



THE BEDFORD GAZETTE
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SPEECH OF
HON. WILSON REILLY,
OF PENNSYLVANIA,

IN FAVOR OF THE
Admission of Kansas
UNDER
THE LECOMPTON CONSTITUTION.

DELIVERED IN THE HOUSE OF REPRESENTATIVES,
MARCH 20, 1858.
The House being in Committee of the Whole on the state of the Union—Mr. REILLY said:

Mr. CHAIRMAN: I have, up to this hour, refrained from a public expression of my views on the Kansas question, in the hope that some fair and honorable compromise would be effected which would settle it in a way satisfactory to all parties.

I confess, sir, that this question has given me more anxiety than all others to which I have had my attention called, and on which I have been my duty to vote since I took my seat as a member of this House.

How shall we meet the expectations of our fellow-citizens? How shall we drive from our political horizon the clouds which lower over our country, and cause the sunshine of peace and happiness to enter and keep possession of every dwelling in our once thrice happy land?

Mr. Chairman, in performing the duty which I undertook to discharge, I shall not detain the House by an elaborate or lengthy argument to prove that Kansas ought to be admitted into the Union under the Lecompton constitution.

hand over to others to discuss, if they feel inclined to do so, and shall proceed to state a few facts, as I understand them, and the conclusions I have arrived at upon those facts.

In the year 1854 an act of Congress was passed organizing the Territory of Kansas. A Governor and other officers for the Territory were appointed by the President then in power.

In 1857 a Legislature was elected, and convened at Lecompton. Divers laws were passed by this Legislature, among them one calling a convention to frame a constitution preparatory to the admission of Kansas into the Union as a State.

This convention met at Lecompton, framed a constitution, and submitted it to a vote of the people.

There are four questions arising out of this state of facts to which I will direct the attention of the committee for a short time.

First. Was the Legislature which passed the act calling a convention to frame a constitution a legally elected body?

Second. Was the convention which framed the Lecompton constitution a legally elected body?

Third. Was that convention bound by law, precedent, or otherwise, to submit the constitution framed by it to a vote of the people for ratification or rejection?

Fourth. If Kansas shall be admitted into the Union, will the people of that State have a right to alter, amend, or abolish the Lecompton constitution in any other manner or at any other time than that prescribed in that constitution?

In answering the first of these questions, it seems to me that I need do very little more than read one or two extracts from the inaugural address of Governor Walker to the people of Kansas.

The extracts from the inaugural address are as follows: "Under our practice, the preliminary act of framing a State constitution is uniformly performed through the instrumentality of a convention of delegates chosen by the people themselves.

"But it is said that the convention is not legally called, and that the election will not be freely and fairly conducted. The Territorial Legislature is the power ordained for this purpose by the Congress of the United States; and, in opposing it, you resist the authority of the Federal Government."

It will be seen, by this appointment, that twenty-one of the thirty-four counties were represented in the Lecompton convention, leaving sixteen not represented by their own delegates.

Let us inquire whether or not these two positions are correct; and if they are correct, how the constitution framed at Lecompton would be affected by them.

By the nineteenth section of the territorial act organizing the counties therein, there were created thirty-seven counties. Three of these counties lie on the extreme western frontier, and are said to have no population to be either represented, or disfranchised.

It may be said that this assertion that these counties are without population is an assumption without proof to sustain it. I would inquire, where is the evidence that there is a single citizen residing in either of these counties qualified to vote?

At a time when, of all others, they would have voted, there was not a single vote given. On the 4th day of January last, when the constitution was submitted to a vote of the people, in the form in which the free-State party desired it to be submitted, not a single vote was cast in either of all these three counties.

Where were the qualified citizens so important an election as this; an election at which, if there were any voters there, they could have voted and shown their opposition to the Lecompton constitution? The fair and legitimate inference—at least, until it is proved to be otherwise—is, that these counties were without population. This would leave thirty-four counties to be represented in the Lecompton convention.

Table listing 19 counties and their corresponding number of delegates. Total: 9,251.

Upon this registration being returned to Governor Stanton, he made an appointment of representation in accordance with law.

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Now, sir, taking it as granted that all these counties would have elected free-State delegates there would have been just that number of free-State delegates in the convention.

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lists at certain public places, for the inspection of all qualified citizens. The Probate Judge was required to continue his court for one month, so that the lists returned into his office might be corrected at the instance of any person who might request it.

I am of opinion that the people of my State are in every respect as good as the people in Kansas, and that, if the citizens of Kansas will not take the trouble to have their names put upon the list of voters, as we are required to do in the Keystone State, they have very little cause of complaint.

At the election on the 4th of January last, when the Lecompton constitution was submitted for ratification or rejection to a vote of all the qualified citizens of Kansas, in the form desired by the free-State party, there were given in six of these thirteen counties one thousand two hundred and twenty-five votes, all told, and in the other seven not one vote was cast.

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legally elected, is not in my judgment, sustained by the facts, and is without support in law. I have never yet heard it asserted, here or elsewhere, that these delegates had not severally received a majority of all the legal votes polled at the delegate election.

What had the desire of the President or of Governor Walker to do with it? Just nothing at all. The convention was independent of all control, let it be assumed by high or low. Governor Walker says to the people of Kansas:

"You should not console yourselves, my fellow-citizens, with the reflection that you may, by a subsequent vote, defeat the ratification of the constitution. Although most anxious to secure to you the exercise of that great constitutional right, and believing that the constitution is the servant and not the master of the people, yet I have no power to dictate the proceedings of that body."

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"The delegates thus elected [to the convention] shall assemble in convention at the capital of said Territory on the first Monday of September next, and shall proceed to form its constitution and State government, which shall be republican in its form, for admission into the Union, on an equal footing with the original States in all respects whatever, by the name of the State of Kansas."

It will be observed that there is not one word, either in the organic law organizing the Territory, or in the territorial act calling the convention, requiring a submission of the constitution to a vote of the people, before it should become binding on them as the fundamental law of the State. By what law, then, was its submission required? By no law whatever.

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