhere. And our object, and that of all good men, should be to check it rather than excite it.

Then, sir, as to the election in Kansas and the laws passed by their Legislature. One word upon this point. The first election was held there for a Delegate to Congress in November, 1854. That there were illegal votes on both sides I have no doubt; but I believe it is admitted by every one that, notwithstanding the efforts of the emigrant aid companies to prevent it, General Whitfield had much the larger number of the legal votes of the Territory, and was duly elected. In March afterwards greater efforts were made to carry the Legislature. The result was the commission or certificate of election by Governor Reeder himself to a large majority of both branches of that body. They were therefore legally constituted as a legislative body. There may have been illegal voting on both sides, as there is doubtless in all our elections. But upon the well-settled and fixed principles on which all our representative institutions rest, and without a maintenance of which there can be neither "law nor order," that is now a closed question. The laws, therefore, of that Legislature must be observed and obeyed until repealed or modified by legislative power, or set aside by the courts as void. And upon the character of these laws I wish to make but a passing remark. The gentleman from Indiana [Mr. COLFAX] pointed out quite a number of them the other day, which he said were very bad ones. Well, sir, I am not going to discuss their respective merits. Perhaps some of them are bad; it would be an extraordinary code if it were otherwise. I know the advocates of the present government in the Territory—the law-and-order party there—do not themselves approve of all of them. I will read what they say on the subject:

"The law for the protection of slave property has also been much misunderstood. The right to pass such a law is expressly stated by Governor Reeder in his inaugural message, in which he says: 'A Territorial Legislature may undoubtedly act upon the question to a limited and partial extent, and may temporarily prohibit, tolerate, or regulate slavery in the Territory, and in an absolute or modified form, with all the force and effect of any other legislative act, binding until repealed by the same power that enacted it.' There is nothing in the act itself, as has been charged, to prevent a free discussion of the subject of slavery. Its bearing on society, its morality or expediency, or whether it would be politic or impolitic to make this a slave State, can be discussed here as freely as in any State in this Union, without infringing any of the provisions of the law. To deny the right of a person to hold slaves under the law in this Territory is made penal; but, beyond this, there is no restriction to the discussion of the slavery question in any aspect in which it is capable of being considered. We do not wish to be understood as approving of all the laws passed by the Legislature; on the contrary, we would state that there are some that we do not approve of, and which are condemned by public opinion here, and which will no doubt be repealed or modified at the meeting of the next Legislature. But this is nothing more than what frequently occurs, both in the legislation of Congress and of the various State Legislatures. The remedy for such evils is to be found in public opinion, to which, sooner or later, in a Government like ours, all laws must conform."

Mr. COLFAX. What is the date of that?

Mr. STEPHENS. Last November. Now, sir, I have examined this whole code of laws, and as a whole, some few exceptions out, I say that no State in the Union has got better ones. There are some in it I do not approve—there are some in all the codes I have ever seen that I do not approve. I will not go to the gentleman's State, or to any other gentleman's State, to find laws that I do not approve. We have plenty of them in my own State. And the gentleman ought to feel highly blessed if he has none in Indiana that he disapproves. We have a great many in Georgia I do not approve. There is one in particular which I fought in the Legislature and opposed before the courts with all the power that I had. It was a law making it penal to bear concealed deadly weapons. I am individually opposed to bearing such weapons. I never bear weapons of any sort; but I believed that it was the constitutional right of every American citizen to bear arms if he chooses, and just such arms, and in just such way, as he chooses. I thought that it was the birthright of every Georgian to do it. I was defeated in our Legislature. I was defeated before our courts. The question went up to the highest judicial tribunal in our State, the Supreme Court, which sustained the law. In that decision all had to acquiesce. Sir, the people in all the States

have to obey the laws as pronounced and expounded by the courts. The difference between a republic and a monarchy is, that the one is a government of laws, subject to be changed by the people; the other is a government dependent upon the caprice or whim, and arbitrary will of one man. And when the people of a Republic array themselves against their laws, the first step is into anarchy, and then comes monarchy. The speech of the gentleman from Indiana is sufficiently answered by the address of his own party adopted at Pittsburg, though those who issued it seemed not to be conscious of the effect of the admission. That address, after specifying the same objectionable laws in the Kansas code which he has, says:

"That these despotic acts, even if they had been passed by a Legislature duly elected by the people of the Territory, would have been null and void, inasmuch as they are plainly in violation of the Federal Constitution, is too clear for argument. Congress itself is expressly forbidden by the Constitution of the United States to make any law abridging the freedom of speech and of the press; and it is absurd to suppose that a Territorial Legislature, deriving all its power from Congress, should not be subject to the same restrictions."

The latter is a very clear proposition, to my mind. Neither Congress nor a Territorial Legislature can pass any law abridging the freedom of speech or of the press. This is, indeed, too clear for argument. I indorse that part of the Pittsburg platform. But not a single disturbance in the Territory has grown out of either of these laws complained of as despotic. But if there had —if these laws be so clearly unconstitutional and so manifestly violative of the freedom of speech and of the press, why should not any party aggrieved refer the question to the judicial tribunals? If the case is so clear, why not go to the courts? There are Federal courts in the Territory; and an appeal can be taken to the same high tribunal that all of us in such matters have to appeal to in the last resort—the Supreme Court of the United States.

Mr. CAMPBELL, of Ohio, (interrupting.) I rise to propound a question, if it is entirely agreeable to the gentleman from Georgia, and not otherwise.

Mr. STEPHENS. Perfectly agreeable; but I hope the gentleman will not take much of my time.

Mr. CAMPBELL. I was similarly responded to on a former occasion, and I shall take warning, and occupy but a moment of the gentleman s time. Why did not you, and those who sought to disturb the time-honored compromise of our fathers of 1820, if they regarded the eighth section of the Missouri act as unconstitutional, resort to the courts to test its constitutionality?

Mr. STEPHENS. There is a case of that sort now before the Supreme Court.

Mr. CAMPBELL. Why, instead of bringing all this trouble on the country, did he not then resort to the courts?

Mr. STEPHENS. Why, Mr. Speaker, it was first my duty as a legislator, believing it to be wrong, to vote to repeal it, and I did so, [laughter;] and if the Congress of the United States had not repealed it, and I had been personally affected by it in the Territory, then I might have resorted to the courts.

Mr. CAMPBELL. Did not the gentleman vote to repeal it because of its unconstitutionality?

Mr. STEPHENS. Standing as it did, I did, for that and other reasons. As long as it stood as a regulation founded on the principle of a division of the Territory, I was willing to abide by it; but when it was abandoned and repudiated as such, it was, in my judgment, an odious and unjust restriction. But I do not wish the gentleman to divert me from the line of argument I was pursuing.

Mr. CAMPBELL. If the gentleman voted to repeal it in 1854 because it was unconstitutional, why did he vote to fasten it upon Texas in 1846, unless, in the meanwhile, there was a change in the Constitution?

Mr. STEPHENS. For the very reason that I have just stated. In 1845, on the annexation of Texas, I voted for it, upon the principle of a division of the Territory. Congress has a right to pass all needful laws and regulations for the Territory, as *property;* so said Mr. Madison; this includes the power to divide, if necessary or needful for public peace and harmony. When I voted for it, it was upon that principle. And, sir, it was in 1850, after the gentleman's party had repeatedly—in 1846, 1847, 1848, 1849, and 1850 —denied, repudiated, and scouted at what they now call the time-honored compromise of our fathers of 1820, that I voted for the reestablishment of the old principle in our territorial policy —of leaving the public domain open for the free and equal settlement and colonization of the people from all the States alike, without congressional limitations or restrictions upon any. This principle was reestablished in 1850—after the one proposed in 1820 had been abandoned—and this principle I voted to carry out in 1854, in the Territories of Kansas and Nebraska.

Mr. CAMPBELL. Will the gentleman explain to the House and to the country, how it is that a measure may be constitutional which excludes slavery on one side of a given line, in a Territory belonging to the people of the States in common, and unconstitutional on the other?

Mr. STEPHENS. My explanation of the point the gentleman makes is this: Upon the principle of a division of the Territory as public property between the two sections, it might be constitutional to set aside a portion to one by fixed lines and boundaries, while the appropriation of the whole of it to that section would be manifestly wrong, unjust, and therefore unconstitutional. Just as in the case of the division of the surplus revenue—public property—among the States—the part assigned to each, on division fairly and justly made, was constitutionally held; but if some States had taken all to the exclusion of the rest, that would have been manifestly unjust, and therefore unconstitutional. But I have given my views at large upon this subject once before this session.

Mr. CAMPBELL. Well then——

Mr. STEPHENS. I do not wish the gentleman to divert me from my argument by a continuation of questions upon other subjects.

Mr. CAMPBELL. I hope I may be fortunate

enough to get the floor at the expiration of the gentleman's hour, and therefore will not press my inquiries now on this interesting point.

Mr. STEPHENS. Now, sir, just here I wish to say a word more about "that time-honored compact of our fathers," which it is said has been violated. Mr. Speaker, I say that the fathers who made this Republic, from the beginning of it—from the date of the Constitution and up to 1820, never in a single instance exercised the power of excluding the migration of slaves from any of the States of this Union to the common territory. The gentleman now claims to follow the fathers of the Republic. Well, I suppose General Washington, Mr. Madison, and Mr. Jefferson, are as eminently entitled as any others to occupy that position. Mr. Jefferson especially is often quoted by those holding seats on this side of the House. Mr. Jefferson, it is said, was against slavery. I grant that. But how? Mr. Jefferson was in favor of every State retaining and exercising jurisdiction over the subject for itself. Mr. Jefferson was himself opposed to the passage of that restriction in 1820, now called a time-honored compact. I do not care as to what his abstract opinions were. I believe he was for providing for the gradual abolition of slavery in Virginia. But his plan was for the people of Virginia to do it for themselves, without any interference from abroad or influence from this Government—I mean after the present Constitution was formed and adopted. I have Mr. Jefferson's sentiments here before me on this particular Missouri restriction, when it was passed. It is immaterial what his opinions of slavery were—what did he think of that measure? The author of the Declaration of Independence is often appealed to as authority by the gentleman's party. Sir, if the departed Jefferson could return from the realms above—if the seals of the tomb at Monticello could be broken, and that spirit could be permitted to revisit the earth, believe you that he would speak a different sentiment to-day from that he uttered then?

Here is the letter which Mr. Jefferson wrote. It is too long to read the whole; but in this letter to Mr. Holmes, of Maine, dated the 29th April, 1820, after strongly condemning the establishment of a geographical line, and the attempt to restrain the "diffusion of slavery over a greater surface," he says:

"An abstinence, too, from this act of power would remove the jealousy excited by the undertaking of Congress to regulate the condition of the different descriptions of men composing a State. This, certainly, is the *exclusive right* of every State, which *nothing in the Constitution* has taken from them and given to the General Government. Could Congress, for example, say that the now freemen of Connecticut should be freemen, and that they shall not emigrate into any other State?"

This is plain and explicit, and on the very question.

Again, in a letter to Mr. Madison on the same subject, he says:

"I am indebted to you for your two letters of February 7 and 19. This Missouri question, by a geographical line of division, is the most portentous one I have ever contemplated." * * * "Is ready to risk the Union for any chance of restoring his party to power, and wriggling himself to the head of it."

The allusion here is evidently to Rufus King, who was the first mover of the restriction. Such, sir, were the sentiments of him who was not only the author of the Declaration of Independence, but the author of the ordinance of 1787, under the old Confederation. This is what he said of the restriction of 1820, under our present Constitution.

Here is also Mr. Madison's emphatic opinion against the same measure. I cannot take up my time in reading it. I state the fact, and challenge contradiction. Jefferson was against the restriction of 1820. Madison was against it, and Jackson was against it. No man can deny these facts. It was reluctantly accepted by the South, however, as an alternative, and only as an alternative, for the sake of peace and harmony. And who are those now who call it a sacred compact? Those very men, the gentleman and his party, who denounced every man from the North as "*a dough-face*," who from 1846 to 1850 were in favor of abiding by it for the sake of union and harmony. Not a man can be named from the North who was willing to abide by that line of division during the period I have stated who was not denounced by the gentleman and his party as "a dough-face." Who now are the "dough-faces?" And if the gentleman wishes to know what tree brought forth that better fruit of which he spoke the other day, I will tell him. It was not the Kansas tree, but that old political upas planted by Rufus King in 1820. It grew up; it flourished, and it sent its poisonous exhalations throughout this country till it came well nigh extinguishing the life of the Republic in 1850.

Mr. CAMPBELL. That tree was planted when—[Cries of "Order!" "Order!"]—when slavery was first brought to the shores of America. [Cries of "Order!" "Order!"]

Mr. STEPHENS. Well, then, Mr. Speaker, it is much older than the Kansas bill. It was planted before the Government was formed. The Constitution itself was grafted upon its stock. The condition or slavery of the African race, as it exists amongst us, is a "fixed fact" in the Constitution. From this a tree has indeed sprung—bearing, however, no troubles or bitter fruits. It is the tree of national liberty, which, by the culture of statesmen and patriots, has grown up and flourished, and is now sending its branches far and wide, ladened with no fruit but national happiness, prosperity, glory, and renown.

Mr. CAMPBELL. Will the gentleman from Georgia read the preamble to the Constitution?

Mr. STEPHENS. Yes; and I believe I can repeat it to him. It is "in order to form a more perfect union, establish justice, *insure domestic tranquillity.*"

Mr. CAMPBELL. "And secure the blessings of liberty to ourselves and our posterity."

Mr. STEPHENS. Yes, sir, to themselves and *their posterity*—not to the negroes and Africans—and what sort of liberty? Constitutional liberty; that liberty which recognized the inferior condition of the African race amongst them; the liberty which we now enjoy; the liberty which all the States enjoyed at that time, save one, (for all were then slaveholding, except Massachu-

setts.) That is the sort of liberty. None of your Socialism liberty. None of your Fourierism liberty. Constitutional liberty—"law and order" abiding liberty. That is the liberty which they meant to perpetuate.

Now, Mr. Speaker, to return from this digression—I was on the subject of the Kansas laws—I had a good deal to say on that point I must now omit; for I have a good deal I wish also to say on the measure immediately before us, and the amendment which I have submitted, and my time is rapidly passing away. I shall proceed, then, to the bill and the amendment.

The bill under consideration proposes to admit Kansas as a State at once under the Topeka constitution. I am opposed to it; because that constitution was formed without any authority of law, either from the territorial authorities or from Congress. It was formed in open opposition to law; it was formed by men in open rebellion, with arms in their hands, against the only legally-constituted government in the Territory. The leaders most conspicuous in getting it up are now under arrest for treason. Whether they are guilty or not, I will not even express an opinion. That is a question for the courts—the Federal courts—not the courts created by the Territorial Legislature, but the United States courts, with an appeal to the Supreme Court of the United States—to determine. I do not wish in any way to interfere with that judicial question. Let these gentlemen stand or fall according to their guilt or innocence, as it may be made to appear before the proper tribunals, at the proper time. Let us not, in the mean time, prejudge the case either for or against them. The man who claims to be Governor under this Topeka constitution is now in custody awaiting his trial for the highest offense known to the laws and Constitution of the United States.

I am opposed to this bill, because we have no evidence that a majority, or anything like a majority, of the people of Kansas are in favor of this pretended Topeka constitution. It is an *ex parte* proceeding from beginning to end. It was got up by a party. It was contrived by Governor Reeder; and though he and his associates now place the whole grounds of their justification upon the plea that the Territorial Legislature was composed of usurpers—that the election was carried by an invasion of non-residents, who passed laws that they cannot submit to, yet it must be recollected by all fair-minded men that this Legislature, however elected, was organized under the auspices of Governor Reeder himself. He was the judge of the election returns of its members in the first instance, and he duly commissioned a large majority of both branches of it, and gave his own official certificate that they were duly elected. If what is now asserted by him and others be true, why did he not at the proper time arrest it? Why now lay a complaint at the door of the President for not preventing an invasion of Kansas, or setting aside the legislative election, while he, as Governor, made no complaint to the President? He was the sentinel placed upon the watch-tower in Kansas. The only cry heard from him by the President or the country, during this now-pretended invasion, and for several long months afterwards, was, "All's well!" He recognized this Legislature after it was organized, and after he knew full well how it was elected. I must therefore receive with many grains of allowance what he now asserts, all tending towards nothing more strongly than the impeachment of his own official integrity. His position is not such as to warrant me, as a fair man, now to back him in his present revolutionary movement. I see no sufficient grievance even alleged to justify me in doing it.

Grant that some of the laws passed by the Legislature that Reeder certified to as having been duly elected were bad laws—not a single case of oppression, growing out of any one of these laws, has arisen. I was on this point when interrupted by the gentleman from Ohio, [Mr. CAMPBELL.] How does it appear but that the courts would pronounce these laws unconstitutional, as some on this floor maintain that they are? Why resort to revolution until the courts fail? Nay, more: if a majority of the people of Kansas are opposed to these laws, as is so boldly asserted on this floor, why can they not have them repealed by the next Legislature, soon to be elected, even if the courts should sustain them? The next Legislature is to be chosen in October. Why not settle that question at the ballot-box? Is not that a fair and just way of settling such questions? Is it not the way we have to do in all our States? Are those who press this *ex parte* constitution upon us afraid of the ballot-box? Whatever else may be said of the acts of the Kansas Legislature, they certainly secured the purity of the fountain of political power. Here is a part of their election law:

"SEC. 24. If any person, by menaces, threats, and force, or by any other unlawful means, either directly or indirectly, attempt to influence any qualified voter in giving his vote, or to deter him from giving the same, or disturb or hinder him in the free exercise of his right of suffrage, at any election held under the laws of this Territory, the person so offending shall, on conviction thereof, be adjudged guilty of a misdemeanor, and be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year.

"SEC. 25. Every person who shall, at the same election, vote more than once, either at the same or a different place, shall, on conviction, be adjudged guilty of a misdemeanor, and be punished by fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding three months.

"SEC. 26. Every person not being a qualified voter according to the organic law and the laws of this Territory, who shall vote at any election within this Territory, knowing that he is not entitled to vote, shall be adjudged guilty of a misdemeanor, and punished by fine not exceeding fifty dollars.

"SEC. 27. Any person who designedly gives a printed or written ticket to any qualified voter of this Territory, containing the written or printed names of persons for whom said voter does not design to vote, for the purpose of causing such voter to poll his vote contrary to his own wishes, shall, on conviction, be adjudged guilty of a misdemeanor, and punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment.

"SEC. 28. Any person who shall cause to be printed and circulated, or who shall circulate, any false and fraudulent tickets, which upon their face appear to be designed as a fraud upon voters, shall, upon conviction, be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail, not exceeding three months, or by both such fine and imprisonment.

"This act to take effect and be in force from and after its passage."—Chap. 52, p. 281.

Does any free man want a better security for his sovereign right of suffrage than is here given? Does this look like the work of "border ruffians" who were looking to carry elections by fraud or violence? But it is said that in the same law it is provided that no man shall be entitled to vote who has been guilty of a violation of the fugitive slave law passed by Congress! Well, sir, is this an onerous restriction? Ought men who set themselves up in open violation of the laws of our country to complain of being deprived of the right of having a voice in making laws? Are not certain offenses in all our States grounds of denying suffrage? But the great question is, cannot this provision of the election law be repealed by the next Legislature if a majority of the honest people there are against it? The case then presented by the Governor and his associates in the Topeka movement is not such as to justify, in my judgment, this revolution which they have set on foot, and now ask Congress to approve and sanction. Besides this, Mr. Speaker, the evidence is very strong to my mind, if not conclusive, that this Topeka constitution does not meet the approval of a majority of the people of Kansas. When it was submitted to popular vote, only about seventeen hundred in the whole Territory approved it. Now, sir, I am for no such judgment either way—I am for fair dealing in this matter on both sides.

I wish for nothing but a fair expression of the will of the *bona fide* residents of Kansas upon this subject. When I voted for the Kansas bill, I did so, not for the purpose of making it a slave State, unless a majority of the white freemen there desired it; and if they did desire it, I was for permitting them to exercise the same power over the subject that the freemen of the other States of the Union exercise over the same subjects within their respective limits. I never regarded the success of that measure as a triumph of the South over the North, further than it was a triumph of this great constitutional principle of equality over that sectionalism of a party at the North, which denied it. Whether Kansas or Nebraska would be slave States or free States, I did not know. I left that to time, climate, soil, and the people, to settle. And now, sir, though upon general principles I am opposed to the admission of any State into the Union without population sufficient to entitle them to a member on this floor, according to the ratio of representation, yet, in the present case, if gentlemen are so anxious to press the admission of Kansas, I am willing to forego the usual inquiry into the exact amount of population there. I will waive that point. I do not know the number of people there. Gentlemen on the other side vary in their estimates from sixty thousand to ninety thousand. I think it would be best first to ascertain the facts. Still I will, I say, waive that point; and if gentlemen are so anxious for the admission of the people of that Territory, whatever may be their numbers, as a State, I meet them, and offer the substitute to this bill which I have submitted. Mine is an alternative proposition. If Kansas is to be admitted, let it be done in a fair, just, and proper way, and not at the instance of an irregular, illegal, and revolutionary convention of only a portion, and a very small portion at that, of the people of the Territory. The plan I submit is the same offered by my colleague [Mr. TOOMBS] in the Senate. I suppose gentlemen have read it. I cannot now read it. Its main features are to provide for the admission of Kansas, under such constitution as her people may form, at as early a day as is practicable.

It provides, first, for the taking of a census. This is to be done by five commissioners, to be appointed by the President, and ratified by the Senate.

It provides, secondly, for an election to be held in the Territory on the first Tuesday after the first Monday in November next, (the day of the Presidential election in the States,) for delegates to a convention to form a State constitution.

Representation in this convention is to be according to the number of voters in the several counties and districts, as shall appear from the census which is, amongst other things, to exhibit the names of all the actual residents of the Territory at the date of the passage of the bill.

These commissioners are to appoint the officers to conduct the election. Returns are to be made to them, and they are to judge and determine all questions relating to the election, and to give certificates of the same.

Three months' residence in the county is required to entitle any one to vote.

And to guard the purity and sanctity of the ballot-box, so that the untrammeled voice of the people may be heard, let it be as it may, these stringent provisions are inserted:

SEC. 10. *And be it further enacted*, That every white male citizen of the United States, (including Indians of like description qualified by existing laws to vote,) over twenty-one years old, who may be a *bona fide* inhabitant of said Territory at the pasage of this act, and who shall have resided three months next before said election in the county in which he offers to vote, and no other persons whatever, shall be entitled to vote at said election; and all persons qualified as voters may be elected delegates to said convention, and no others.

SEC. 11. *And be it further enacted*, That, if any person, by menaces, threats, or force, or by any other unlawful means, shall directly or indirectly attempt to influence any qualified voter in giving his vote, or deter him from giving the same, or disturb or hinder him in the free exercise of his right of suffrage, at the election provided for by this act, the person so offending shall be adjudged guilty of a misdemeanor, and be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or by both, at the discretion of the court.

SEC. 12. *And be it further enacted*, That any person not being a qualified voter, according to the provisions of this act, who shall vote at the election herein provided for, knowing that he is not entitled to vote, and any person who shall, at the same election, vote more than once, whether at the same or at different places, shall be adjudged guilty of a misdemeanor, and punished by fine not exceeding two hundred and fifty dollars, or by imprisonment not exceeding six months, or both, at the discretion of the court.

SEC. 13. *And be it further enacted*, That any person whatsoever who may be charged with the holding of the election herein authorized to be held, who shall willfully and knowingly commit any fraud or irregularity whatever, with the intent to hinder or prevent, or defeat a fair expression of the popular will in said election, shall be guilty of a misdemeanor, and punished by fine not exceeding one thousand dollars, and imprisonment not exceeding two years, or both, at the discretion of the court.

But, sir, my time will not allow me to go more into details. The object of the bill, from the

beginning to the end, is to provide for as fair an expression of the popular will of the Territory as human ingenuity can devise. By the expression of that will, when thus made, I shall abide, let it be which way it may. For your bill as it stands, I can never vote. Against the substitute I offer, who can raise any objection that is in favor of disposing of this question upon principles of fairness, of justice, of law, of order, and of the Constitution? I present the distinct issue between these two measures to the House and the country.

I am constrained, Mr. Speaker, to believe that all this clamor we hear about "free Kansas," and "down-trodden Kansas," and "bleeding Kansas," arises much more from a desire and hope of exciting by it sectional hate and the alienation of one portion of the Union from the other, than from any wish to have even "free Kansas" admitted into the Union, or from any conviction that a majority of the people there are in favor of this Topeka constitution. The object, I am constrained to believe, is not so much to get another State added to the Union, as it is to use the question to produce a severance of those States now united. Why these violent denunciations against one whole section of the Confederacy? Why is such unbridled vituperation indulged in towards southern men and southern institutions? Why these shouts of joy in New York on the announcement that "civil war" was raging in Kansas? What other construction can be put upon the movement of a late sectional convention held in Philadelphia to nominate party candidates for President and Vice President? What is the meaning of all these appeals to the passions and prejudices of the people of the northern States, exciting them to rise up against their southern brethren? Is it not part and parcel of that same spirit which proclaimed that it were better that the Capitol should blaze by the torch of an incendiary, and wild disorder ensue, than that the free people of Kansas and Nebraska should regulate their own domestic institutions in their own way? That is all that the advocates of the Kansas bill asked; that is all it was designed to effect; and that is all I this day ask this House to join me in carrying out in good faith to the letter and spirit.

To show the House and the country some of the grounds for my belief touching the ulterior objects of some of those who are joining in this "Kansas cry" at the North, I ask attention to an editorial of the New York Courier and Enquirer of the 26th instant. In this, that editor says:

"We are in the midst of a revolution, the origin of which is *sectional*, and its avowed object to gratify the grasping ambition of the slave power; and a civil war waged in behalf of freedom and in resistance of slavery extension is a fitting accompaniment of an attempt on the part of the South and their co-laborers of the North, to trample on the principles and guarantees of the Constitution, by the extension of slavery into free territory, through the direct legislation of the General Government."

Here it is announced that we are in the "midst of a revolution, the origin of which is *sectional*." But most strange to say, the cause of it is charged upon the South; and stranger still, that cause is asserted to be an attempt on the part of the South to "trample on the principles and guarantees of the Constitution, by the *extension of slavery into free territory through the direct legislation of the General Government.*" Was ever accusation more groundless and utterly unfounded, than this against the South? The South never asked Congress, by legislation, to extend slavery; nor has it ever been done by any such legislation. All that the South ever asked, or now asks, is, to leave the question to be settled by those who are to be affected by it.

General James Watson Webb, the editor of this paper, (the Courier and Enquirer,) was a delegate to the late Philadelphia convention, the object of which was to embody this sectional movement of the North against the South. In that convention he made a speech. From that speech, as reported in the New York Times, we are not left to inference as to what is the design and intention of the leading spirits controlling it. In speaking of the people the convention represented, he says:

"They ask us to give them a nomination which, when put fairly before the people, will unite public sentiment, and, through the ballot-box, will restrain and repel this pro-slavery extension, and this aggression of the slave-ocracy. What else are they doing? They tell you that they are willing to abide by the ballot-box, and willing to make that the last appeal. *If we fail there, what then? We will drive it back, sword in hand, and so help me God! believing that to be right, I am with them.* [Loud cheers, and cries of 'Good!']"

This was in no common town or city meeting. But it was in that great northern sectional convention lately assembled at Philadelphia, that these sentiments received such bursts of applause. There is, I say, no mistaking the object of the leaders of this movement. They evidently intend to use this Kansas question to make as much political capital out of it as they can to aid them in carrying the election, by which means they hope to get power to "crush out" the South, as they suppose; but, if they fail in the election, then they are, sword in hand, to join the revolutionists in Kansas.

In the first editorial I read from, in this mammoth sheet, (the Courier and Enquirer,) issued the 26th instant, and written, doubtless, by General Webb himself, who seems to be the Magnus Apollo of the Black Republican hosts, are these significant, as well as studied, words:

"The remedy is, to go to the polls, and through the ballot-box repudiate the infamous platform put forth at Cincinnati, and over which the black flag of *slavery* waves with characteristic impudence; *and failing in this*, do as our fathers did before us—stand by our inalienable rights, and *drive back with arms* those who dare to trample upon our inheritance. There is no boasting and no threat in this. It is the calm language of honest, conscientious, and determined freemen, wafted to us by every breeze from the West; and they are already acting in strict conformity with their avowed determination."

Now, sir, I care as little for these belligerent manifestoes of this redoubtable general of the Courier and Enquirer, as I did two years ago for the "*blazing*" and "*incendiary*" bulletins of his cotemporary of the Tribune. I refer to them only to show the purposes at work; and I put the question directly to this House: Are you going to allow this subject to be used for any such purposes? If you want Kansas admitted as a

State, do I not offer you a fair, liberal, and just proposition for accomplishing that object? Do you wish to go before the country with the question, to inflame the public mind at the North, to move their passions, to stir up their blood, and prepare their hearts for a war of extermination against their southern brethren?—"*to drive them back, sword in hand, in case you fail in the election?*" If so, then be it so. But be it known to you, that you will have to take the question with the issue this day joined. Between you and me—between these two propositions, I am willing that the people North, as well as the South, may judge. Nothing would afford me more pleasure than to argue the question with you before any intelligent constituency in the Republic.

Patriotism, as I have heretofore found it, is the same everywhere. Nor has it in days past been confined to any locality in this broad land. It is, I believe, indigenous wherever the national flag floats. In the forests and ship-yards and market towns of Maine it is to be found; in the factories, workshops, and commercial houses of the old Bay State it is to be found. In State street and Faneuil Hall its voice has often been heard. So on the White Mountains of New Hampshire and the Green Mountains of Vermont; on the hills and valleys of Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey. It is a plant that heretofore has grown with as much vigor on the most sterile soil of the East as it has upon the fairest plains of the South or the richest prairies of the West. I cannot believe that a change of political climate has rendered it an exotic in any part of this country yet. Upon nothing, however, should I rely in presenting this issue everywhere, but upon the reason, justice, intelligence, virtue, integrity, and patriotism of the people; upon these all our republican institutions must rest; when they fail, all that we hold dear must go with them. And if the North shall decide to follow General Webb, let the responsibility rest upon him and them.

I cannot believe that the great body of honest business people of the North are prepared to join a set of reckless leaders in this crusade against the South, or will lend their *influence* and aid in kindling a civil war in Kansas which may extend until it involves the whole country. This I cannot believe, and will not believe for the present at least. It is for them to determine whether they will or not. That question they will have to meet, not only on this issue, if the majority of this House so determine, but upon that other, and at this time more absorbing, issue of the Cincinnati platform. That platform bears no black flag, as this "sword-in-hand" general asserts. Black flags belong to those who think more of black men than they do of the white man, and who exhibit more sympathy for the well-provided African race than they do for the suffering and oppressed poor of their own. The flag of the Cincinnati platform on this subject bears no principles ascribed upon its broad folds but those of the Constitution. The friends of the Union under the Constitution must and will approve them everywhere; while none but the enemies of one or the other of these, or both, can denounce them.

Upon this great sectional question all national men, I care not of what party—all true hearted patriots, who look from the bright history of the past with hopes to a brighter future before us, must and will give those principles, announced at Cincinnati, their sanction and approval. The issue on this subject presented at Cincinnati is *nationalism* against *sectionalism*—the issue presented at Philadelphia is *sectionalism* against *nationalism*.

Are we, Mr. Speaker, to remain a united people? Are we to go on in that high career of achievement in science, in art, and in civilization, which we have so conspicuously entered upon? Or are we to be arrested in our upward course long before reaching the half-way point towards ultimate culmination? Are our deeds of glory all numbered? Are the memories of the past to be forgotten, and the benefits and blessings of the present to be derided and rejected? Is the radiant orb of day brightening the morning of our existence to be darkened and obscured, and with it the light of the world extinguished forever? And all *this* because Congress, in its wisdom, has thought proper to permit the free white men of Kansas to determine for themselves whether the negro in that Territory shall be the same nondescript outcast, neither citizen nor slave, amongst them, that he is in sixteen States of the Union, or whether he shall occupy the same condition there in relation to them which a Christian philanthropy has assigned him in the other fifteen States. I say Christian philanthropy, notwithstanding the remarks of the gentleman from Indiana [Mr. DUNN] and the gentleman from Ohio, [Mr. GIDDINGS,] the other day, denouncing slavery as a violation of the laws of nature and of God! To those remarks, though my time is short, I wish very briefly to reply before I close.

Even, however, if slavery be sinful, as they affirm, or their language implies, permit me here to ask, is not the sin the same whether the slave be held in Georgia, Carolina, or in Kansas? Is it any more sinful in one place than another? But are these gentlemen correct? Is African slavery, as it exists in the South, either a violation of the laws of nature, the laws of nations, or the laws of God? I maintain that it is not. It has been recognized by the laws of nations from time immemorial. The highest court in this country, the Supreme Court of the United States, has so decided the laws of nations to be. And where do we get the laws of nature but in nature's works about us? Those general rules and principles by which all things in nature, according to their kinds respectively, seem to be regulated, and to which they seem to conform, we call laws; and in the handiwork of creation nothing is more striking to the philosophic observer than that order is nature's first great law.

Gradation, too, is stamped upon everything animate as well as inanimate—if, indeed, there be anything inanimate. A scale, from the lowest degree of inferiority to the highest degree of superiority, runs through all animal life. We see it in the insect tribes—we see it in the fishes of the sea, the fowls of the air, in the beasts of the earth, and we see it in the races of men. We see

the same principle pervading the heavenly bodies above us. One star differs from another star in magnitude and luster—some are larger, others are smaller—but the greater and superior uniformly influences and controls the lesser and inferior within its sphere. If there is any fixed principle or law of nature it is this. In the races of men we find like differences in capacity and development. The negro is inferior to the white man; nature has made him so; observation and history, from the remotest times, establish the fact; and all attempts to make the inferior equal to the superior is but an effort to reverse the decrees of the Creator, who has made all things as we find them, according to the counsels of his own will. The Ethiopian can no more change his nature or his skin than the leopard his spots. Do what you will, a negro is a negro, and he will remain a negro still. In the social and political system of the South the negro is assigned to that subordinate position for which he is fitted by the laws of nature. Our system of civilization is founded in strict conformity to these laws. Order and subordination, according to the natural fitness of things, is the principle upon which the whole fabric of our southern institutions rest.

Then as to the law of God—that law we read not only in his works about us, around us, and over us, but in that inspired Book wherein he has revealed his will to man. When we differ as to the voice of nature, or the language of God, as spoken in nature's works, we go to that great Book, the Book of Books, which is the fountain of all truth. To that Book I now appeal. God, in the days of old, made a covenant with the human family—for the redemption of fallen man: that covenant is the corner-stone of the whole Christian system. Abram, afterwards called Abraham, was the man with whom that covenant was made. He was the great first head of an organized visible church here below. He believed God, and it was accounted to him for righteousness. He was in deed and in truth the father of the faithful. Abraham, sir, was a slaveholder. Nay, more, he was required to have the sign of that covenant administered to the slaves of his household.

Mr. CAMPBELL. Page, bring me a Bible.

Mr. STEPHENS. I have one here which the gentleman can consult if he wishes. Here is the passage, Genesis xvii., 13. God said to Abraham:

"13. He that is *born in thy house* and he that is *bought with thy money* must needs be circumcised; and my covenant shall be in your flesh for an everlasting covenant."

Yes, sir, Abraham was not only a slaveholder, but a slave dealer, it seems, for he bought men with his money, and yet it was with him the covenant was made by which the world was to be redeemed from the dominion of sin. And it was into his bosom in heaven that the poor man who died at the rich man's gate was borne by angels, according to the parable of the Savior. In the 20th chapter of Exodus, the great moral law is found—that law that defines sin—the ten commandments, written by the finger of God himself upon tables of stone. In two of these commandments, the 4th and 10th, verses 10th and 17th, slavery is expressly recognized, and in none of them is there anything against it—this is the moral law. In Leviticus we have the civil law on this subject, as given by God to Moses for the government of his chosen people in their municipal affairs. In chapter xxv., verses 44, 45, and 46, I read as follows:

"44. Both thy bondmen and thy bondmaids which thou shalt have shall be of the heathen that are round about you; of them ye shall buy bondmen and bondmaids.

"45. Moreover, of the children of the strangers that do sojourn among you, of them ye shall buy, and of their families that are with you which they begat in your land: and they shall be your possession.

"46. And ye shall take them as an inheritance for your children after you, to inherit them for a possession; they shall be your bondmen forever; but over your brethren, the children of Israel, ye shall not rule one over another, with rigor."

This was the law given to the Jews soon after they left Egypt for their government when they should reach the land of promise. They could have had no slaves then. It authorized the introduction of slavery amongst them when they should become established in Canaan. And it is to be noted that their bondmen and bondmaids to be bought, and held for *a possession and an inheritance* for their children after them, were to be of the heathen round about them. Over their brethren they were not to rule with rigor. Our southern system is in strict conformity with this injunction. Men of our own blood and our own race, wherever born, or from whatever clime they come, are free and equal. We have no castes or classes amongst white men—no "upper tendom" or "lower tendom." All are equals. Our slaves were taken from the heathen tribes—the barbarians of Africa. In our households they are brought within the pale of the covenant, under Christian teaching and influence; and more of them are partakers of the benefits of the gospel than ever were rendered so by missionary enterprise. The wisdom of man is foolishness—the ways of Providence are mysterious. Nor does the negro feel any sense of degradation in his condition—he is not *degraded*. He occupies and fills the same *grade* or rank in society and the State that he does in the scale of being; it is his natural place; and all things fit when nature's great first law of order is conformed to.

Again: Job was certainly one of the best men of whom we read in the Bible. He was a large slaveholder. So, too, were Isaac and Jacob, and all the patriarchs. But, it is said, this was under the Jewish dispensation. Granted. Has any change been made since? Is anything to be found in the New Testament against it? Nothing—not a word. Slavery existed when the Gospel was preached by Christ and his Apostles, and where they preached: it was all around them. And though the Scribes and Pharisees were denounced by our Savior for their hypocrisy and robbing "widows' houses," yet not a word did He utter against slaveholding. On one occasion, He was sought for by a centurion, who asked him to heal his slave, who was sick. Jesus said he would go; but the centurion objected, saying: "Lord, I am not worthy that thou shouldst come under my roof; but speak the word only, and my servant shall be healed. For I am a man under authority, having soldiers under me; and I say to this man, go, and he

goeth; and to another come, and he cometh; and to my *slave*, do this, and he doeth it." *Matthew* viii., 9. The word rendered here "servant" in our translation, means *slave*. It means just such a servant as all our slaves at the South are. I have the original Greek.

[Here the hammer fell. Mr. STEPHENS asked that he might be permitted to go on as long as the gentleman from Ohio [Mr. CAMPBELL] had taken up his time. He had but a little more to say. Mr. GIDDINGS, of Ohio, objected; and what follows is the substance of what he intended to say, if he had not been cut off by the hour rule.]

The word in the original is *doulos*, and the meaning of this word, as given in Robinson's Greek and English Lexicon, is this—I read from the book: "In the family the *doulos* was one *bound to serve, a slave*, and was the property of his master—'a living possession,' as Aristotle calls him." And again: "The *doulos*, therefore, was never a *hired servant*, the latter being called *misthios*," &c. This is the meaning of the word, as given by Robinson, a learned doctor of divinity, as well as of laws. The centurion on that occasion said to Christ himself, "I say *to my slave, do this, and he doeth it*, and do Thou but speak the word, and he shall be healed." What was the Savior's reply? Did He tell him to go loose the bonds that fettered his fellow man? Did He tell him he was sinning against God for holding a *slave?* No such thing. But we are told by the inspired penman that:

"When Jesus heard it he marveled and said to them that followed: Verily, I say unto you, I have not found so great faith, no, not in Israel. And I say unto you that many shall come from the east and west and shall sit down with Abraham, and Isaac, and Jacob, in the kingdom of Heaven. But the children of the kingdom shall be cast out into utter darkness; there shall be weeping and gnashing of teeth. And Jesus said, unto the centurion, Go thy way, and as thou hast believed so be it done unto thee. And his servant [of *slave*] was healed in the selfsame hour."

Was Christ a "*doughface?*" Did He quail before the slave power? And if he did not rebuke the lordly centurion for speaking as he did of his authority over his slave, but healed the sick man, and said that he had not found so great faith in all Israel as he had in his master, who shall now presume, in His name, to rebuke others for exercising similar authority, or say that their faith may not be as strong as that of the centurion's?

In no place in the New Testament, sir, is slavery held up as sinful. Several of the Apostles alluded to it, but none of them—not one of them, mentions or condemns it as a relation sinful in itself, or violative of the laws of God, or even Christian duty. They enjoin the relative duties of both master and slave. Paul sent a runaway slave, Onesimus, back to Philemon, his master. He frequently alludes to slavery in his letters to the churches, but in no case speaks of it as sinful. To what he says in one of these epistles I ask special attention. It is 1st Timothy, chapter 6th, and beginning with the 1st verse:

"1. Let as many servants [*douloi*, slaves in the original, which I have before me] as are under the yoke [that is, those who are the most abject of slaves] count their own masters worthy of all honor, that the name of God and his doctrine be not blasphemed.

"2. And they that have believing masters, [according to modern doctrine there can be no such thing as a slaveholding believer; so did not think Paul,] let them not despise [or neglect and not care for] them, because they are brethren; but rather do them service, because they are faithful and beloved, partakers of the benefit. These things teach and exhort.

"3. *If any man teach otherwise* and consent not to wholesome words, *even the words of our Lord Jesus Christ*, and to the doctrine which is according to godliness:

"4. He is proud, [or *self-conceited*,] *knowing nothing but dotingabout questions and strifes of words*, whereof cometh envy, strife, railings, evil surmisings,

"5. Perverse disputings of *men of corrupt minds*, and destitute of the truth, supposing that gain is godliness: *from such withdraw thyself.*"

This language of St. Paul, the great Apostle of the Gentiles, is just as appropriate this day, in this House, as it was when he penned it eighteen hundred years ago. No man could frame a more direct reply to the doctrines of the gentleman from Ohio, [Mr. GIDDINGS,] and the gentleman from Indiana, [Mr. DUNN,] than is here contained in the sacred book. What does all this strife, and envy, and railings, and "civil war" in Kansas come from, but the TEACHINGS of those in our day who teach otherwise than Paul taught, and "do not *consent to wholesome words, even the words of our Lord Jesus Christ?*"

Let no man, then, say that African slavery as it exists in the South, incorporated in, and sanctioned by, the Constitution of the United States, is in violation of either the laws of nations, the laws of nature, or the laws of God!

And if it "must needs be" that such an offense shall come from this source as shall sever the ties that now unite these States together in fraternal bonds, and involve the land in civil war, then "wo be unto them from whom the offense cometh!"