

DO RIGHT.

Though clouds thy firmament o'erspread,
And tempests burst around thy head,
Though life its greenest foliage shed,
In sorrow's blight;
And though thy holy hopes and fears
Lie buried 'neath the gathering years—
Do right, do right.

The warring elements' worst wrath,
The earthquake and the whirlwind's breath,
The valley and the shade of death,
Need not affright;
For duty's calm, commanding form,
With rainbow arms shall clasp the storm.
Do right, do right.

[From the New-Haven Daily Palladium.]

REPLY TO THE PRESIDENT.

To His EXCELLENCY JAMES BUCHANAN, President of the United States.

In July last, a number of citizens of Connecticut addressed to you, as Chief Magistrate of this nation, a Memorial on the affairs of Kansas. To this you replied, under date of Aug. 15, 1857, in a manner which shows that you misunderstood, to some extent, the ground taken by your Memorialists, for we would not impute to you the intention to misrepresent them. As you have thought proper to lay the Memorial and Reply before the public, a large part of the Memorialists have conferred on the subject, and have felt themselves compelled again to address you. We would remark, then, that the main facts alleged in that Memorial are either passed over without denial, or are explicitly avowed in your reply.

These facts are two: First, "that the fundamental principle of the Constitution of the United States and of our political institutions is that the people shall make their own laws, and elect their own rulers."

Secondly, "that Gov. Walker of Kansas openly represents and proclaims, that the President of the United States is employing through him (Walker) an army, one purpose of which is to force the people of Kansas to obey laws which are not their own, nor of the United States; but laws which, it is notorious, and established upon evidence, they never made, and rulers they never elected."

As to these two facts, the material facts alleged by your Memorialists, and which chiefly require vindication from you, they say that they find no denial of them in your reply. They do not say that you have attempted no vindication of your acts and doings through Gov. Walker, but only, that they can find in your reply no plain or explicit denial of the facts referred to—not even what they consider the shadow of a denial. These facts stand in the Memorial then, uncontradicted, by what you evidently consider a triumphant Reply. Why is this? Are these assertions, on which the whole subject at issue depends, untrue—and yet no denial of them—not a word to prove them untrue? Without such denial, what can you expect your Memorialists and the country to believe and to say? What, but that the facts, which they allege, are notorious and undeniable?

As to the allegation respecting the fundamental principle of the Constitution, your Memorialists hope that the time is remote when the enlightened citizens of this country will deny that principle; though party zeal, in its infatuation, may one day trample it in the dust, when, in sight of the ruin, Liberty and Religion in exile will together weep over the desecration.

Your formal vindication next demands notice.

Of this your Memorialists are compelled to say that, in their view, it is entirely groundless and unsatisfactory.

Resting it solely on what you call 'the plainest and most palpable historical facts,' you say that, at the time of your inauguration, 'you found, in fact, the Government of Kansas as well established as that of any other Territory.' You then ask, was it not my duty to sustain this government—to prevent it from being overturned by force; in the language of the Constitution, 'to take care that the laws be faithfully executed.'—You then add: 'It was for this purpose that I ordered a military force to Kansas to act as a posse comitatus in aiding the civil magistrates to carry the laws into execution.' Here, then, is the distinct admission and declaration on your part, that you ordered a military force to Kansas for the purpose of sustaining its Territorial Government, and of enforcing its Territorial laws. So far, then, in respect to one matter of fact, you admit the assertion of your Memorialists.

Your vindication, therefore, rests upon the assertion that there was, in fact, a Government in Kansas—such a Government as it was your duty to sustain. The essential question, on which the whole controversy turns, is thus raised; it is simply this: Was there a Government, or were there laws, in Kansas, in the just, proper and authorized meaning of the language, 'when you entered upon the duties of the Presidential office on the 4th of March last?'

If this can be proved to be true, your Memorialists will know something which they have yet to learn. If it can be proved not to be true, 'it will present a memorable example of the truth, that political prejudice is blind even to the existence of the plainest and most palpable of historical facts.' Nor is this all. It will show that you ordered an army to Kansas to sustain a so-called Government which is not a Government, and laws which are not laws.

Here your Memorialists take the position, that nothing can be truly governmental or law which has no authority; and that nothing should be treated as government or law which presents no evidence of authority.

Can anything which 'tramples under foot all human rights, and is a known outrage upon our Constitution and our political institutions, whatever be its name or form, be justly regarded as

government or law having authority under our Constitution? Can such an outrage be clothed with authority by a President, Senate, Congress, or a whole Congress of Presidents? Can usurpation beget a valid government or law, or impart that right to govern which implies an obligation to obey? Its might may make it a matter of prudence to avoid its wrath by submission, but can usurpation create an obligation to obey when none exists?

Suppose the Great Mogul, or any other tyrant, had established the same so-called government and laws of Kansas by the same means by which, as all the world knows, they were established—by invasion and arms—would any citizens of the United States call them 'government and laws,' except in derision and with loathing? Is a bogus government—government? Are bogus laws—laws? Is this 'government established,' and are these 'laws enacted'—and yet known to possess no other or higher authority than that derived from Border Ruffians? Are 'We, the people of the United States' to be stultified into the belief of such a dogma? For that result, wait at least for the more absolute dominion of a tyrant.

Your Memorialists will now present what they consider the fundamental error of your reply. In their view, in recognizing the Territorial Government and laws of Kansas as a genuine Government and valid laws, you have perverted the general principle upon which you rest your vindication, and have violated its essential spirit and meaning.

That general principle may be thus stated:—When rules of action, claiming to be valid laws, present on the first aspect, evidence that they proceed from a rightful law-making power, it is the duty of the people and the executors of law to recognize them as authoritative. To this, as a general principle, your Memorialists subscribe. It is the only means of giving practical authority to law, and of preventing violence and anarchy; nor do they yield to any man or class of men a higher estimate of its importance, or a firmer determination to adopt and defend it, than themselves cherish.

But to say that all governments and all laws, claiming to be valid, must be recognized, executed and obeyed as such, is as preposterous as to deny the general principle itself. To mistake the general rule for an universal rule, the conditional for an unconditional principle, must lead to false reasoning and to practical conclusions of the most dangerous character. This, in the view of your Memorialists, who believe that none are too wise or good to err, is what you (they trust inadvertently) have done.

In recognizing the Territorial Government and laws as authoritative, have you not violated the whole spirit and meaning of the principle laid down? Have you not wholly disregarded the essential condition, that the only government which it is your duty to sanction must present some evidence of rightful authority? You recognize the Territorial laws as valid. What is this, but to act upon the principle that, when the so-called government and laws come before you, without the shadow of evidence of their proceeding from a rightful law-making power, but with the most decisive and overwhelming proof that they have originated in a palpable and violent usurpation—that even then—even in a case so flagrant, it is your duty to sustain and execute them, even by the armies of the United States?

Your Memorialists are here anxious to call your attention to an important distinction, which you appear entirely to overlook. They readily concede that, in cases of no unfrequent occurrence, one government may properly recognize another as authoritative, or as a government de facto, on a very low degree of evidence, without rigidly investigating its authority, or even considering its origin. For example the Government of Great Britain, when Louis Napoleon was enthroned in France by the army of the Empire, and with the acquiescence and consent of the people, had no right to interfere with a government thus 'established.' The British as a foreign Government had no right of question or of control in the matter. But does it follow, because the Government of Great Britain had no right to interfere with what was an undeniable usurpation in a foreign kingdom, that the Government of the United States had no right, and were not bound to interpose and put down in one of their own Territories, a ruffian usurpation from Missouri? In respect to France, there was reason enough why other nations for purposes of national intercourse should recognize its present government as an 'established government.' But is not the Constitution of the United States the supreme law of the land? Has not our Government the right to authorize and regulate the government of its own Territories? Can Congress or the President abandon this right, or the duty which arises from it? If this Government owes any duty whatever to the country, is it not most sacredly bound to protect both State and Territory against the imposition of a government and laws by a ruffian and violent invasion from another State?

Your Memorialists, then, strenuously insist that the only principle on which recognition can ever be justified, is that there is some evidence, be it more or less, that the government proceeds from an authorized law-making power. And they further insist, that when such government is within our own borders, under the supervision and control of the Federal Government and claiming to derive all its sanction from a law of Congress, the evidence of its authority must be clear and decisive. But how is it when there is no such evidence? How is it when all the evidence is strong against its authority? How is it when there is the best evidence the case admits of, even decisive, unquestionable proof, that the so-called government has no other authority than ruffianism and outrage? Is such a 'government' to be practically recognized and that too within the limits of our own Republic? There surely may be cases in which it would be a gross wrong to sustain a Territorial Government which has no

authority. And now, we ask, what government could you refuse to sustain if not one that had its origin solely in a violent invasion of ruffians from another State? This fact in the present case can be denied; so can God, when his sun shineth in the heavens.

This usurped Government cannot be sanctioned by the law of Congress authorizing the formation of a Territorial Government. That law declares that 'the true intent and meaning of this act is to leave the people (of the Territory) perfectly free to regulate their domestic institutions in their own way, subject only to the Constitution of the United States.' To the People, and them alone it expressly gives the right to make their own government and laws. Here is no sanction, no authority, for a government not framed by the people, but founded solely on invasion.—Can this law enshrine in rightful sovereignty bandits from a neighboring State? As well say that it authorized them to seize every acre of Kansas, for their own use and behoof. It can as well deprive the people of one right as of another, of all rights as of one. It is said, 'that Congress authorized the establishment of a government.'—Yes; but by the people, not by marauders. It is further said, 'that we must adhere to a general principle.' What principle? Why, as your whole argument implies, 'that a government established' is a government to be recognized. We deny such a government in Kansas. Beware how you stretch a general principle, and make it universal. Though one may safely pass the Niagara River at all other points and places, none but a madman would attempt the passage on the verge of the cataract!

Your Memorialists urge, therefore, that the so-called Government of Kansas can claim no sanction from the act of Congress. The evidence was all against it—evidence known to the whole civilized world, apparent on the very face of the transaction, and which must have challenged your attention long before you had taken the oath of office. The very fact that the so-called Government required support from the Federal Executive was the strongest evidence that it did not come from the people, and had no lawful authority.—This shows, at once, that this Government was not, in the lowest sense, what you call an 'established Government;' for it shows that it was not and could not be established without a United States army; and, therefore, the army was sent, not, as you pretend, to sustain an 'established Government,' but for the purpose of establishing what was not established—a Government of ruffian authority.

Nor could you have been ignorant that the House of Representatives had sent a special Committee of Investigation to the Territory, and thus acknowledged and confirmed the propriety of a strict inquiry into this very case. On the report of that Committee the House of Representatives authoritatively declared that the Government of Kansas was established by the terror of bowie knives and revolvers, and that it had been proved to have not a shadow of authority. And here your Memorialists ask, whether a plainer case or stronger evidence can well be imagined? When, if not in such a case, ought the President to denounce a government as spurious, and to refuse to aid or sustain it?

The laws of Congress trampled in the dust—the invaders from Missouri proved, beyond a cavil, to be the only authors of this 'government'—is it not an outrageous wrong to hold Kansas subject to such usurpation by a United States army? The fires of ruffianism still burn there smothered in the dreariness of their own desolation, and ready to be rekindled in their fury by the slightest movement for Liberty and Right on the part of the people, while the echo of their sufferings ever rings in the ears of our National Executive.

Let it be remembered, that this Government comes to the people of Kansas not with the sanction of gray antiquity, nor yet has it come from any law of Congress as its true and proper source, nor yet from the people of the Territory, nor yet from being even fully established. It is of recent origin and formation. It dates only from the imposition of it by the ruffianism from Missouri, upon the people who abhor and disown it. Every man who has, from the first, known its existence, has known its origin and its nature. Let it then be taken as it is; as it is, in its origin and its nature. And what is it? A code of laws oppressive, unjust, cruel, outrageous without a parallel, created, imposed, by the usurpation of ruffians from Missouri.

And these laws, and this 'Government,' without the least evidence to establish their authority, but with the most abundant proofs to the contrary, you are proposing to sustain and execute by the United States army! You speak of 'numbers of lawless men' &c., alluding evidently to the Topeka Convention. Be it so, for the sake of the argument: but how does one 'lawless attempt' to establish a government, justify or palliate another lawless attempt, for the same purpose?

Further: In our reply you seem to your Memorialists to concede, in all its truth and force, the principle which they maintain. Thus you unequivocally and justly assert that 'for a portion of the people of Connecticut to undertake to establish a separate Government, within its chartered limits for the purpose of redressing any grievance, real or imaginary,' would be usurpation, and add that 'such a principle, carried into execution, would destroy all lawful authority, and produce universal anarchy.' Your Memorialists fully subscribe to this doctrine. But what is the act which you call usurpation in the case supposed? What is it but setting up a Government claiming authority, and laws demanding execution, which, in the nature of the case, can claim no authority and are opposed to existing authority? If you would call this 'usurpation' in Connecticut, if it would 'destroy all legal authority and produce universal anarchy,' what is this but the very act which Missouri invaders have perpetrated in Kansas? There was Government in Kansas—government under the Constitution of the United

States. Law was there also, a law for the organization of Government by the people of the Territory. Right, too, was there; the inviolable right of the people to make their own laws and elect their own rulers. In opposition to the existing Government, in violation of that existing law, trampling upon those inherent rights, Missouri invaders have set up a bloody tyranny, which has, in fact produced anarchy and bloodshed. If you condemn the one, condemn the other also. Your Memorialists have nothing to ask of you in this matter but consistency of principle. Condemn the same conduct in both cases; put down the usurpation in Kansas, and the friends of truth, justice, and of the country, would rejoice.

Your Memorialists again ask, whether a case can well be imagined, to which the name of authoritative government could well be applied with more palpable impropriety and untruth, than to the Territorial Government of Kansas? Might not even political shamelessness blush to call it by such a name? Was not the true and only character of this Government known to you and the whole country before your inauguration, and during the Presidential canvass? Did you not, with the full knowledge of it, accept your nomination, which you were free to decline, and thus avoid the responsibility of executing these nefarious laws; or, did you suppose that the oath of office would exempt you from this responsibility? You admit the constitutional duty of the President to 'take care that the laws be faithfully executed.'

And now, without holding you responsible for any acts of your predecessor, for which you are not willing to be responsible and have not fully sanctioned, your Memorialists would ask, was there no law to be taken care of, by preventing a well-known projected invasion of the political rights of the people of Kansas? no law to be taken care of afterward by expelling the invaders from the Territory? no law to be taken care of in respect to the thefts, the robberies, the incendiarism and the murders that were perpetrated? no law to be taken care of in the mode of civil administration adopted by Federal officials? no law to be taken care of in not appointing officials whose hands were reeking with innocent blood, or in removing bribed and perjured judges? no law to be taken care of by securing to the people of the Territory that fundamental right of the Constitution—a right guarded by an express law of Congress—the right 'to make their own laws and elect their own rulers?' no law to be taken care of in giving to Congress information at least of the state of the Union, and especially in recommending necessary and expedient measures for the relief of the people of Kansas from the injustice, the oppression and the barbarities to which they were subjected?

Had then Great Britain any such laws to take care of in France, when the present Emperor was enthroned there by usurpation, as those which our Government—our President—was bound to take care of in our own Territory? In utter neglect of these laws, have you not, with a full knowledge of the nature of this usurpation, its origin, its progress, its violation of Constitution and of fundamental rights, its violence, its rapine, its massacres, its conflagration, and its shame, sustained at every step its authors and abettors to this hour? Have you not sanctioned such conduct by placing, or retaining, prominent leaders therein in official stations?

Again, are the troubles and calamities of Kansas the legitimate results of the wise administration—of the true and right working in such an exigency—of our national Government? the most perfect specimen of human government the world has seen—to our own admiration, the perfection of excellence. Surely, such results bespeak some derangement, some disturbing force in the evolutions of a machinery so fitted to do good, so powerful to its high design.

But if your example in administration, and that of your predecessor in office, are to be followed in future, whenever similar cases shall occur—if every usurpation of power, when it has gained a temporary success, is thenceforth to be backed by the whole power of the Federal Government, and forced upon the indignant people on whom, by fraud or violence, it had imposed itself, where will the end be?

How often will such crises actually occur, resulting from the very nature of our Government, with such a principle in its administration to originate and foster them? What a temptation to party-spirit, thus unrestrained, emboldened, upheld by the Government of the nation, would be furnished to carry out its schemes and its triumphs in violence and bloodshed! What shall hinder? Let the administration of the Government change hands—and such changes may be frequent—how surely would the same contests be reenacted by way of reprisals for past injuries and oppressions! How would such contests be repeated in Territories and in States till, to your own mind, would be revealed, in the very principle you assume, a weakness in our Government foretelling its speedy dissolution.

Of the particular considerations by which you have endeavored to support the fundamental principle of your reply, the first which demands notice is that, 'when you entered upon your official duties, Congress had recognized the Legislature (of Kansas) in different forms, and by different enactments.' Had you informed your Memorialists what these 'different enactments' were, they might have been made the subject of distinct examination.

As it is, they can only say that they know of no 'forms or enactments' of Congress which could be binding on you as authoritative, or which you had reason even to regard as evidence of the validity of that Legislature. Do you refer to the act by which the usual appropriations from the Treasury were made? Every one knows in what manner and for what reason that act was passed, and that many who voted for it regarded, and still regard, the Territorial Legislature as downright usurpation; nor had they any suspicion that they were recognizing its validity. How this bill can