

The Constitutional Convention—its Origin, Elements and Policy—The Popular Sentiment in Regard to Slavery—The October Elections—How Things are Done in Kansas.

OUR SPECIAL CORRESPONDENCE.

LEOMOROS, K. T., Sept. 13, 1857.

I have mixed a good deal among the delegates to the Convention which has been holding its five days' session here, and I am conversant with their views and opinions, and think I can render a pretty faithful and reliable statement of the political value of that Convention, of the policy which induced it to stop short in its course, and of its claims to be regarded as an exponent of the will of the people of Kansas. My former letters have indicated pretty plainly my opinions as to this miserable mockery of a Convention; but still it may be profitable, now that it has virtually expired, to analyze its origin, its elements and its claims, and to consider the results, if any, that it is to have.

A few leading facts only need be stated in reference to its origin. Some months ago a law was passed by the Legislature of Kansas which required the voters at the succeeding election to declare their will in favor of, or adverse to, being a Convention to frame a State constitution. I need not go into the mode in which that Legislature was organized. The fact of the repeated invasions of Missouri, and of their undertaking to substitute their votes for those of the real settlers, is not denied. The Legislature that sprung from those invasions was not, and could in no sense be regarded as a legally constituted body; and when the free State men regarded it and disregarded its actions, they did exactly what American citizens ought to have done under such circumstances. Well, at the election wherein the voters were to declare whether or not there should be a Constitutional Convention, the free State party did not go to the polls, or if they did, were driven from them; and as the pro-slavery party voted in favor of a convention, it appeared that now was the will of the people. A census law was also passed in February, 1857, directing the proper county officers to give an enumeration of the population of their respective counties on the 15th of March, 1857, taken, and returns thereof made to the Secretary of the Territory. This law, as all others enacted from the same body, was, by the free State party, treated as if it had no existence. No census was taken, save in a few counties where pro-slaveryism was predominant. At least no returns were made from other counties. The returns from those were exactly manufactured out of the whole cloth—for they showed a population of 25,149, and 9,251 voters; whereas I easily believe that these counties could not show a total population of 5,000. The votes for delegates amounted, all told, to only 2,083. Be it as it may, however, the first delegates, to which number the Convention was restricted, were apportioned among those counties from which census returns had been received. The Convention, therefore, could only pretend to represent these counties, while it is an admitted fact that the unrepresented portion of the Territory contains a population at least ten times larger than that portion so represented. I know that the argument will be made right here: "Way did not the people of the free State counties obey the law and send delegates?"

I have often, before coming to Kansas, used the same argument; but although I have mixed here with pro-slavery men since, and have not spent an hour in a free State political meeting, I am compelled in all candor to admit that the argument, though apparently strong in law, is, in view of all the facts, weak and untenable. I say this, while holding in supreme contempt abolitionists in general, and Ians and his misguided fanatics in particular. Had I been a citizen of Kansas at the time—as I hope not to be at any time—I would not only have repudiated and disavowed the Legislature, but would have even counselled the expulsion and dispersion of its members at the point of the bayonet. They were usurpers in point of law, and from all I have been able to gather—degraded and corrupt; in point of character. Possibly a free State Legislature might have been equally as corrupt; (New York shows that black republicans can vie in that regard with border ruffians,) but at all events it would have been the popular choice, and the people of Kansas would have had no one to blame but themselves.

Such, in brief, was the origin of this Constitutional Convention. Can any one say that such a body was fairly delegated to frame an organic law for the people of this Territory? The pretensions of the three Harley street tailors, who issued a proclamation in the name of the people of England, were not a whit less absurd and ridiculous than those of this convention to declare the will of the people of Kansas, and to frame an organic law for its future political existence.

As to the personnel of the Convention, I have nothing unfavorable to say. It differed not at all from the usual construction of party conventions in New York and elsewhere. There was the usual supply of bores—men who will talk, though it be nonsense, and will make speeches which no one wants to hear, which few can understand, and which tax the ingenuity of the reporter to shape into correct English. There were also pretentious young lawyers innumerable, and several equally pretentious young editors. And finally, there was a large proportion of farmers and country shopkeepers, (merchants they call themselves) few of whom were talkers, while some of them were practical business men and not unused to the work of political conventions. It was, altogether, a body of ordinary respectability; but it struck me as being one little qualified to frame an organic law or perform a work of such immense responsibility and requiring so much legal, political, and historical knowledge. One or two of the delegates only appeared to me to be so qualified. The rest might do very well for county conventions or even for State Legislatures, but were rather out of their sphere in a convention to frame a constitution.

But what were their political views? What was likely to be the character of the constitution which they were to frame? If you regarded only the expression which they made of these views, you would be convinced that they were one and all the most devoted champions of pro-slaveryism, and bound to make Kansas a slave State at all hazards. But on a more intimate acquaintance with the peculiar idiosyncrasy in that regard, you would be inclined to question the candor of their statements, you would find that most of them, particularly responsible settlers and property holders, while they had "slave States" on their lips had "free States" in their hearts. This may appear strange, but it is no less true, and is accounted for thus:—Settlers from the free States as well as from the slave States migrated at the cry which was got up by the abolitionists of New England at the time of the passage of the Kansas Nebraska bill, and irritated at the doings of the emigrant aid societies, took up the pro-slavery side of the question in very spite. That which should never have been a political question at all was made the sole issue between the black republican hordes on the one side and the border ruffians on the other. New settlers as they came along had to make choice between these two parties. Those who ranged themselves on the side of the republicans pledged themselves by that act to make Kansas a free State. Those who ranged themselves on the other side—many of them good northern democrats with no predilection in favor of slavery—became pledged to the pro-slavery policy. And instances are not wanting where good, great citizens, declining to attach themselves to either party, were by one or the other maltreated, robbed, and even murdered. One atrocious instance of this kind is told where a Missourian settler who declined to favor outrage committed by the pro-slavery party was dragged out of bed in spite of the cries and entreaties of his wife, brought to the camp at some distance, thrown on his back with his hands tied behind him, and while in that defenseless condition had his brains blown out by a cowardly wretch because he had the fortitude to decline making any pledges in favor of "border ruffianism."

And so it was that good citizens of Kansas found themselves compelled by the force of circumstances to become connected with one or the other party of extremists. And so it is that property holders here—those linked to border ruffianism—are coerced to profess themselves in favor of having Kansas a slave State, while they know and admit that their interests, if not their sentiments, point the opposite way.

There were many such in the Convention. Still more were there who had no real tangible interest in Kansas, and to whom the happiness and prosperity of her citizens, present and to come, were matters of no earthly consequence. They had taken up the cry of pro-slavery because they thought that, politically, it would pay; and they were just as ready to take up the opposite cry if they thought it would pay better. These men, though now the most virulent and unmanageable ultraists, and the vital element of all disturbances here, will, whenever the conviction is forced upon them that Kansas will be a free State, turn a summersault, and be as ardent anti-slavery men as they now are pro-slavery men. Thus we see that neither the responsible property holders nor the politicians are sincere in their pro-slavery demonstrations. There were, however, in the Convention some Southern men who are sincere in that respect; but these are men who came here on principle, and who stand ready to vacate Kansas so soon as that principle is defeated. They attend, so to speak, with one foot in Kansas and one foot in Missouri or Kentucky, and it is immaterial to them how the issue will be decided.

While I have thus analyzed—I think fairly, certainly impartially—the component elements of this Convention, I entertain no doubt, whatever, that if it had gone on to frame a constitution, that constitution would have recognized and established slavery in Kansas. There is no question whatever of that, but it is only a proof the more of that inherent obstinacy of man which leads him rather to sacrifice his best interests than his pride of consistency.

The question of recess was carried by something like the same reasons. The politicians were anxious to await the result of the October elections—when for the first time the free State men are to vote—so that they may shape their future course thereby. Those who were not mere politicians were compelled to follow the lead lest their fidelity should be called in question. The farmers, too, were anxious to be at home looking after the ingathering of their crops; and thus the delegates opposed to a recess were in a feeble minority.

I question very much whether that body will ever re-assemble. The majority on the part of the free State men will be so overwhelming on the October election—if conducted with anything like fairness—that delegates to the Convention will hardly think it worth while to attend it again. Should, however, a quorum assemble, it will manifest, I am sure, the same stubbornness and inactivity I have pointed out. The Convention will go on and frame a slave State constitution. They will not be contented with a direct provision on the subject and a mere implied legalization of the institution. But they will insert a clause in the constitution legalizing slavery.

The committee to which that branch of the constitution has been referred is composed for the most part of ultra pro-slavery men—that is, of men professing ultra pro-slavery doctrines; and one of the most moderate and sensible of them, Mr. Vanderslice, assured me that they would report a clause directly recognizing slavery in the Territory. If they do there is little doubt; but that their report will be adopted.

But, after all, the real question with this body on its possible re-assembling will be, what disposition to make of the constitution after it shall have been framed. There is a variety of counsels on this head. One set favors a fair submission of it to the real bona fide settlers. Judge Edwards, decidedly the ablest man in the Convention, and the largest slaveholder in the Territory, is in favor of that course, and, therefore, opposed the proposition for a recess. Another set argues in favor of its submission only to the "registered voters"—that is to the voters registered on the 15th of March last, or, in other words, to the pro-

slavery men, for the free State voters were not registered then. Still another, and probably the most numerous set, do not want to ensure its defeat by adopting the first course, or to go through a mere farce by adopting the second, and are therefore opposed to its submission in any shape. They say, "let us go to Congress and fight it out there, and if defeated then we will fight it out here ourselves." They claim to have a considerable number of senators and representatives pledged to support them in this policy. I doubt whether there could be found fifty men in Congress who would lend their countenance and support to such a fraudulent plan for disfranchising the people of Kansas. In any view, therefore, that can be taken of this Convention it is a mere sham affair, which never can have any practical result. If its action be submitted to the people, they will repudiate and annul it; and if it be not submitted to the people, Congress will not sit upon it.

The best course, therefore, would be to ignore altogether this Convention. If a quorum assemble after the recess, then they should adjourn sine die. If the approaching election, on the first Monday in October, be conducted with any regard to fair play, then both parties will be properly represented in the next Territorial Legislature. That Legislature can wipe out all the infamous enactments of the preceding ones; can apportion the Territory politically in a more bearing; at all events, the appearance of fair play, and can make provision for the holding of a bona fide Convention to frame a constitution for the people. In that way alone can the will and interests of the citizens be duly represented. Certainly no sort of countenance or encouragement should be given to the existing mock Convention, either by the general or territorial government or the press of the country.

I have happened to pick up a copy of the address to the American people, prepared by a committee appointed at the Grasshopper Falls Convention on the 28th August last, from which it would appear that, in spite of the great numerical superiority of the free State over the slave State men, the former are not so certain of triumphing at the approaching election.

I make an extract from the paper, just to show the way in which things are done here:—

But we frankly avow ourselves not sanguine of success. It is true that Mr. Walker, our federal governor has declared that he will afford us, to the best of his ability, a full and fair election before impartial judges; but with our past experience we find it difficult to entertain any hope of justice from the agents of the federal administration. By the law of the election all those who have resided six months or more in the Territory are entitled to the polls. The system of districting and apportionment for members of the Legislature shows an unquestionable determination to introduce voters from abroad. Sixteen counties, stretching Free State, containing nearly one half of the entire population of the Territory, are not allowed a single representative in either branch. Of the thirteen members of the Council all but three, and of the thirty nine members of the House of Representatives all but ten are to be elected in districts bordering on the Missouri line. Topeka is connected with Fort Scott, and Lawrence is attached to the Shawnee district, adjoining Westport. The Lawrence and Doniphan districts are also made to embrace an indefinite extent of country, having no geographical connection whatever with them, away off in the region of the Rocky Mountains occupied only by an Indian trading post here and there, at which fictitious precincts may be made, and from which fictitious returns may be sent in at any time after the election, to overcome the Free State vote. Besides these things, our enemies have complete possession of all the machinery of the elect on.

To illustrate the effect of the latter mode, I need but recount a story told by a very pleasant party of pro-slavery men with whom I rode from Leavenworth to LeCompton. A Mr. E. one of their friends, wanted to be elected to the Legislature. With a party of five or six soldiers from Fort Leavenworth, and a single other friend, he started to the Indian country on election day, drove down some states, gave the precinct a name, opened an election, voted for himself, got the certificate of election from his friend, who acted as judge, produced his certificate, and although the facts were well known, obtained his seat in the council. What has been done before may be done again, and, therefore, the free State men are justified in not feeling very sanguine of the result of the October election. Still there is very little difference of opinion about the certainty of Parrot, the republican candidate for delegate to Congress defeating Ransom, the democratic candidate. The result is looked forward to with intense interest here. I have heard it said that another attempt will be made to introduce Missourians to vote; but I do not believe that such an attempt will be made at all events on a large scale.