

Result of the Election on the 4th Inst.—The Legislature Free State—The State Ticket Pro-Slavery—The Free State Party on Their Feet Again—Bill for a New Constitutional Convention—Topeka Legislature—Arrests of Messrs. Calhoun and Henderson.

SPECIAL CORRESPONDENCE OF THE HERALD.

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The free State party is less bellicose than it has been for the few days past, though it still stands, like Minerva, in armed neutrality, ready to "whip out Uncle Sam from the Territory" should he attempt to cross their aspirations. The recent intelligence in regard to the election on the 4th inst. has very materially modified their way of view, though they still seem unalterably determined to carry their point, if they have to fight it—so that they exert so much about the question of slavery, except as it affects their pockets by depreciating the value of real estate, but that they are determined to hold the reins of government of Kansas, whether she be Slave or Territory, in their hands.

Mr. Babcock, President of the Council, and Mr. Deitzler, Speaker of the House of Representatives, returned from Leocompton yesterday, bringing with them the returns of the election on the 4th inst., so far as they have been received. They opened the returns and counted them in the presence of John Calhoun, and some of them now charge him with having opened the returns previously, or having changed them. George W. Smith, the free State candidate for Governor; those spoke of Mr. Calhoun on his return here—John Calhoun showed nothing that satisfied me to had anything to do with the frauds. I think if he had left him alone he would have done all that was right? While they were counting the votes, Mr. Calhoun received a letter from John D. Henderson, the result of which was that the returns from Delaware Crossing were not presented. Calhoun, on being asked for them, replied that he had not received them. The free State party now wish to have them presented, as one of the judges of election will testify, they say, that there were only forty three (yesterday it was forty nine) votes polled in the precinct of Delaware Crossing. They think they would thus have a case against Mr. Henderson, who is still held here a prisoner, and towards whom they hold no superabundance of love. But more of this hereafter.

The returns from Kickapoo represent that 952 pro-slavery and 43 free State votes were polled there. Oxford returns give 708 pro-slavery votes and no free State votes. Shawnee polled 589 pro-slavery and 41 no slavery votes. These are considered to be the principal frauds of the last election now in. The free State party claim that the total number of fraudulent votes was 3,560.

As the returns now stand the pro-slavery party have elected their State ticket by a small majority, while the free State men have a large majority in both branches of the State Legislature. In Kansas the Legislature is everything for which the State party has that throws out returns or puts in returns until they have all the State offices in their possession. The following are the returns for State officers:

PRO-SLAVERY STATE TICKET ELECTED.

Table with 2 columns: Name and No. of Votes. Includes F. J. Marshall, W. T. Spookey, R. B. Little, J. B. Cramer, F. B. Carr, Geo. W. Smith, Wm. V. Roberts, P. C. Schuyler, Andrew J. Mead, Joel K. Goodin, Marcus J. Parrot, etc.

From this it will be seen that the pro-slavery State ticket is elected by a very small majority, being only 66 to the Governor. Marcus J. Parrot, however, the free State candidate for Congress, is elected by a majority of 65; he has now been elected to that position by Kansas at a majority of 66 as a State under the Leocompton constitution, and Kansas as a State under the Topeka constitution, which certainly ought to entitle him to his seat.

The State Legislature elected under the Leocompton constitution stands, from the returns now in, as follows—in House of Representatives, 29 members are free State, to 14 pro-slavery; in the Senate, 13 members are free State to 6 pro-slavery. If the ballot box had not been destroyed at Sugar Mount on the 4th, by some free State ruffian, two of the representatives and one of the Senators here classed as pro-slavery, would have been free State, and if returns are yet made up from that precinct, and added by Calhoun, the disproportion between the numbers of the two parties will be increased. If, however, 500 votes are admitted upon the returns from Delaware Crossing, the free State party will lose eight representatives and three Senators from Leaworth county, then they would be in the minority, unless some of the members here classed as pro-slavery should by further returns fill their seats filled by free State men. The result of the election is much more favorable, as it now stands, to the free State party than the most sanguine among them expected. The following table gives the votes for the candidate for the Legislature in each several county.

FREE STATE.

Table with 4 columns: County, Senate, Votes, House of Representatives, Votes. Lists counties like Riley, Franklin, Woodson, Brown, Allen, Lincoln, Shawnee, Breckinridge, Davis, Anderson, Doniphan, Barbour, Calhoun, Nemaha, Leavenworth, Douglas, Jefferson, Dohm, Johnson, Atchison, Tjykin, etc.

No further free State ticket was run.

PRO-SLAVERY.

Table with 4 columns: County, Senate, Votes, House of Representatives, Votes. Lists counties like Riley, Brown, Allen, Linn, Shawnee, Torn, Davis, Doniphan, Dorbon, Calhoun, Nemaha, Leavenworth, Douglas, Jefferson, Johnson, Tjykin, McKee, Atchison, etc.

We have also the official returns of the vote upon the slavery clause of the Leocompton constitution on the 21st ult. They are as follows: For the constitution with slavery, 6,149; for the constitution without slavery, 600.

Two thousand out of the 6,700 vote were polled at Kickapoo, Shawnee and Oxford. The free State men claim that there were about 2,000 legal votes cast for the Leocompton constitution with and without slavery.

The returns of the vote upon the same constitution on the 4th inst. gave 10,000 majority against that constitution. All of the returns have not yet been received. When Mr. Henderson arrived in Lawrence and found that none of the judges of election at Delaware Crossing were ready to make affidavit to the number of votes polled there, he erimed some uneasiness. When on the morning of the 15th, some men came from here to Leocompton, he addressed a meeting in the presence of George W. Smith, free State candidate for Governor, and several other witnesses, saying, "Tell Calhoun for God's sake not to open the returns from Delaware Crossing until I see you. Then we need not deliver the message to Calhoun, him." They then informed him that Mr. Henderson was under arrest

here. During the evening of the 12th, while Calhoun was counting the returns, he was arrested by Henderson, upon reading which, Mr. Babcock, President of the Council, and Mr. Deitzler, Speaker of the House, declare that he (Calhoun) evinced unusual emotion, and that he (Calhoun) did not seem to have served his term, and was not forthcoming.

The United States Marshal for the Territory, Mr. Deane, came down from Leocompton on the night of the 12th (yesterday) by the Leocompton stage, with a writ of habeas corpus for Henderson. The writ has not been served. The prisoner says it was made out for his advantage, and that he refused to sign an attachment, and that he had, and that he was examined and to be thus cleared. The free State men say that acting Governor, Gen. Denver, forbid the Marshal and Deputy Marshal from serving him, which believe was the fact; but it was in accordance with Mr. Henderson's express desire.

A writ of attachment for Gen. Calhoun was sent out before Justice Miller, of the place, yesterday, and sent to Leocompton, to compel him to appear here as a witness against Mr. Henderson. Upon the attachment being served, Judge Otto, of Leocompton, immediately issued, upon affidavit, a habeas corpus for the release of John Calhoun, and he was accordingly released. Thus you will see the tricks of the New York bar are being played to a considerable extent in Kansas. The free State men say they cannot release Mr. Henderson, for the Delaware friends would then be admitted, and they would thus lose the control of the State government under the Leocompton constitution; so they will hold him a prisoner, at least for a time, if they can, with or without law. The men of this place say if any person or persons would take Mr. Henderson from them by force, there will be trouble.

The affidavit upon which the habeas corpus for the release of General Calhoun was issued, copied entirely the present Territorial Legislature, called it bogus, its laws of no effect; declared that Justice Miller had no legal right to issue an attachment, and if he had, he must stand at Leocompton to enjoy it, for the laws make no provision for the establishment of a justice's court here, &c.

General Deaver says his friends Calhoun will be down here tomorrow morning, ready to make any affidavit required by law; the report is, however, that as the United States troops left Leocompton yesterday afternoon for Fort Leavenworth, Mr. Calhoun thought best to go with them, and keep up a continual "fire" which way, if any he traveled. Parties interested desire Mr. Calhoun to tell them whether he had the power or not to go behind the returns as made to him; that is, whether they could contest the seats before him or whether they must do so before the Legislature. He declined to the opinion that the Legislature was the proper authority to decide upon the regularity and correctness of returns, after having heard the different claimants or taken evidence in the matter; but upon being urged to allow the candidates to contest the election before him, he said he would consider the subject, and if he thought he had the power to go behind the returns, as made to him, he would allow any person or persons to contest the election before him.

Mr. Henderson occupied good quarters at the Johnson House. He carries around with him a revolver of fair dimensions, ready to defend himself if necessary. The Topeka State Legislature held a grand caucus yesterday. The lower house of this body consists of 60 members, the upper House of 20; 18 of its representatives are also members of the Territorial Legislature; but of its members of the Legislature, when assembled in general caucus, there were only 25 present; being less than one-third.

They seemed to be in a pitiable plight; they did not know what to do; they had nothing to do, and yet the thought of retiring to private life was exceedingly disagreeable to them. They might have no program here, but they would continue the force of their opposition, one, or even with. To go home and take care of their claims, if they are worth any, like common mortals, was no undignified for them; they must take care of their "dear people" the people had chosen them, and they must choose to legalize the people's action by illegally passing laws to maintain, or rather to attempt to maintain, a State government which their consciences have hindered should be maintained at such a time and under such circumstances. If they should adjourn, who would take care of the "dear people"? No one. Then we won't adjourn, said they, for the "dear people" must be taken care of anyhow. The question which appears to trouble these conscientious fathers most, is whether the much loved people will love them enough in return to pay their board and washing here, with sundry other little bills; there is where the shoe pinches. Some of the more conservative of this factious body, seem to think they could do no good here, have quietly returned to their homes, the result of which is that the honorable body, the elected legislators of the State of Kansas, have divided down to very undignified numbers. They thought they ought to do something to better their condition; so a resolution was introduced calling upon the head of each branch of their then united body to order the Sergeant-at-Arms to call upon all absentees and conduct them to the chamber in which the honorable body might meet in legislative session, and in that way they might increase their number one day to at least an approximation to a quorum.

The comparatively conservative men of this organization who wish to take at least a recess, are virtually ruled out of good standing, and the party factions are in factions subdivided. It was greatly regretted in the caucus that the free State party had carried the Legislature under the Leocompton constitution. They feared their party would be willing to go back to go on changing the constitution and make Kansas a free State, instead of rallying around the "blood stained banner of the Topeka constitution." Such a course would greatly detract from their dignity, place and power; so every possible effort should be made to prevent it. They would appeal to their constituents. The people would sustain them in sustaining the Topeka constitutional government, and the principles of the people's right to make their own constitution, and the like of that. After a grave deliberation upon the resolution, it was unanimously adopted, by a few votes in the affirmative and none in the negative. The honorable body then adjourned till 7 o'clock, this evening.

The following report was yesterday made by the special committee appointed by the House of Representatives of the Territorial Legislature, to consider the resolutions sent to that body by the Topeka State Legislature:

The special committee to whom was referred the memorial, in the form of concurrent resolutions, passed by the General Assembly of the State of Kansas, and presented to the Legislative Assembly, have had the same under consideration, and beg leave to make the following report:—In view of the probable admission of Kansas to the Union as a State, under a constitution which has not had its origin with the people, and which has been rejected by a large majority of all the votes polled at an election held under the act passed by the Legislature at its recent session, providing for the submission of the same to a fair vote of all the people, it is deemed important that the State government organized under the constitution framed at Topeka should be maintained in any emergency that may arise. They would also recommend, that the General Assembly of the State of Kansas pass such laws of a general nature as may be necessary to the operation of that government, to be enforced as soon as it shall be ascertained that Congress has forced upon us the constitution framed at Leocompton, and that we have been defrauded of our rights under it. They would further recommend that, as both legislative bodies are the representatives of the same people, a concert of action between them, so far as is practicable, should be arrived at, and that harmony and mutual confidence should be cultivated. All of which is respectfully submitted.

R. C. ELLIOTT, JOHN SPEER, S. S. COOPER, II. MILLS MOORE.

The report was laid on the table till Monday, the 18th, to enable the minority of the committee to prepare a report, which will probably be against acknowledging the Topeka State Legislature as a Legislature at all.

A bill providing for a new constitutional convention passed to the second reading in the lower House yesterday. The bill proposes to make an appointment upon nearly the same basis as that upon which the Territorial Legislature was made; the convention is to consist of sixty members; the election of said members to take place on the first of March; the convention to meet by the middle of that month; the constitution to be framed, submitted to the people, adopted by the first of May. The bill will pass both houses, with slight modifications and amendments; and attempt will be made to have a new census taken, upon which to make the appointment for members; the only objection urged against it is a want of time.

A meeting was held in one of the churches of Lawrence last evening; it was an assemblage of Topeka men. Lane was there and made a speech. He took the ground that if the free State party had the Legislature and State offices under the Leocompton constitution, the members elect should not take their seats; but ought to leave that government a nullity and rally around the "blood stained banner of Topeka." There are a great many men of Lawrence who, with the Topeka legislators support, or rather have led Lane into this opinion; for he always follows the course desired by the majority of the people where he is not the first, or rather follows the track made out by the loudest talking faction, without writing to see if the majority are on that side. He never takes a stand against the "rabble on anything; he is the ringleader of the rabble, and first and best agitator. With them alone he is popular; politically; by them alone he is supported politically. Though many good and conservative men like to use him as a tool, when any dirty job is to be done, when an army of lawless men is to be arrested a poor judge, against whom there is no just complaint. The fact that Lane has been prowling around the Territory all the fall, with an army, and only made one prisoner—poor Justice Campbell—when everybody knew was innocent of the charge brought against him, has created considerable merriment here.

The meeting last night adopted resolutions the substance of which is that the Territorial Legislature should get out of the way as soon as possible, and allow the poor Topeka body to live, breathe and have a being. Poor Topeka! how hard they die! The free State party in the Territory do not continue to love Lane, nor that of Lane; but both are supported factiously, strong enough to make a noise, create confusion, and perhaps split the party before the time I have in a previous letter, allowed for that result.

That there is a body of conservative men in the Territory fighting both political parties and their sub-factions will readily be seen by the following extract from the only paper published in the Territory—the Leavenworth Ledger of Jan. 15, 1857:—

Suppose Kansas party came into the Union as a slave State, the free State party of Kansas would have a majority of the Legislature, and would pass laws to make a nigger in Kansas so heavily that the owners of them would find that it would "cost more than it comes to" to keep them here; and in that way Kansas would be, to all intents and purposes, a free State. Niggers are not great bene of contention in Kansas, and those who cry out most lustily for "nigger" or "no nigger" haven't tobacco enough, as a general thing, to buy a plug of tobacco with. The real bone of contention is, you see, not that of spoils; and the poor nigger is made to bend and bow to suit the purposes of those political demagogues, that they may mislead power and obtain some of the spoils; and that's all. The free State party, nor the pro-slavery party of Kansas care anything about the moral condition of the niggers; but they must have a text to preach from; and the "poor nigger" has been preached, in all his aspects, throughout our land.

The white race appears to have no sympathy with the politicians of our day and generation. The niggers receive their whole time, "four bows of compassion melt with love" for "Samb" and "Omah," while the hardy mechanic and laboring man must take care of themselves. Politicians make promises to break them. If you would believe one tenth what they tell you during a canvass, you would think they were getting to set the sea on. We have learned to know that their promises for good (ex-

cept for themselves) is all fudge. And we know how to treat them hereafter. Our niggers are heartily sick and laboring men want peace. If they are heartily sick and laboring of this infernal nigger agitation; they have had a surfeit of it; it injures their business, blisters their prospects, and keeps up a continual "fire." Let Kansas be admitted into the Union somehow, or other, and with some kind of a constitution, that we may have peace.

P. S.—Returns just received from the interior counties, by Gen. Deaver, and supposed to be on the constitution bill opened, give the free State ticket 637 additional votes, and the pro-slavery State ticket 6. This elects all the State officers of the former party.