

The Kansas Slave Code

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In July and August of 1855, the first Kansas Territorial Legislature met at the Shawnee Indian Mission in present day Johnson County, Kansas. This legally-constituted, 38-person body passed more than 1,000 pages of legislation, including several acts dealing with the issue of slavery in Kansas Territory.

The “Act to Punish Offenses Against Slave Property” was particularly controversial. The Act prescribed death as the punishment for causing or aiding slave insurrection or rebellion. Also punishable by death were actions that encouraged slaves to run away from their owners.

Resisting officers of the law who attempted to arrest a slave was to be punishable by two years of hard labor. Circulating printed material which might cause “dangerous disaffection” among the slave population was to be punishable by five years of hard labor. Writing - or even saying - that persons have not the right to own slaves in Kansas Territory would be punishable by two years of hard labor.

In other statutes, the Kansas Territorial Legislature specified that those convicted of such offenses and sentenced to hard labor would be required to be fitted with a ball and chain. Further provisions made homicide excusable when correcting or apprehending a slave. A male slave involved in a personal illicit relationship with a white woman was to be summarily castrated. Every officer or appointee of the Territorial Legislature of Kansas was to take an oath to support the United States Kansas-Nebraska Act and the Fugitive Slave Law. Jurors and attorneys were required to take the same oath.

The comprehensive nature of these several acts of the Kansas Territorial Legislature made up what became known as the Kansas Slave Code. It was widely reprinted throughout the country and much admired in certain circles. Supporters argued that for a slave-holding settler to move to Kansas Territory, he must be assured his slave property would be safe.

John Speer, editor of the “Lawrence Tribune” (and later biographer of James Lane) was the first and only person to be indicted under what he called (in big bold letters) **THE INSOLENT GAG LAW** provisions of the Kansas “Act to Punish Offenses Against Slave Property.” Speer further asserted (in big bold letters) that **PERSONS HAVE NOT THE RIGHT TO HOLD SLAVES IN THIS TERRITORY.**

Speer was never tried and the “Insolent Gag Law” was repealed by the 1857 Kansas Territorial Legislature.