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REPORT

OF THE

H. P. Johnston
COMMITTEE ON FEDERAL RELATIONS *H. C.*

RELATIVE TO THE

ADMISSION OF KANSAS

INTO THE

FEDERAL UNION.

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REPORT.

COMMITTEE ROOM, }
JANUARY 7TH, 1858. }

TO THE Hon. M. F. LOCKE,

Speaker pro tem. House of Representatives :

The Committee on Federal Relations, to which was referred a Preamble and Resolutions, condemnatory of ROBERT J WALKER, late Governor of Kansas, for his unauthorized, illegal, and impertinent interference in the affairs of the Territory over which he was called to preside, have had the same under consideration, and beg leave to report :

The same considerations which originally caused the rejection of the Preamble and Resolutions and their subsequent reference, operated with your Committee, in delaying this report. Mr. WALKER was a Southern man, if not by birth, at least by adoption ; and his appointment as Governor of Kansas, was regarded, at the time, by all parties, as an important concession to the South. Fully identified with the Democratic party of this section of the Union, by an active co-operation, extending throughout the period of his political career ; his speeches in Congress and out of it, his letters and his official reports as Secretary of the Treasury, under a Democratic

pro-slavery administration, fully endorsing and sustaining these opinions, the fact that he was pressed upon Mr. Buchanan by Southern men in Congress, for the first position in his Cabinet; and the further fact, that although his conduct as Governor of Kansas, seemed to merit the condemnation embraced in the Preamble and Resolutions, yet he was sustained, judging from newspaper accounts, by a large portion of the pro-slavery party of the Territory; and that too after he had been condemned by the Democratic Conventions of two, at least, of the Southern States. It was not to be expected that a man with such antecedents and thus sustained, would falsify the history of his political life by an act of treachery and faithlessness for which there was, seemingly, no adequate motive, for even one who had determined to abandon principle and look to unhal- lowed ambition only, for his reward. Under these circumstan- ces, your Committee, actuated by like considerations which prevailed in the House, when this Preamble and Resolutions were referred, were reluctant to condemn Gov. WALKER un- heard. They thought it but just to wait until all the facts connected with his course in Kansas were before them. He had a right to expect as much from Texas particularly, on ac- count of the decided course he took in relation to annexation, and the services rendered by him in that struggle. A legisla- tive body, acting with deliberation, could not do otherwise.— Your Committee will not disguise the fact, that in view of all the circumstances, a hope was indulged that a justification for his conduct might be offered which would be satisfactory.— They have waited patiently the result. The whole matter is before them, together with Mr. WALKER'S extraordinary let- ter, in which he attempts to justify himself; and upon this evidence they are fully prepared to condemn, in unqualified terms, the course he has pursued. They regard it as a direct

and flagrant violation, by an officer of the Federal Government, of the doctrine of non-intervention as embraced in the Kansas-Nebraska act, which provided, that the people of the territory should be left free to form their domestic institutions in their own way, subject to the Constitution of the United States. The expression "domestic institutions" used in the act, referred exclusively to the institution of slavery, as the debates in Congress, and particularly the speeches of Mr. Douglas, at the time of its passage, clearly show. The universality of the rule of self-government, as to all other subjects, was not a matter of controversy. When, therefore, Governor WALKER declared, as he did, in his Topeka speech, that from the laws of climate, slavery could not exist in Kansas, and in that and subsequent speeches, that the constitution to be adopted by a State Convention, would be of no obligatory force, unless submitted to a direct vote of the people for ratification or rejection, and that unless so submitted, would and ought to be rejected by Congress; his course as Governor of the territory, cannot be considered otherwise, than at war with the doctrine of non-intervention, as an unauthorised, illegal, and impertinent interference, with the rights of the people, and an act of treachery equalled only by his abandonment of Mr. Buchanan's administration.

The declaration that the climate of Kansas rendered it unfit for slavery, coming from a Southern man with the antecedents of Mr. Walker, and the Governor of the territory, was well calculated to deter slaveholders from emigrating to it, and to produce a corresponding increase of emigrants from the non-slaveholding States. It was not only an unauthorised and impertinent interference for him to dictate in advance what course the Convention must adopt after forming a State Constitution, but it was calling in question the authority with

which it was delegated, an attempt to abridge its powers and the efficiency of its action, and giving aid and countenance to a body of men whose purposes were treasonable, who had set at defiance all legal authority, and who for upwards of three years had promoted discord and civil war. It was tantamount to saying to them, "Slavery cannot exist in Kansas, and consequently all attempts to introduce it into the territory are wrong, and against the laws of God. You can go on in your career of resistance and violence. The constitutional convention amounts to nothing unless it submits its action back to the people, and if all other efforts fail in your lawless course, you will then have a chance of defeating it." Nor can his views be abstractly defended on the ground that sovereignty resides in the people, and is in itself indivisible. Admitting this proposition to be true, the people have certainly the right to determine the manner in which they will exercise their sovereignty, and with this, the people of Kansas were clearly invested by the terms of the territorial act, which declared that they should settle their domestic institutions in their own way. They choose to do this through a convention, and under our republican system of government, according to all recognized opinions, such a convention was invested with the sovereign will and authority. The question of submitting its action to the people for ratification, was a mere question of propriety which that body had the sole and exclusive right to determine. To assume any other position, is to say, that the people are incapable of delegating their authority; it is to confound the idea of sovereignty, with the mode of exercising sovereign powers. If Gov. WALKER'S position be correct, a constitutional convention would not be warranted in submitting a Constitution in its entirety, for ratification or rejection, to their constituents; for that would be to confound alike its

good and bad parts. They must take all or none. Consequently the only just mode would be to submit each section separately, a course which would be totally impracticable, involving unnecessary discussion, expense and delay. The rights of the people are sufficiently protected by the responsibility which each delegate is under to those from whom he received his authority, and if perchance, the Constitution should be deemed obnoxious, it can be amended or a new convention may be called, after the organization of the State Government.

The resignation of Mr. Walker, renders unnecessary any further action than a full and decided condemnation of his conduct. Your committee unanimously endorse the preamble and resolutions which were submitted to them, and but for the facts and circumstances hereinbefore stated, would have immediately returned them to the House for ratification.

But another question is presented of a more important character, and upon which, in the opinion of the committee, the State of Texas, through her Legislature should speak. The territory of Kansas has been for upwards of three years the theatre of civil war, superinduced by an armed band of Black Republicans, who have been in open rebellion against the government and civil authorities. They have steadily refused to participate in the Legislation of the territory, or to obey its laws, which were of a just and salutary character, and in conformity to the Federal Constitution and of the equal rights of the States, protecting alike every species of property, slavery included. These men—thus engaged in sowing the seeds of discord, hatred, and anarchy, refused to comply with a law requiring a registry of the legal voters of the territory, and which was intended to prevent fraud in elections. They also refused to vote in the election of delegates for a State Convention, or to recognise its legal existence. It is also said that

they refused, and in all probability failed to take part in the question of slavery, or no slavery, which was submitted to the determination of the voters of the territory on the 21st of December. The territorial Legislature, which called the State Convention, was a legally organized body and represented the people of the territory, a fact which no one will pretend to deny. That the peace of the territory, and the peace and safety of the union, required such a convention in order that the agitation of the slavery question might be localized, is also a fact equally undeniable. An act of Congress could not have made it more equitable, or have given the people a better opportunity to vote for delegates. This, it seems to us, covers the ground of propriety.

That convention met and submitted the question, and the only question, which divided the territory, to the decision of the people.

Your committee are therefore of the opinion that the Le-compton convention ought to be sustained, and our Senators and Representatives in Congress should be requested to vote for the admission of Kansas as a State under the Constitution adopted by it, whatever has been the decision of the people as to the question of slavery. In the language of Mr. Buchanan, "the question can never be more clearly or distinctly presented to the people than it is at the present moment.—Should this opportunity be rejected, Kansas may be involved for years in domestic discord, and possibly in civil war, before she can again make up the issue now so fortunately tendered, and again reach the point she has already attained."

The leading object of the Kansas Nebraska act, was to remove the dangerous question of slavery, from the halls of Congress, in which it was at first an intruder, and to let the people determine it for themselves. In the plain and forcible lan-

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guage of the President—"The friends and supporters of the Nebraska and Kansas Act, when struggling on a recent occasion to sustain its wise provisions before the great tribunals of the American people, never differed about its true meaning on this subject. Everywhere throughout the Union they publicly pledged their faith and their honor, that they would cheerfully submit the question of slavery, to the decision of the *bona fide* people of Kansas, without any restriction or qualification whatever. All were cordially united upon the great doctrine of popular sovereignty, which is the vital principle of our free institutions." The just expectations, therefore, of the American people, have been met by the Constitutional Convention of Kansas. They presented the question of slavery clearly and distinctly without embarrassing the action of the people by mixing it up with others of an extraneous character. If, therefore, Kansas is rejected in her application for admission into the Union under the Lecompton Constitution, or an act is passed by Congress calling for another State convention, it will be upon the ground, and the sole ground, it is believed, whatever reasons may be given, that her Constitution tolerates slavery. Thus will be presented the issue so fearfully anticipated that it is the settled determination of the North not to admit another slave State into the Union. What is the duty of the South in the event of such a manifestation of malevolent feeling, it is for the people to determine. In the judgment of your committee a crisis will have arisen demanding the counsel and co-operation of the Southern States. They therefore recommend that Texas be placed in a position by the present Legislature to consult and co-operate with the other Southern States, if such an emergency should force itself upon us. Your committee in making these recommendations have no disposition to pander to a morbid sectional feeling, or to

cultivate a sentiment which looks with favor upon a dissolution of the Union of the American States. In the language of the declaration and protest of the Commonwealth of Virginia, drawn by Mr. Jefferson—"They know and value too highly the blessings of their Union as to foreign nations and questions arising among themselves, to consider *every* infraction as to be met by actual resistance. They respect too affectionately the opinions of those possessing the same rights under the same instrument, to make *every* difference a ground of rupture. They would indeed consider such a rupture as *among* the greatest calamities which could befall them; *but not the greatest*. There is yet *one greater* submission to a government of unlimited powers." It cannot, however be disguised, that we are on the verge of a fearful crisis; that a powerful combination is forming in the Northern States, and in Congress, under the leadership of men to whom the South has heretofore looked for aid and assistance in the hour of her need, which threatens the denationalization of the democratic party, the purpose of which is to prevent the admission of Kansas into the Union as a slave State. It is for the people of the South to say whether they will submit to such a flagrant violation of their rights and for the future own themselves unequals in the Union. In the opinion of your committee, a period has arrived, when the people of the South should plant themselves upon a common platform, and insist upon a full recognition of their equality in the Union; in the practical test of State equality, presented in the application of Kansas for admission into the Union, the Northern and Southern States agreed to the doctrine of non-intervention as expressed in the Kansas Nebraska act; in order that the agitation of the slavery question might be removed from the halls of Congress, and in order that it might be determined by the people

of the territory; and if the operation of that doctrine has awarded Kansas to the Southern States, then to the South let it belong; if to the North, then to the North let it belong. But let Kansas be received as a State by Congress, let the agitation of the slavery question, if there is to be any more, be thus localized and cut off from federal politics. Let the doctrine of non-intervention triumph, and then we may hope for the restoration of peace and harmony to our national councils, and the settlement of the slavery question, so far as the territories are concerned for the future upon a just and permanent basis. In view of these facts and considerations the committee recommend to the Legislature the adoption of the accompanying Preamble and Resolutions, not as a matter of form, but because it is due to the State and to the people.

P. MURRAH,

Chairman of Committee on Federal Relations.

PREAMBLE AND RESOLUTIONS.

WHEREAS, the people of the territory of Kansas, through their chosen delegates, met in Convention authorized by the Legislature at Lecompton, on the day of A. D. 1857, and ordained for themselves a Constitution, preparatory to asking admission into the Union, as a sovereign and equal State thereof,

And Whereas, said Constitution is Republican in its character, and the question of "slavery," or "no slavery" was submitted by the Convention to the determination of the voters of the territory,

And Whereas, an organization has taken place in Congress and in the Northern States out of Congress, led by men who have heretofore acted with the South on issues presented by slavery, the object of which is to defeat the doctrine of non-intervention, and refuse Kansas admission into the Union as a slave State, though other pretexts are sought to justify the opposition, which organization threatens to be formidable, if not successful :

Therefore Be it resolved by the Legislature of the State of Texas : That it is the deliberate opinion of the people of Texas, expressed through their Senators and Representatives, that Congress ought without any unnecessary delay or hindrance, to admit Kansas into the Union, as a State if she presents herself for admission under the Lecompton Constitution, and without considering whether the Constitution is "pro-slavery," or "anti-slavery."