

A P P E N D I X .

MESSAGE OF GOVERNOR ROBINSON, OF KANSAS, TO THE NEW LEGISLATURE.

Fellow-Citizens of the Senate and House of Representatives :

HAVING been chosen by the people to occupy the executive chair of the new State of Kansas, it becomes my duty, under the constitution, to communicate to the General Assembly the condition of the affairs of the state, and recommend such measures as I shall deem expedient for their action. While gratitude to the people for the confidence their suffrages evinced, and for the honor bestowed, will induce me to enlist all my energies in their service, inexperience in public life, and a lack of ability and information, will cause me to speak with diffidence upon the various subjects to which your attention will be invited.

The organization of a new government is always attended with more or less difficulty, and should, under the most favorable circumstances, enlist the learning, judgment and prudence, of the wisest men in all its departments ; the most skilful workmanship is requisite, that each part of the complicated machinery may be adapted to its fellow, and that a harmonious whole, without jar or blemish, may be the result. In Kansas, especially, is this a most delicate and difficult task. Our citizens are from every state in the Union, and from nearly every country on the globe, and their institutions, religion, education, habits and tastes, are as various as their origin. Also in our midst are several independent nations, and on our borders, both west and east, are outside invaders.

In our mutual endeavors to set in motion a state government, we have a common chart for our guide, the Constitution. The duties of the General Assembly, as designated by this instrument, are :

- To provide for the Encouragement of Education and Religion ;
- The Registration of Electors ;
- To provide for the Returns of Elections ;

- For the Election of Officers ;
- For the Filling of Vacancies ;
- For the Number of Senators and Representatives ;
- For Apportionment ;
- Against Special Legislation ;
- For Publication of Laws ;
- For Taking the Census ;
- For Salaries of Officers ;
- For Surveyor General, State Geologist, and Superintendent of Common Schools ;
- For Judicial Districts and Jurisdiction of Courts ;
- For Publication of Decisions of Supreme Court ;
- For Duties of Clerk and Reporter of Supreme Court ;
- For School Fund, University, Normal Schools, etc. ;
- For State Asylums for Blind, Deaf, Dumb, Insane, Idiots, and the Poor ;
- For Houses of Refuge for Juvenile Offenders ;
- For State General Hospital ;
- For Seat of Government and State House ;
- For Militia ;
- For Finance and Taxation ;
- For Counties, County, City and Town Officers ;
- For Commissioners to arrange Rules of Practice in the Courts of Record ;
- For Bureau of Statistics and Encouragement of Agriculture ;
- To secure the separate Property and Custody of Children to Wife ;
- For Election of two United States Senators ;
- For Banks and Banking ;
- For Redemption of Certificates of Indebtedness ; and for Enforcement of the Sixth Section of the Bill of Rights.

Also, the people, by a separate and direct vote, have instructed the Assembly to provide for the exclusion of free negroes.

Education of the people, common school education, is the palladium of our liberties. Without this, free institutions cannot exist ; with it, tyranny and oppression must disappear. A thorough and efficient system of education is a better and cheaper corrective and preventive of poverty, degradation and crime, than the poor-house, house of refuge, or penitentiary. This subject will not fail to receive its full share of your attention. That the common school may be put on a permanent basis, the proceeds of the school lands, or other educational income, should be carefully husbanded, till a fund shall accumulate amply sufficient to give to every child in the state a liberal common school education.

Second only to the common school in importance are the University and Normal Schools. For these, also, the constitution suggests that you provide at an early day.

Of the public charitable institutions named in the constitution, a General State Hospital calls most urgently for consideration. In a new country, many must necessarily suffer from sickness and poverty, and, in the present unsettled condition of the people, it is eminently proper that the state should provide for their relief.

The subject of finances and taxation is one of primary importance in every state, and particularly in a new one. Onerous taxes and large indebtedness should be guarded against as far as possible, and economy without niggardly parsimony should be the rule of action. For the present state of the finances you are referred to the report of the executive committee.

Exposed as our citizens are to the scalping-knife of the savage on the west, and to the revolver and hatchet of the assassin on the east, a thorough and early organization of the militia is urgently called for. By the constitution, this duty devolves upon the General Assembly. Measures should at once be taken to encourage the organization of volunteer companies, and to procure the arms to which the state is entitled.

The disposition of the public lands is a matter for serious consideration. Under existing laws, they belong to the general government, and are used as a source of revenue. The policy of such a use is at least questionable. The amount received into the treasury from the sale of public lands is inconsiderable, amounting in the aggregate to about two millions of dollars annually.

This sum, distributed among the states where the lands are situated, would aid essentially the cause of education, or the establishment of charitable institutions, but it is entirely unnecessary in the already overflowing treasury of the general government. Even as a matter of revenue, the treasury gains nothing by selling the public domain to the people, for the principal revenue is derived from the products of the soil, and these will be increased as the number of land-holders increases, and in proportion to the capital invested in its cultivation. The one dollar and twenty-five cents per acre, laid out on the land, will produce far more revenue to the government in a few years, than if deposited in the treasury. The true policy for any government is to give, to every citizen who will cultivate it, a farm without price, and secure it to him for a permanent homestead. Especially should the citizen who deprives himself of the blessings of home and civilization for a time, to reclaim the wilderness that it may be added to the commonwealth, be allowed his land gratis.

But if the land must be sold, and the proceeds applied to defray expenses of government, the state should be the recipient, and not the general government. Every new state must incur extraordinary expenses in setting its government in motion. It has its public edifices, State-house, Asylums, Penitentiary, Universities, School-houses, Railroads, etc., to construct, and limited means at command. Should Congress, in its wisdom, donate, as we have reason to believe it will, all the public lands of Kansas to the state, it

will then be the duty of the assembly to dispose of them. In such an event, by donating one hundred and sixty acres as a homestead to each resident of five years, and allowing no one person to purchase of the state more than one hundred and sixty acres additional, the state would become rapidly settled, and at the same time secure a fund for educational and other purposes equal to its necessities.

The indiscriminate sale of intoxicating drinks in a state like Kansas, where are numerous Indian tribes, is productive of much mischief. Some tribes within our borders are still uncivilized, and indulge their appetites without restraint, while many of the other tribes are equally unfortunate. It is a duty we owe to the Indian, that we not only cultivate the most friendly intercourse, but that we protect him from injury; and this subject should not be overlooked by the General Assembly.

The use of intoxicating drinks, as a beverage, impairs the health, morals, good order and prosperity, of any community, and the traffic in them is an unmitigated evil, and it is for the Legislature in its wisdom to adopt such measures as shall best secure the public welfare.

It will be remembered that a skeleton of a government still exists in our midst, under the territorial form, and although this was but the foreshadowing of a new and better covenant, collision with it should be carefully guarded against. A territorial government is transient in its nature, only waiting the action of the people to form a government of their own. This action has been taken by the people of Kansas, and it only remains for the General Government to suspend its territorial appropriations, recall its officers, and admit Kansas into the Union as a sovereign state.

The reasons why the territorial government should be suspended and Kansas admitted into the Union as a state, are various. In the first place, it is not a government of the people. The executive and judicial officers are imposed upon the people by a distant power, and the officers thus imposed are foreign to our soil, and are accountable, not to the people, but to an executive two thousand miles distant. American citizens have for a long time been accustomed to govern themselves, and to have a voice in the choice of their officers; but, in the territorial government, they not only have no voice in choosing some of their officers, but are deprived of a vote for the officer who appoints them.

Again: governments are instituted for the good and protection of the governed; but the territorial government of Kansas has been, and still is, an instrument of oppression and tyranny unequalled in the history of our republic. The only officers that attempted to administer the laws impartially have been removed, and persons substituted who have aided in our subjugation. Such has been the conduct of the officers and the people of a neighboring state, either intentionally or otherwise, that Kansas, to-day, is without a single law enacted by the people of the territory. Not a man in the country will attempt to deny that every election had under the territo-

rial government was carried by armed invaders from an adjoining state, and for the purpose of enacting laws in opposition to the known wishes of the people.

The territorial government should be withdrawn, because it is inoperative. The officers of the law permit all manner of outrages and crime to be perpetrated by the invaders and their friends with impunity, while the citizens proper are naturally law-abiding and order loving, disposed rather to suffer than do wrong. Several of the most aggravated murders on record have been committed, but as long as the murders are on the side of the oppressors, no notice is taken of them. Not one of the whole number has been brought to justice, and not one will be, by the territorial officers. While the marauders are thus in open violation of all law, nine tenths of the people scorn to recognize as law the enactments of a foreign body of men, and would sooner lose their right arms than bring an action in one of their misnamed courts. Americans can suffer death, but not dishonor; and sooner than the people will consent to recognize the edicts of lawless invaders as laws, their blood will mingle with the waters of the Kansas, and this Union be rolled together in civil strife.

Not only is this territorial government the instrument of oppression and subjugation of the people, but under it there is no hope of relief. The organic act permits the Legislature to prescribe the qualification of voters, and the so-called Legislature has provided that no man shall vote in any election who will not bow the knee to the dark image of slavery, and appointed officers for the term of four years to see that this provision is carried out. Thus nine tenths of the citizens are disfranchised and debarred from acting under the territorial government if they would.

Even if allowed to vote, the chief executive of the country says he has no power to protect the ballot-box from invaders, and if the people organize to protect themselves, his appointees intimate that they must be disarmed and put down; hence, whether allowed to vote or not, there is no opportunity for the people of the territory to rule under the present territorial government. Indeed, the laws are so made and construed that the citizens of a neighboring state are legal voters in Kansas, and of course no United States force can be brought against them. They are by law entitled to invade us and control our elections.

According to the organic act the people have a right to elect a Legislature, and that Legislature has a right to make laws, establish courts, and do everything but choose their executive and supreme judicial officers. If they have the right to do the one, they undoubtedly should have the right to do the other. The principle of squatter sovereignty, upon which this act is said to be based, knows no distinction between the power to legislate and the power to adjudicate or execute. If the right of one department of government is inherent in the people, so is the other. On this subject there is high authority. Gen Cass, in the Senate, said: "The government of the United

States is one of limited authority, vested with no powers not expressly granted or not necessary to the proper execution of such as are."

"There is no provision in the constitution granting any powers of legislation over the 'territory or other property of the United States,' except such as relates to its regulation and disposition. Political jurisdiction is entirely withheld, nor is there any just implication which can supply this defect of original authority."

Again he says, "I shall vote for the entire interdiction of all federal action over this general question, under any circumstances that may occur." But the executive and judiciary of Kansas are the creatures of the federal government, and under its control, and the governor has a negative legislative power equal to two thirds of both branches of the Legislature, leaving to the people of the territory only one third of one of the three departments of government, and to the general government all of two departments, and two thirds of the other.

Also, he says, "Leave the people who will be affected by this question (slavery), to adjust it upon their own responsibility and in their own manner, and we shall render another tribute to the original principles of our government, and furnish another guaranty for its permanency and prosperity." But how can this or any other question be adjusted by the people, while ruled by a foreign executive and judiciary?

Mr. Douglas says, "I have always held that the people have a right to settle these questions as they choose, not only when they come into the Union as a state, but that they should be permitted to do so while a territory." If the people have this right, then the federal government has no right to interfere with it, and the people of Kansas have a right to demand that the present territorial government of Kansas be withdrawn, and that they be allowed to choose *all* their officers.

Mr. Henn, of Iowa, in Congress, said, "I would that Congress would recognize the doctrine of 'squatter sovereignty' in its length and breadth; that the citizen, wherever he may settle, if on American soil, shall have all the rights and privileges of citizenship, and be consulted by executives as well as by representatives. This would be right. This would be simple justice. It is a doctrine that was broadly asserted, and with firmness maintained, by the fathers of our republic."

In the organic act of the territory, section 14, is the following: "It being the true intent and meaning of this act not to legislate slavery into any territory or state, nor to exclude it therefrom, *but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way*, subject only to the constitution of the United States."

But how can this "intent" be carried out with an executive and judiciary, and two thirds of the legislative power, in opposition to the will of the people, and with an overwhelming invasion at every election by permission of these officers?

In the President's annual message to Congress, for the current year, he says, "In the councils of Congress there was manifested extreme antagonism of opinion and action between some representatives who sought, by the abusive and unconstitutional employment of the legislative powers of the government, to interfere in the condition of inchstate states, and to impose their own social theories upon the latter; and other representatives, who repelled the interposition of the general government in this respect, and maintained the self-constituted rights of the states. In truth, the thing attempted was in form alone the action of the general government, while in reality it was the endeavor, by abuse of legislative power, to force the ideas of internal policy, entertained by particular states, upon allied independent states. Once more the constitution and the Union triumphed signally. The new territories were organized without restrictions on the disputed point, and were thus left to judge in that particular for themselves."

If it would have been an "abuse of legislative power" for Congress to "force the ideas of internal policy entertained by particular states" upon Kansas, by what reasoning does he justify the executive in the exercise of that power? That the officials of his appointment are to-day endeavoring to do this very thing, against the sentiment of a large majority of the people, cannot admit of a doubt.

Again he says, "The measure of its repeal (Missouri Compromise) was the final consummation and complete recognition of the principle, that no portion of the United States shall undertake, through assumption of the powers of the general government, to dictate the social institutions of any other portion."

The people of Kansas have reason to feel that the "complete recognition" of the principle, unless carried into practice, is of no avail to them, and that the recognition of this principle by Congress, while the opposite is acted upon by the executive, would be simple mockery.

Once more; "If the friends of the constitution are to have another struggle, its enemies could not present a more acceptable issue than that of a state, whose constitution clearly embraces a republican form of government, being excluded from the Union because its domestic institutions may not in all respects comport with the ideas of what is wise and expedient entertained in some other state." "If a new state, formed from the territory of the United States, be absolutely excluded from admission therein, that fact, of itself, constitutes the disruption of union between it and the other states. But the process of dissolution could not stop there. Would not a sectional decision, producing such a result by a majority of votes, either northern or southern, of necessity drive out the oppressed and aggrieved minority, and place in presence of each other two irreconcilably hostile confederations?"

Thus it will be seen, by the highest democratic authority in the country, that the people of Kansas have a right to demand the removal of the

present oppressive territorial government, and also that they be admitted into the Union as an equal and independent state.

Knowing that one great party in Congress, with the President at its head, was in principle committed to our defence, and believing that many from the other parties would, if not from principle, from a set of justice, be induced to look upon us with favor, we had a right to anticipate a speedy termination of our present thralldom. However, owing to an apparent misunderstanding of the constitutional movements in Kansas, the President intimates in a special message that Congress must interfere and make the people undo what, with great care and expense, they have so well done. This message, as it refers exclusively to Kansas, should receive some attention from the General Assembly. Kansas men, "squatter sovereignty" men, cannot fail to be somewhat surprised at its purport. It is somewhat belligerent in its tone, threatening to bring against the people of Kansas the army and navy of the United States; and, should this force be inadequate to the task, the militia of the several states are to be brought into requisition to compel the people to submit to what they do not recognize as laws, and to laws, according to his own showing, the people of Missouri, with the aid of the executive which he appointed, have enacted.

But it is to be hoped that, by the time his forces are raised and marched into the territory, he will find, like His Excellency Governor Shannon, that the people are not so deserving of annihilation as he had supposed.

The President gives the details of the invasion of Kansas and the Governor's connection therewith, and does not deny that the so-called territorial Legislature was elected by the people of Missouri; but because the Governor, his appointee, chose to grant certificates of election to a majority of persons elected by the people of a neighboring state, therefore their laws are binding upon the people. To strengthen his argument, he might have accused the Governor of still further complicity with the invaders, and have said that although this territory is hundreds of miles in extent, and the people were politically unorganized, yet he gave them but four days in which to contest the election, and would not extend the time one hour; for it is said that a protest arrived at one o'clock on the morning of the fifth day, which, had it been regarded, would have changed five seats in the Legislature; but it was too late by one hour, and could not be received.

The argument of the President may be good against any objection to the acts of the Legislature on his part, as, in the first place, he refused to protect the ballot-box from fraud, and, in the second place, so far as lay in his power, his appointee legalized it; but is it good against the people?

The organic act provides for a Legislature to be elected from, and by, the voters; and a voter is to be "an actual resident of said territory;" and if any other set of men, either with or without the sanction of the executive, claim to be the Legislature, are the people bound to regard them as such?

Also, this act says, "It is the true intent and meaning of this act to leave the people of the territory perfectly free to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States," *not* subject to the people of Missouri, or the executive, or both of them together. How can the true intent of this law be carried out by a Legislature elected as was that on the thirtieth of March last? Yet that Legislature, elected from and by the people of a neighboring state, have assumed to pass laws for the people of Kansas, and also to "legislate slavery into the territory," which Congress itself professed not to have the right to do; and these are the so-called laws that the President says must be enforced, even though it require all the army and navy of the United States and the militia of the several states. Undoubtedly one half of this force will be all-sufficient to enable him to enforce any process, or to chop, shoot and hang all the inhabitants. But all the armies and navies in the world could not make the people believe he had a right to do it, or that the enactments of that border Legislature were binding upon the people of Kansas. If squatter sovereignty means simply that Congress has no right to interfere with the affairs of a territory, but that the executive and the people of another state have, then most certainly that doctrine will be very unpopular in Kansas.

Other reasons might be given to show that no legal Legislature have ever passed laws in Kansas besides the above, as the removal of the sittings from Pawnee to the Shawnee Mission, which is on the Shawnee Reserve, as it is understood, and can, consequently, "constitute no part of the territory of Kansas." The organic act provides that "the persons having the highest number of legal votes in each district for members of the Council (or House of Representatives) shall be declared by the Governor to be duly elected." From this decision there is no appeal, according to the act; yet nine persons, declared to be duly elected by the Governor, were ejected by the Legislature, and others admitted. But one person, it is believed, was duly elected by the legal voters of the territory, and he resigned his seat, regarding the whole body illegal. His seat was filled without an election, and by the Legislature; hence, probably, not one of the members of the body could have received the suffrages of the legal voters in the districts they pretended to represent.

It is the enactments of such a body of men that the army, navy and militia of the country are to enforce upon the people, who were told they should "be free to form and regulate their domestic institutions in their own way;" a body of men elected by a neighboring state; who did not sit at the seat of government as required; who *did* sit at the Shawnee Mission, understood to form no part of the territory of Kansas; who turned out nine of its legally elected members and received in their stead nine persons not legally elected; who filled a vacancy by appointment, and not by elec-

tion of the voters of the district, etc., to say nothing of the Draconian character of the enactments.

The President says, "The constitutional means of relieving the people of unjust administrations and laws, by a change of public agents, and by repeal, are ample." This is usually the case, and ought always to be so; but the case of Kansas is an exception. The administration of Kansas has its head at Washington, and we have not so much as a vote in favor of its continuance or removal; while the repeal of any laws, under present arrangements, by the people, is out of the question, as the Legislature has disfranchised a large majority of them. No man, in favor of a change or repeal of certain laws, can vote under our new order of things; and, consequently, no peaceable way of establishing a government of the people is left but to form a state constitution, and ask for admission into the Union. This has been done; but the President objects to our constitution, and calls the movement for a state government revolutionary, and intimates that the forces of the Union must, if necessary, be brought against it, although he admits that it was not revolutionary for other territories to do precisely what we have done—as California, Michigan, and others. His reason is, that the constitution of Kansas was formed by a party, and not by the whole people. What are the facts? A bill, calling for a convention for the formation of a state constitution, is said to have passed through one house of the Mission Legislature, and was defeated in the other only because they feared the result would be a free state. In July and August a paper was circulated for the signatures of all such persons as were desirous of forming a state government, and between one and two thousand persons signed it. August 15th, a general mass meeting of citizens, irrespective of party, was held at Lawrence, pursuant to a public call, signed "Many Citizens," "to take into consideration the propriety of calling a Territorial Delegate Convention, preliminary to the formation of a state government, and other subjects of public interest." At this meeting all parties participated, and the following preamble and resolution were adopted, with but one dissenting voice, and that was an acknowledged disunion abolitionist, the only one of that party at the meeting.

"Whereas the people of Kansas Territory have been, since its settlement, and now are, without any law-making power; therefore, be it

"Resolved, That we, the people of Kansas, in mass meeting assembled, irrespective of party distinctions, influenced by a common necessity, and greatly desirous of promoting the common good, do hereby call upon and request all bona fide citizens of Kansas Territory, of whatever political views or predilections, to counsel together in their respective election districts, and in mass convention, or otherwise, elect three delegates for each representative to which such district is entitled, in the House of Representatives or the Legislative Assembly, by proclamation of Gov. Reeder, of date 10th March, 1855; said delegates to assemble in convention at the town of

Topeka, on the 19th day of September, 1855, then and there to consider and determine upon all subjects of public interest, and particularly upon that having reference to the speedy formation of a state constitution, with an intention of an immediate application to be admitted as a state into the Union of the 'United States of America.'"

This was the first public action taken by the people in their sovereign capacity upon this subject, and all parties and sects participated.

The next action was at a party convention held at Big Springs on the 5th and 6th of September. A committee on state organization was appointed, and made the following report:

"Your committee, after considering the propriety of taking preliminary steps to framing a constitution, and applying for admission as a state into the Union, beg leave to report that, under the present circumstances, they deem the movement untimely and inexpedient."

The following was offered as a substitute for the report:

"Resolved, That this convention, in view of its recent repudiation of the acts of the so-called Kansas Legislative Assembly, respond most heartily to the call made by the people's convention of the 15th ult., for a Delegate Convention of the people of Kansas Territory, to be held at Topeka on the 19th inst., to consider the propriety of the formation of a state constitution, and such other matters as may legitimately come before it." This substitute was agreed to.

Thus it appears that this party convention simply approved of the action of the citizens' convention at Lawrence, and let the matter rest.

A Delegate Convention, irrespective of party, was held at Topeka, Sept. 19th and 20th, agreeable to the call of the mass convention of the 15th of August, and the following preamble and resolution were unanimously adopted:

"Whereas the Constitution of the United States guarantees to the people of this republic the right of assembling together in a peaceable manner for their common good, to establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and their posterity; and whereas the citizens of Kansas Territory were prevented from electing members of a Legislative Assembly, in pursuance of a proclamation of Gov. Reeder, on the thirtieth of March last, by invading forces from foreign states coming into the territory, and forcing upon the people a Legislature of non-residents, and others, inimical to the interests of the people of Kansas Territory, defeating the object of the organic act, in consequence of which the territorial government became a perfect failure, and the people were left without any legal government, until their patience has become exhausted, and endurance ceases to be a virtue; and they are compelled to resort to the only remedy left—that of forming a government for themselves; therefore,

"Resolved, By the people of Kansas Territory, in Delegate Convention

assembled, That an election shall be held in the several election precincts of this territory, on the second Tuesday of October next, under the regulations and restrictions hereinafter imposed, for members of a convention to form a constitution, adopt a bill of rights for the people of Kansas, and take all needful measures for organizing a state government, preparatory to the admission of Kansas into the Union as a state."

At this convention a Territorial Executive Committee was appointed, and the committee, in accordance with the instructions of the convention, issued a proclamation, commencing as follows :

" TO THE LEGAL VOTERS OF KANSAS.

" Whereas the territorial government, as now constituted for Kansas, has proved a failure — squatter sovereignty under its workings a miserable delusion — in proof of which it is only necessary to refer to our past history, and our present deplorable condition ; — our ballot-boxes have been taken possession of by bands of armed men from foreign states, and our people forcibly driven therefrom ; persons attempted to be foisted upon us as members of a so-called Legislature, unacquainted with our wants, and hostile to our best interests, some of them never residents of our territory ; misnamed laws passed, and now attempted to be enforced by the aid of citizens of foreign states, of the most oppressive, tyrannical, and insulting character ; the right of suffrage taken from us ; debarred from the privilege of a voice in the election of even the most insignificant officers ; the right of free speech stifled ; the muzzling of the press attempted ; — and whereas longer forbearance with such oppression has ceased to be a virtue ; and whereas the people of this country have heretofore exercised the right of changing their form of government when it became oppressive, and have, at all times, conceded this right to the people in this and all other governments ; and whereas a territorial form of government is unknown to the constitution, and is the mere creature of necessity, awaiting the action of the people ; and whereas the debasing character of the slavery, which now involves us, impels us to action, and leaves us the only legal and peaceful alternative — the immediate establishment of a state government ; and whereas the organic act fails in pointing out the course to be adopted in an emergency like ours ; therefore, you are requested to meet at your several precincts in said territory hereinafter mentioned, on the second Tuesday of October next, it being the ninth day of said month, and then and there cast your ballots for members of a convention, to meet at Topeka on the fourth Tuesday of October next, to form a constitution, adopt a bill of rights for the people of Kansas, and take all needful measures for organizing a state government preparatory to the admission of Kansas into the Union as a State."

On the fourth Tuesday of October, the Constitutional Convention assembled at Topeka, and drafted a constitution, which was submitted to the peo-

ple on the fifteenth of December, and by them approved, by a very large majority — men of all parties voting.

Such, in brief, is the history of the constitutional movement in Kansas ; and, if this is a party movement, it is difficult to see in what way a constitution can be framed and adopted not open to this charge. If the people or any other portion of them failed to participate, it was their own fault, and not the fault of those who were active. Democrats, Hards and Softs, Whigs, Hunkers and Liberals, Republicans, Pro-Slavery and Anti-Slavery men of all shades participated in the formation of the state government, and if it be a party movement at all, it certainly cannot be a movement of one party alone. In a republican government, the majority has no power to compel the minority to vote on any question ; neither has the minority a right to object to the action of the majority, because they did not choose to act with them.

The President says : " No principle of public law, no practice or precedent under the constitution of the United States, no rule of reason, right or common sense, confers any such power as that now claimed by a mere party in the territory. In fact, what has been done is of a revolutionary character. It will become treasonable insurrection if it reach the length of organized resistance by force to the fundamental or any other federal law, and to the authority of the general government."

" No principle of public law " ? What is the principle of squatter sovereignty, then ? " No precedent " ? What did Michigan, California, and other new states do ? " No rule of reason, right, or common sense " ? Is popular sovereignty unreasonable, unjust and nonsensical ? Suppose the party comprise an overwhelming majority of the people, what then ?

James Christian, Esq., a very honorable and high-minded pro-slavery gentleman, writes to a friend in Kentucky as follows : " I believe I informed you before that I have been appointed clerk of this (Douglas) county, under the territorial Legislature ; but we are in such a horrible state of confusion in regard to the laws that it don't pay anything. The free-soilers are in a large majority in the territory, and they are determined to pay no regard to the laws ; consequently they will not sue nor have any recording done, so my office is only in name. It is the same all over the territory."

According to the President, this " large majority " can have no rights, because they happen to think alike on a certain subject, or belong to the same " party." It was formerly a principle of democracy that the majority — especially " large majorities " — should rule ; but times must have changed.

If this " large majority " persist in setting in motion a state government, it will be " treasonable." It was not so, however, in Michigan, California, and other states. But the people of Kansas do not propose to reach the point of " organized resistance by force to the fundamental or any other federal law, and to the authority of the general government," unless our

state, "whose constitution clearly embraces a republican form of government, is excluded from the Union because its domestic institutions may not in all respects, comport with the ideas of what is wise and expedient, entertained in another state."

If our *state* "be absolutely excluded from admission therein, that fact of itself (*may*) constitute the disruption of union between it and the other states. But the process of dissolution could not stop there," and we should have the chief executive on our side in such an event. But no such result is to be anticipated. When the President fully understands our case, he can do no less than withdraw his recommendation for an enabling act to form another constitution, and Congress will admit us without delay.

Also we have confidence that no attempt will be made by the federal authorities to enforce the enactments of a foreign Legislature upon the people of Kansas. Mr. Christian, the pro-slavery clerk of Douglas County, says, the people of Missouri came into the territory on the thirtieth of March last, "bearing with them their peculiar institutions — bowie-knives, pistols and whiskey — to the amount of five or six thousand, carried the election by storm, and elected every pro-slavery candidate that was in the field, by overwhelming majorities, thus securing every member of Council and House of Representatives, in some instances driving from their seats the judges appointed by the governor, and placing judges from their own number in their stead, who paid no regard to the instructions of the executive," etc.

It cannot be that the President, after permitting the people of another state to take from the legal voters their constitutional and organic rights, will add to the outrage by compelling the people of Kansas to submit to their authority and obey their enactments. It is bad enough to be deprived of the right to make laws for ourselves, but it is worse to be compelled to submit to the laws of those who deprived us of that right. Although there has been and there will be no organized resistance to the self-styled territorial Legislature, yet nine men out of every ten spurn it with contempt as a gross outrage upon American citizens, and it is highly proper for the General Assembly to memorialize Congress upon this subject, as with reference to the admission of the state into the Union.

The President apologizes for the frequent invasions of Kansas, on the ground that some northern people talked about the repeal of the Missouri Compromise, and subjects connected with the extension of negro bondage, and because an emigrant aid association had been formed.

The people of this country have been in the habit of talking about the affairs of government ever since the *Mayflower* discharged her cargo on Plymouth Rock, but this is the first time that it has been considered an apology for the invasion of a distant state or territory. If the people of Kansas were accountable for the loquacity of the North or the silence of the South, the case might be different.

Emigrant aid associations are nothing new in the United States. When

California was first opened to settlement the same kind of associations were formed, with only this difference: in one case, each party had an agent of its own for the purpose of procuring tickets, arranging details, &c.; while, in the other, all the parties have a common agent. There is, however, connected with the aid society for Kansas emigrants, a stock company, for the purpose of erecting mills, hotels, etc., in the new country; but the agent of this society will purchase tickets for a slave-holder as soon as for a free-state man, and the investments are for the benefit of all settlers alike. No questions are asked, and no distinctions are made.

Had the President visited Western Missouri before any aid society had been formed at the East, he might have found a secret, oath-bound association, pledged to make Kansas a slave state, peaceably if they could, forcibly if they must. This society has been in active operation since its inception, and now threatens to deluge Kansas with the blood of American citizens, for the *crime* of preferring a free to a slave state.

Also, it is only necessary to read a few southern journals to see accounts in different parts of the South, not of emigrant aid societies, but of Emigrant buying or hiring societies, which do not simply procure tickets for the emigrants, at cost, irrespective of party or condition, but which pay the fare and expenses of the *right kind* of emigrants, and support them in Kansas one year, more or less. However it may be, the "king can do no wrong," although it may be wrong for the common people to do as the king does.

The people of Kansas will not object to aid societies, whether North or South, so long as they treat all parties alike. Emigrants from all parts of the country are received with a hearty welcome, and the investment of capital, whether eastern or western, northern or southern, is greatly needed.

The settlers of Kansas have suffered severe losses and injury from repeated invasions from a neighboring state, and it is highly proper that Congress be memorialized upon this subject. Especially should the general government repair the injury it has inflicted. All the invasions have been permitted by the officers of the government, without any opposition, while at least one was invited by them. It is the duty of the federal government to protect infant territories in their rights; but Kansas has not only not been protected, but it has been actually oppressed by those whose duty it was to defend it.

It is unjust to any community to send among them officers, with government patronage, whose political sentiments are opposed to the sentiments of the people, particularly when those officers mount the stump and shoulder the rifle for the purpose of crushing out all who differ from them. Some of the federal officers of Kansas are charged with undignified conduct, and one of them, at least, with high crimes; and it is the duty of the Legislature to memorialize the President, that our citizens may be protected in their live

and inalienable rights, and from unwarrantable interference of officials in the management of their internal affairs. It is manifestly improper for the federal officers to *dictate* into, or out of Kansas, an institution over which Congress professes to have no authority.

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

The task imposed upon us is a difficult one; but with mutual cooperation, and a firm reliance on His wisdom who makes "the wrath of man praise him," we may hope to inaugurate a government that shall not be unworthy of the country and the age in which we live.

C. ROBINSON.

TOPEKA, March 4th, 1856.

CHARGE OF THE BORDER-RUFFIAN BRIGADE.

From the New York Evening Post.

"Our forces amounted to *eight hundred* strong. * * * When we first reached Lawrence not a human being could be seen. In about an hour there gathered, in the streets, in front of the hotel, some hundred and fifty men. * * * *When they agreed to surrender*, our men were marched down in front of the town, and one cannon planted on their own battlements. Cannon were brought in front of the house, and directed their destructive blows upon the walls; the building caught on fire, and soon its walls came with a crash to the ground. Thus fell the abolition fortress!"—*Lecompton* (border ruffian) *Union*, the editor of which was one of the gallant eight hundred.

I.

Half a league, half a league,
 Half a league onward,
 All to the fated town,
 Rode the Eight Hundred.
 "Charge!" was the captain's cry;
 No foeman's bayonet nigh,
 No gun to make reply—
 "Charge!" was the gallant cry,
 And into the fated town
 Rode the Eight Hundred!

II.

No cannon to right of them,
 No cannon to left of them,
 No cannon in front of them,
 Volleyed and thundered!
 Stormed at by shot nor shell,
 Boldly they rode and well,
 Cowed by no fear of death,
 Cowed by no fear of hell,
 Rode the Eight Hundred!

III.

Flashed all their sabres bare,
 Flashed all their guns in air,
 The gallant Southrons there,
 Charging like fury, while
 All the world wondered!
 Seeing no battery smoke,
 Their southern courage woke,

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KANSAS.

Then rapid was their stroke,
And through the lines they broke,
And Lawrence plundered ;
Then the ruffians scampered back,
All the Eight Hundred !

IV.

No cannon to right of them,
No cannon to left of them,
No cannon behind them
Volleyed and thundered !
Stormed at by shot nor shell,
They, that had robbed so well
Ran, their exploits to tell,
Back to their dens again,
Back to their border-hell,
The whole black horde of them,
All the Eight Hundred !

V.

Honor the brave and bold !
Long shall the tale be told,
Yea, when our babes are old,
How bravely they plundered !

PENNYRON.

1822