

TRANSACTIONS
OF THE
KANSAS
STATE HISTORICAL SOCIETY,
1907-1908.

EMBRACING

ADDRESSES AT ANNUAL MEETINGS; THE CENTENNIAL OF ZEB-
ULON MONTGOMERY PIKE'S VISIT, INCLUDING A REVIEW OF
ONE HUNDRED YEARS UNDER THE FLAG; FIFTIETH AN-
NIVERSARY OF THE FIRST FREE-STATE TERRITORIAL
LEGISLATURE, 1857; ALSO THE FIRST STATE LEG-
ISLATURE, AND THE SESSION OF 1868; THE
DISAPPEARING INDIANS; THE SOLDIERS
OF KANSAS; FLOODS IN THE MIS-
SOURI RIVER; AND INTER-
ESTING PERSONAL
NARRATIVE.

Edited by GEO. W. MARTIN, *Secretary.*

VOL. X.

STATE PRINTING OFFICE,
TOPEKA, 1908.

FIRST FREE-STATE TERRITORIAL LEGISLATURE OF 1857-'58.

THE election of October 5, 1857, the rejection of the Oxford returns, and the special session of the territorial legislature thus chosen, December 7-17, 1857, constitute one of the most significant incidents in American history. It overthrew the effort of the South, backed by all the power of the general government, to recover the equilibrium lost in the admission of California as a free state, and settled the character of the state of Kansas, which was the beginning of the end of human slavery.

The legislature of January, 1858, which held a special session at Lecompton December 7-17, 1857, was the third regular session of the territorial legislature. The first session met at Pawnee, and adjourned to Shawnee Mission, in July and August, 1855. The second session met at Lecompton in January, 1857. These bodies were of questionable origin, to say the least, and were not recognized by the free-state people, who organized in antagonism thereto the Topeka state movement. They were, however, the *de facto* legislatures recognized by the general government, the territorial governor, and all the courts. The Free-state and the Pro-slavery parties each held its own elections, organizing dual state governments, giving to the history of those days an appearance of inextricable confusion. The Free-state party, in the fall of 1857, waived its point and voted at the pro-slavery election of October, 1857, and thereby secured control of the pro-slavery territorial organization.

The pro-slavery session of January, 1857, authorized the Lecompton constitutional convention. Delegates were elected June 15, the free-state people not voting. The convention met in September and adjourned November 3. The slavery clause only was submitted to a vote of the people on December 21, 1857.

In the meantime, Frederick P. Stanton, secretary of the territory, issued a call for a special session of the free-soil legislature, just elected, and now the *de facto* body, to meet December 7, to submit the Lecompton constitution in its entirety to a vote of the people. This was done on the 4th of January, 1858, resulting in a vote of 10,226 against the constitution, 138 for the constitution with slavery, and 22 for the constitution without slavery.¹ The vote of December 21, 1857, was returnable to John Calhoun, president of the Lecompton convention, and the returns of January 4, 1858, were received and handled by John W. Denver, the governor of the territory.

The legislature met at noon, Monday. Ten members of the council and seventeen members of the house were present at organization. There was no quorum until Tuesday afternoon, the 8th, when they organized as follows:

Council: Carmi W. Babcock, president; Joel K. Goodin, secretary; Gustavus A. Colton, assistant secretary; Abram Cutler, sergeant-at-arms; Wm. R. Frost, doorkeeper; D. H. Weir, engrossing clerk; B. T. Hutchins, enrolling clerk, and Rev. S. Y. Lum, chaplain.

House: Geo. W. Deitzler, speaker; C. F. Currier, chief clerk; W. B.

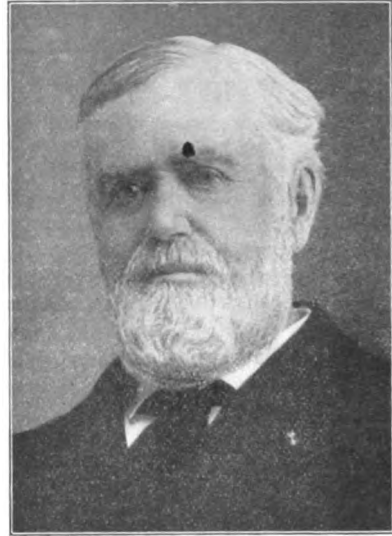
NOTE 1.—From Quindaro *Chindowan*, January 23, 1858.

Parsons, assistant clerk; G. F. Warren, sergeant-at-arms; T. A. Blake, doorkeeper; Henry C. Sargent, enrolling clerk; Guilford Dudley, engrossing clerk; Robert Speer, messenger, and Rev. Charles H. Lovejoy, chaplain.

At an evening session, Friday, December 11, by a vote of eight to one, the council unseated John A. Halderman, A. C. Davis, and J. W. Martin, from Leavenworth county, and seated Robert Crozier, John Wright, and J. P. Root, the three last named being free-soilers.

In the house, Hugh M. Moore, A. B. Hazzard, Hampton B. Denman, B. F. Johnson, W. G. Sharp, Silas Armstrong, T. B. Whiteside, and A. B. Bartlett, all from Leavenworth, were unseated, and H. Miles Moore, William Pennock, George H. Keller, J. P. Hatterscheidt, R. G. Elliott, Patrick R. Orr, and Wm. M. McClure, all free-state, were admitted.²

The legislature passed an act for the prevention of election frauds; an act submitting the Lecompton constitution to a vote of the people, and to take a census; an act reorganizing the militia over the governor's veto, and a concurrent resolution reaffirming the Topeka constitution. An act was also passed, repealing an act to punish rebellion, over the governor's veto.



COL. O. E. LEARNARD,
Sole survivor of the Territorial
Council, 1857.

NOTE 2.—The political complexion of this session of the legislature was due to the throwing out of fraudulent votes. January 13, 1858, an act was passed providing for an investigation of election frauds, but it applied only to the election of December 21, 1857, a pro-slavery election ordered on the adoption of the Lecompton constitution, and the election of January 4, 1858, for electing state officers, members of Congress and members of the legislature under said constitution. As Robert J. Walker, governor, and Frederick P. Stanton, secretary, both Southern men, assumed to go behind the returns of October 5, 1857, and give certificates to their political opponents, it is probable that an investigation of that election was deemed unnecessary. On the face of the returns the Pro-slavery party had a majority of both branches of the legislature. The report of the commissioners appointed to make an investigation of the two elections above referred to makes a little book of 142 pages. But, according to Walker and Stanton, the same practice of voting prevailing in December and January also prevailed in October. They made a personal inspection of things at Oxford at the first election, after which they threw out the returns and gave the majority in both houses to the free-soilers. In their proclamation of October 19, 1857, the governor and secretary say:

"3d. As the vote of each elector was to be recorded for each one of twenty-one candidates, and in more than a hundred cases for twenty-five, and that by a *viva voce* vote, it was a physical impossibility that the number of votes pretended to have been taken on the second day, being more than fifteen hundred, with the name of the voter written, and each of twenty-two candidates properly designated, could have been taken and recorded within the time prescribed by law.

"4th. It is an extraordinary fact, tending to throw distrust upon the whole proceeding, that of the sixteen hundred and twenty-eight votes only one is given to the delegate elect to Congress, and only one hundred and twenty-four are recorded as having been cast for the local candidates of the township."

Walker and Stanton denounced the returns as "fictitious and simulated," and said: "The disposition to be made of this supposed vote is rendered all-important by the fact that the political character of the legislative assembly will be controlled by the addition of three councilmen and eight representatives to the strength of one party or the other, according to the adoption or rejection of the returns in question. The consideration that our own party by this decision will lose the majority in the legislative assembly does not make our duty in the premises less solemn and imperative. The elective franchise would be utterly valueless, and free government itself would receive a deadly blow, if so great an outrage as this should be shielded under the cover of mere forms and technicalities. We cannot consent in any manner to give the sanc-

A joint convention was held to elect officers of the militia as reorganized, and James H. Lane was made major-general by a unanimous vote.

The special session adjourned at 5:15 o'clock, December 17, 1857.

The regular session met Monday, January 4, 1858, at Lecompton; and in the evening, after receiving the message of Gov. James W. Denver, voted to adjourn to Lawrence. They resumed their session at Lawrence Friday, January 8. They remained in session until Friday, February 12, 1858. February 9 they passed an act abolishing the act of 1855, "To punish offenses against slave property," over the veto of the governor, practically putting an end to slavery in the territory. They made a volume of 471 pages of general laws, and 399 pages of private laws, authorizing companies and corporations for all sorts of business.

The fiftieth anniversary of this meeting of the first free-state territorial legislature, December 7, 1907, happening in the same week with the thirty-second annual meeting of the State Historical Society, the executive committee of the latter concluded to unite the two, and so changed the meeting of the Society to Friday, December 6, 1907. Two anniversary meetings were agreed upon, the second to follow at Lawrence on Saturday, the 7th. The proposition was discussed of holding a meeting at Lecompton Saturday afternoon in the same building in which they met fifty years before, now elegantly fitted up as an Odd Fellows' hall, but the train service not being convenient between points and the risk of severe weather for an overland drive prevented such a meeting, although six survivors, ranging from seventy-three to eighty-one years of age, insisted they were all young and sprightly.

The following program was observed at Topeka Friday evening, interspersed with vocal music by the University of Kansas glee club, in the hall of the house of representatives, in the presence of a large audience:

tion of our respective official positions to such a transaction. . . . We have under the circumstances no alternative but to reject the whole return from the Oxford precinct, and to give the certificates to those who appear to have been elected by virtue of the other regular returns." (35 Cong. 1st Sess., Sen. ex. doc. 8, p. 101.)

Thus the members from Douglas and Johnson are accounted for. In unseating those from Leavenworth and seating free-soilers, the committee of the council, composed of Lyman Allen, C. K. Holliday, A. G. Patrick, O. E. Learnard, and H. B. Standiford, thus spoke of the returns from Kickapoo:

"4th. Said returns consist of fourteen pages of large form of election returns, containing the names of upwards of nine hundred persons.

"5th. That of the said fourteen pages of returns, only the first five pages have attached together the certificate of the judges holding said election, and attested by the clerks thereof, as required by law; that the remaining nine pages have no certificate thereon, or attached thereto, by which the same are or can be authenticated as the returns, or any part thereof, from the said precincts; that, from an examination of said last nine pages of said returns, we find, upon nearly all of them, clear and unmistakable evidences that they were not written or prepared by either of the clerks of said election, they being in a different handwriting from that of either of the said clerks, and are in the handwriting of several different persons, neither of whom were clerks of said election as appears by said returns." (Council Journal, December 11, 1857, p. 35.)

In the house, the committee, composed of John Speer, Harris Stratton, Henry Owens, Charles Jenkins and John Curtis, say, in part:

" . . . The contestants resorted to the only possible proof within their reach, by taking the affidavits of reputable citizens (which affidavits are herewith submitted), conclusively proving that extensive frauds and gross acts of dishonesty were practiced at the polls in the precinct of Kickapoo, in said Leavenworth county, satisfying your committee that more than five hundred fraudulent votes were added to the real vote of said precinct, and given almost exclusively to the certified members of this house from said county. . . . And, moreover, that portion of the returns following the sixth page is, in the opinion of the committee, more glaringly fraudulent, being evidently 'simulated and fictitious.' . . . It was also in evidence that about two hundred soldiers and teamsters, connected with the troops at Fort Leavenworth, voted against the memorialists, in violation of the organic act, which declares 'that no officer, soldier, seaman or marine, or other person in the army or navy of the United States, attached to troops in the service

Invocation, Rev. Charles M. Sheldon.

President's address, "The Little Arkansas," by James R. Mead, Wichita.
 "The First State Legislature," Hon. David E. Ballard, Washington county.

"The Measure of a State," Mrs. Margaret Hill McCarter, Topeka.

Anniversary ceremonies, opening with a short address by Gov. E. W. Hoch, who then introduced the surviving members of the legislature, who replied in five-minute responses: Col. O. E. Learnard, Lawrence; Hon. H. Miles Moore, Leavenworth; Hon. R. G. Elliott, Lawrence; Gov. E. N. Morrill, Hiawatha; Dr. A. T. Still, Kirksville, Mo.; Hon. Samuel J. Stewart, Humboldt.

A social half hour, assisted by the ladies of the Woman's Kansas Day Club.

The following program was observed at Lawrence Saturday, December 7, 1907:

Joint meeting of the two houses, 10:30 A. M.

Reports from members.

Reports in relation to deceased members.

Adjournment.

Luncheon, 12:30 P. M.

Drive to State University, Haskell Institute, and other points of interest, two P. M.

Dinner, 6:30 P. M., followed by social reunion.

The joint convention of the survivors, one member of the council and five members of the house, lasted two hours and a half. Gov. E. N. Morrill presided, and Geo. W. Martin, in behalf of the Historical Society, was made secretary. The roll of 1857-'58 was called, and some one of those present responded for each absentee. The reports were of absorbing interest, and oftentimes very pathetic. The room was crowded with Lawrence friends. No tongue or pen can describe the contrast between fifty years ago and this anniversary, extending from a \$3,000,000 capitol building to a university of fifteen buildings worth \$2,000,000, and an enrolment of 2000 students; an Indian school, worth \$1,000,000, with 1000 students; with about thirty

of the United States, shall be allowed to vote or hold office in the territory by reason of being on service therein." By the rejection of these votes as fraudulent, your memorialists would be entitled to seats in this house, as having received a majority of all the legal votes cast in the first district." (Ho. Jour, Dec. 10, 1857, p. 23.)

In the official report of the board of commissioners (Henry J. Adams, Thomas Ewing, jr., James B. Abbott, H. T. Green, E. L. Taylor and Dillon Pickering), to examine the elections of December 21, 1857, and January 4, 1858, both pro-slavery, it is shown that the manner of voting was about the same. Here are some of the conclusions of the board, page 5:

"From all the evidence relative to the election at this precinct (Kickapoo) on the 21st of December, 1857, the board report that of the ten hundred and twenty-nine votes returned, about seven hundred were illegal and fraudulent."

January 4, 1858, at Kickapoo, page 6: "The evidence shows that the legal vote was about three hundred and fifty to four hundred, and that fully six hundred votes were illegally cast, or were fraudulently recorded by officers of the election."

Delaware Crossing, in Leavenworth county, was a famous point in those days, and "Jack" Henderson a notorious character. Concerning the vote at Delaware Crossing, the commissioners say, page 21: "From the evidence taken before them the board state that the returns from Delaware Agency [Crossing] precinct were honestly made out by the officers of the election, and subsequently three hundred and thirty-six names were forged upon them by, or with the knowledge of, John D. Henderson; and that John Calhoun was *particeps criminis* after the fact."

The board of commissioners conclude that in a total of 6226 for the Lecompton constitution with slavery in the whole territory, there were in the precincts of Kickapoo, Delaware, Oxford and Shawnee, December 21, 1857, 2720 illegal votes, and at the election January 4, 1858, out of a total for the whole territory of 10,386 votes, there were in the precincts of Kickapoo, Delaware City, Delaware Crossing, Oxford and Shawnee 2458 illegal votes.



E. N. MORRILL,
House of Representatives, 1857.

passenger-trains in and out daily, and the buffalo-grass landscape of 1857 now in richly developed farms. How the six survivors must have felt! The dinner in the evening was presided over by Chancellor Frank Strong of the State University. Many of the members are unknown by us of to-day, but this joint session not only renewed interest in them, but it started an investigation which has resulted in preserving biographical sketches of practically all of them, presenting the fact that in after life, besides many minor services of a public nature, its membership furnished one United States senator, one governor, two members of Congress, one consul-general to Bangkok, one minister to Siam, one minister to Chili, one governor of New Mexico, two brigadier-generals, one chief justice, the president of the convention that organized the Republican party of the state, one

member of the Wyandotte constitutional convention, two members of the Leavenworth constitutional convention, three U. S. district attorneys, one state attorney-general, three district judges, eight state senators, six members of the house of representatives, three colonels, two lieutenant-colonels, one major in the civil war, the founder of the American School of Osteopathy, originator of the Santa Fe railroad, the originator and promoter of the Central Branch and of the Atchison and St. Joseph railroad, one lieutenant-governor, one regent of the State University, one United States collector, one Indian agent, one surveyor-general, two adjutant-generals of the state, one county clerk, and two presidents of the State Historical Society.

The business of the Historical Society was concluded in the afternoon by the election of the following officers: Geo. W. Veale, of Topeka, president; Geo. W. Glick, of Atchison, first vice-president; A. B. Whiting, of Topeka, second vice-president.

At this time the following letters of regret were read:

"ATCHISON, KAN., December 2, 1907.

"It will be impossible for me to be present at the meeting of the State Historical Society on the 6th inst. The commemoration of such historical events is wise, and I regret that I cannot be with you. Thanking you most sincerely for the invitation, I am, Yours truly, W. J. BAILEY."

"HIAWATHA, KAN., November 30, 1907.

"I thank you very much for your cordial invitation. It is the greatest attraction on earth to me. The weather keeps this cold old man at home, between the radiator and stove. My wife is very anxious to go, and I hope

she can. You have told me the necessity of holding the meeting in December. I shall go to all the meetings as soon as I pass away. Adams and Kingman, skeptical on earth, are with you now.

Very truly,
D. W. WILDER."

"CAMBRIDGE, MASS., November 24, 1907.
"Let me thank you heartily for the invitation of the Kansas State Historical Society, although I cannot accept it by reason of age and infirmity. I regard it as the proper commemoration of one of the great turning-points in the history of American civilization. Cordially yours,

THOMAS WENTWORTH HIGGINSON, aged 83."

"FORT SCOTT, November 22, 1907.

"The invitation to attend the meeting of the survivors of the first free-state territorial legislature of Kansas at Topeka and Lawrence is at hand. It annoys me much that my business appointments forbid my coming. It would give me extreme pleasure to meet with the people who established the first really decent, law-respecting government on this soil. Give my kind regards to those old fellows, who, through dangers which we younger men can know nothing about, started Kansas on her glorious career. Those men deserve our homage—they have it.

Respectfully,
C. E. CORY."

"HIGHLAND STATION, November 27, 1907.

"I regret I shall be unable to attend the meeting of the State Historical society in Topeka on the 6th of December, 1907. Some of the events this meeting is intended to commemorate occurred in the days of the sod house and log cabin of the pioneer settlers who laid the foundation of the splendid farms and comfortable homes we see all around us to-day, which made Kansas one of the great states of a great nation.

PRYOR PLANK."

"WASHINGTON, D. C., December 3, 1907.

"The kind invitation received. It would give me great pleasure to attend the meeting and meet the surviving members of the first free-state territorial legislature; especially as Kansas is my native state, and one of the surviving members of that historic body, Samuel J. Stewart, is my uncle. But this pleasure I must forego.

Sincerely yours,
JOSEPH STEWART."

"AMERICAN HOTEL,

SAN ANTONIO, TEX., November 3, 1907.

"I am in receipt of notice of a meeting of directors of the State Historical Society to meet the survivors of the first free-state territorial legislature of Kansas, and regret exceedingly that I shall not be able to attend. I hope everything good for both meetings, and that you may all have a 'good time'—not as they used to, at some barroom, but as things are done now, in this age of common sense. Please convey my good will greeting to all. I am down here for the winter, and do not expect to return before May, unless I do so involuntarily.³ Very sincerely yours,
P. G. LOWE."

NOTE 3.—PERCIVAL GREEN LOWE was born at Randolph, Coos county, New Hampshire, September 29, 1828, the son of Clovis and Alpha Abigail Green Lowe. His ancestors were active participants in the Revolution and the War of 1812. He was married in June, 1861, to Margaret E. Gartin, of Clay county, Missouri. Mrs. Lowe twice made the journey across the plains with her husband in 1861. Mrs. Lowe died March 5, 1906, and Percival G. Lowe died at San Antonio, Tex., at five A. M., March 5, 1908. They are buried in the military cemetery at Fort Leavenworth. They left three sons and one daughter. "I thank my God upon every remembrance of you," was his tribute to his wife. He began life at the age of fourteen as a newsboy in Lowell, Mass., clerked in a dry goods store, and was three years a sailor, visiting the West Indies and many South American countries. In 1849 he enlisted as a private soldier in the regular army, coming immediately to Fort Leavenworth. At the end of his service, in 1854, he was appointed superintendent of transportation for Maj. E. A. Ogden, and was engaged in the building of Fort Riley. In 1857 he was master of transportation for General Sumner's expedition against the Cheyennes, and in 1858 for General Johnson's army against the Mormons. He quit the military in 1859, and was engaged in business in Denver, and later at Leavenworth, making the latter place his home. In 1868, 1869 and 1875 he was a member of the Leavenworth city council, and from 1876 to 1881 served as sheriff of Leavenworth county. He was a member of the state senate from 1885 to 1889. He was always interested in the State Historical Society, as a life member, serving as president in 1893, and enriching its publications with frequent contributions. His book, *Five Years a Dragoon*, is one of the best of western books.

“1729 RIGGS PLACE,

WASHINGTON, D. C., December 3, 1907.

“I am in receipt of an invitation to meet the survivors of the first free-state territorial legislature of Kansas at Topeka on the 6th day of the present month. It would afford me much pleasure to meet these old Romans and tender congratulations in person. Kansas history is unique as well as romantic. There is no parallel in the world's shifting records. She lay on the skirmish-line of the great struggle which was destined to take the slave question out of politics and write liberty in the law. To have taken part in that heroic work was to earn undying honor. May the good Father's blessings attend these good men to the end of their days.

Respectfully, W. A. PEFFER.”

“NESS CITY, KAN., December 5, 1907.

“I had desired to meet with you at the reunion on the 6th and 7th, but got headed off, which I regret very much. It appears to me, if my memory serves me right, that I participated in helping to guard the elections that made it possible for those old Kansas veterans to sit in that legislature.”

Kindly yours, L. B. WOLF.

“P. S.—R. M. Peck was my bunkey on that guard duty.”

“ST. LOUIS, MO., December 4, 1907.

“I am very much obliged to you for the kind invitation to meet with the surviving members of the first free-state territorial legislature on the fiftieth anniversary, and to attend the annual meeting of the Historical Society. It was good of you to remember me, and I regret exceedingly that lack of time will prevent me from being present.

“It was just fifty years ago last month that my father came to Kansas from Massachusetts, and therefore I feel that I have more than a passing interest in the reunion of the ‘old timers’ who were making history the year he cast his fortune in the state where he spent the rest of his days and where I was born and raised.

“I sincerely hope that the meetings may be productive of much good, a great pleasure to those so fortunate as to be able to attend, and that all those present may be on hand at many more reunions to come. With all good wishes to the Society, which interests me more and more as the years go by, I remain,

Sincerely yours, HORACE E. MCFARLAND.”

“ARGENTINE, KAN., December 6, 1907.

“This communication is for the purpose of expressing to you my most sincere thanks and through you my high appreciation of the favor conferred upon me by the Kansas State Historical Society in extending to me an invitation to meet the surviving members of the first free-state territorial legislature of 1857. I regret most deeply my inability to be present on this happy occasion on account of very serious sickness in my family. I assure you, gentlemen, that nothing would please me more than to be permitted to grasp the hands and look into the sturdy old faces of fifty years ago. With many of the survivors I have the honor of a personal acquaintance, as I was a resident of the territory of Kansas during those early and eventful years. Looking back to my first introduction to Kansas, it might truly be termed a wilderness; speaking in a general way, there was nothing but earth and sky. When I think of the members of this body having fifty years ago planted the seed of civilization on Kansas soil it stirs me to deep feeling. Through your efforts and those associated with you in those early days a state equal to a kingdom has been builded. I am very thankful to Providence that I have been spared to witness the crowning of your labors with such magnificent results. With a deep feeling of loyalty to my state and with a heart full of love to the chieftains of early days, I remain,

Most devotedly, G. W. TOOTHAKE.”

“WICHITA, December 5, 1907.

“I am in receipt of your invitation to attend the meeting of the State Historical Society given in honor of the surviving members of the first free-state territorial legislature of 1857.

“Owing to business engagements, I will not be able to be present upon

that occasion. I had hoped that, in company with Colonel Woolard, I would be able to attend this meeting. I would consider it a great honor to meet the men who were pioneers of our great state and who helped to keep the fair name of Kansas from being stained with slavery.

"It would give me great pleasure to listen to the paper prepared by Hon. Jas. R. Mead. He was one of the great influences, if not the greatest, in making it possible to build a city at this place. The incidents and stories which he relates in connection with his early life read like romance, but they are every word true, and, in fact, being extremely modest, he does not give himself the credit that he deserves.

"Trusting that you will have a very interesting and successful meeting,
I am,
Very truly,
C. L. DAVIDSON."

"99 NASSAU STREET, NEW YORK, November 25, 1907.

"I beg to acknowledge the invitation to meet the surviving members of the first free-state territorial legislature of 1857. I expect to visit Kansas and my old home, near Wamego, at Christmas time, but I doubt if it will be possible for me to be there as early as December 7. This I regret very much.

"My father, John H. Gould, went to Kansas in '56, was superintendent for Dickinson county, also second lieutenant in the territorial militia; settled on a farm in Wabaunsee county; had considerable to do with vigilance committees, border ruffians, malaria, grasshoppers, schools, churches and other things germane to that day. All three of his surviving sons live outside the state, but all of them still call and think of Kansas as 'home.' Two of my father's grandchildren are now students at the State University at Lawrence—John S. and George N. Heil. I attended Washburn College, Topeka, for five years. My oldest brother, John S. Gould, attended the Kansas State Agricultural College, at Manhattan, for three years, and my next older brother, Byron C. Gould, attended the same institution for one year. My sister, Mrs. John F. Heil, still resides on the old homestead near Wamego.

"The Congregational church at Wabaunsee, Kan., has just celebrated its fiftieth anniversary, and has published a report of the proceedings. A copy of that report will be interesting reading for you, and should be on file in the Historical Society. Probably Mr. S. H. Fairfield, of Alma, Kan., will send you a copy, and when I get hold of a copy I also will forward one to you, so that you will be sure to get it. With kindest regards, I beg to remain,
Yours very truly,
M. P. GOULD."

"GALENA, KAN., December 4, 1907.

"I am in receipt of the invitation to attend the fiftieth anniversary of the first free-state legislature on December 6, at Topeka, and regret very much my inability to respond in person; but I shall certainly be present in spirit. and am sure that it will be a very interesting meeting.

"I arrived in Kansas about September 1, 1857, coming across Missouri with six wagon-loads of dry goods, which included also three dozen Sharp's rifles, or as many as we could get where we started from—central Illinois. Twice on the way across Missouri people got under our wagons at night, with long augers, boring up through to see if they could discover any metallic substances, but happened to miss them, and we were permitted to come across, striking Kansas at the east edge of Linn county, making our first station at the east end of Blue Mound, as it was called then, two or three miles from where Mound City is now. I remember there was no organization and we were not permitted to participate in the election, but I feel that I have a deep interest in what was done then and am proud of the results of our efforts at that time to make Kansas a free state; and am much pleased to have taken some part in the preservation of the history of the commonwealth since that time.

"It was also my pleasure to serve my country for more than four years as a member of a Kansas regiment during the war—of which the struggles of 1855-'56-'57 were the precursor, and I hope I may yet be permitted to perform some service or take some part in whatever may be undertaken for the upbuilding of our great state and its institutions. I am always glad to

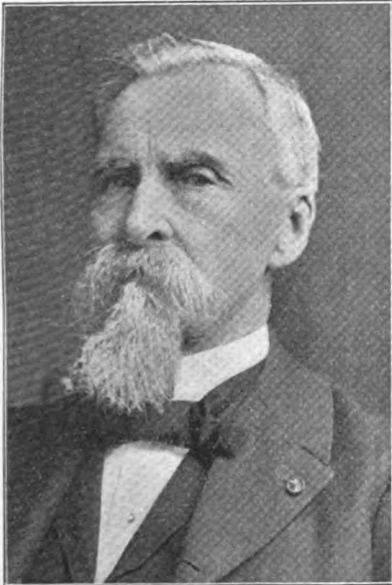
receive reports and documents from you and shall read the proceedings of this gathering with more than usual interest.

"With best wishes for the success of the meeting and of the future of our Society, I am,
Very truly yours,
W. B. STONE."

"WASHINGTON, D. C., November 30, 1907.

"I regret exceedingly that I cannot be with you at the time you refer to in yours of the 27th inst.

"About the first thing that legislature did was to pass an act prohibiting slavery in Kansas. I was here at the time, and in the senate when the event was announced. Green, of Missouri, in great excitement, came in with a telegram from Kansas and read it to the astonished senators. Then there was a row. The fire-eaters, led by Davis and Brown, of Mississippi, and Mason and Hunter, of Virginia, made a fierce and furious attack upon Douglas, who stood his ground beautifully all day, maintaining that it was in full accord with all they had previously said upon the wonderful beauty of "squatter sovereignty." All Mason could say



H. MILES MOORE,
House of Representatives, 1857.

was, he, if not they, had been woefully deceived. Pugh, of Ohio, occasionally supported Douglas. The Northern men enjoyed it to the uttermost, keeping silent and letting the Southern men fight it out. The Southerners wanted a resolution or act passed declaring the action in Kansas void, but Douglas told them they could not do it; under the act only the supreme court had that power, of which Congress had deprived itself, and was consequently utterly helpless. That was gall and wormwood to the rampant Southerners. Really the giant among them was Jefferson Davis, of Mississippi. He kept his head and was disposed to make the best of it. He rather intimated that Kansas people had a legal right to do as they had, and now they must depend upon the court. This was a bitter pill for the others.

"This reminds me that Davis, as secretary of war in 1856, censured General Sumner for dispersing our free-state legislature at Topeka, on the 4th of July of that year. He now announced himself as opposed to the Calhoun doctrine of nullification and in favor of secession—that Massachusetts had a right to secede, or any other state, but no one could nullify an act of Congress. I think I sent an account of his position to your Society, did I not? I was acting speaker of that house when dispersed, and twenty days afterward was here in conference with our friends, and upon their suggestion went to New York to talk the matter over with General Fremont, then our candidate for the presidency, and in September I returned to Kansas through Iowa with the first military command with supplies, including 'Old Lazarus,' meeting Lane with escort at Nebraska City on his way east. Governor Geary arrived in Kansas about that time. I met him frequently in Washington that summer. Arriving in Topeka, I, with Redpath, Higginson, Governor Robinson and S. W. Smith, were arrested by a United States deputy marshal and taken to Leocompton to meet Governor Geary. After a stormy

interview, to satisfy the other side, he sent us to Lawrence. Please remember me to friends, not forgetting Miles Moore, who will be with you to celebrate.

Yours truly,

S. F. TAPPAN.

"P. S.—After adjournment, some half a dozen Kansas men called upon Mr. Douglas and thanked him for his debate for Kansas."

The address of Mrs. Margaret Hill McCarter, which was in a general way a tribute to the labors and accomplishments of the guests of the evening and their colleagues of fifty years ago, closed the program of the Historical Society, and Prest. James R. Mead turned the meeting over to Gov. E. W. Hoch, who presided during the anniversary exercises. The governor made a patriotic and stirring address appropriate to the occasion, reviewing the results of the contest of fifty years ago. The survivors of the first free-state territorial legislature were all present, and the governor very happily presented each to the audience.

Col. Oscar E. Learnard, the sole survivor of the territorial council, responded in a most happy, social and personal manner, reviewing briefly some of the difficulties then encountered and congratulating his colleagues and himself on what they had lived to see. He said, "I did not know of the call for that session of the legislature until December 5, 1857, when I arrived in Westport, having been east. I had been to Boston and was resplendent with new and gay clothes." He jocularly referred to the advantage he now had over the others in the fact that he could control the council, whereas the five members of the house might have some trouble agreeing. He could not very well hold a joint convention alone. He disliked the remarks that had been made intimating that he and his colleagues were getting old. He said that a man is old only when he thinks he is old, and that he had not yet reached that stage. "The event which we meet at Lawrence to-morrow to commemorate was of itself an important event, but it was of special importance because it was the beginning of a series of events which brought this old state up to what she is now. This gathering revives memories the surging of which through my mind are simply bewildering. It calls to mind the fact that a majority of those who were associated with us in those days have passed away. So my closing sentiment will be pleasant greeting to the living and kind memories to the dead. In looking over the results some time ago, I find that four-fifths of the statutes we made were for charters for town sites and ferry-boats, and one-half of the remainder were for divorces. You understand there were a lot of fellows in the early years who had come west leaving their wives, and who wanted to be divorced, while scores of others were asking for exemption from creditors back east. Since then I have not shown much taste for politics and my constituents have apparently shared my views."

Col. H. Miles Moore still had some of the old fire in him. He was a Missourian and a slaveholder, and because of his preference for a free-state he was in those days more severely up against trouble than some of the others. He said that the question of slavery was a very different thing in Topeka and Lawrence from what it was in Leavenworth. Leavenworth was a hot-bed of slavery. It was easy to be a free-state man in Topeka or Lawrence, but it was suicide in Leavenworth. He bore on his person some marks of that contest, and he thanked God they are in the front of his body. "I was

a candidate for the legislature in my district and thought I had a good chance of winning. There never was a more vain hope. I carried the free-state vote, but two precincts along the river swamped me. They were pro-slavery, and most of their votes came from Missouri. But I contested and took my seat in the legislature of 1857, of which I am proud." He spoke strongly of the anti-slavery feeling in western Missouri. He expressed a strong desire to stop at Lecompton and see the old hall again.

Gov. E. N. Morrill said it was all right for the other fellows to talk about being young, but as for himself he was willing to admit he was growing old. He told of his trip in the forenoon from Hiawatha to Topeka in a couple of hours in a handsome railway-coach. "Fifty years ago this morning I started from Brown county on horseback to go to the territorial capital. I made it in a night and day. There were no north and south wagon roads then, either. Could I do that now? Well, I guess not. I can tell I am growing old by the lack of desire to do things. My friends tell me to keep going, not to give up; when they talk that way I feel like the old Dutch bugler. His captain told him to 'Blow harder! Blow harder!' The bugler stood it as long as he could, then burst out: 'Its all right to stand there and say blow harder; but where in the devil is the wind to come from?' That's the way I feel about it. Speaking of riding to Lecompton on horseback reminds me that when I arrived there was n't a quorum for two days. To my surprise the first thing voted upon was a resolution to unseat eight members of the house and to seat eight others—apparently for no other reason than that the second

eight and their friends wanted it. I did not have a thorough understanding of the matter and did not know that the anti-slavery fellows who were asking to be seated had been beaten out of their seats by Missouri slaveholders. I talked against the resolution and voted against it, and I have gone down in history as having voted with the pro-slavery faction."

Governor Morrill stated that the legislature of 1858 was the first legislative body in the world to give women equal rights in property matters, and in case of death of husband without heir to give her all the property.⁴

Dr. Andrew T. Still, the founder of the osteopathic school at Kirksville, Mo., began his remarks with the statement that he came to Kansas in 1853. "You must have lived with the Indians; there were no white people here then," said Governor Morrill in a doubtful tone.



DR. ANDREW T. STILL,
Founder of Osteopathy, Kirksville, Mo.
House of Representatives, 1857.

NOTE 4.—Chapter 50, page 327, Laws of Kansas Territory, 1858, entitled "An act to protect the rights of married women, and in relation to the liabilities incident to the marriage relation."

"I did," shouted Still, waving his cane, "and I can speak Indian, too." He said something that did not sound like English, and Governor Morrill remarked that he would take his word for it. Still told of the early history of the state, complimented the other surviving members of 1857, complimented Governor Hoch, complimented the chairman and the secretary, and closed his remarks with a discourse upon the merits of osteopathy. He spoke earnestly, especially when he referred to slavery. He said he was with John Brown and Jim Lane.

Hon. Samuel J. Stewart filed a paper, as follows:

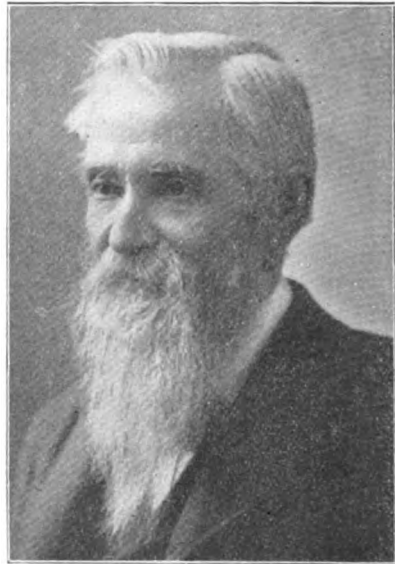
HIS BRIGHTEST DREAMS REALIZED.

SOME weeks ago I received a letter from the secretary of the Kansas State Historical Society, asking me to be present on this occasion and take part in the ceremonies in connection with the fiftieth anniversary of the first free-state territorial legislature.

After reading that letter, sitting in my comfortable home, before an open fire, watching the blue blazes of natural gas curling around what to the eye looks very much like the hard maple or beechwood of the fires in my boyhood's Ohio home more than three-score and ten years ago, I recalled that more than fifty of those three-score and ten years have been spent in Kansas, although looking back it does not seem a great while; viewing the changes that have taken place, however, it would seem a century.

I came to Kansas in April of 1856, entering the territory near Fort Scott. I was with a small colony traveling with teams, our objective point being the Neosho valley. On arriving at Fort Scott we learned that it was over fifty miles further to our selected location, with but one house on the road. Following the example of some ancient emigrants that we have been reading about this year in our Sunday-school lessons, we went into camp and selected six men to go forward, spy

out the land, and see if it really was the kind of land we were seeking, and whether we might be able to go over and possess it. I was one of the six. I had just risen from a bed of sickness a month before to start for Kansas, and being not yet very strong I rode a pony and the rest walked. Going west from Fort Scott, we passed over what seemed to be the most beautiful country we had ever seen. It was the 7th of April; the prairies were richly covered with their bright green spring coat; in every ravine we crossed cold,



SAMUEL J. STEWART,
House of Representatives, 1857.

clear water was running in abundance over limestone rocks. Surely, with such grass and such water, it should be the greatest stock country on earth! We had not traversed many miles before I felt that I might never reach the goal. My sickness before starting for Kansas had been pneumonia; my lungs would get sore suddenly without warning and blood would gush from my mouth. I stopped at the first branch, and by using plenty of clear, cool water on my throat and breast succeeded in checking the flow of blood.

We stopped at the one house on the way, sixteen miles out from Fort Scott, and stayed over night. The next morning I was ready to continue the journey. I mention this incident to show the wonderful effect of the pure water and air of Kansas. We reached our intended location the next night. Returning to camp in a few days, we made a unanimous report. We learned there would be obstacles, but we felt we could overcome them. We moved over. Soon the obstacles were met in abundance. My brother, Matson Stewart, and his family, came out the next month, sending before him a good team of horses to Kansas with supplies. The border ruffians took possession of the team at Westport and sent the driver home on foot. There was an overflow of the Neosho river in May; then the rains ceased to fall, and by the 4th of July all the little branches we had believed "flowed on forever" were entirely dry. By August all the springs that had reminded us of the springs in Ohio were no more, and we suffered for lack of water. Sickness came and a few died; others turned their faces to the east, and when November came of all that colony my brother and myself were the only men remaining in Kansas.

I cannot avoid a feeling of sadness to this day when I recall the pains and disappointments that came to those early settlers. I am persuaded that there is no disease that so fully destroys all a man's energy and ambition as ague. We all had it, but only a small per cent. fought it out and remained—and it was something of a fight. Fort Scott was our post-office; our nearest railroad station was Jefferson City, Mo. All our supplies had to be hauled from Kansas City, for the most part with mule teams. It required ten days to make the trip.

There were no churches, no schoolhouses. We were cut off from our friends by an enemy ready to drive us from our homes. Some of us remained. We came to Kansas in our young manhood to build homes and to help build up a free state.

More than half a century has now passed, and what changes it has brought! I can now eat breakfast at home, make a trip to either Kansas City or Topeka, have four hours to transact business, and return home in time for supper the same day, and in making the round trip never be out of sight of a country not blessed with church or schoolhouse. Has there been an Aladdin with his lamp here? Has one generation of men lived to see all these changes take place? all these things happen? No, no; they never did happen—no part of them happened. The same wisdom and power that planned the Garden of Eden, that created and put in motion our planetary system—the living God himself—planned the things that have come to pass in Kansas. I believe as fully as I believe that I exist that Jehovah never spoke more clearly to the children of Israel in directing them to go up and possess the promised land than he did to the loyal, liberty-loving people of this nation to possess Kansas, and start the fight that should result in freeing this great nation of human slavery. It was a great work, and it re-

quired a chosen people. Looking back upon the sifting-out process that took place in 1855, 1856 and 1857, we are forcibly reminded of Gideon's army as it was prepared to win the great victory for their people.

I am glad that our people have been faithful and that such rich rewards have come to us. Only those who have been a part of the wonderful history of Kansas can realize and appreciate the magnificent position our people occupy to-day. Speaking for myself, as one of the six survivors of the first free-state territorial legislature of Kansas, I assure you the fondest hopes and the brightest dreams I ever entertained for my adopted state have been more than realized; and while I note with pleasure the constantly increasing blessings coming to our people, I sometimes wonder if in times of our abundant prosperity we may not forget from whence come these good things. Believing, as I do, in an overruling providence, and that God is the same yesterday, to-day and forever, and looking back over the history of his chosen people—noting the terrible disaster that came upon them when they forgot God—feeling thus, and finding, as I sometimes think I do, a disposition on the part of some to get away from our earliest theories of politics and government affairs, when men were selected for office because of their supposed fitness for the place, and not for personal, friendly or money influences, it seems to me to be a fact that men are seeking office to-day, not that they may do good, but that they may make money. They commercialize the whole political fabric, and rely so much on money for success that the man of moderate means can hardly hope to secure an office.

Is there not a tendency to get away from the common people, and let a few leaders look after all governmental affairs? If this be true it is a mistake. The people will become restless—I am not sure but they are a little restless now—and ask a little choice in the selection of office-holders by demanding a primary election for the nomination of candidates. I have regretted very much to know that many of the men we have honored with high office object to this demand, basing their objections on the cost and the integrity of the voters. I say they doubt the integrity of the voters, because you will find great stress is laid upon *safeguarding* the plan. Don't worry about fraud—trust the people. For just once, perhaps the great majority are honest. They need not let the cost trouble them, but give the people the chance and they will take care of that. When elected to the office we are commemorating to-day my entire expenses for nomination and election did not exceed five dollars. The voters had charge of it all.

THE GRASSHOPPER FALLS CONVENTION AND THE LEGISLATURE OF 1857.

A paper prepared for the Kansas Historical Society by R. G. ELLIOTT, of Lawrence, and submitted at the reception of the surviving members of that legislature, at Topeka, December 6, 1907.

THE territorial legislature of 1857 was the offspring of the dual convention assembled at Grasshopper Falls on the 26th of August, 1857, and was the resultant of two antagonistic political forces. In its corporate existence it was the third in succession of a body that had won its title by brutal usurpation, and sought to maintain its authority by infamous frauds. Its living soul was breathed into it by an outraged people in a determining struggle with the malign forces that controlled the federal administration—the American idea—the aspiration for free autonomous government. The

Grasshopper Falls convention was the ascending note in the orbit of a nascent state emerging from the inertia of repudiation and agony of patient suffering. Harassed by punitive invasions and plundering brigands, her situation had been deplorable, relieved only by instances of heroic resistance and defensive aggression; and, soothed by the exuberant sympathy of the North, she was now about to rise to her rightful place, to shine in her own light, the brightest star in the political firmament.

The determination of the convention was not a change of policy but of methods, a trimming of sails to catch propitious winds that had risen with the advent of spring, and an adjustment of the rudder to the compelling tide of northern immigration that was flowing with increasing volume and force.

“The ship that holds the straightest course still sails the convex sea.”

The tide of immigration in 1857 had brought on its crest a multitude of solid business men, attracted by the opening land sales and prospect of titles, who demanded for the security of property and the stability of business an affirmative rather than a visionary government, or a negation.

The suppression of the invading forces of 1856 by Governor Geary had left the slave party in hopeless decrepitude and compelled a change of the Kansas issue.

The contest was no longer over economic conditions or social organization, but over an idea, the most effective force in the elevation of the human race, mild in its action when given free course, but volcanic in its expression when harshly curbed; an idea enrobed in a sentiment made sacred by sacrifice and suffering, fierce conflict and the blood of martyrdom, and by patient endurance.

Slavery as an institution in Kansas was dead, crushed by the misdirected, maniac blows of its own defenders; entombed under a stone that only an angel could roll away; its resurrection guarded against by jealous legions more faithful than Roman soldiery. The implacable hostility of the victors, aggravated by the outrages perpetrated in its behalf, made its material restoration impossible, even by the combined forces of statute, constitution and supreme court judgment. Only a fetid odor remained as a reminder of its fitful and precarious existence, and its uneasy ghost fitting over the battle-field disquieted the timid with the portent of a great disaster. Governor Walker, in a plaintive agony of patriotic grief expressed to Secretary Marcy, deplored the admission of “an abolition state into the Union” as an act that would be taken as an unpardonable offense by the recalcitrant fire-eaters of the South, and would drive them to a dissolution of the Union—a prediction based upon his intimate knowledge of their maturing purposes and verified three years later by the great rebellion.

While as a legal proposition slavery could be abolished only by a constitutional provision, effective on admission into the Union (and the election of a free-state legislature was a guarantee of such a provision), the real bond that held the slaves in Kansas was dissolved unwittingly by the proclamations of Presidents Pierce and Buchanan for the sales of Indian trust lands, that began in October, 1856, and were completed in the summer of 1857,¹ bringing an influx of gold that, over and above the price of land paid to the

NOTE 1.—First public sale of Delaware trust lands in the territory of Kansas, to begin at Fort Leavenworth October 20, 1856. Proclamation of Franklin Pierce, August 14, 1856. (*Kansas Weekly Herald*, Leavenworth, September 18, 1856.) Delaware land sales in progress at Osawkee, Jefferson county, July 22, 1857. (*Kansas Historical Collections*, vol. 5, pp. 367, 369.)

government, exceeded the value of all the negroes in the territory. It was this influx of gold, with its promise of increasing flow, that tipped the scales in favor of freedom; that settled the conflict waged in blood; that reconciled the slave propagandists to the policy of their antagonists; that provided the funeral baked meats that comforted the mourners of a venerated institution, not fallen on the field of honor but stricken in the lull of a strenuous conflict; and that joined them in friendly partnership with their adversaries in a revelry of speculation. Pomeroy and Stringfellow at Atchison; Lane at Doniphan, in friendly rivalry with General Richardson; "Jeff" Thompson pushing a railroad from Elwood out into the plains; Lawrence fusing with Delaware, her political antipode, in an attempt to build up a rival to Leavenworth, and hobnobbing over a railroad scheme with Platte City that a year before had sent the battery that destroyed the pride of her city—all a ferment of speculation that lined the western bank of the Missouri with an array of platted cities, rivals in expectancy for the commerce of the plains.

That slavery was in deadly atrophy at his time is attested by the census reports. That of February, 1855, shows 192 slaves—2.2 per cent. of the total population, 8501—and 151 free negroes. That of June, 1860, taken eight months before the clause of the constitution forbidding slavery took effect, shows 106,579 whites, 625 free negroes, and but 2 slaves, evidently free by the will of their masters and never held as chattels, but by bonds of family attachment and mutual dependence.²

The scheme that had now been devised by the administration to preserve the equilibrium of the states, was a formation of a state in harmony with the federal administration, encumbering it with a ten years' mortgage to the South, a constitution written upon its cerements, guaranteeing the corpse for ten years a Barmecide lease of life,³ designed to crown its admission as a state into the Union.

The initial step in this movement had been taken by the last session of the usurping legislature by providing for a convention to frame a constitution, a step taken, as subsequently shown, by direction from Washington. The safe conduct of the movement was assured by a fourfold device: a grossly unfair apportionment which extended the boundaries of controlling districts to the Missouri border and providing for fraudulent voting, exacting forbidding conditions for the voting of opponents, and preserving to the pro-slavery officials the control of election machinery.

It was for vetoing this unfair bill that Governor Geary, denied military protection which he demanded, and abandoned to the tender mercies of unscrupulous enemies, was driven to clandestine flight from the territory and resignation of his office.⁴

NOTE 2.—It has ever been my opinion, formed on a personal knowledge of a representative class of the Southern people, that most of those holding slaves in Kansas came, not for the purpose of perpetuating their relations, but willing, if not intending, to shift the responsibility of caring for an undesirable class upon a state. In many of the slave states manumission was forbidden by law, and in the others bonds for their maintenance were exacted, and in the contiguous states of the North the freedmen were assigned to a condition of debasement or forbidden entrance. Only Kansas offered kindly conditions. Notable examples of this class are Judge Elmore, Mr. Bain, who settled on the half-breed Kaw land, H. P. Johnston, and H. Miles Moore, of Leavenworth.—R. G. E.

NOTE 3.—See schedule of Lecompton constitution, section 14, a provision for amending the constitution after 1864.

NOTE 4.—See index to official papers of Governor Geary, in *Kansas Historical Collections*, vol. 4, pp. 766-708.

Governor Walker, a statesman of commanding ability, the most astute politician of his party, was pressed into the service of the administration to carry the Lecompton scheme to completion.

These changed conditions—the merging of economical interests by the pro-slavery and free-state citizens of the territory and the prosperity occasioned by the influx of moneyed settlers at the land sales—made imperative a change in tactics. Repudiation and contemptuous neglect of the rights of the free-state men by the administration had reacted by paralyzing, in a measure, the local pro-slavery authorities, involving them in a net whose cords were held by the supreme executive of the federal government.

Governor Walker in assuming office, though in bodily presence fashioned after the pattern of the great apostle of the Gentiles, magnified his mission by a proclamation glowing with affirmatives. With a veiled portent of military coercion he entered upon a strenuous campaign of the territory, to the exhaustion of his physical energies, but with compelling arguments for submitting to the territorial laws and participating in the elections. His abundant labors were not unproductive. The organization of the Democratic party on lines that embraced the remnant of the slave party, the aberration of the most widely circulated of the free-state papers, the large unclassified vote of the recent immigration, rendered the political situation uncertain. The Topeka constitution added to the complication. By a remnant it was regarded as legitimate and binding, which it would be treason to the cause of freedom to abandon. By the majority it was held as the emblem of a great cause, a bond of party organization, with machinery for executing the purposes of the party, and to be maintained for a critical emergency. Although denounced by Governor Walker as insurrectionary, it was permitted to convene in June and enact laws to continue its existence, a law for taking a census, and for the election of state officers.

A convention⁵ that met in Topeka on July 15 and 16, declared its fealty to the state government, asked for the resubmission of the constitution, and nominated candidates for state officers and congressman, to be voted for on August 9th—an implied refusal to participate in the regular territorial election. But at an informal conference of prominent members, where Lane dominated and the writer was present, it was the sense of all that the existence of the Free-state party demanded the control of the territorial legislature, and that it could be secured with certainty only by political strategy, by exacting of Walker and Stanton the strongest obligations for a fair vote and honest count and playing the state government against the territorial—Topeka against Lecompton—thus taking the enemy by surprise. As to the manner of organizing for the election, some of the members of the conference who had witnessed the sudden and unlooked for overturning of the Democratic party in 1854 by the Know-nothings proposed the adoption of their methods, but Lane, himself a victim of that policy, would have none of it, but proposed a military organization, with the result that the convention on the 16th of July "*Resolved*, That Gen. James H. Lane be appointed by this convention, and authorized to organize the people in the several districts, to protect the ballot-boxes at the approaching elections in Kansas."

The complement of this resolution was one calling for a mass convention to meet at Grasshopper Falls on the 26th of August, "to take such action as

NOTE 5.—Proceedings in Quindaro *Chindowan*, of July 18, 1857.

may be necessary with regard to that [October] election." Another resolution provided for a delegate convention to be held at the same time and place, "to carry out the decisions of the mass convention," showing that the two elements so often represented as antagonistic were harmonious, with the exception of a remnant represented by Conway, Phillips, Foster and Redpath assuming to represent the "people of the Great Neosho."

The purpose of this anomaly of two conventions to meet on the same day, called seemingly to reverse the decision of the parent convention, was to conform to the complicated political conditions of the time, and to bring into harmony two diverse elements whose united action was essential to the success of the party, which though overwhelming in numbers on the direct issue of slavery was of doubtful strength, confronted with the proposition so strenuously urged by Governor Walker and promoted by all the forces of the administration.

To the "old guard," who had accepted the Topeka constitution as their political confession of faith and supported the shadow of a state government under it, adhering to it through the ordeal of a bloody persecution and official condemnation as traitors and insurgents, the Topeka constitution was a solemn league and covenant which it would be treason to discard. It was to provide the opportunity for these indomitable adherents to a noble ideal to fuse with the new element without losing their identity or sacrificing their ideal—an informatory vindication of their whole course.

The selection of Grasshopper Falls was a tender to the new element, which predominated on the north side of the river; the main strength of the "old guard" was on the south side.

That the approachment of the two elements which was here ratified was mutual is shown by the returns of the elections immediately preceding and following. That held fifteen days before, August 9, designated as the mobilization of the free-state forces for determining contest, was for Parrott and the adoption of the constitution, 7267. That on the 5th of October gave Parrott, for delegate to Congress, 7597—330 more; just about the estimated number of the irreconcilables.

It was the preliminary vote of August 9, tallying with General Lane's muster-roll, that gave the Free-state party the exultant assurance with which it now entered upon its final campaign.

In the Grasshopper Falls convention the measured oratory and urgent insistence of the stately Ewing and the classic eloquence of Parrott aroused the intending voters to enthusiasm; the passionate pleading of Conway, the Patrick Henry of Kansas, for an ideal, strengthened the irreconcilables; the dramatic presentation of the subject by Lane, as prisoners gaining liberty by crawling through a sewer, encouraged the hesitating; but it was the objective demonstration of the August election that fixed the determination of the convention to vote at the ensuing general election.

But to return to the military organization of the people authorized by the July convention. With headquarters at Lawrence, Conway as adjutant, Whitman as quartermaster-general, and Phillips as commissary-general, orders were issued with all the seriousness of impending war, from under the battery planted for the suppression of the insurrectionary charter of Lawrence, establishing divisions and brigades, and appointing officers for an imposing army.

So diligently had the work of mustering been done that at the convention

a month later Lane was able to report an army of over 7000 organized, drilled, and ready for duty; and, compared with the census returns of similar date, there would be a large majority of free-state voters. It was the logic of the muster-roll, and not specious pleadings nor outside pressure, that decided the convention to take part in the election. The October vote conformed closely to the muster-roll and elected the body charged with the defeating of the Lecompton conspiracy.

The Lecompton constitution was the offensive embodiment of this deceptive scheme, doubly noisome from the mephitic odors of its Lecompton embalment, that Buchanan, with the haughty arrogance of a Coriolanus, in an advance congressional message,⁶ transmitted by special courier, flung before the people of Kansas for their enforced acceptance of statehood.

A working majority in the United States house of representatives, a superfluous majority in the senate, with an imperious power in control, left little hope for the defeat of the machination. Gloom pervaded. But the proposition was met by the free-state men of Kansas with a shout of defiant indignation that sent a thrill throughout the land.

On the reconvening of the Lecompton convention to complete its machinations, safe only under the guns of Major Sherman's battery, a storm of indignation swept over the land, overawing the convention with tumultuous multitudes and paralyzing the members with a three days' terror. On the consummation of the plot the indignation became a frenzy. There were boisterous demonstrations on every hand, tumultuous gatherings on street corners, while graver assemblages were harangued by flaming orators who sprang like fire-flies out of the gloom. Fierce imprecations and muttered threats flashed up, even by friendly friction, at every chance meeting of citizens. Among the more sober countrymen excited meetings were held at every schoolhouse. All this fury of indignation presaged alarming results, if not controlled.

Through all demonstrations glared a determined purpose of resistance by the boisterous and irresponsible element expressed in threats of a Danite organization, with a hint of destroying angels hovering around Lecompton conspirators. The combative impulse, flashing up from the smoldering embers of '56, burst into threats of armed resistance, with a movement for the reformation of the military force that under General Lane had organized the late victory at the polls. This movement was later given the sanction of law at the called session of the legislature, supplanting the unpliant governor as commander-in-chief by a sympathetic military board, and becoming effective by passage over his veto. Though invalid from conflict with the organic act, it served its purpose, accomplishing more by its grim visage striking terror than by arms.

Beneath all these convulsive movements grave seniors in counsel, leaders in action and representatives of high character and commanding influence met in secret conference and banded together under the most solemn obligations to defeat the Lecompton conspiracy, and even, in the last resort, to "unman" it. In close communication and under their control was John Brown, with his trusted lieutenants, keeping vigil upon the conspirators. This supreme obligation they were relieved from before maturity by the sudden flight of the head conspirator, Calhoun, and his lieutenant, McLean.

NOTE 6. — Messages of President Buchanan on the Lecompton constitution. December 8, 1857, February 2, 1858, in *Messages and Papers of the Presidents*, vol. 5, pp. 449, 471.

Jack Henderson, chief actuary, captured after a day's wild chase and saved from summary expiation by the gallantry of Col. Samuel Walker, made atonement by auricular confession and a full exposure of the conspiracy.

But the most significant and compelling demonstration which marked the determined purpose of the people was by Col. S. W. Eldridge, who had been appointed quartermaster-general at the called session of the legislature. With sixty picked horsemen he made a raid on Lecompton, and concealing his company in the adjoining bush entered the town with a squad of four as body-guard, and, approaching the governor's office, dismounted, and leaving his guard within call entered and demanded as private property the arms that had been taken without law from his company of Iowa emigrants in the fall of 1856. Governor Denver, himself a soldier of experience and commanding martial presence, asserted his authority over them as commander-in-chief and bluntly refused. The squad, impatient of delay, bolted into the office and, grounding their arms with a startling thud, added the closing and compelling argument in the case, and Secretary Walsh, on order, with nervous mutterings and imprecations, counted out the guns, which were hastily taken to Lawrence and distributed to the militia.

Among the diversity of expedients proposed and most urgently pressed was the convening of the newly elected legislature to devise some legal method of defeating the constitution.

The final act of the conspiracy, its fallacious submission to a popular vote, had been set for a day in advance of the regular meeting of the legislature, to avoid hostile action by that body. The decrees of the convention were final and could not be annulled. For imperative action in the case the legislature was incompetent. It could only supervise, petition and expose.

An unwilling governor stood in the way. The odious constitution was the embodiment of the very purpose for which Walker had accepted, with condescension and sacrifice, his mission to Kansas, and was shaped in its essential features by the powers above him. He had labored incessantly for its adoption. Only in the matter of its submission to a fair vote of the people had his pledge been juggled with, a pledge in which he had been supported by Buchanan, made in the confident expectation that with his great political abilities he would build up a party in Kansas that would adopt it. But his hesitating rejection, under ominous pressure, of fraudulent elections, left his party in abject decrepitude, invigorated only by the power that emanated from Washington—a wounded serpent with only its poisonous fangs and power to strike.

Now, from a sense of political consistency and fealty to his great purpose, and fearing the insufficiency of the legislature, he withstood the urgent pressure of the free-state petitioners. Finally, stung by reproof for his rejection of the fraudulent election returns and the perfidy of Buchanan in violating his pledge for the submission of the constitution to a fair vote, he hastened to Washington to bring his personality to bear upon the President, as the only source from which relief could come. But in vain. He found him bound and in the hands of the chief conspirators. Humbled and in despair, ashamed to meet the people of Kansas, whom he felt he had unwittingly betrayed, he threw up his commission.

Stanton, under like conditions, plied with every influence that could be brought to bear, after weeks of hesitation, with the doom of dismissal hanging over him, offered himself as a sacrifice and convened the legislature.

Now came the more intricate moves in the game. The special session of the legislature enacted a drastic law for the prevention and punishment of election frauds, with the jurisdiction of the probate court—illegal in this feature but effective; a militia law adapted to the peculiar exigencies of the situation; a law submitting the constitution to a fair vote; a commission with compulsory powers to investigate election frauds and correct the returns.

It was the swift, vigorous and relentless execution of these enactments, in a race with Buchanan, who was striving to jam the Lecompton constitution through Congress, that won the victory. The result was a bomb. The findings of the committee charged with the investigation of the election frauds of December 21, 1857, and January 4, 1858, which were dispatched to Washington by General Ewing and exploded in the capitol, defeated the conspiracy, disrupted the Democratic party and drove into retirement and ultimately to destruction the malignant power that had fastened itself on the vitals of the nation.

Interspersed on the calendar had been two meetings of the Topeka state legislature, two conventions at Topeka, a two-ply one at Grasshopper Falls, two sessions of the territorial legislature, six elections, two grand demonstrations at Lecompton—one of indignation against the convention, the other of exultation on the convening of the legislature. Notable also among them were two December conventions at Lawrence, live volcanoes of indignation and defiance. After twelve months' exercise of practical politics, a year of material prosperity, of buoyant hopes alternating with harassing fears and intense political activity, the citizens of Kansas were supremely happy in the accomplished results, with liberty enthroned in her richest robes and crowned with her brightest jewel.

This grand transformation, with its beneficent results, was but the perfect development of the American idea of orderly self-government, an idea nurtured by the generations till it had become an instinct, now vitalized by the conditions of its new environment and forced into maturity in the hot-bed of conflict.

It was the unfolding of a state, that later stepped into the Union in her supreme crisis with the bounding energy of youth, the practical wisdom of maturity; a commanding presence, with an illuminating glow of exulting patriotism, that gave cheer to the whole nation in the depth of her perplexity.

Kansas—the Hebrew shepherd with a stone in his sling destined to pierce the helmet of the giant of rebellion.

It was Kansas that cast the first stone at slavery, an act later made general by presidential proclamation. Wherever Kansas troops marched, from the first raid of Col. D. R. Anthony, the shackles fell from the slaves.

The extraneous assistance of "money and brains furnished by Massachusetts," so widely but erroneously credited with all these accomplished results, served only as a counter-irritant, provoking the enemy to that species of madness which in the divine order leads to merited destruction.

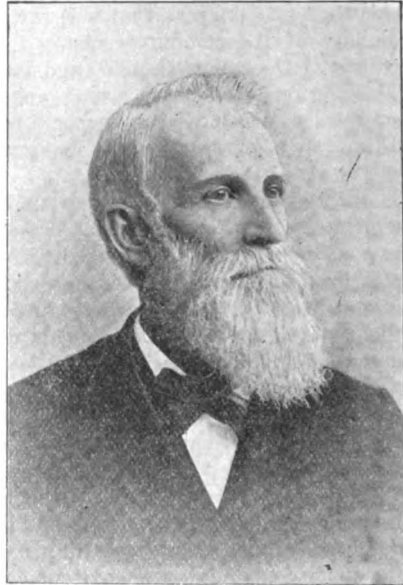
The philanthropic East, tremulous with sympathy for the threatened cause of freedom in Kansas, was the benignant angel that troubled the waters from whose swirling depths arose the nascent state regenerated, enlightened and invigorated, yet pliant to the guidance of the Divine Imminence that is ever impelling thinking humanity, often by ways tortuous and reverse and that they know not, towards a higher and nobler plane of being.

AUTOBIOGRAPHY OF ROBERT G. ELLIOTT.

ROBERT GASTON ELLIOTT was born in Union county, Indiana, July 23, 1828, of South Carolina parentage, of that migration from the South that, moved by a religious antipathy to slavery, set into the free Northwest in the early years of the last century. His lineage by his mother's side traced back through the Knox family, related by tradition to the great Scotch reformer, and brought with it down through a direct succession of generations unimpaired a reverence for the solemn league and covenant of Scotland as the concrete expression of the vital essence of religious and of civil government, both of divine ordination and of mutual relationship—the church as monitor, the civil magistrate as protector; an idea that, having become an instinct with the Scottish race, was transferred to the culture of a new continent, and here, materialized and expanded in harmonious proportions, became the model, in its essential features, of the American government.

His higher education was obtained at Miami University and at the State University of Indiana, graduating at the latter in 1850, in a class with a son and three nephews of Henry A. Wise, governor of Virginia. Four years were then spent in teaching, first in the county academy at Princeton, Ind., the last two in Stone's River Academy, near Murphreesboro, Tenn. It was here that he gained an intimate knowledge of the "Kansas question" from the *Congressional Globe*, which on advice he had substituted for the *New York Tribune* and *National Era*, to avoid offense to the prevailing Southern sentiment. He thus followed its course from the introduction of the Nebraska bill, through its voluminous discussion to its final passage as the Kansas-Nebraska bill, deeply impressed with its political significance, but more from an interest born of a desire to gain entrance into this paradise of the plains—a desire awakened by glowing descriptions of many who had come under the spell of its enchantment, halting gold seekers of '49, to wait wistfully on the border patient years for its opening. It was with peculiar gratification that he finally accepted an offer from a former college mate, with whom he had kept up correspondence, to join him in the publication of a paper in the new territory.

Josiah Miller, a native of South Carolina, his family for a generation cramped under the ban of the slave propaganda, had sought a freer life and higher education in the North, at the University of Indiana, and he had



R. G. ELLIOTT,
House of Representatives, 1857.

started in active life as publisher of a paper in Illinois. Burning with indignation at the slave power that had made life in his native state insufferable, opposition to it suicidal, and in the free North discussion of it academic, he welcomed the passage of the Kansas-Nebraska bill, which he had watched expectantly from its introduction. Without approving the motive, he had accepted the enunciation of the doctrine of popular sovereignty as clearing the arena for the determining conflict between two antagonistic and irrepressible elements of the government—a conflict in which his life experience made him eager to enlist. He therefore immediately disposed of his press, and set out on horseback to determine a location in Kansas.

The outcome of the partnership was the buying of a press in Cincinnati, type and paper in St. Louis, and the establishing of the *Kansas Free State*, and the issuing of the first paper published in Lawrence, which in its initial number defined the lines upon which was organized and advocated the policy pursued by the party that won the victory for freedom in Kansas.

But it was with hesitation and delay that either plan or policy was adopted. In the states, national politics was disrupted and in a state of fermentation. The proud Whig party had been struck with paralysis and was in a state of rapid disintegration. The American party, by its concealed methods and subterranean heavings, had strewn the great West with political wreckage. Only the National Democracy, having exfoliated its conscientious element, had crystallized around slavery as the conservator of the Union. The Free-soil party, though of noble impulses, was of youthful immaturity and on a constricted platform. The Republican party was yet in embryo, but showing the beginnings of its dynamic life in simultaneous uprisings in the prolific West. But none of these had yet the strength in Congress to give aid to a people in a contest with the malignant forces of the slave power. Nor could the diverse and heterogeneous elements opposed to slavery be organized in affiliation with any of them.

The monumental fraud of the 30th of March, 1855, perpetrated by armed invasion from over the border, sanctioned by the federal government and followed by open threats of punitive legislation to suppress opposition to slavery, aroused the combative impulse of the people of Kansas to a point of determined repudiation of the body thus fraudulently elected.

Out of this condition sprang a secret organization, formed for mutual defense against the enforcement of the threatened legislation, with its constitution open and its methods indicated by the military titles of its graded officials. But it fell under the control of a fatuous leadership that armed two companies with Sharps' rifles and ultimately led it into armed conflict with an officer and posse executing a writ—a rash act, that was resented by the ravaging horde bent upon the destruction of Lawrence, and that set in motion the train of outrages, assassinations, reprisals, burnings and brigandage that afflicted the territory with more than a year's desolation.

That this is not a misinterpretation of the policy first inaugurated is attested by the author of it, when in his mature years, claiming its authorship and vindicating it with sardonic complacency, he records in the "*Kansas Conflict*," "It was thus immaterial how many printing-presses, hotels and bridges were indicted and destroyed, or how many men should be killed in the operation, so that the responsibility could be placed on the federal authority," and "the more outrages the people could get the government to perpetrate upon them the more victories they would gain."

It was on the 4th of July that this policy was dramatically foreshadowed by its author in the first celebration of that day in Lawrence. In a declamatory address charged with a convicting indictment of the invaders, flaming with righteous indignation and bitter with invective, illuminated with a portrayal of victims clanking with chains, and invoking the "spirit of '76," he charged the military companies who had paraded and been presented with a flag to "do their duty"; advice accepted by all who heard it as a sinister euphemism for armed resistance to the threatened legislative enactments.

This significant demonstration provoked indignant dissent, with tremors of anxiety among the stable and conservative element opposed to slavery, threatening disintegration by the building up of a national administration party and desertion to the supporters of the fraudulent legislature. The slave party accepted exultingly the proposition as a vindication, and transformed an invading mob into a *posse comitatus* for the enforcement of law.

It was this revulsion that brought to birth the party that sprang into life at Big Springs, with the vigor of youth, a note of defiance, the wisdom of maturity, and an exulting confidence in victory—strong in the combination of its diverse elements and passionate in its devotion to a noble purpose.

The initial movement was made by the editors of the *Kansas Free State*, who called a conference, termed in derision the "Sand Bank convention," that issued the call for the Big Springs convention. The call was drawn on the lines laid down in the first number of that paper by the subject of this sketch, who was secretary of the conference, and afterwards of the Big Springs convention.

The proposition, simple as it may seem, was not original with them, but was the conception and advice of Abraham Lincoln, not as yet of national fame, only an ex-congressman, recognized as the foremost lawyer of his state, and was the germ from which sprang his great sacrificial service to the nation.

Mr. Miller, living within his professional circuit and affiliated with the Free-soil party, on determining to move to Kansas, sought a conference with him as to the political policy best adapted to conditions of the newly organized territory. Realizing the advantage Missouri would have by its proximity and largest contingent of earliest settlers, assisted by the federal administration playing a strenuous game of politics in shaping the policy of the territory, he emphasized the necessity of discarding party affiliations and uniting upon the one issue of making Kansas a free state, and the cultivation of friendly relations with our jealous neighbor over the border.

The acceptance of this advice was expressed in the name of the paper, and the revulsion produced by the portentous demonstration on the 4th of July offered the first opportunity for its successful application.

The *Free State* was indicted by the federal grand jury, and the press destroyed, with the library and personal effects of the editor, on the 21st of May, 1856. The last issue, but half printed, with a six months' supply of paper, was scattered to the winds and driven miles over the prairie. It contained the name of John C. Fremont for president, set in display on the first page, with a letter written by him to Governor Robinson, and indorsed by Speaker Banks as "worthy of publication," which formed his certificate of qualification as candidate for the newly formed Republican party for President. As no distinct pronouncement in his favor had yet been made, the receipt of the letter was esteemed a signal honor. As Kansas was to be the

paramount issue of the campaign, it was evident that Lawrence was to be the point of vantage from which his boom was to be projected. But it failed. In the indiscriminate wreckage nothing at the time seemed worth preserving. Only a copy taken east as a souvenir was saved. But the publication was not without its compensation, as it brought, unsought, the honor of an appointment as delegate to the Philadelphia convention that established the precedent of admitting the territories to equal representation with the states. In the convention the Kansas delegation were treated with most cordial consideration, their entrance and their votes were marked with rounds of applause. The editor was appointed one of the honorary secretaries.¹

The trip east to attend the convention was also to buy a new press, but the closing of Missouri to Northern travel and the reign of brigandage prevented the reestablishment of the paper till the spring of 1857. This hindrance, however, was compensated for by the opening of a wider field and far more productive service. In the West, where the name of the "Pathfinder" touched the most responsive chords of the masses, with Kansas the paramount issue, a live Kansan fresh from the arena of conflict, though of faltering speech, was a mascot. The Fremont campaign opened all along the line with exultant expectation, the Republican committees pressed into service every resource at their command. The editor of the *Free State* was assigned to duty by the state committee of Indiana, and under the political tutelage and the companionship of ex-Commissioner of Patents and Indian Agent Henry L. Ellsworth, future Senators Henry S. Lane and Oliver P. Morton and John P. Usher, he took part in many of the great rallies of the state. He also responded to many calls from acquaintances in southern Ohio and western Pennsylvania, being employed till the eve of the election, and receiving the disappointing news in Pittsburg.

The bright sunshine of freedom that broke through the storm-clouds of '56 brought with it an avalanche of free presses. Brown had revived at Lawrence his *Herald of Freedom*, destroyed in '56; Delahay his *Territorial Register* at Wyandotte, destroyed at Leavenworth, the first paper to be thus honored; Crozier with the *Leavenworth Times* had supplanted General Easton and his *Herald*; Franklin G. Adams, who a year before had been compelled to flee from his "claim" near Leavenworth and seek refuge in Lawrence, had converted, by purchase from Stringfellow, the *Squatter Sovereign* into the *Champion of Freedom* at Atchison; Redpath, with his *Crusader*, had hoisted the red flag at Doniphan; Sol Miller, his plumed *Chief* at White Cloud; Elwood had its *Advertiser* a year in advance of its *Free Press*; Palermo, Geary City and Sumner had their presses; Quindaro its *Chindowan*, edited by a future bishop. Indeed, the western bank of the Missouri, from the Nebraska line to the mouth of the Kansas, was outlined with intellectual luminaries, individually as advertising mediums and beacons of commerce, collectively as a triumphant illumination of a decisive victory. In the interior only the Lecompton *Union*, the sole organ of the federal administration, shone with a subdued light, a consecrated candle casting its mournful rays over the bier of slavery.

Before reaching Lawrence it was learned that the "claim" of the *Free State* had been jumped by T. Dwight Thacher with the *Lawrence Republican*,

NOTE 1.—The delegates from Kansas to the Philadelphia convention in 1856 were Samuel C. Pomeroy, Martin F. Conway, Shaler W. Eldridge, Robert G. Elliott, Samuel N. Wood, and Asaph Allen.

and that the only unoccupied situation of note was Delaware, on the Missouri, below Leavenworth. It was then the county seat, having won its title by greater diligence in the approved method of conducting border elections, though Leavenworth vainly protested that the unwritten law of filling the quota of voters by requisition on Missouri applied only to political issues. A company of Lawrence citizens, flushed with the prevailing epidemic of speculation, attracted by its superior natural landing, topography, shorter distance, ease of access, convenience of ferriage, and most available route for a railroad east through Platte City, had joined with the town company, greatly enlarged the plat, and were spending some \$30,000 in the investment and in grading its levee. An offer of a substantial interest in the town and a generous list of subscribers, that in the exhilaration of changed conditions seemed an endowment, determined the location of the *Free State* in the town that the year before had quartered the predatory band enlisted and brought to Kansas by Col. Warren D. Wilkes, of South Carolina, only two of whom remained and became citizens.

For a season the prospects of the town were bright, as it monopolized the forwarding business, then the most important industry on the border, radiating from Lawrence to Topeka, Burlington, Emporia and the Southwest. One of the largest boats on the river spent from sunrise to three o'clock discharging freight on the levee, proceeded to Leavenworth, discharged the remainder of its cargo, and returning passed Delaware before sunset. But the bright promise of the beginning was soon overclouded.

The scheme of the town company was entirely speculative, trusting to the magnetism of the situation, artificially produced, to attract the two essentials in town building, fixed industries and population, and to the newspaper as the voice of the auctioneer crying sales on a commission. Faith without works. The one industry of the town, forwarding goods to the interior, was intermittent and spasmodic, ebbing and flowing with the navigation of the river, and was badly provided for, inviting disaster. Some 600 stoves consigned to a Lawrence firm were landed on the levee when a torrent from a cloudburst in the night rushing down a ravine covered all with slime and carried forty into the river. This broke the charm of the situation, foretold the loss of business, and enabled Leavenworth to win back in the following season the business that had been taken from her. These converging prospects affected the press most sensibly, making a desert for business, a barren field for local matter, a hermitage for social affairs, an echo for news; for the editor, an observatory, with its field limited to one phenomenon of the political commotion.

The overshadowing issue of slavery was fire-fanged, decomposing from the self-generated heat of its fermentation, and submerged by the influx of gold that set in with the Indian land sales; and the people, relieved of its noisome presence, were awaiting in joyous anticipation its final obsequies. The instinctive policy of the self-centered Free-state party under the changed conditions was plainly indicated, and it early announced a vindication of its past course by maintaining the state organization till assured of complete victory, with a coy and diplomatic acceptance of the vital issue of the present participation in the territorial election.

Only the quixotic eccentricities of Governor Walker in his effort to "dissociate Democrats from the Free-state party" and to propitiate the South by organizing a state in harmony with the federal administration furnished

combatable issues; and scenes of comedy relieved the gloom of a tragic drama.

But this lonely situation of the editor was not without a certain compensation. It made him, without solicitation or opposition, the choice for delegate to all the multiplied conventions that bubbled up in the effervescent period of Kansas history, and gave him the election, uncontested, as a member of the state legislature, also of the territorial, with a worthy member, the residuum of the South Carolina colony, as an opponent—now after fifty years one of the six survivors of that body.

Inconspicuous in that body of high-grade ability, patriotic devotion, singleness of purpose and harmony of action, his chief service was in framing the first law passed at that session, "An act for the prevention and punishment of election frauds," which, with its complement, devised by Doctor Danford, creating a commission for its enforcement, made the official and convicting exposure of the Lecompton election frauds, that defeated the conspiracy in Congress and branded the perpetrators with ineffaceable ignominy.

On his election to the legislature he sold his press to the town company and thereafter made his home in Lawrence. The company failed to continue the publication of the paper. Only two numbers of the Delaware issue of the *Free State* are known to exist.

The legislature conferred upon him the office of superintendent of public printing, but it proved an empty honor. After spending some three weeks in copying the journals, the secretary of the territory declined to recognize his authority, claiming the job for himself. And as the federal government was the paymaster, the business was relinquished without a contest.

The next five years were spent as assessor and city and county treasurer, followed by a session as state senator, elected to fill out the term of Prof. Samuel M. Thorpe, who perished in the Quantrill massacre. This closed his political service.

Three years as president of the State Agricultural Society, with Gen. H. J. Strickler as secretary and Alfred Gray, C. B. Lines, Doctor Scott, and others of equal prominence, as directors; and three years as regent of the University, associated with Bishop Thomas H. Vail, C. B. Lines, Dr. Peter McVicar, Gov. Charles Robinson, and Dr. William C. Tenny, with Rev. Wm. A. Starrett as secretary, the board that under the direction of Gen. John Fraser, the chancellor, raised the University from the plane of a high school to the broad and expanding foundation on which it now rests, and effected a loan of \$100,000 from the city of Lawrence to the state, with which they built Fraser Hall, were terms of honorary service. His highest complimentary position of honor, however, was as commissioner named by a statute of 1865, with Gov. James McGrew and Daniel Howell of Atchison, to adjust by equity the claim of the contractor of the Penitentiary building, who had already lost and was confronted with ruin and the impossibility of fulfilling his contract by the sudden and momentary depreciation of greenbacks. The judgment of the commission was satisfactory to both contractor and state, and sums up his honorary services to the commonwealth.

But the administration at Washington, controlled by the South, was determined to restore the equilibrium, and so paid no attention to the changed condition of things in the territory. On the 2d of February, after all that

had passed from October 1, 1857, up to said date, President Buchanan sent the Lecompton constitution to the senate, asking its acceptance. Facing the expose of fraudulent voting, Congress continued to discuss the Lecompton constitution, and on April 30 agreed upon a compromise known as the English bill, and ordered another vote August 2, 1858, which resulted as follows: Against the English bill or the Lecompton constitution, 11,300; for, 1788; majority against, 9512. This persistence against the will of the people of the territory makes the following account, entitled "The Candle-box under the Wood-pile," essential in telling the story of the first free-state legislature.

THE CANDLE-BOX UNDER THE WOOD-PILE.

Read before the Kansas Historical Society,¹ in Topeka, by GEORGE A. CRAWFORD,
February 3, 1868.

THE Lecompton constitution was the climax of all the efforts of the pro-slavery party, through years of struggle, to enslave Kansas. That last desperate attempt to fix slavery here failed only because of the violence and fraud of the few who led. They were "hoisted by their own petard." The finding of the candle-box with the fraudulent election returns under the wood-pile was the explosion of a magazine under them and their plottings. Briefly we tell the story of the "Calhoun candle-box," premising that not all who were Lecomptonites were fraudites.

Gov. Robert J. Walker came to give fair play to the squatters. He begged them to abandon their own unauthorized state-government movement of Topeka, and accept that of Congress. He besought them to vote in the election of delegates to the Lecompton constitutional convention; offered military protection at the polls, and pledged himself to oppose the constitution if it were not submitted to the people. He drove Surveyor-general John Calhoun and his colleagues, candidates for delegates in Douglas county, to pledge themselves that the constitution should be referred back to the people for ratification or rejection. But, unfortunately, the free-state men, too late, would only believe in Walker when he had been rejected by the pro-slavery element, and had gone to Washington to redeem his pledge and be beheaded for their sake.

From the moment that Governor Walker pledged himself to urge the rejection of the constitution, if it were not submitted to the people, the surveyor-general's clique began to plot his overthrow. If they could not remove him they would secure the defeat of his confirmation. A submission to the people would lose Kansas to slavery. It would defeat Calhoun's chances for the United States senate. It would end their long reign of terror here. All

NOTE 1.—To our Missouri invaders of 1855 is due the credit of the first motion towards a historical society in Kansas. In giving us a revised edition of the Missouri laws, they included a provision for the establishment of the Historical and Philosophical Society of Kansas Territory, with the following Kansans named as incorporators: William Walker, D. A. N. Grover, David Lykins, John Donaldson, James Kuykendall, Thomas Johnson, William A. M. Vaughan, Lucian J. Eastin, and A. J. Isaacs. No record has been preserved of any action under this law. Later, in February, 1860, after the close of the pro-slavery regime, the Scientific and Historical Society of Kansas was organized at Lawrence, with Judge S. A. Kingman as president. William Hutchinson, a member of the executive committee, was a moving spirit. This organization was prosperous for a time, but its library and collections were destroyed in the Quantrell raid, August 21, 1863. Still another attempt that did not prove permanent was made in the formation of the Kansas Historical Society, at Topeka, in March, 1867. Chief Justice Kingman was also president of this society. Editors were made exempt from the five dollars membership fee. But even with this provision the society did not prosper, and with its last meeting, in February, 1868, when this address was made, it ceased to exist. For sketch of Mr. Crawford, see vol. 6, Kansas Historical Collections, p. 237.

depended, first, on the overthrow of Walker, and second, as a consequence, the easy triumph of "the Lecompton" and slavery.

They sounded the alarm, South against Walker. They worked at first in the secrecy of pretended friendship. Democratic state conventions South began to resolve against Walker. It became necessary to defend. Gov. William Bigler, senator from Mr. Buchanan's own state, visited Kansas in June, 1857, and wrote a long letter to the President, giving his own observations in vindication of Walker. In that letter the writer hereof was pleased to join. The fall elections came. By fraud and violence and a free use of the Cincinnati directory, the Lecomptonites carried. Walker, honest ruler that he was, went behind the returns, probed the frauds, and gave the certificates to the free-state men who were opposing him. This made him, to the fraudites, an abolitionist and traitor to the party. When they made their Lecompton constitution they not only refused to submit it as a whole, but they made the president of the convention, John Calhoun—and not the territorial governor, Walker, the fraud exposé—the recipient and judge of the returns, with power to issue certificates of election.

A fraction of the free-state men, seeing they had stood apart with folded hands long enough to let the governor lose the battle, thought there was yet time to retrieve it. If they could elect free-state officers under that constitution, its adoption would not be insisted on by the South, and, if adopted, the people would be safe in the hands of their own officers. They nominated a free-state ticket, Judge G. W. Smith at the head, for governor.³ The old frauds and the Cincinnati directory were repeated, and Calhoun held the returns. He was determined to issue certificates to his own adherents, and make himself a United States senator of the slave state of Kansas.

When the non-submission of the constitution became apparent, Governor Walker and friends made every effort to secure its rejection by Congress. Indian Agent Maxwell McCaslin, Buchanan's old friend, dared to raise a voice against these frauds upon the people, and his head went off.

NOTE 2.—A call was issued for the free-state men to meet in convention at Lawrence December 23, 1857, to consider the question as to whether the party would participate in the election of January 4, 1858, on the Lecompton constitution, and for state officers under that instrument. The convention met and by a vote of 62 ayes and 75 nays declared against participating. From this action the minority bolted, and in a mass-meeting held on the 24th of December the following free-state ticket was placed in the field: George W. Smith, governor; W. Y. Roberts, lieutenant-governor; P. C. Schuyler, secretary of state; Joel K. Goodin, auditor; A. J. Mead, treasurer; for congressman, M. J. Parrott. The vote cast January 4, 1858, was 6875 for Smith, and 6545 for F. J. Marshall, pro-slavery. The free-state men did not vote for or against the Lecompton constitution. The vote for the constitution was about the same that Marshall received. Nine voters in Leavenworth expressed themselves in this inscription on their ballots: "To hell with the Lecompton constitution."

Referring to this convention and the bolting mass-meeting to nominate, Thomas Ewing, jr., writes to Hugh Boyle Ewing, under date of January 2, 1858:

"The resolution to go into the election was lost, after three days of fighting, by a close vote. . . . Conciliatory speeches were made by all the leaders exhorting union, and denunciatory speeches against possible bolters, and the result was that all our friends who had been swearing they would get up a ticket, convention or no convention, grew mute and acquiescent—as Doctor Davis, Pomeroy, W. Y. Roberts, etc. I was boiling over with suppressed rage, and after a scuffle got the floor, and walked into the war men and non-voters as near as I could after the style of old Weller into Elder Shepherd. I was hissed, groaned and cheered by the respective factions while pitching into the war men and exhorting the disaffected to bolt. The convention broke up in a row after I got through, and the bolters met at another place and nominated a ticket. I organized the executive committee at Lawrence, and came over here on the 27th, where there had been a fierce strife between the bolters and regulars. The bolters carried the day here by a unanimous vote of a mass convention of the people. I was appointed chairman of the executive committee, and have had the management of the campaign. There is yet disaffection in our ranks in different parts of the territory, except in Leavenworth; but I think we shall carry the day. I take a company of select men to Kickapoo, and am bound to have fair play there, and have arranged to secure it at all the precincts in this and Johnson county. Denver has sent troops wherever I have asked for them. I went to Lecompton to see him, and brought over his requisitions to General Harney. The true Democracy here are all with us, except Purkins, Halderman, and Young, who will not vote at all."

The writer hereof appealed to his old friend, Gov. Wm. F. Packer, the Democratic governor of Mr. Buchanan's own state, and the governor protested in his message against the Lecompton. Col. John W. Forney, who made Buchanan president, was chairman of the Democratic state central committee, and editor of the Democratic organ of the state. He also heard the appeals of justice, and made war on the Lecompton and the President. The writer hereof also visited his friend Judge Douglas, before he went to Washington, and urged him to make that fight which ended so gloriously in the defeat of the Lecompton. It may be well to say, parenthetically, that such audacity incurred the ill will of Clarke, Brockett, Hamilton & Co. They attempted assassination, and finally gave me a polite note of invitation to leave the territory, with something added about being a "dead man by 12 o'clock."

The contest opened up in Congress. Douglas, giant that he was, made himself immortal in that championship of Kansas and the right. But the pro-slavery element had the power in Congress to bind Kansas in the thrall of that constitution. Frauds were charged but denied. The battle wavered. Nothing but the exposure of these frauds, shocking the moral sense of the nation and making the glaring wrong impossible, could give victory to the people. Such exposure could save Kansas to freedom, and prevent the immediate civil war likely to grow out of the enforcement of a constitution on a protesting people.³ The territorial legislature, free-state because of Governor Walker's rejection of the fraudulent returns, seconded our friends at Washington by instituting an investigation. They appointed a committee to inquire. Calhoun, determining they should not see the returns, fled to Missouri. His chief clerk remained to manage all. Putting on an air of conscious innocence, he ventured to a ball at the Eldridge House, in Lawrence. While on the floor, the finger of an officer touched him on the shoulder, and he followed into the presence of the committee. There he swore Calhoun had taken the returns to Missouri! The dance "went on, and joy" with him "was unconfined." The public knows that on the second morning thereafter the free-state sheriff of Douglas county, with a posse,

NOTE 3.—In a letter dated Leavenworth, Kan., January 18, 1858, Thomas Ewing, jr., wrote his father, Hon. Thomas Ewing, of Ohio:

"Calhoun left for Washington to-day—fled. He would have been brought up for forging election returns, of which there is evidence enough, I believe, to warrant a presentment. He is the instigator of all the frauds, I have not a shadow of doubt. Henderson, one of his tools, who has recently got an appointment from Buchanan, obtained the returns at Delaware Crossing, in this county, from the judges of election there, avowedly to bring them to Calhoun, and changed the return from 48 to 543. That fraudulent return would have decided Leavenworth county with eleven members of the legislature, and would have decided the legislature. A prompt arrest of Henderson prevented Calhoun counting that return. He said he had not received it. Henderson said he gave it to him. The judges and clerks at Kickapoo, Oxford and Shawnee have fled from fright. Those at Delaware Crossing have, I think, been coaxed out of the territory to prevent the exposure of Henderson and his associates.

"Calhoun says he will not give certificates of election or declare the result officially until we are admitted as a state. There is much reason to fear that he will declare for the pro-slavery candidates, by rejecting free-state returns on account of informality, and by allowing amended and increased fraudulent returns made out by fugitive judges in Missouri. If we are admitted, and these pro-slavery men have the power, there will be civil war. The Calhoun faction do not really number more than 1000 out of 16,000 voters. They are composed of those of the ruffians who figured conspicuously in the arson and murders of the past two years, and who have not yet died of delirium tremens. That is, honestly, the character of men who are likely to have the control of the state government, and to have the power of the general government to back them in subjugating the people. But the administration cannot succeed. Kansas cannot be forced like a bastinadoed elephant to kneel to receive the paltry riders. I believe that the ringleaders of this faction will be put to death the moment that Calhoun decides the election against us, and I would not be at all surprised to see the people unite in determined rebellion, although it is more probable that they will seize the state government by killing enough of the pro-slavery men to give them a majority. One thing is certain. If the pro-slavery men get and are suffered to keep the power for a year, it is utterly out of the question that it can be shaken off for a number of years to come."

found the returns in a candle-box under a wood-pile at Lecompton, and took them before the committee.⁴ But who put them there, and when? who saw it done, and how? who told Sheriff Samuel Walker, and gave him a diagram so true that he went straight to the spot? who took the caps from the forty muskets in the surveyor-general's office in the night, when the office was locked and in their possession, and so saved Walker and his party from bloodshed and defeat? No newspaper, no historian, no public speaker has told it.

The reasons why they have not been told nor known have passed away. The lives of men no longer depend on secrecy. Sure assassination would have followed an exposure then. But now, between the parties who laid their plots of perjury and fraud to enslave Kansas, and us who planned their exposure, the fiery tide of civil war has rolled—and between others, the still more impassable gulf of death. There are but two men in Kansas who know the facts I am about to relate. The writer, who helped plan, and the sheriff, who helped execute, the exposure of their villainies. Some are dead, and others gone far off. It is proper that before the secret is forever locked away in the coffin of the last survivor—now that no death or danger lurks in the disclosure—I should break the seal of ten years of silence. I owe it to history, and to heroic men who never were fairly understood in Kansas. I am therefore glad at last, in the presence of this historical society of the state, at this, its first meeting, to unlock the treasury of memory and make my contribution to justice and to history at the same time. With these explanations I proceed to give the story of how it was discovered.

NOTE 4.—Before the investigating committee appointed by the legislature January 14, 1858, L. A. McLean made oath, January 30, as follows:

"Some three or four precincts sent in their returns already open, but were sealed up in the presence of the persons who brought them, and the name of the bearer written upon them; do not know that the returns from Kickapoo, Oxford, Shawnee or Delaware Crossing were sent in open. Do not know whether they were sent in at all or not. When the returns were sent in, they were deposited in Governor Denver's safe until they were opened by General Calhoun. After he had counted them they were again tied up and deposited with me. I sent them afterwards, some seven or eight days, by a messenger from Platte county, Missouri, to General Calhoun. Do not remember the name of the messenger who took them; he did not bring a letter from Calhoun. It was about the 19th or 20th inst. that those returns were sent to Calhoun. The message was that Calhoun wanted all the returns which had been opened sent over to him."—Report, page 114.

On pages 116 and 117 of the report is an affidavit sworn to by Henry J. Adams, Thomas Ewing, jr., Dillon Pickering, James B. Abbott and Enoch L. Taylor, February 1, 1858, as follows: "That said board, under said acts, have the right to the possession of the election returns which have been sent by the judges of the said elections at the several precincts in this territory to John Calhoun, the president of the convention, so long as the possession of them may be necessary for the purposes of such investigation. That said John Calhoun, the custodian of said returns, is absent from the territory, and beyond the processes of the board. That L. A. McLean, a resident of Lecompton, and the chief clerk in the office of said Calhoun, has testified before the board that said Calhoun left the said returns in said McLean's possession and custody, and that subsequently, about the 18th or 19th of January, 1858, a person whose name was to him unknown called upon him, and stated that he had been sent for said returns by John Calhoun, and that he, said McLean, delivered said returns to the said messenger, and has not since had possession or custody of them. That they have been informed, and verily believe, that said returns have been stolen or embezzled, and that they are now concealed in or about the building in which is the office of the surveyor-general at Lecompton, or in or about the building adjacent thereto, and they ask that a search-warrant be issued by your honor directing the sheriff of this county to take said returns from their place of concealment, and bring them before your honor, and that said returns may be delivered to this board for examination, and then returned to such persons as may appear to have authority to receive them."

"On pages 118 and 119 is the sheriff's return, dated February 2, 1858, and signed Samuel Walker, sheriff of Douglas county, K. T.: "Executed the within warrant (not searching any of the buildings within described) by removing a pile of wood situated on the premises herein described, and adjacent to the office of the surveyor-general, and by digging from under it a box buried in the earth, about eight inches, and supposed to contain the election returns herein described—which box is herewith delivered in open court without having been opened by any person."

On pages 120 and 121 is a sworn statement by Samuel Walker, giving details of how it happened. Also on page 119 there are affidavits by John W. Denver, governor, and C. W. Babcock and George W. Dietzler, saying that the papers taken out of the candle-box are the same pa-

There were a group of Pennsylvanians constituting the family of Gen. William Brindle, receiver of the land-office at Lecompton. They were himself, Mrs. Brindle, E. W. Wynkoop, Hardman Petriken and Harry Petriken. They were old Pennsylvania friends, whose house was my home when I was about Lecompton. They occupied the log house vacated by Governor Geary—the government muskets all remaining in it. These were stored in the cellar and up-stairs—enough of them loaded and at hand for emergencies. I used to sleep up-stairs among the muskets “with the boys.” We six were the conspirators against the Calhounites—a woman in the plot, as you see. She was wiser in counsel, and as brave as Joan of Arc—and in her veins ran the best heroic blood of Pennsylvania—the blood of the Wynkoops. In those dark days and darker nights, when assassination lurked in alleys, and prowled upon the streets, and listened through the keyholes, we whispered or quietly muttered many an hour away together. Of the six, Brindle is back in Pennsylvania, impracticable in some things, as he was thought to be, perhaps, but noble, generous, brave and patriotic. “Harry” is there, too. Ned Wynkoop is the colonel of the plains agent to the Indians. “Hard” is in a Union soldier’s grave. And our heroine—all that remains of her is a memory among her friends, as pure as the Pennsylvania snows under which, this hour, she sleeps. If Kansas knew how bravely she sustained the weak and persecuted right, she would enshrine her among the heroines of her history.

The Walker policy of popular right, you see, was at war with the Calhoun policy of pro-slavery fraud. Men took sides for life or death in

pers passed upon by them on the 12th or 13th of December, 1857. This candle-box is now among the relics of the Kansas State Historical Society. It was sent to Dr. Thomas H. Webb, of Boston, and by his widow returned to this Society twenty years later. Its history is duly inscribed on the box.

In a letter dated Saginaw, E. S. Michigan, May 30, 1894, addressed to Gen. Thomas Ewing, jr., New York city, W. C. Ransom, a clerk in the surveyor-general’s office, says:

“I read with great interest your paper in the *Cosmopolitan*, ‘Early History in Kansas.’ It brought back to mind so vividly that portion of the narrative that covered events transpiring after I became a resident of Kansas, July, 1857, and with which I was familiar, as I was one of General Calhoun’s staff of clerks in the surveyor-general’s office, and although recognized as a free-state man, and as having no sympathy at all with the horde of ruffians that hung about Lecompton that year, was called in by General Calhoun when he desired to have letters copied of a confidential character. In that way I came to know very much of the real attitude of the Buchanan administration and of prominent public men towards the Lecompton plan of forcing Kansas into the Union. . . . Gen. L. A. McLean was an accomplished scoundrel, if one ever existed. There had been a growing mistrust of McLean on the part of Calhoun for a long time previous to the candle-box affair, and he, Calhoun, had given me to understand that he intended to get rid of him as soon as he could. After the election under the Lecompton constitution, General Calhoun turned the returns over to me as fast as received for the purpose of making up the official tables of the same for canvass, and instructed me not to permit McLean to have access to them. Calhoun left Lecompton for Washington before the returns were all in. His instructions to me, when leaving, were to wait until the returns were all in hand, then to complete the statements and send the latter to him at Washington, keeping the original returns with care until his return, but to give any committee from the legislature access to them that might come for that purpose, with the understanding that they were not to be taken from my custody. I religiously carried out my instructions and kept the returns locked up in a drawer in my office, after sending the copies of the canvass to Calhoun, at Washington. Coming down to the office one morning I found the drawer broken open and the returns gone. I went to McLean at once, and he told me that Calhoun had sent a special messenger for the returns during the night, and as there was no time to lose he had opened my drawer, taken them out and sent them to the general. Subsequently, at Nebraska City, McLean told me that General Calhoun had given Mr. Greene a note to me, directing me to permit him, Greene, to inspect the election returns, and that by G—d he did n’t mean he should do it, and so told him that he (McLean) had sent the documents that very afternoon by special messenger to General Calhoun. That night he, McLean and John Sherrard, took the papers from my drawer and buried them where they were found. As this statement was confirmed by what Wasmund and Torrey, clerks in our office, and who had watched and seen them bury the box, had told me before, it was unquestionably true. General Calhoun had no more to do with the candle-box business than you or I. It was simply a piece of McLean’s impudence and rascality, for which he ought to have suffered. Perhaps I have worried you with this long explanation, but I wanted you, in the light of correct history, to know the exact facts in the case. With my sincerest regards,

Faithfully yours,

W. C. RANSOM.”

Lecompton. Brindle was the bold leader of the Walker party there—he was intense in zeal, intense in hate, intense in denunciation. He had been a major in the Mexican war, and believed in a fight for duty. He never went on the streets without his brace of revolvers. He was a good shot and always ready for an attack. He had a singular way of advocating slavery, but of being ready to die to give the people a chance to make Kansas a free state. He has been greatly misunderstood in Kansas. But to such men as Sheriff Walker and Col. O. E. Learnard, who did understand him, it is well known that he was the belted champion and leader of the people's cause in Lecompton. The other five of the party were all free-state.

It became necessary that Governor Walker and Brindle should know what the Calhoun cabal were plotting.

And here I introduce a name unknown to you—never, indeed, known in Kansas history, but passed away now from even the memory of nearly all of those to whose ears its humbleness was once familiar. It may be that when Kansas has heard his story she will rank him as the nation ranks Paulding, Williams and Van Wirt.

There was an obscure but faithful factotum, or man of all work, in the employ of Calhoun. He made fires, did errands, had charge of the office, and slept there. He was an old Berks county, Pennsylvania, Dutchman, who looked depressed, as if the memory of better days were on him—you might see if you looked at him close. To Calhoun and his clique, he seemed to have no higher ambition nor further thought than to draw his pay, poke about the fires, and smoke his pipe. Charley Torry—"Dutch Charley" as we called him—had seen better days in "alt Berks." He had education under all his disguise of simple ignorance. He could write a good hand, knew the force and drift of events, and comprehended the situation. The sequel may show that he was master of it, too. His presence was no bar to their midnight plottings. They regarded "Old Charley" as intensely "sound on the goose," and would trust him as they would each other. Brindle won his confidence. "Pennsylvania" was perhaps the open sesame to the heart of that friendless, forlorn, shriveling, silent man. But certainly it was more than friendship; it was an overwhelming sense of duty that made him take his life in his hands for months, and bend his pride to play the part of a betrayer for even freedom's sake. If he "stooped to conquer," mind you it was in honor's service and at honor's mandate.⁵

Sometimes, when plots were deep and counsels most secret around him, he would feign sleep. As soon as the conspirators were fairly gone from the office the stealthy step of Charley would be heard at Brindle's—the soft

NOTE. 5.—On Kansas day, January 29, 1906, the Kansas Society of New York held their usual banquet at the Waldorf-Astoria. An address was made by Thomas Ewing, jr., son of Gen. Thomas Ewing, entitled "Some happenings fifty years ago." The 29th of January being also the anniversary of the burial of the candle-box under the wood-pile at Lecompton, and Mr. Ewing's father being so vitally connected with the incident, it is exceedingly fortunate historically, at this time, that the story of the forged returns and their discovery should be the main subject of his paper. The attempt of McLean to hide the forged returns of Delaware Crossing is so closely identified with the first free-state territorial legislature that an account of it seems necessary in this connection. Mr. Ewing gives copies of two letters in his possession never before known by the public, one from Gen. William Brindle, dated September 29, 1858, and one from Charles Torry, or "Dutch Charley." The following is a quotation from General Brindle:

"One of the employees of the surveyor-general was a well-educated Pennsylvanian, who had been a sheriff of Chester county and a professor at the Weston school. He was known as 'Dutch Charley.' Having fallen into the alcohol habit, he left his friends and wandered to the frontiers. No one in Lecompton or Kansas but myself knew anything about his history or his real name. He was employed in the surveyor-general's office as a draftsman, messenger, etc. The surveyor-general's chief clerk, McLean, was a pro-slavery Know-nothing, who was acting with that element in Lecompton and in the territory. 'Charley' was a free-state man. He usually affected

swing of the gate—the low tap at the back door—and the quiet opening of the door to take him in. His step was stealthy as a cat's—for a grave was under him and it were not pleasure to break through. On the streets he scarcely dared to recognize any of us, nor we him. I remember once he brought the manuscript of a pamphlet they were preparing against Governor Walker for circulation South. Charley told his story in an undertone—for a broadside of bullets would follow if they knew. We sent for the governor, and had him come from his bed to read their manuscript. In the morning it was back in its place in McLean's desk, and Charley was at his chores.

When McLean gave his perjured testimony Brindle suspected the returns were yet about Lecompton. He urged Charley to renewed vigilance. McLean came back from his false swearing at Lawrence to Lecompton, to hide the evidence of his perjury. He waited until all had gone to bed the next night. Then with his comrade, quietly in the night, he displaced the pile of wood in front of the office, dug, buried the returns in the historic candle-box, smoothed the dirt and chips, replaced the wood over all, and went off to his bed or his cups, to flatter himself with safety, and to dream of senatorships.

But the sleepless eye of the faithful Charley was peering on them from the window, as they dug and hid, and they might as well have had a velvet-footed panther on their track. As soon as their footsteps passed out of hearing, he stole out with his secret, and made his way to Brindle. Brindle had been keeping up communication with Sheriff Sam Walker, a Pennsylvanian also. The sheriff lived about four miles east of Lecompton. Brindle

to be more under the influence of liquor than he really was. He was cunning, and when political questions were being discussed in the office, he appeared not to take any notice of what was being said or done. He kept me constantly advised of everything of importance which took place in the office."

Charles Torry's letter is dated Kansas City, Mo., July 1, 1868, and is addressed to Thomas Ewing, jr., brigadier-general:

"While employed as messenger, copyist, etc., in the surveyor-general's office at Lecompton-Kan., 1858, on the 27th of January, at about four o'clock P. M., I was called on by one of the clerks, namely, John Sherrard, to procure him a candle-box, which I did and handed it to him. On the evening of the same day, at about eight o'clock, he called on me again to get him a shovel or spade, and told me to put it in his room where he slept, at the head end of his bed in the corner (in the office), and then take it away in the morning. I told him that it was late in the evening to find a shovel or spade, as we had none about the premises, but I would try and procure it for him if possible. It was moonlight, the weather mild, and the ground open. I went to the yard of Doctor Wood, where I was well acquainted, and found a shovel and put it where and as he had directed me, etc.

"This last act led to suspicion, and I knew something was going on that looked rather surreptitiously. That night I went to bed as usual (in the office). So did the other clerks; and I said nothing to any one of them at the time, but kept awake. About twelve or one o'clock in the night Chief Clerk L. A. McLean and the aforesaid John Sherrard came home (who had been out on some nocturnal excursion) and soon went to work. I heard them and watched them; they came around the office, and making their way to the wood-pile—I had no occasion to go out of the house, but looked out of the window—Sherrard dug the hole, and McLean had the 'candle-box' and put it down, and then buried it. I returned to my bed—so did they. . . ."

He then tells how, on the afternoon of the 29th, McLean and Sherrard went to Lawrence to attend a ball that night; how at midnight he moved that wood, dug up the box, inspected the papers in the box, and then reported to Brindle what he had found. The box and contents were returned to the hole beneath the wood-pile. Brindle in his letter further tells how he got word to General Ewing of the committee, and to Sheriff Walker, and of the latter's appearance the next morning with the search-warrant and a diagram of the location of the box furnished by Torry. Torry closes his letter thus:

"As regards myself, in relation to which permit me to say a few words, which I will do without flattery, that so far as office business was concerned, everything was openly and candidly confided to me, and I did my full share, a little of everything, and performed my duty faithfully. But I never was admitted into their political secrets—they were not entrusted to me—and I felt no anxiety—however, I still knew how things were moving. I cannot be charged with complicity nor duplicity on either side. I acted from pure patriotic motive—I was sensible that I was hurting the feelings of the clerks—and demolishing Calhoun's cabinet. 'I liked the *clks* in the office (McLean excepted)' but 'I loved my country more.'

Respectfully yours,

CHARLES TORRY."

N. B.—Colonel Brindle rendered his services cheerfully, and acted with promptitude.

and Charley, made out an exact diagram of the grounds so that Walker should go to the precise spot without a guide. They dare not be known in the matter. Brindle furnished a horse to Charley, and sent him at midnight to the sheriff. He called the sheriff up, narrated all, and gave the diagram. The guns in the office were diseussed. Charley thought to pour water in them, or take the loads out. Walker advised to take the caps off. To unload them would cause a noise—water might not be a safe remedy. Charley went back to his bed in the surveyor-general's office. The sheriff mounted his horse post-haste for Lawrence; aroused the committee; asked for a writ for the arrest of McLean and of search for the returns, and obtained only a writ of search. He then notified eight of his trusted friends to prepare themselves for emergencies, and meet him next morning at eight o'clock in front of the land-office in Lecompton. He did not let them know his object. The sheriff was on hand at sunup. "The boys" came straggling in, one at a time, as if by accident, and were all there by nine o'clock. Among them were Samuel F. Tappan, Louis Tappan, George Earle, John Stone, and John E. Cook, who was hung for the Harper's Ferry raid. The work on hand was such that if it were done safely, or done at all, it had better be done quickly. They hurried to the office of the surveyor-general, with their guns concealed under their overcoats.

McLean was at his desk, writing. He was a splendid model of a man in all but his morals—over six feet high, well proportioned, long black hair, manly and daring in manner, a big voice as if made to command, broad Scotch accent, well educated, bold in character, strong in intellect—such were the qualities thrown away in what ought to have been a noble Scotchman, but by bad associations was only McLean, the perjured. He saluted Walker with as much assurance as if his frauds and guilt were really beyond resurrection. They shook hands. The sheriff had saved his life while making a speech near Lawrence, and they were friendly. "General, I have come after the returns," said Walker. He replied, "What in h—l have you come for them for? Don't you know I testified they were in Missouri? You must think I have sworn to a lie." The sheriff replied "I don't know, but I have a warrant for the returns." McLean told him to search. Walker said he knew where they were. McLean, keeping up a bold pretense of injured innocence asked, "Where?" "*Under the wood-pile,*" said Walker. The man whom nature made noble, but who made himself perjured, sat hesitating, dumb, and then suddenly grew pale. He hurriedly rose to get his pistol from the top of the desk—but the cocked guns of Earle and another were leveled on him, and he stopped. He returned and called his employees—about seventeen in number—to defend. They seized and cocked their guns, but put them down again, one by one, in disgust. The faithful Charley had kept his word, and not a cap remained on any musket. The stalwart Scotchman sank down in the silence of overwhelming shame. His perjury rose before him in full measure, and his dream of senatorships and fat surveying contracts fled away.

While this scene was passing, "Dutch Charley" was fussing about the stove and concealing a good deal of satisfaction. The free-state boys were summoned from around the building where they had stood at the windows, and were directed to pull down the pile of wood. So correct had been the diagram that, with the first attempt to dig, they struck the candle-box. The boys thought it was coin, but its lightness made them say it must be

Virginia currency. McLean tried to rally a party to rescue the box as the boys bore it off in triumph, but when the people found he had sworn falsely they would not sustain him. He went to Ben Newson, a high-toned young lawyer of the pro-slavery party, confessed all, and asked him as a friend what he should do. "Do? Do?" said Ben, "Why, d—n you, go and hang yourself." Fearing arrest, he and his comrade fled across the Kaw river, met a team of mules, pressed, unharnessed and mounted them, and thus made good their escape to Missouri. All our long, grand tragedy ended in farce. A constitution whose representative was last seen fleeing on a stolen barebacked mule before the pains of perjury and the punishment of the people, might from that hour be considered worse than dead.

Charley Torry, instead of making sure of safety by fleeing with Sheriff Walker to Lawrence as a city of refuge, took the chances of detection, preserved the appearance of surprise and ignorance, and was never suspected for a moment. When Buchanan removed the office to Nebraska City to accommodate Calhoun, who could no longer return to Kansas, old Charley went along. He stayed until after the death of Calhoun, and played the game of spy for freedom to the last. His superior, who betrayed his hereditary Scotch love of freedom, met an appropriate fate.

McLean was chief of staff for General Price in the Price raid. When they took some of our men prisoners on the Blue he sent word by Sam Fry that they were coming to desolate Douglas county, but that he would protect the property of Sheriff Samuel Walker. My recollection is that, for reasons purely military, they did not come to Lawrence! On their return to Texas a rebel officer took offense because McLean refused him leave of absence. They met when McLean was drinking. High words passed, when the officer whipped out a huge knife and tore him open until his bowels fell out. We are sad to close this, our first recorded chapter of Kansas history, with the thought that one with such noble outward bearing should remind us, in his life and death, of Judas.

BIOGRAPHIES OF THE MEMBERS OF THE FREE-STATE LEGISLATURE OF 1857-'58.

IT has occurred to me that it would be wonderfully interesting to learn the history of the members of this first free-state legislature and to hand it down to posterity. To this end I have had the records of the Society carefully searched for biographies, for mention of the individuals in a casual way, or of their service in state documents, county histories, newspapers, etc. After all possible had been collected in this manner, the relatives and friends have been hunted up. A copy of the material found was given them and a request made for more data. It has been an intensely interesting hunt. The result is here presented, not as full as desired, but a labor of love, a rescue of some of the names, at least, from unmerited oblivion.

COUNCIL.

LYMAN ALLEN, of Douglas county, a member of the territorial council of 1857-'58, was one of the early settlers of that county, coming to Lawrence in March, 1855. He was active in free-state affairs and served in many positions of trust; was a member of the board of trustees of "Lawrence University" in 1859; a member of the Emporia Town Company in 1857; of the railroad convention of 1860; and adjutant-general of Kansas from July 23, 1861, to March 22, 1862. He died at his home in Lawrence, November 30, 1863.

CARMI WILLIAM BABCOCK, of Douglas county, president of the council, was born in Franklin county, Vermont, April 21, 1830; received his education at Bakersfield Academy, and engaged in teaching. In 1850 he moved to St. Paul, Minn., where he read law and was admitted to the bar. He came to Kansas in 1854, arriving in Lawrence in September. Finding that the practice of law was not remunerative at that time he engaged in the real estate business. In 1857 he established a bank in connection with Mr. Johnston Lykens, but the panic of that year overwhelmed it. He was the first postmaster of Lawrence, receiving his appointment February 1, 1855, but was removed in 1857 to make place for a pro-slavery man. He was also the second mayor of Lawrence; a delegate to the convention of National Democracy, June, 1855, and was a member of the committee on resolutions; also a member of the executive committee of the free-state convention at Grasshopper Falls, August 26, 1857. In 1869 he was appointed surveyor-general of Kansas, which office he filled two terms, or until its discontinuance. With E. D. Thompson, Josiah Miller and Marcus J. Parrott he built the bridge across the Kaw river at Lawrence, completing it in December, 1863. When Silvers & Son withdrew from the contract of replacing the rotten foundation of the east wing of the state-house, at Topeka, July 24, 1867, it was awarded to Bogert & Babcock, who carried it to completion. General Babcock was a delegate to the Republican national convention in 1868. In November, 1871, he became one of the incorporators of the Kansas Magazine Company. In his later years he was connected with the Kansas Basket Manufacturing Company, being its secretary. He died in St. Louis, October 22, 1889.

JOSEPH P. CARR, of Atchison county, was a lawyer by profession, and was commissioned as paymaster, Third regiment, northern division, Kansas militia, May 13, 1856. He was elected as a Democrat, and apparently resigned without taking his seat. In his letter of resignation to Governor Denver, under date of January 23, 1858, he says: "I could be of no benefit whatever to my constituents, and it is but right, if they wish the seat occupied, to give them an opportunity of filling it." His resignation was accepted, and Governor Denver issued a proclamation calling an election for February 8, 1858, to fill such vacancy. Luther C. Challis, of Atchison, was elected. Mr. Carr was a member of the railroad convention of 1860 from Atchison county. He went south at the beginning of the civil war, and was later known to be in Buffalo, N. Y. He died at Louisville, Ky., in the early '90's.

LUTHER C. CHALLIS, of Atchison county, elected to the seat in the territorial council made vacant by the resignation of Joseph P. Carr, was born at Imlaystown, N. J., January 26, 1829. He was apprenticed to the mercantile business in Philadelphia. After remaining there some years he went to Boonville, Mo., where he lived for a time. In 1855 he moved into Kansas and was among the first permanent settlers of Atchison, joining his brother in a general merchandising trade. He afterwards became a banker; also maintained a ferry across the Missouri river until the building of the bridge, in 1875. He is generally conceded to be the father of the Central Branch Union Pacific railway enterprise, having framed the bill to authorize its construction, secured its passage, and negotiated the treaty with the Kickapoo Indians. He was also one of the incorporators of the Atchison & St. Joseph railway, the first railroad built in the state, and of the Atchison, Topeka & Santa Fe railway. He died in Atchison, July 26, 1894.

ROBERT CROZIER, of Leavenworth county, was born at Cadiz, Ohio, October 15, 1828. He entered Cadiz Academy when eighteen years of age, and graduated at twenty-one; he read law and was admitted to the bar, and was elected county attorney of his county in 1848, serving four years. He arrived in Kansas in the fall of 1856, settling in Leavenworth, where he issued the first number of the *Leavenworth Times*, March 1, 1857. He was elected to the council in 1857, successfully contesting the seat of John A. Halderman. In 1861 Judge Crozier was appointed United States district attorney, but resigned that office to accept the nomination of chief justice of the supreme court, to which he was elected in November, 1863, holding the position until 1866. He then became cashier of the First National Bank of Leavenworth, where he remained until 1876. In 1874 he had been appointed United States senator to fill the vacancy caused by the resignation of Alexander Caldwell. November, 1876, he was elected judge of the First judicial district, holding that office for four successive terms, or until within three years of his death, which occurred at Leavenworth October 2, 1895. Brig.-Gen. William Crozier, chief of the ordnance department, United States army, is his son.

ALSON C. DAVIS, settled in Wyandotte county, then a part of Leavenworth county, coming there from New York about 1857; he lost his seat in the territorial council through the contest of Crozier, Root and Wright for the seats of Halderman, Davis and Martin. Mr. Davis sat in the extra session of 1857 from its convening, December 7, until December 11. In 1858 he was appointed United States district attorney for Kansas territory, holding the office until 1861. He was among the active members of the railroad convention of 1860. In October, 1861, he obtained permission from Major-general Fremont to raise a regiment of cavalry, to be known as the

Twelfth Kansas volunteer cavalry. December 26 four companies of Nugent's regiment of Missouri home guards were attached to the organization and the name changed to the Ninth Kansas volunteers. January 9, 1862, Davis was made colonel of this regiment, but resigned in February. He died in 1881, in New York.

JOHN ADAMS HALDERMAN, of Leavenworth county, was born in Kentucky in 1833. He came to Kansas in 1854, and was appointed private secretary to Governor Reeder in November of that year, serving until July 1, 1855. He was secretary of the first territorial council, 1855, and was the first probate Judge of Leavenworth county; was a member of the territorial council of 1857, and maintained his seat until December 11, when on account of the report of the committee on contests he was removed. He was one of the delegates in the Democratic convention at Leavenworth, December 24, 1858, which repudiated the Lecompton constitution. He served as major in the First Kansas volunteers and major-general of the northern division of the state militia. He was twice mayor of Leavenworth, was a regent of the State University, and in 1870 a member of the house of representatives, and elected state senator in 1874. In 1880 he was appointed consul to Bangkok and promoted to consul-general, and in 1883 was made minister to the court of Siam, where he was decorated by the king. He is passing his declining years in Washington, D. C.

BENJAMIN HARDING, of Doniphan county, was born in Exeter, Otsego county, New York, November 25, 1815. In 1840 he became a resident of Livingston county, Missouri, and in 1842 entered the Indian trade at the Great Nemaha agency. He moved to St. Joseph in 1840, but returned to Kansas in 1852, engaging once more in the Indian trade at Wathena. In 1854 Mr. Harding was judge of election, and incurred the enmity of the pro-slavery people; he was indicted for serving in this capacity and twice went to Leavenworth to answer the charge, which was finally dismissed. He was a delegate to the Big Springs convention, 1855, served in the territorial councils of 1857, '58 and '59, was a member of the railroad convention of 1860, and held the office of register of deeds of Doniphan county, 1862-'66, after which he lived a somewhat retired life. He died at his home in Wathena, January 15, 1904.

CYRUS KURTZ HOLLIDAY, of Shawnee county, was born near Carlisle, Pa., April 3, 1826, and was educated at Alleghany College. A lawyer by profession, but a man of large business undertakings, he came to Lawrence in October, 1854. In November of that year he, with others, pushed westward to the ground whereon Topeka now stands, and organized the Topeka Town Company. In 1857 he was elected a member of the council of the free-state legislature. He afterward served as adjutant-general of Kansas from May 2, 1864, to March 31, 1865. Perhaps Colonel Holliday's greatest accomplishment was the inception and building of the Santa Fe railroad, suggested to him by the great travel over the Santa Fe trail. He was one of the earliest members of the State Historical Society and always active in its interest, being president in 1890. He died at his home in Topeka, March 29, 1900.

OSCAR E. LEARNARD of Burlington, Coffey county, was born in Fairfax, Vt., November 14, 1832, was educated at Bakersfield Academy and Norwich University, and graduated from the Albany Law School. After a brief time spent in Ohio, he came to Kansas in 1855, and immediately identified himself with the free-state cause. In 1857 he was elected to the council and served three sessions. He was president of the convention at Osawatimie, May 18, 1859, at which the Republican party in Kansas was organized. He was elected judge of the Fifth judicial district, which office he held from January 29 to June 28, 1861, resigning to become lieutenant-colonel of the First Kansas infantry. He served upon the staff of Gen. David Hunter and of Gen. John W. Denver, resigning from the army in 1863. He has been twice elected to the state senate from Douglas county, and served one year as superintendent of Haskell Institute. For many years he has been tax commissioner and special attorney of the Kansas City, Fort Scott & Memphis railway. In 1884 he bought the Lawrence *Daily Journal*, and with his sons ran this paper until a few years ago. He is still an active citizen of Lawrence.

J. W. MARTIN, of Leavenworth county, is not mentioned anywhere. He probably never appeared to take his seat. Halderman and Davis filed a protest against unseating without Martin.

ANDREW J. MEAD, a member of the free-state legislature for Riley and Pottawatomie counties, was born about 1819, and reared in New York city. He came to Kansas from Cincinnati, Ohio, in 1855, for the Cincinnati & Kansas Land Company, of which he was a member, to locate a town site. He brought with him a surveyor and located the town of Manhattan, of which he was the first mayor. He was nominated state treasurer by the free-state delegate convention, December 23, 1857, and was elected under the Lecompton constitution, January 4, 1858, by a majority of 371 votes over Thomas J. B. Cramer, pro-slavery. He signed the call for the railroad convention of 1860, and was a member of that body from Riley county. In October, 1863, Mr. Mead left Kansas for New Orleans, finally settling in New York city. He was an ardent free-state sympathizer, and did much effective work for the cause. Mr. Mead died at Yonkers, N. Y., Saturday, November 12, 1904, in his eighty-ninth year.

EDWIN S. NASH, of Johnson county, member of the territorial council, 1857-'58, was an early settler at Olathe, was in the real estate business, and was but twenty-one years of age when elected. He was journal clerk of the Wyandotte constitutional convention, and one of the signers of the call for the railroad convention of 1860. He was commissioned an adjutant in the First Kansas infantry, promoted to the captaincy of company G, June 1, 1862, and resigned March 17, 1863. He died in Chicago in the later '70's.

ALBERT G. PATRICK, of Jefferson and Calhoun counties, was born May 21, 1824, at Salem, Washington county, Indiana. He immigrated to Kansas from Greencastle, Ind., arriving at Leavenworth February 12, 1856, where he allied himself with the free-state party. He encountered the ill will of the pro-slavery men of Leavenworth through writing an account, published in an Indiana paper, of the robbing and stuffing of the ballot-box by Dick Murphy in the contest for a seat in the council between C. F. Currier, free-state, and Beck, pro-slavery. In the summer of 1856 he was taken prisoner by Fred Emory's band and delivered to Captain Miller who, it was supposed, would hang him; but instead took him to Lecompton, where he was court-martialed and ordered shot as a spy. He was taken out to the open prairie and placed before twelve picked men. Realizing his extremity he tried the virtue of the Masonic sign of distress; it was successful, and two days later he was delivered to Governor Woodson at Lecompton, where he was placed under guard with five or six other prisoners. Finally he was set at liberty and proceeded to Lawrence. He joined Captain Wright's Stranger Creek company and participated in the Hickory Point engagement, September 14, 1856; with others he was captured by United States troops and sent to Lecompton, where he was held by Governor Geary under indictment for murder, but was acquitted. In the summer of 1857, under the Topeka movement, he was ejected clerk of the supreme court, and in the fall of that year was elected a member of the council of the first free-state legislature, serving two years. Although a free-state man, he was elected to the senate under the Lecompton constitution, January 4, 1858. In 1867 he was elected to the legislature from Marshall county. He moved to Jefferson county in 1868, and in 1869 was elected clerk of the county, serving two years. For some time he ran the *Valley Falls New Era*. He died February 10, 1903, at Oskaloosa.

JOSEPH POMEROY ROOT, of Wyandotte, then a part of Leavenworth county, was born at Greenwich, Mass., April 23, 1826, and died at Kansas City, Kan., July 20, 1885. He was a member of the Connecticut-Kansas colony, better known as the Beecher Bible and Rifle Company, which settled at Wabaunsee. He organized free-state forces and in every way identified himself with the early history of the territory. As chairman of the free-state executive committee he located the road from Topeka to Nebraska City, thereby securing a safer route of travel for free-state immigrants. He was sent east as agent to obtain arms and other assistance and was very successful. On his return he located at Wyandotte and was there elected a member of the council. He was lieutenant-governor of the state in 1861; served in the Second Kansas as surgeon, and was medical director of the Army of the Frontier. At the close of the war he returned to Wyandotte and the practice of his profession, but was appointed minister to Chili in 1870. At the close of his term of office he returned again to Wyandotte, and continued there until his death, July 20, 1885.

DAVID SIBBET, of Miami county, was elected to fill the seat made vacant by the death of Hiram B. Standiford, and took the oath of office February 1, 1858. He was a native of Pennsylvania, and was born about 1829; was an early settler in Brooklin, Scott township, Linn county, owning, in partnership with Zebulon W. Leasure, a general store there in 1855. Mr. Sibbet was the first postmaster appointed in Linn county, and served at Brooklin from 1855 to 1870, when the office was discontinued there and moved three miles east, to the railroad station of Barnard, now Boicourt. He went with the office and continued as postmaster until removed in 1893; elected county treasurer of Linn county October 5, 1857. He was a sergeant in company F, Second Kansas infantry, three months' service, and participated in the battle of Wilson Creek.

HIRAM B. STANDIFORD, of Franklin county, a member of the council, was a native of Indiana, and had but a brief career in Kansas. Moving from Indiana to Cass county, Missouri, in 1846, he was elected sheriff of the county in 1850, holding the office four years, and in 1854 he was elected a member of the Missouri house of representatives. He moved into Kansas in 1855, and was elected to the Topeka legislature, but on account of Congress failing to confirm the Topeka constitution, he refused to take his seat. In 1857 he settled in Cutler township, Franklin county, and was elected to the council from that district, consisting of Franklin, Anderson, Lykins and Linn counties. He sat in the extra session of December, 1857, but at its close was suddenly seized with an attack of pneumonia, from which he died January 3, 1858. He was succeeded by David Sibbet, of Linn county, who entered upon his duties February 1, 1858.

JOHN WRIGHT, of Leavenworth county, a farmer, was one of the three successful contestants from Leavenworth county for the seats in the territorial council of Halderman, Davis and Martin. Mr. Wright took the oath of office and entered on his duties December 12, 1857. At

this time he was about thirty-one years of age. A native of Indiana, he settled in Buchanan county, Missouri, in 1839, and in Kansas in 1854. He was a delegate to the Big Springs convention in 1856 and captain of a Stranger Creek company during the troubles of '56, and served as a member of the Wyandotte constitutional convention. He was a colonel in the militia during the Price raid in 1864, and was in the battle of Westport. He was born near Greencastle, Ind., June 4, 1827, and died at Fort Scott in December, 1870, where he had gone for medical treatment. His remains were interred in the Fall Creek cemetery, Leavenworth county.

HOUSE OF REPRESENTATIVES.

JAMES ADKINS was elected as a pro-slavery candidate from Atchison. He was born in South Carolina and was very bitter in his feelings. His name appears in the journal only as absent or not voting. It is probable he never attended a session. In the early days he lived on a farm near Port Williams. He was appointed sheriff of Atchison county, September 5, 1856, serving until April, 1857. The record also shows that he had been appointed third lieutenant of the Kickapoo Rangers, July 28, 1856. He lived in Atchison county six or seven years and then moved to Nebraska City, Neb.

HIRAM APPELMAN was born at Groton, Conn., June 23, 1825. He was the son of John F. Appelman, who immigrated to the United States at the age of twenty, and settled at Mystic River, Conn., in 1806. The father was born at Wolgast, now a Prussian city. Hiram Appelman attended the common schools until the age of fourteen, when he began work in a country store. In 1847 he went to New York city, where he became skilled in the dry-goods trade. On the 24th of January, 1849, he sailed for California around Cape Horn. After a voyage of 194 days he landed at San Francisco and settled at Sacramento. He was a very active business man, and a Broderick Democrat in that state, until June 21, 1856, when he returned to his native place. In July, 1856, he made a trip for pleasure through the Western states, when he concluded to settle at Lawrence, where he became an active free-state man. In October, 1858, he concluded to return to Connecticut. He was the first man to enlist from his neighborhood in 1861, becoming a member of company E, Second Connecticut regiment. He was in the first battle of Bull Run. In August, 1861, he reenlisted for three years and was assigned to the Eighth Connecticut regiment, of which he was colonel. He was wounded twice, the second time at Antietam so severely that he was physically disqualified, and in December, 1862, was honorably discharged. He then took up the study of law. He died September 4, 1873, during his third term as secretary of state of Connecticut, having also served as state senator and judge of probate in that state.

WILLIAM PRENTISS BADGER was born December 15, 1818, at Tamworth, N. H. He was educated in the common schools and read medicine, and was much interested in scientific matters. He came to Kansas in 1857, and settled at the site of old Muscotah, two miles northeast of the present town. He was a member of the territorial legislature of 1857-'68; agent of the Kickapoo Indians from September 1, 1858, to May 31, 1861; regimental adjutant of the Thirteenth Kansas; mayor of Muscotah for several terms, and commander of McFarland post. He married Chloe Eaton Kellogg, of Montpelier, Vt., a sister of William Pitt Kellogg. They had three children, all of whom are now dead. Mr. Badger was a hatter by trade, with a large business in Montpelier, and gave it up to come to Kansas on account of lung trouble. He died at Muscotah the day after the general election in November, 1896. On the 1st of February, 1858, Badger was unseated and his seat given to Archibald P. Elliott.

OLIVER BARBER, son of Thomas Barber and Mary Oliver, was born in Franklin county, Pennsylvania, December 10, 1816. He was educated in the common schools of Pennsylvania, and when about nineteen years of age removed to Richmond, Ind., where he entered into partnership with his brother, Thomas W. Barber, in the manufacture of woolen cloths. Thomas W. Barber came to the territory and was murdered by a pro-slavery party on the afternoon of December 6, 1855. Oliver Barber removed to Kansas in 1856, and the following year his family came, making their home in Douglas county. He was elected to the house of representatives in 1857; was one of the county commissioners of Douglas county in 1858, and reelected in 1859. Upon the admission of Kansas into the Union he was again elected a member of the first house of representatives. In June, 1862, he was appointed commissary by President Lincoln, commissioned captain, and served on the staff of Gen. James G. Blunt for a little over two years. In 1864 he was elected state senator, and in 1878 county treasurer of Douglas county. He was a Mason. He was married November 8, 1858, to Miss Malinda Burgess, daughter of Samuel Burgess. While in Kansas he was engaged in farming and stock raising. He died at Lawrence, October 24, 1895.

ABRAHAM BARRY came from Pennsylvania with Governor Reeder's party, and reached Pawnee (Fort Riley) March 28, 1855. He was president of the town company that located Batchelor, now Milford. He was also a member of the territorial legislature of 1859. He was an able lawyer and an upright man, a Democrat, and a free-soiler. He was drowned in Madison creek, May 4, 1873.

OWEN A. BASSETT, of Leavenworth county, was born in Troy, Bradford county, Pennsylvania, July 16, 1834. His father removed with his family to Hancock county, Illinois, in 1837, and two years later settled in Lee county, Iowa. He first studied with the intention of becoming a civil engineer, but finally decided on the law. In 1855 he was employed in the United States land-office at Fort Des Moines, Iowa, but resigned to engage in business in Kansas, and in the spring of 1856 started for Lecompton. He early became connected with the free-state cause, and on August 12, 1856, joined the Lawrence Stubbs, a free-state militia company, and was engaged at the battle of Franklin and also at the taking of Fort Saunders, August 15, 1856. From this time on he was constantly engaged in the service of the free-state army of Kansas, holding the position of engineer and quartermaster. He removed to Leavenworth in December, 1856, and engaged as engineer for the Quindaro Town Company; served in the territorial house of representatives in the special session of 1857 and in the session of 1858. He removed to Franklin county in 1858, and published the *Kansas Freeman* a few months, abandoning it and returning to Lawrence the same year. He was admitted to the bar in 1858. At the breaking out of the war he helped organize the First Kansas regiment. He was appointed bearer of dispatches from Colonel Weer at Fort Scott to General Lyon at Springfield, Mo.; was appointed first lieutenant under Colonel Root, received a commission as lieutenant-colonel of the Ninth Kansas, which regiment was changed to the Second Kansas cavalry, and served with this organization till 1865. In 1868 he was elected district judge, and reelected in 1872, holding office till 1876. He was married at New London, Iowa, to Miss Josephine E. Butland, only daughter of Richard Butland. He was a member of the Masonic order and held almost every office of trust in the same. He died at Ellsworth, Kan., July 19, 1896.

JOHN BENNETT, of Atchison county, was born in Gallatin county, Kentucky, in 1806. He died at Atchison, Kan., December 17, 1890. He was educated at Madison, Ind. He came to Kansas in the fall of 1855, and settled at Atchison. He was married in 1832 to Susan Parks, by whom he had seven children. Mrs. Imogene Challis, of Atchison, is the only one surviving.

BENJAMIN H. BROCK, of Atchison county, was born in Virginia, April 4, 1808. He died near Troy, Kan., April 11, 1898. He was educated at Athens, Ohio. He came to Kansas in October, 1854, and settled in Doniphan county. He married, April 23, 1833, Elizabeth Caples, by whom he had five children. Mrs. Mary Brock Montgomery, of Troy, Kan., is the only one surviving.

CHRISTOPHER COLUMBIA, of Morris county, was born January 8, 1821, in Athens county, Ohio, the oldest of eight children. When a boy his parents moved to Fort Wayne, Ind., and a portion of that city is now located on the farm where the subject of this sketch lived. He crossed the plains in 1849 or 1850, returning by way of the Isthmus. He removed to Kansas with his family in 1852, becoming a licensed trader to the Kansas Indians, settling in what became Breckinridge (now Lyon) county, at the crossing of Rock creek, near the town of Dunlap. He was a blacksmith and farmer. He was elected to the legislature of 1857 over a very strong pro-slavery man. He died November 16, 1861, and was buried in the old graveyard near the mission building. His remains were afterwards removed to the city cemetery. He obtained the title of captain from the party with whom he crossed the plains. His widow remained in Council Grove until his four boys were grown men, when she moved with one of them to Chetopa, where she died a few years ago.

STEPHEN S. COOPER, of Jefferson county, was born at Mount Carmel, Ill., August 20, 1826. His father, Rev. Samuel C. Cooper, was a native of Baltimore, removing to Ohio when a mere youth, and becoming a minister of the Methodist Episcopal church, and helping in the establishment of Asbury University, where Stephen was educated. He joined the Fifteenth regiment of Indiana volunteer infantry and served through the Mexican war. Returning to Indiana from that war, he took up the practice of medicine, attending Rush Medical College, Chicago. He practiced medicine in Indiana from 1854 till he removed to Kansas in 1857. Locating at Grasshopper Falls (now Valley Falls), he practiced his profession there and at Oskaloosa, where he subsequently moved, until 1868, when he embarked in the mercantile business. He was elected as a free-state man to the house of representatives in 1857, and during the same year was elected a member of the legislature under the Topeka constitution, and also a member of the state senate under the Lecompton constitution January 4, 1858. He was elected county treasurer of Jefferson county in 1861, and was state senator in 1867 and 1868, and in the house of 1887. In 1868 he was elected by the Fifth judicial district a member of the board of railroad assessors, serving two years. He belonged to the Masonic order and was a member of the Presbyterian church. He was originally a Whig, but affiliated later with the Republican party. He was a member of the noted Grasshopper Falls convention. He was married at Spencer, Ind., April 25, 1856, to Miss Kate Patrick, daughter of Rev. Ebenezer Patrick. He died at Oskaloosa, in 1892.

JOHN CURTIS, of Franklin county, was elected from the unorganized or frontier counties with S. J. Stewart and Christopher Columbia. He was born in Indiana, and came to Kansas in

1856, settling on the Wakarusa, in Douglas county. He moved to Peoria, in Franklin county, in March, 1857. He was a good lawyer, and all accounts agree that he was an able and brilliant man. He was interested with Perry Fuller in promoting the scheme to make Minneola the territorial capital. He died in Lawrence during the session of the legislature, February 15, 1858.

ADDISON DANFORD, of Linn county, was born in Laconia, Belknap county, New Hampshire, July 4, 1829; settled at Mound City, Kan., February, 1857; was a member of the house of representatives in 1857 and 1858; was a member of the Leavenworth constitutional convention, March, 1858; was a member of the committee on credentials at the convention at Osawatimie, May 18, 1859, when the Republican party in Kansas was organized; was state senator in 1866, from Fort Scott; was attorney-general from January 12, 1869, to January 12, 1871. His last place of residence was Colorado Springs, Colo., where he died in 1901.

GEORGE W. DEITZLER, of Douglas county, born in Pine Grove, Schuylkill county, Pennsylvania, November 30, 1826, was killed near Tucson, Ariz., April 10, 1884, by being thrown from a carriage. He was a member and speaker of the territorial legislature of 1867 and 1868; and also of the territorial session of 1861. During the territorial troubles he was arrested for treason and suffered the indignities put upon free-state men. He was appointed colonel of the First Kansas infantry and was badly wounded at the battle of Wilson Creek. He was made a brigadier-general by President Lincoln, November 29, 1862, for gallant services, resigning August 27, 1863. On February 29, 1864, he was appointed major-general of Kansas state militia, by Governor Carney, and was in command of all Kansas forces—about 20,000 in number—in the Price raid. He was mayor of Lawrence in 1860, treasurer of the State University, and a member of the Emporia Town Company. He left Lawrence for California in 1872, and in 1884 was in Arizona, where he was killed. He was married about the close of the war to a Miss Anna McNeil, of Lexington, Mo., by whom he had three daughters. Mrs. Deitzler died in California, in 1901. On his deathbed General Deitzler expressed a desire to be buried in Kansas soil, and his bones now rest in a cemetery at Lawrence.

JAMES A. DELONG, of Shawnee county, was born in Summerset, Perry county, Ohio, April 21, 1830. He attended school at Delaware, graduating in his eighteenth year. In 1849 he moved to Huntington, Ind., with his father's family, Isaac Delong, and his brother, A. W. Delong. He studied law in his father's office, but later traveled. While at Huntington he, with his brother, edited the first paper published there, the *Indiana Herald*. He spent some time in California during the gold fever there; from there he went to South America, but his health failing, he returned to Indiana. He was greatly interested in the Kansas controversy, and in company with two brothers, W. H. Delong and J. F. Delong, came to Kansas in 1856, settling at Brownsville (afterwards Auburn), in Shawnee county. He spent much of his time in Topeka, then a city of a few cabins. He never married. He died at Auburn of pulmonary consumption, November 25, 1858. C. H. Filson, the last territorial secretary of Oklahoma, is his nephew. A letter from the neighbors to friends in Indiana, reporting his death, says he was a man of the highest character, and highly esteemed by all.

ARCHIBALD ELLIOTT, of Atchison, at an evening session February 1, was given the seat occupied by William P. Badger, the finding being that the latter did not have a majority. Mr. Elliott lived about seven miles southwest of Atchison on a farm. He was born in South Carolina, and came to Kansas from Missouri. The record shows he was fifty-four years old in 1861. He died on his farm about 1866. He left two sons, who sold the farm and went south. A friend writes the Historical Society:

"I knew old Father Elliott well. He was also a member of the Kansas state legislature (1861) that elected James H. Lane and S. C. Pomeroy to the United States senate. He voted for both of them. General Lane was at the old Massasoit House about a year and a half after he had been elected and sworn in. Mr. Elliott called on him and told him farming was a poor business for an old man like him, and Lane said, 'Mr. Elliott, every man who voted for me has got a good government position but you and one other, and your commissions are on the way.' Mr. Elliott was a good old man—a staunch free-state man, and a Jim Lane man all over. Only a few days after all that talk Mr. Elliott was walking around town as a government secret detective—with a nice per diem salary attached and nothing to do; a perfect sinecure."

ROBERT G. ELLIOTT, of Delaware, Leavenworth county, at first a settler of Lawrence, returned to that city after the close of the legislative session. His biographical sketch appears on page 190 of this volume.

CURTIS GRAHAM, of Doniphan county, was born in Catskill, N. Y., April 5, 1818. He died in Brooklyn, N. Y., of old age, in 1906. He came to Kansas in 1856, and settled near Highland. He was a Methodist minister and assisted in the organization of the first Methodist church at Highland, in March, 1857. He was also one of the board of trustees that founded Highland University. He was of much service to Senator Pomeroy in the collection and distribution of aid in 1860. His wife died November 8, 1861, and shortly thereafter he returned east.

JOHN HANNA, of Lykins (now Miami) county, was born at Indianapolis, Ind., September 3, 1827. He was the son of James Parker Hanna, who died August 31, 1839. The mother died in 1844. In 1846 John Hanna walked to Greencastle, Ind., with four dollars in his pocket. He graduated in June, 1850, having worked his way through doing janitor and other service. He served three years as mayor of Greencastle. In 1857 he moved to Kansas. At the October election of that year he was elected to the house from Lykins (now Miami) county. He returned to Greencastle and resumed the practice of law. In 1860 he was a Republican presidential elector for the seventh district of Indiana, and voted for Abraham Lincoln. He was appointed United States attorney for that state in 1860, and reappointed in 1865, when removed by Andrew Johnson. He was a very vigorous lawyer and made much reputation in enforcing draft laws, revenue laws, and punishing acts of treason. He was a member of the Forty-fifth Congress. Mr. Hanna introduced the bill abolishing slavery in the territory of Kansas. He died October 24, 1882.

JOHN P. HATTERSCHEIDT, of Leavenworth county, was a German by birth, who came from Cincinnati to Kansas in the spring of 1857. He did much work in the territory as an engineer and surveyor. In 1858 he was a member of the Leavenworth constitutional convention. In the spring of 1859 he returned to Cincinnati, and died there. All the Germans were free-soilers, and Hatterscheidt was quite a leader. Another story about him is, that he made quite an impression on Abraham Lincoln when he visited in Kansas, and that when elected president he made Hatterscheidt a consul at some European point, and that he never returned to America, but died abroad.

ALEXANDER A. JAMESON, of Doniphan county—unknown. He was one of the executive committee appointed by the Grasshopper Falls convention to carry out the purpose of that movement. He was last heard of in St. Louis, about the beginning of the civil war.

CHARLES JENKINS, of Pottawatomie county, was born in Oneida county, New York, in the year 1805. He lived there a number of years and then moved to LaSalle county, Illinois. In the spring of 1856 he settled in Pottawatomie county, Kansas. He died in April, 1873, near Westmoreland, Kan.

GEORGE HORINE KELLER, of Leavenworth, was born February 22, 1801, in Mercer county, Kentucky. He died on his farm at Springdale, Leavenworth county, Kansas, November 13, 1876. His wife, Nancy J. Van Dyke, was born at the same place in the year 1805, and died in Leavenworth, Kan., in 1881. Both were descended from Holland Dutch stock. Valentine Keller and Garret Van Dyke emigrated to this country from Holland and settled in Pennsylvania, but subsequently removed to Mercer county, near Harrodsburg, in Kentucky. Keller worked on his father's farm till manhood, and after he married they emigrated to the territory of Indiana, settling on a timbered farm near Terre Haute. It required heroic efforts to effect a clearing in those impenetrable forests in those days in order to do much farming, but being a man of inflexible energies he performed the difficult task. He gave his attention mostly to stock raising and prospered well. He finally constructed a large inn on the National Road, which he managed for several years. He moved about the year 1835 to Platte county, Missouri. Here he engaged in farming and manufacturing till the year 1850, but catching the gold fever, he sold out, equipped a large train with merchandise and went to California during the spring of that year. Settling down in the Sonoma valley, he founded the town of Petaluma, now a prosperous city of some 10,000 people. He returned in 1852 to Weston, and at once embarked in farming, and was thus engaged until the spring of 1854, when he and other citizens of Weston founded the town of Leavenworth, Kan., to which place he removed his family in the fall of that year, after completing the Leavenworth Hotel, the third building ever constructed in that city. Selling this property in 1855, he built the Mansion House at the corner of Fifth and Shawnee streets, which was operated by him until the sale in 1857. Here John Sherman and other members of the Congressional Investigating Committee of 1856, stopped during their sojourn in Leavenworth. He early imbibed the principle of freedom for the slaves and took and maintained a determined stand in making Kansas a free state. No man was more outspoken in his private and public utterances than he, and because of this he was branded as an abolitionist and marked not only for expatriation but assassination. At the end of the fight he became a member of the first free-state territorial legislature. He used his time and money in securing the election of James H. Lane and Marcus J. Parrott to the United States senate. He succeeded with the former, but lost in the latter. Under Governor Crawford he became the first warden of the Kansas State Penitentiary. In 1866 he retired to his farm at Springdale, Leavenworth county, where his generous, useful and blameless life passed away at the age of seventy-six years, without an enemy in the world. John Speer said: "His name was a synonym of honesty, integrity, and patriotism; his house in Leavenworth illustrated the proverbial hospitality of the 'Old Kentucky Home.'"

JOHN LOCKHART, of Johnson county, was born in Scotland about 1834, and was brought to America in 1836. He taught school in Wilmington, Ill. In 1855 he came to Kansas, settling in

Johnson county. In 1856 he was elected to represent that county in the legislature under the Topeka constitution, the body dispersed by General Sumner July 4, 1856. He was elected October 5, 1857, to the regular territorial legislature, and in 1858 to the territorial legislature of 1859. In 1859 Mr. Lockhart was elected by a large vote to represent Johnson county in the state senate under the Wyandotte constitution, serving in the session of 1861, but resigning before the session of 1862, to enter the army. He was commissioned a captain of the Union Guards at Uniontown, August 19, 1861; was commissioned a captain in the United States service March 18, 1862; and was captain of company I, Fifth Kansas volunteer cavalry. His father resided at McCamish, Johnson county. He died at Helena, Ark., September 12, 1862, and his remains were brought to Leavenworth. A negro cook in the camp of the Fifth Kansas was claimed by a Missourian, and the negro promptly surrendered. It is told of Lockhart that a few days after, while scouting, he found the negro in chains. He released the negro and placed the chains on the master.

WILLIAM MOORE McCCLURE, of Leavenworth (now Wyandotte) county, was born at Hillside, Glenmore, Chester county, Pennsylvania, March 5, 1831. March 7, 1856, he started for Kansas, arriving at Leavenworth October 21, 1856. In November he returned to Pennsylvania, where he remained until March, 1857. October 5, 1857, he was elected as a free-state candidate a member of the legislature. May 30, 1859, he returned to Pennsylvania to remain. At the outbreak of the civil war he recruited a company in Pennsylvania and was appointed captain. He was mustered out in July, 1861, but immediately reenlisted in the Second Pennsylvania heavy artillery as captain of company F, and in October, 1864, was made colonel of the regiment. He resigned in February, 1865. March 22, 1866, he married Christiana Boyd, of Danville, Montrose county. He died at Lancaster, Pa., October 2, 1893. His widow and a daughter reside in Columbia, Pa. Barzillai Gray, of Kansas City, Kan., writes, January 30, 1908:

"One evening some forty or fifty gathered to settle on some one as nominee for the legislature. Wm. M. McClure having received a majority of the votes, was selected and subsequently elected. He was a member of the committee of the legislature to prepare a school law. Toward the close of the session he called at my office with a roll of manuscript and said, 'There is your school law; read and comment.' I read the first paragraph to where a provision is made for a rate bill to raise money sufficient to purchase a site for a schoolhouse. I interlined as follows: '*Provided that such site shall consist of not less than one acre of ground,*' and handed him back the paper. It occurred to me at the time that there was so much raw land in Kansas that any farmer would be glad to give an acre to secure a schoolhouse as a neighbor, and thus lessen the desolation of the surrounding prairie. That provision remains in the statute, and every schoolhouse has an acre."

All that can be learned about J. P. MILLER, who represented Marshall county, is that he was living there in 1859 and 1860, and that he died in 1862. He raised a secession flag in 1861, and gathered more of a storm than he could control. A man named W. S. Blackburn contested Miller's seat, but Miller was sustained by the house, and in the latter days of the session voted regularly.

ROBERT B. MITCHELL, of Linn county, was born in Richland county, Ohio, April 4, 1823. He was educated at Washington College, Pennsylvania, and then studied law. During the Mexican war he served in the Ohio volunteers as first lieutenant, and on its conclusion resumed the practice of his profession. In 1856 he moved to Kansas, settling at Paris, Linn county, in 1857; was a member of the territorial house of representatives, 1857 and 1858; was a member of the Leavenworth constitutional convention of March, 1858; member of the free-state convention, at Topeka, April 28, 29, 1858, to nominate officers under the Leavenworth constitution. On May 19, 1858, he gathered a posse of men, among them Montgomery, and started for Missouri, in pursuit of the Hamilton party, which committed the Marais des Cygnes murders. On February 11, 1859, he was appointed territorial treasurer. He was a candidate for member of Congress at the Democratic convention at Lawrence, October 25, 1859. He was appointed colonel of the Second regiment, Kansas volunteer infantry, mustered in June 20, 1861, and later transferred to the Second Kansas volunteer cavalry; was commissioned brigadier-general by the President April 8, 1862; was appointed governor of New Mexico in 1866, and served until 1869; was a delegate to the Liberal Republican convention at Topeka in 1872, and received from it the nomination for congressman. Most of the time after serving as governor of New Mexico he lived in Washington, D. C., where he died January 26, 1882.

HENRY MILES MOORE, of Leavenworth county, was born September 2, 1826, in Brockport, N. Y. He received a common-school education, and later an academic course at Clarkson and Brockport Academies. He studied law at Rochester, N. Y., and was admitted to the bar in that city in 1848. He removed to Louisiana, and practiced law from 1848 to 1850. In 1850 he removed to Weston, Mo., and was a member of the editorial staff of the *Weston Reporter*. In 1854 he removed to Leavenworth, Kan., a Southern sympathizer, but he did not shut his eyes to the outrages he witnessed in those early days, and accordingly, he says, he took his position as an active and influential champion of free-state principles and policy. In 1855, under the Topeka

constitution, he was elected attorney-general. In 1857 he was elected a member of the first free-state house of representatives, and in 1867 was elected to the state legislature of 1868. In 1868 he was elected city attorney of Leavenworth, being elected three times and appointed to that position several times. He is a Democrat in politics, and in 1882 was the candidate of his party for attorney-general, carrying his county by nearly 2000 votes. He is a member of the Masonic order, and of the Episcopal church. He was married September 15, 1857, to Miss Lina F. Kehoe, who was born at Fairfax Court House, Va. In 1906 he published a volume entitled "Early History of Leavenworth City and County." He resides at Leavenworth.

EDMUND NEEDHAM MORRILL, of Brown county, was born at Westbrook, Cumberland county, Maine, February 12, 1834. He was educated in the common schools and in the Westbrook Academy, and learned the trade of a tanner. He served on the local school board in his native place. In March, 1857, he came to Kansas, settling in Brown county. His first business venture was a sawmill, but a fire wiped out the enterprise, leaving a debt for the young man to struggle with. In 1857 he was elected a member of the free-state territorial legislature from the counties of Brown and Nemaha, and January 4, 1858, a member of the state legislature under the Lecompton constitution, in which there was no service. In 1861 he enlisted in company C, Seventh Kansas regiment, and in August, 1862, was made a captain and commissary of subsistence. General Grant placed him in charge of all the stores at Forts Henry, Heiman and Donelson. In October, 1865, he was discharged, with the rank of major. From 1866 to 1872 he filled the offices successively of clerk of the district court and county clerk. In 1872 he was elected to the state senate, and reelected in 1876. In 1882 he was elected to Congress, where he served four terms. By virtue of a bill bearing his name, there are now in the United States something like a half million soldiers' widows and orphans who draw annually nearly sixty millions of dollars from the bounty of their government. In 1890 he declined further service in Congress. In 1894 he was nominated and elected governor of Kansas. He was president of the State Historical Society in 1896. He is a man of great public spirit and of the strongest friendships. He resides in Hiawatha, where he has conducted a banking business for many years with great success.

PATRICK R. ORR, of Leavenworth county, was born in West Virginia, April 15, 1808, and was educated in the common schools. In 1829, he moved to Morgan county, Illinois, and in 1843 settled in Missouri. He married Matilda Johnson, October 15, 1839. He settled near Easton, in Leavenworth county, March 20, 1855. Mr. Orr was also elected, January 4, 1858, a member of the state legislature under the Lecompton constitution, but no session was ever held. He died at Easton, June 6, 1862. He has a son, John J. Orr, living at Holton.

HENRY BROOKS OWENS, of Jefferson county, was born in Virginia, on the line between that state and Kentucky, July 6, 1808. His father, John Owens, came to Smithville, Clay county, Missouri, with his family, in 1816. In August, 1855, Henry Owens settled in Jefferson county, Kansas, near Oskaloosa. He later bought property at Indianola, on which he lived, and, when the Pottawatomies sold their land in that vicinity, bought and moved to a farm in the neighborhood of Silver Lake, which was still his home when he visited his son and daughter in Oregon in the fall of 1874, where he died, at Harrisburg, in January, 1875. Besides his election to the free-state territorial house of 1857-'58, Mr. Owens was elected a member of the house under the Lecompton constitution. Mr. Owens was a farmer, and was associated in the mercantile business with his brother-in-law, Calvin Smith, of Valley Falls, Kan., who purchased land with him at Indianola and Silver Lake. Henry Owens married Miss Missouri Ann Smith, March 7, 1833, at Smithville, Mo. She died at Veechdale, Shelby county, Kentucky, March 4, 1892, where she was visiting her daughter, Mrs. Sarah Wright. Mrs. Owens was born at Boonville, Mo., July 14, 1816. Her father, Humphrey Smith, was raised near Buffalo, N. Y., and came with his family to Boone county, Missouri, after the birth of his son Calvin, which occurred near Buffalo, December 22, 1807. They came on a flatboat down the Allegheny river to Pittsburg, down the Ohio, up the Mississippi and Missouri to Boonville, where he settled. When the Platte purchase was opened to settlement he removed with his family to Clay county, Missouri, and built a grist-mill on the north fork of the Platte river, and the locality was known as Smith's Mills until the town grew up about it and was named for him, Smithville. He lived to an old age. His son, Calvin Smith, came to Grasshopper Falls, Kan., in 1862, where he remained until a few years ago, when he removed to Kansas City, Mo., and is now living with a daughter, Mrs. Anna Goodenough Smith. He has published an autobiography. Mrs. Reuben M. Spivey, 1100 Topeka avenue, Topeka, Kan., is a daughter of Mr. Owens.

WILLIAM PENNOCK, of Leavenworth county, was born in Waynesburg, Greene county, Pennsylvania, in 1826, the son of Henry Lisle Pennock and his wife, Anna Maria Smith. He was educated in the common schools. He was married December 25, 1849, to Mahala Hill, from whom he was divorced in later years. In 1855 he removed to Kansas, settling on a farm in Leavenworth county, and remained there about two years. He then moved his family to Minneola, Franklin

county, and engaged in the Indian trade at Centropolis, a mile west of the Minneola town site. His trade was with the Sac and Fox, Ottawas, Chippewas, and Munsees. He was a member of the first free-state legislature from Leavenworth county in 1857, and served in the extra session called by Secretary Stanton to meet in December, 1857, and the regular session in January, 1858. January 4, 1858, he was elected to the house under the Lecompton constitution. He was made captain of a militia company organized in the north part of the county, and afterwards, in 1864, was, by the companies of the counties of Franklin and Anderson, composing the Tenth regiment, elected colonel of said regiment. This regiment was called into active service with others by proclamation of Gov. Thomas Carney and participated in the battle of Westport, during the Price raid. He was afterwards a member of the legislature from the north district of Franklin county, in 1866. About 1859 he removed his trading-post to the Sac and Fox agency, near Quenemo, and was associated with Perry Fuller in the trade. The family remained at Minneola during these trade ventures, until Ottawa was started, about 1864, when they removed to that town, and Mr. Pennock engaged in the dry-goods business, until he failed in business, in 1870, and removed to his farm, a quarter-section on the town site of Minneola, and occupied the large fourteen-roomed house said to have been built for the governor's mansion during the effort to make that town the territorial capital. Joel K. Goodin owned the other part of the town site. Mr. Pennock died on his farm near "Silver Lake," on the Marais des Cygnes, between Pomona and Ottawa, February 4, 1890. Mr. Pennock had four children, of whom the two youngest are still living: Henry Lisle; Caroline; Frances Leisure, now Mrs. Frances L. Paramore, 4448 St. Lawrence avenue, Chicago, Ill., who gave the above information regarding her father, born in Pennsylvania; and Mary, now Mrs. Benjamin Sands, 533 Maple street, Ottawa, Kan., born in Kansas, Leavenworth county. He was of Quaker descent, some of his ancestors receiving a land grant from William Penn, in Philadelphia. Said property still remains in the family.

ASA REYNARD, of Calhoun (now Jackson) county, was born in Clinton county, Ohio, February 23, 1817, of Quaker parentage. He received a common-school education. He married at the age of twenty-four. In 1846 he moved to Iowa, settling in Johnson county, but in 1853 changed to Keokuk county. He settled in Topeka, Kansas territory, October 10, 1856. Asa Reynard was one of the incorporators of the town of Holton, in 1857. He settled on a farm west of Holton, on Groomer creek, and from there moved to Leavenworth. He was elected to the first free-state territorial legislature from Jackson county. He was commissioned by Governor Carney to raise a company for the Second Kansas Colored, or the Seventy-ninth United States regiment. He was second lieutenant of company I. He resigned in the latter part of 1863. On John Brown's route out of the territory he kept a station for runaway negroes, and was a witness to the battle of the Spurs, between John Brown and a pro-slavery posse, January 31, 1859. He died at Greenleaf, Kan., April 21, 1883. The journal shows that he was faithful in attendance and in voting.

GIDEON SEYMOUR. Unknown. Have found three men in Johnson county who remember him, but know nothing of him. He left the state about forty years ago.

A. J. SHANNON was born in New Jersey, November 8, 1823. He died at Paola, Kan., July 2, 1898, where he lies buried. He was married in 1857 to Maggie Dunham, at Geneva, N. Y., still living at Paola. Four children also survive him. Captain Shannon came to Kansas in 1857, locating at Paola, then Lykins county. He was an ardent free-state man, and was elected to the legislature in October, 1857. He was among the first to urge the organization of the Republican party, and was a delegate at Osawatimie, May 18, 1859, when he introduced and had adopted a plank suggested by Horace Greeley. He was quartermaster of the Twelfth Kansas infantry during the civil war. In 1863 he was a provost marshal, and had a marvelous escape from death on the morning of the raid at Lawrence. He was a canal collector at Geneva, N. Y., before coming to Kansas. In 1858 he was secretary and agent of the Paola Town Company. In 1859 he was elected register of deeds for Lykins county. He was a member of the Republican convention at Leavenworth, April 11, 1860, which selected delegates to the Chicago convention and chose presidential electors. He served awhile at home on the school board, and was for many years a guard at the State Penitentiary.

JOHN SPEER was born in Kittanning, Armstrong county, Pennsylvania, December 27, 1817. At the age of twelve, he secured a horseback mail contract from Kittanning to Curwensville, places about seventy miles distant, turning his earnings over to his father to help him pay for a 400-acre farm on the Alleghany river. At the age of eighteen he entered as an apprentice the office of the *Register*, at Indiana, Pa., to learn the printing business. His early schooling, which was very meager, was supplemented by studying at night and such odd times as he could devote to it. In the spring of 1840 he removed to Ohio, where he established several papers and worked at the trade. He stayed there until the passage of the Kansas-Nebraska bill, in 1854, when he and his brother, Joseph L. Speer, sold out and came to Kansas, settling at Lawrence, September

27, 1854. He returned to Ohio and got out the first number of the *Kansas Pioneer*, dated at Lawrence, October 15, 1854. The second number was not issued until January, 1855, as they were unable to get a plant of their own and the offices of the border towns of Missouri and Kansas were unwilling to help in the publication of a free-state paper. The second issue was called the *Kansas Tribune*. The paper continued publication until 1857. He was a member of the territorial house of representatives in 1857 and 1858. In 1858 and 1859 he pursued lumbering and farming, and in 1860 he followed freighting with ox teams. He purchased the *Lawrence Republican*, December 27, 1860, and conducted it until September 4, 1862. On January 1, 1863, he revived the *Lawrence Tribune*, conducting it until the plant was destroyed by Quantrill's gang on August 21, 1863. He presided over the first meeting at Lawrence to resist what were commonly known as the "bogus laws"; and though under these laws a capital crime, he published in the *Tribune* a full page in display type denying the existence of slavery in Kansas. He took a prominent part in the defense of Lawrence during the Wakarusa war and in the subsequent conflicts for freedom in Kansas. In the spring of 1856 he rescued, by force and violence, Samuel N. Wood from the border ruffian sheriff, Samuel J. Jones. He was elected by the people to the office of state printer under the Topeka constitution. In 1837 he was elected to the state senate. From September, 1862, to October, 1866, he was United States collector for the entire state of Kansas. He did much of the early state printing by contract, and his was the first first-class work the state had ever had. He introduced and secured the charter of the Leavenworth, Lawrence & Gulf railroad, in the legislature of 1858, and was a director of that company until 1868. He lost two sons in the Quantrill massacre, August 21, 1833. On New Year's day, 1855, with A. D. Searl as surveyor, and Charles Robinson and himself as chainmen, they surveyed the first site of a prospective college where the State University now stands. He was married at Corydon, Harrison county, Indiana, to Miss Elizabeth Duplessis McMahon. She died April 9, 1876. Mr. Speer published, in 1896, his *Life of Gen. James H. Lane*. He died at Denver, Colo., December 15, 1906. See "The Work of John Speer," elsewhere in this volume.

SAMUEL J. STEWART was born in Miami county, Ohio, March 23, 1833. He came to Kansas from Indiana in April, 1856, settling in Allen county, on land which he still owns and farms. He was educated in the common schools. He married Miss Dollie T'inder, of Monticello, Ill., December 29, 1864, who died October 15, 1866, without issue. September 22, 1838, he married Miss Emma Heath, also of Monticello, Ill., by whom he has had seven children. He represented Allen county in the territorial house of representatives of 1857 and 1858, and in the Leavenworth constitutional convention; was a member of the Grasshopper Falls convention of 1857. When the war broke out he enlisted as a private, was promoted to a lieutenancy in the Fourth Kansas, later the Tenth regiment, in August of the same year, and to captain in February, 1863, serving until he was mustered out, in 1864. He was a member of the house of representatives in 1863 and 1865, and was in the state senate of 1901 and 1903. He has been regent of the State Agricultural College from 1896-1900 and 1901-'06. He resides at Humboldt. March 23, 1908, he celebrated his seventy-fifth birthday, all his children, three sons-in-law, two daughters-in-law, and eleven grandchildren being present.

ANDREW T. STILL, son of Rev. Abram and Martha P. Still, was born in Jonesboro, Lee county, Virginia, August 6, 1828. He received the rudiments of his education in his native county. His father removed to Tennessee in 1834, and Andrew attended Holston College, at Newmarket, that state, for nearly three years. In 1837 his father was sent as a missionary to Missouri, settling in Macon county. He was first married to Mary M. Vaughn, January 29, 1849, by whom he had two children. Mrs. Still died September 29, 1859. On November 21, 1860, he married for his second wife Mary E. Turner. His father and an older brother being physicians decided him to take up the study of medicine, in which he was of great assistance to his father in treating the Indians at the mission. In 1853 he accompanied his father to the Wakarusa Methodist mission in Douglas county, Kansas, where he followed farming and the practice of medicine. He was a member of the territorial house of representatives of 1857, from Douglas county. He and his brother donated 480 acres of land to Baker University as a site for that institution, in 1856. He engaged in the lumber business about this time, and in his sawmill cut much of the lumber used in the building of Baker University. In September, 1861, he enlisted in company F, Ninth Kansas cavalry, serving until it was disbanded, in April, 1862. He then organized a company of militia, and on May 15, 1862, was commissioned captain of company D, Eighteenth Kansas militia. A few months later he was advanced to major, and soon afterward transferred to the Twenty-first Kansas militia, serving until October 27, 1864, when his regiment was disbanded. In 1874 he became an osteopath—the first in the world, and thereafter abandoned the use of drugs in his treatment of disease. He founded the American School of Osteopathy, at Kirksville, Mo., a prosperous institution of which he is still the head.

HARRIS STRATTAN came to Kansas in September, 1854. He settled first at Lawrence, removed to Topeka, and again to Doniphan county. His home was at Doniphan.

JOHN B. WHEELER, M. D., was born about 1822, in the state of New York. He settled in Kansas in 1856, at Palermo, Doniphan county, where he opened a hotel and practiced his profession as a physician and surgeon. After a few years at Palermo he removed to Troy, where he resided until his death, which occurred March 7, 1875. He was elected a member of the first free-state legislature in 1857. When the Thirteenth Kansas regiment was organized, in 1862, he enlisted at Palermo, and was appointed lieutenant-colonel, serving until the regiment was mustered out, the greater portion of the time as acting colonel. He belonged to the Masonic order.

GEORGE W. ZINN was born in Indiana, December 21, 1809. He was educated in the neighborhood of his birth, and in young manhood removed to Illinois. He was married in 1832 to Martha Cunningham, who lived but a short time, leaving one child. In 1836 he married Eliza Weidick, who was born and educated in Kentucky. Two children were born of this union, in Illinois. In 1839 he moved with his family to Missouri, where three more children were born. August, 1846, he enlisted and served fourteen months in the Mexican war. In September, 1854, he moved with his family to Kansas, settling near Lecompton, where he lived until his death, August 12, 1880. His second wife died February 25, 1875, and July 25, 1877, he married Mrs. Laura Pate, who was born at Lynchburg, Va. He was elected a member of the first free-state territorial legislature, and also of the state legislature of 1868. He served many years on the school board for his district.

WHAT MIGHT HAVE HAPPENED HAD LECOMPTON PREVAILED.

THE New York *Tribune* of April 12, 1858, contains about four columns of matter from Kansas, covering the closing scenes of the Leavenworth constitutional convention, and the speeches and scenes of a great mass-meeting held on the night of April 1. The Lecompton constitution was pending in Congress, and a fear existed that it might be adopted for the government of the new state. Thomas Ewing (3d), of New York, has recently contributed to the Historical Society a large number of letters found among the papers of his father, Gen. Thomas Ewing, jr., which hint strongly at something unusual to happen in case of the admission of Kansas under the Lecompton constitution. This purpose seems to have been to ignore the Lecompton entirely, even if adopted in Congress, and commence business at once under the Leavenworth constitution. The free-soil men now had control of the territorial legislature, and they in all ways persistently repudiated Lecompton. The Lecompton convention submitted a portion of their work to the people December 21, 1857, the slavery clause only being submitted, no opportunity being given to vote against the constitution itself. The free-state men at this election voted only for state officers and members of the legislature, not expressing themselves at all on the Lecompton constitution. The constitution received 6143 votes with slavery, and 564 without slavery. The vote of the free-state men elected a state ticket by majorities ranging from 330 to 696 votes, and, according to General Ewing, two-thirds of the legislature. The *Annals of Kansas* states that the free-state men had 29 members of the house and 13 members of the senate, and the pro-slavery people 15 in the house and 6 in the senate. January 4, 1858, when the Lecompton constitution as a whole was submitted, the vote was 10,226 against and 161 for. In the face of all this Congress persisted talking all winter about the Lecompton constitution, compelling another vote in August, 1858, on the English bill. Considering the passion and violence which then prevailed, and which was no doubt inflamed by the persistence of Congress, the English bill at this distance looks like something providential.

The question dividing the free-state people during the first three months of 1858 was whether a government should ever be organized under the Le-

compton constitution. With the exception of Thomas Ewing, jr., S. N. Wood and J. S. Emery, the sentiment was bitter against recognizing Lecompton in the least. The Lecompton constitution "should not be the constitution of Kansas for one hour; that such a dangerous and polluted fountain should never be permitted to send forth streams from which should be derived the organic law of the future state; that such a corrupt attempt to subvert all that is good in republican government by a despotic act of Congress must not be permitted quietly to culminate."

James H. Lane said that no government should ever be organized or permitted to organize under the Lecompton constitution; that the Leavenworth constitution, if ratified by the people, must be the constitution of Kansas. Sarcastically he alluded to those who wished to "take the Lecompton constitution to change it." He drew a comparison of a soldier in the Revolution going to General Washington just before the battle of Trenton, and saying: "Oh, Mister Washington, I think we had better take the British government for ten days or so until we *can change it.*"

Martin F. Conway said that Congress could make a state, but they could make no state constitution; that the act of admission was positive and not conditional; that Congress might admit Kansas as a state, but that it remained with the people to say what should be their organic law.

Charles A. Foster, of Osawatomie, made an appeal against organizing under the Lecompton—that that bastard instrument should never be recognized.

T. Dwight Thacher spoke with great fervor against corrupting the organic law of the future state. Should the history of Kansas through all time exhibit the disgraceful record that all our institutions flowed from such a source? He recalled the long and arduous struggle for liberty in which Kansas had been engaged.

William A. Phillips said that under the Lecompton constitution there would be no law, no courts in Kansas, after the moment of admission. Nothing could give the government legality until the legislature met. Official evidence was before Congress that the people had rejected it. The government of Calhoun was a cypher, and its friends were fugitives to the soil. The admission of Kansas now would be its admission without a legal constitution.

Joseph Medill, of the *Chicago Tribune*, said he could certainly comprehend the feeling so freely evinced by the meeting against the Kansas outrages, and this culmination in the Lecompton swindle. Even should a majority of that Lecompton swindle adjourn to Missouri, or any other safe place, to elect two United States senators, and even should a partizan Congress admit them to seats, such an act would speak as badly for the wrong thus inflicted as the most eloquent tongue.

J. M. Walden opposed organization under the Lecompton constitution. Others talked, the burden of their talk being that they loathed the Lecompton constitution.

In the Leavenworth convention, April 3, on the final reading of that constitution, the question of recognizing the Lecompton was raised by Thos. Ewing, jr. The report says: "Coolly, persistently, he took the position that under certain circumstances it might be expedient to organize under the Lecompton constitution. He said that those who went into bolting conven-

tions did not do so to abandon the enterprise; that they had a specific purpose, and they were not to be threatened or intimidated from it." Lane and Conway followed. J. S. Emery and S. N. Wood coincided with Thos. Ewing, jr. Mr. Johnson, of Leavenworth; Charles A. Foster, of Osawatomie; B. B. Newton; R. M. Fish, of Shawnee, and others, spoke, the debate lasting until three o'clock in the morning.

The foregoing extracts from speeches at that time will make clear the following letters on file with the Historical Society:

"CHILLICOTHE, December 10, 1857.

"*To Hugh Ewing and T. Ewing, jr. :*

"I think it decidedly the part of wisdom to vote on the 25th and reject the pro-slavery clause of the Lecompton constitution. Congress will probably reject the whole constitution, and they will the more certainly do it if the free-state men vote and reject the slavery clause. The framers of the constitution did not intend you should vote, and so fashioned it as to prevent you if possible, but I would disappoint them, and I think you have power enough to compel fair play. As to the vote being necessarily *for* the constitution, it is practically but a form of words. You vote against all of it that you can vote against, and though it is unpleasant to allow an enemy whom you are about to demolish to direct the mode in which it is to be done, I would follow the mode which he points out rather than, by refusing it, to suffer him to retain the mastery. I would adopt the philosophy of ancient Pistol, 'I take thy groat, in earnest of revenge.' This, however, is of less importance than the legislature.

"If the constitution should be sanctioned by Congress, you must not fail to possess yourselves of the first legislature and other civil officers under it. You will then have your two senators and your representative in Congress, and the constitution will be at once in your power. You can call the convention to amend it, and, if you please, substitute the Topeka constitution for it, in three months after the legislature meets; and there is no power to question the validity of the act except your own judiciary. And, indeed, until 1865 (I think that is the year), the convention has most generously left you to choose your own mode of amending. If this course be pursued you will in one year from this date have a constitution such as the people approve. You will have your member of Congress and your two senators, your governor, judges, etc., and without rebellion or civil war.

"The course of conduct proposed in one of your meetings—namely, to refuse to vote under the constitution if it shall be sanctioned by Congress, to organize under the Topeka constitution and elect your legislature and state officers, and resist the execution of the laws made under the constitution so sanctioned by Congress and all officers elected to carry them into effect—is most unwise, most horrible. The man who would seriously and understandingly propose it must be in the interest of the adversary, or fond of bloodshed and violence.

"In the first place, you would lose for terms of four and six years your two senators in Congress, and for two years your representative, for that time they would be pro-slavery men and throw their weight in that scale against you and against the Free-state party in the counsels of the nation. Their rights to seats, if elected under a constitution approved by Congress, would not bear a question. You would have also judges and other state

officers against you, whose administration of the laws, if resisted, the United States would be bound to send an army to sustain; and all who should resist such force in organized bodies with arms in their hands would be guilty of treason, by levying war against the United States, and all who should give them aid and comfort would be alike guilty of treason, under that clause of the act of Congress. And owing to the Mormon rebellion, and owing to the insubordinate condition of many sections of our country, treason against the United States begins to be thought of as something other than a joke. And if the threats of resistance above referred to should be carried out, I have no doubt twenty executions for treason would follow the suppression of the revolt. If you cannot give a proper direction to affairs, withdraw from them, and let those that have a taste for such things indulge it. Remember, too, always, that as to the sanction of a constitution on the admission of a state into the Union, Congress is the final tribunal, and that no power can call in question the validity of its judgments. T. EWING."

"SPENCER, April 13, 1858.

"DEAR SIR—What has happened? I bought a *Tribune* yesterday in New York and found in it either the most funny report or a report of one of the most funny performances ever yet enacted in Kansas or out of it. Just get the New York *Tribune* of April 12 and read an account of a meeting in Leavenworth where the angels were outdone in eloquence, and then bring to your recollection a few days of the past. When I left Kansas Judge Conway, Mr. Thacher, and all with whom I conversed agreed with me substantially in regard to the policy for the future, if admitted under the Lecompton constitution, and I suppose that I agreed with you. But now you and they are reported as having differed widely and warmly. Who has changed? As late as March 11 I find my views expressed exactly in an editorial of the *Republican* [this issue of the *Republican* is missing from the files in the Historical Society] as follows:

"'But we must hasten to the consideration of the second supposition, viz., that the government is partly in pro-slavery and partly in free-state hands. The most probable case is that of pro-slavery state officers and a free-state majority in the legislature. In such a case the plan is simple and straightforward. Purge the body until a two-thirds majority is obtained, and, if the people do not create a vacancy in the office of governor, leave him no laws to enforce, destroy all means for perpetuating the unholy concern, and then adjourn *sine die*, and allow the people's government to go right ahead. Nobody can complain of such a course—nobody can interfere with it. And the free-state men who shall thus throttle that accursed offspring of tyranny and fraud will have earned and will receive a grateful recompense from the people.

"'We pass to a consideration of the last supposition—that of the government entirely in the hands of free-state men. Here there is not a single embarrassing circumstance in the way. Let the legislature assemble, refuse to pass a single law or do a single thing, then adjourn *sine die*, and leave a clear road for the people's government. This was what the people elected the officers under the government to do. This is what they are bound by every consideration of honor, manliness, of self-respect, of justice, to do. This is what we believe they *will* do. And in so doing, they will confer peace upon Kansas and honor upon themselves.'

"You also remember at a meeting in Lawrence last winter, where you and Messrs. Conway, Lines, Phillips and others participated, all were substantially agreed, and no one joined issue with you. General Lane was

present and silently acquiesced. I cannot understand it, and consequently will refrain from comments. But if General Lane and others said what they are reported to have said, they said some most ridiculous things, as well as told some most unblushing falsehoods. But I dare not venture a remark based upon this report, lest it shall be unjust to the parties. But one thing I will say—that, should the Lecompton constitution be approved by Congress, and the occasion require it, the members of the legislature under the instrument will be held responsible, first, that no pro-slavery senators are allowed to go to Washington with certificates of election from that body or its governor; second, that the Lecompton constitution is not put in operation and run by the pro-slavery members of the legislature; and *third*, that all this be done *peaceably*. For this purpose they were elected, namely, that we might rid ourselves of the infamous document without war; and they had better think twice before they conclude to neglect the duty entrusted to them, to join men whose occupation will be gone when strife in Kansas is ended. The people, 7000 of them, 'took possession' of that government on the 4th of January last, and put it in their hands for the very purpose of having it *peaceably* and *honorably* displaced, and this they can do in thirty minutes' time and by the dash of a pen.

"What would history have said of the men of the Revolution if, when they had taken possession of all the colonial governments in America, they had ignominiously surrendered them again to the British by non-action at the instigation of a few men whose trade was war. And what would the rank and file of the army at Valley Forge have said to such a proposition? Let there be one life lost, one wife widowed, one child orphaned, in consequence of the neglect of the members elect to do the duty for which they were elected, and all Christendom, outside of Kansas and the insane asylum, will hold them responsible. But the cars are about to leave and I must close.

Very truly yours, C. ROBINSON."

"THOS. EWING, ESQ."

"LEAVENWORTH CITY, KAN., May 11, 1858.

"DEAR SIR—I have your letter of the 3d inst., showing anxiety lest the people of Kansas may accept the English bribe, and come into the Union under the Lecompton.

"I have noticed indications of a like fear in the Republican papers, and in private letters from persons friendly to us. This dread lest the people of Kansas may be bribed to the commission of a base act could only be regarded by them as indicating an ungenerous lack of confidence in their integrity, did they not know that their friends abroad have grown nervous from long solicitude about Kansas, and that their ears are daily filled with untrue statements from it.

"The public were prepared to expect something base from that portion of the Free-state party who in January last wrested the Lecompton government from the hands of the usurpers, by the speeches and letters of some of their brethren whose favorite policy, *inaction*, was then so energetically overthrown. The 'bolting' movement which resulted in the election of the state officers and two-thirds of the legislature under the Lecompton constitution also resulted in a feeling of alienation and distrust between those who against great odds achieved the victory and those who gave the movement a cold support or a vehement opposition. During the suspension of Lecompton in Congress, discussions arose as to the mode of disposing of it

if passed. In the main, those who had elected the officers under it were in favor of having the legislature meet and qualify—not to elect senators or to pass laws for the government of the people—but merely to pass an act submitting to a vote of the people whether they would change the Lecompton constitution and government for the Leavenworth, and providing that, in case they voted for the change, the Lecompton should thereupon die and the Leavenworth remain the constitution and government of Kansas. This we thought necessary because, if the Lecompton legislature should fail to meet, Marshall would have appointed two pro-slavery senators; and, at all events, the United States senate would not admit senators under the Leavenworth constitution during the nominal existence of the Lecompton. It was regarded by us as no more of a recognition of the Lecompton government than would be involved in the act of killing it—a recognition of its technical existence alone, and its possible power for mischief.

“Those who had achieved the victory and had stormed the last citadel of the enemy were not content to abandon it before thus destroying their bulwarks and spiking their cannon. But political leaders (of whom some had taken no part in the fight, and some had come to the rescue when the rescue was at hand, and some had fought the Free-state party while they were fighting the border ruffians!) denounced the use which the voters proposed to make of their victory. They saw in it an acceptance of the Lecompton constitution—a base and treacherous submission—and they crowded the columns of the Eastern papers with letters and speeches denouncing as traitors, Arnolds and Iscariots those who favored that plan, and warned their friends abroad that they were covert Lecomptonites. These denunciations passed here for buncombe and had no effect on the sober intelligence of Kansas. Abroad, however, they have encouraged the Lecomptonites and excited forebodings in the minds of our friends, and your letter is the fifth or sixth I have received asking whether the English bribe may not meet with favor in the Free-state ranks. The character of the English bill is as generally understood here as in any other state, and much more generally despised. Its proffered bribe will not add an hundred votes to the strength of the naked Lecompton. If the National Democracy make no effort in its behalf it will be voted down by 8000 or 10,000 majority. If they make such effort the majority against it will be from 12,000 to 15,000. The Pro-slavery party will vote for it, and some of those Douglas men who prefer a slave state. The rest of the Douglas Democracy will go against it, and the faces of the whole Free-state party will turn all one way. There is no terror to the people of Kansas in the threat of temporary exclusion from the Union. I feel safe in saying, that if they could have had the control of the territorial government from its organization, they would not yet have asked admission. They sought to be admitted under the Topeka constitution, hoping to overthrow in that way the usurping territorial government backed by federal bayonets. After getting control of the territorial government, they framed the Leavenworth constitution merely to defeat the Lecompton. The people of Kansas [are] poor, in debt, struggling to open their farms and build their houses, and have neither the numbers nor the wealth to bear the burden of a state government, and they will not hasten to beleaguer the doors of Congress for admission.

Very truly yours, THOMAS EWING, JR.”

“JAMES G. BLAINE, ESQ.”

REMONSTRANCE

Of the Constitutional Convention of Kansas against the passage of the Lecompton constitution.

The remonstrance being read, the following resolution was unanimously adopted by the convention :

“Resolved, That a printed copy of the eloquent address reported to this convention by Mr. Winchell, as chairman of committee on remonstrance against the adoption by Congress of the Lecompton constitution, through the aid of federal bribery and corruption, be sent to James Buchanan, each member of the federal cabinet, the governors of the different states, and all representatives in Congress who may favor or support the Lecompton usurpation.”

To the Senate and House of Representatives of the United States :

The convention now in session in the city of Leavenworth, for the purpose of framing a state constitution, according to the provisions of a law passed by the territorial legislature of Kansas at its last session, has charged the undersigned with the solemn duty of remonstrating with your honorable body against the passage of an act declaring the instrument known as the Lecompton constitution to be the organic law of the state of Kansas.

We shall not attempt, at this late day, to enumerate in detail the causes or arguments which render it impossible for the people to acknowledge the binding effect of that instrument. Those causes are now a matter of historical record, and those arguments are already before your honorable body and the world. But, as a duty which we owe to our constituents, and with a resolute hope which knows no discouragement, we make in their name a last solemn appeal to that tribunal which has ever been deaf to our prayers, and shall plainly and briefly present the facts which give character to this issue and show why a loyal people under a professedly democratic government are forced to the very verge of revolution.

We remonstrate, then, against the approval of the Lecompton constitution by the federal Congress, on the following grounds:

1. It is not the act of the people of Kansas.
2. It has received from them a stern and overwhelming condemnation at the ballot-box by a majority which leaves no room for doubt.
3. Its origin was marked by events of such atrocity, and its consummation signalized by such glaring frauds, as must ever disgrace the records of a state it shall create; and that people must invariably be demoralized who are forced to the acceptance of such unworthy precedence in place of those glorious traditions of liberty which should illuminate the early history of every republican government.
4. The very existence of this convention is conclusive evidence of the popular will. After its close the result of its labors will be submitted to a vote of the whole people for approval or rejection. Until that decision is made we earnestly trust that Congress will give us respite from the sentence it has threatened to pronounce. No just cause exists for this unprecedented haste. The people are at length in the possession of a government which they have so modified as to render it endurable, and appeal with every argument of expediency and justice to be permitted to retain that government until the exercise of their acknowledged rights they shall see fit to replace it with one of their own creation and choice.

5. Congress cannot force a government upon an unwilling people without an assumption of principle foreign and antagonistic to the fundamental law of the nation and the exercise of an authority subversive of the chief principles of our national freedom. That all governments derive their just powers from the consent of the governed is an axiom of American liberty older than the constitution itself. That Congress may admit new states into the Union is a constitutional admission of this principle which leaves without warrant all exercise of compulsory power. No state can be admitted except upon application; and the people of Kansas have never applied with the Lecompton constitution. The one argument in favor of that instrument is its technical regularity in the steps for its formation at the same time that the popular will was frustrated by conspiracy and fraud. We will not believe that the Congress of the United States is prepared to ignore all the beneficent principles of law by a dogmatic assertion that its sole virtue exists in a mere regularity of form and that no consideration is due to its true spirit and intent.

We rely, therefore, upon the representatives of an intelligent and virtuous people to select that policy which, in view of the extraordinary circumstances, is best calculated to protect the sacred principles of popular liberty and avert the calamities of civil discord. The people of Kansas are the descendants of a race whose freedom has been transmitted as an invaluable heirloom for the inheritance of their children. They are inspired by their convictions and their impulses and by the glorious memories of the past to maintain unflinchingly to the end a struggle which they believe is to determine the triumph of freedom or of tyranny in the republic. They have in themselves a courage which no manifestations of power can intimidate, and a consciousness of right which no political sophistries can confuse; and they possess a material strength increased a hundredfold by the constitutional bulwarks behind which it is entrenched. Their sufferings have won for them the active sympathies of a nation too jealous of its liberties to see their barriers broken down by the exercise of illegal powers by its representatives and its rulers. Against all external foes the federal government is strong to invincibility, but opposed to such resistance as the people of Kansas can offer to this usurpation all its vast appointments will but serve to render more manifest its utter and absolute impotency to the enforcement of its tyrannical resolves.

The federal government cannot conquer the people of Kansas because it ought not. Let it then pause for reflection before taking the irrevocable step. Let it hesitate long before invoking, by the exercise of illegal and tyrannical powers, that fate which always destroys those who conspire against the liberties of a free and enlightened people. Let it retrace those steps which have advanced the nation to the brink of dissolution. Let it secure to the people of Kansas those rights which all parties have so often and so solemnly guaranteed, and thus turn back upon the political dial the shadow which now portends ruin and disaster to the institutions of our common country. Let it recollect that its power is of and from the people; and by dealing justly with Kansas, let it add one more column to the proud array which is the strength as it is the glory of the confederation.

J. M. WINCHELL.

J. S. EMERY.

T. DWIGHT THACHER.

J. M. WALDEN.

SOME ASPECTS OF THE ENGLISH BILL FOR THE ADMISSION OF KANSAS.

By FRANK HEYWOOD HODDER.*

THE process of converting a territory into a state is ordinarily a matter of purely local concern, but the position that the struggle over the admission of Kansas occupies, as the culmination of the long controversy between the sections over the subject of slavery and as the immediate prelude to the civil war, gives to every step in that process an interest and an importance that it would not otherwise have. In order to understand the particular point to which attention is to be directed, it is necessary to recall briefly the main features of this struggle. The free-state party, repudiating the territorial government as illegal, framed at Topeka a constitution prohibiting slavery, and applied to Congress for the admission of Kansas as a state under it. A bill granting this application passed the lower house of Congress but was rejected in the senate. Thereupon the Pro-slavery party framed a counter-constitution at Lecompton. The convention which framed this instrument did not submit it in its entirety to the voters of the territory, but provided that the ballots should read "The constitution with slavery," and "The constitution without slavery." Under these circumstances the free-state men refrained from voting, and "The constitution with slavery" was adopted by a vote which was fraudulently enlarged to give it an appearance of respectability.

On the 2d of February, 1858, President Buchanan transmitted this constitution to Congress with a special message, in which he urged the prompt admission of the state under it. March 23 the senate passed a bill accepting the constitution and admitting the state.¹ On the 1st of April, by a union of Republicans and anti-Lecompton Democrats, the house passed a substitute bill,² which had been proposed in the senate by Mr. Crittenden and moved in the house by Mr. Montgomery, an anti-Lecompton Democrat from Pennsylvania. The Crittenden-Montgomery substitute provided that the Lecompton constitution should be resubmitted to the people of Kansas and accepted only after ratification by them in a full and fair election. The senate disagreed to the house amendment and the house insisted. April 14 the senate asked for a committee of conference, and Messrs. Green, of Missouri, Hunter, of Virginia, and Seward, of New York, were appointed the senate members of the committee. On the following day, by the casting vote of the speaker, upon the motion of Mr. William H. English, an anti-Lecompton Democrat from Indiana, the house acceded to the request of the senate, and Messrs. English, of Indiana, Stephens, of Georgia, and Howard, of Michigan, were appointed the house members of the committee.

*FRANK HEYWOOD HODDER, son of John H. and Kate Heywood Hodder, was born at Aurora, Ill., November 6, 1860. He graduated from the University of Michigan with the degree of Ph. M., 1883; studied at Goettingen and Freiburg (Baden), 1901; married Anna Florence Moon, at Washington, D. C., July 26, 1892. He was instructor and assistant professor in history and political economy, Cornell University, 1885-'90; and has been professor in American history at the University of Kansas since 1891. He is the author of *Civil Government of Kansas*, 1895; *Outline Historical Atlas of the United States*, 1900; editor of Audubon's *Western Journal* and *Pittman's Mississippi Settlements*, 1906.

NOTE 1.—The senate vote was 33 to 25. Douglas, Broderick, Pugh, and Stuart, Democrats; and Bell and Crittenden, Americans, voted with the Republicans against the bill.

NOTE 2.—The house vote was 120 to 112: Ninety-two Republicans, 22 anti-Lecompton or Douglas Democrats, and 6 Americans in the affirmative; and 104 Democrats and 8 Americans in the negative.

As the committee was constituted, with Green, Hunter and Stephens committed to the acceptance of the Lecompton constitution, and Seward and Howard equally committed against it, the work of compromise naturally fell to Mr. English. A statement of what took place in the committee was subsequently given by Mr. English himself, as follows:

"As the senate had asked for the conference, the managers on behalf of that branch of Congress were informed by Mr. English that propositions for a compromise must first come from them. If they had none, the managers on the part of the house had none, and the conference would immediately terminate. The managers on the part of the senate made several propositions, none of which were, however, acceptable to the members on behalf of the house. The senate committee then asked the members from the house if they had any compromise to offer, to which Mr. English replied that he had none prepared, but that he had a plan in his mind based, however, upon the principle of the submission of the question of admission under the Lecompton constitution and an amended ordinance to a fair vote of the people of Kansas; and if the committee thought it worth while he would prepare it and submit it to them at their next meeting."³

This was done, and on the 23d of April the English compromise was reported from the committee, Seward and Howard dissenting. April 30 the report was carried in the house by a division of the votes of the anti-Lecompton Democrats,⁴ and was accepted by the senate.⁵ Promptly signed by the president, it became law on the 4th of May.

The so-called "English bill" submitted the question of admission under the Lecompton constitution to the people of Kansas in conjunction with the acceptance by them of a specific land grant from the United States, viz., two sections in every township for the use of schools, two townships for a state university, ten sections for public buildings, salt springs not exceeding twelve in number with six sections adjoining each, and five per cent. of the proceeds of the sales of public lands within the state. The ballots were to read "For proposition of Congress and admission" and "Against proposition of Congress and admission." It was further provided that, should this proposition be rejected, the people of Kansas were authorized to frame a new constitution whenever but not before "the population of said territory equals the ratio of representation required for a member of the house of representatives," which at that time was 93,560.⁶

In discussions at the time, both in and out of Congress, and in the ac-

NOTE 3.—A Biographical History of Eminent and Self-Made Men of the State of Indiana (Cincinnati, 1890), vol. II, sec. 7, p. 217. I am indebted to Mr. Charles Harker Rhodes, sometime fellow in American history in the University of Kansas, for this reference and for some other data used in this paper. Seward made a statement in the senate denying reported friction in the committee. (Globe, 35—1, p. 1890.)

NOTE 4.—The vote in the house was 112 to 103. Of the 22 anti-Lecompton Democrats, 9 voted for the bill and 12 against it. Montgomery, by pairing with Warren, of Arkansas, virtually made 13. Wilson names the 12. Rise and Fall, vol. II, p. 564. The affirmative were English and Foley, of Indiana; Jones of Pennsylvania, and Cox, Cockerill, Groesbeck, Hall, Lawrence and Pendleton, of Ohio. Cox received the largest amount of abuse. Charges of bribery were investigated in the next Congress by the Covode committee. For the total Rhodes (vol. II, p. 300) erroneously substitutes the vote on the Crittenden-Montgomery amendment.

NOTE 5.—The senate vote was 31 to 22. Of the anti-Lecompton Democrats, only Pugh voted for the bill. Probably others would have done so had it been necessary for its passage.

NOTE 6.—11 U. S. Statutes at Large, 269. The possible postponement of admission until the population should equal the basis of representation was derived from the original Douglas enabling act of the first session of the Thirty-fourth Congress. The submission of the Lecompton constitution and land grant together was the logical result of the claim of Douglas that the ordinance was a part of the constitution and could not be changed without the consent of the people. (Globe, 35—1, p. 1258.)

counts given by historians ever since, the English bill has been denounced as an attempt to bribe the people of Kansas into an acceptance of the Lecompton constitution. This charge was most strenuously urged in the house by Mr. Bingham and in the senate by Mr. Wilson.⁷ In the country the bill was dubbed for partisan purposes "The English Swindle," and this phrase still colors the present-day opinion of its character. Of the historical accounts the most important is the one given in Wilson's *Rise and Fall of the Slave Power*,⁸ for the reason that it appears to have dominated the narratives of later writers. As Mr. Wilson was a member of the senate at the time and took part in the debate on the bill, it has been assumed that he not only knew the facts, but that he stated them fairly. Mr. Wilson wrote:

"The proposition of the bill was, indeed, a gigantic bribe. Bluster and bullying had been tried, exhausted, and they had failed. Mercenary considerations were now proposed, combined with the menace that if the bribe was not accepted Kansas could not be admitted until, by the gradual accretion of numbers, its population should reach the general 'ratio of representation' for members of the house."

Later he quotes from his own speech in opposition to the bill the statement that it was "a conglomeration of bribes, menaces, and meditated frauds. It goes to the people of Kansas with a bribe in one hand and a penalty in the other." And finally he closes the chapter devoted to the subject by saying:

"The people of Kansas had suffered too much, and were too deeply in earnest, to be seduced by the offer of the promised benefits of the bill—its liberal grants of land and its admission as a state—or, driven by the menace of being kept out, to accept a constitution they had no agency in forming, and which they so thoroughly detested."

Von Holst says that "the bill to which English owes the unenviable immortality of his name was a legislative monstrosity,"⁹ and devotes an entire chapter to its denunciation. Of more recent historians, Mr. Schouler says:

"This degrading and dishonorable substitute, soon known as 'Lecompton junior,' was exposed in its weak parts as soon as it was presented. It simply proposed to bribe the harassed settlers into accepting a pro-slavery constitution, which they loathed, under the added penalty of being left out in the cold if they refused. . . . The free-state voters of Kansas rallied, and, spurning both bribes and threats, they trampled under foot the largess of public lands and the Lecompton constitution together by a majority of ninety-five hundred."¹⁰

Mr. Rhodes describes the bill more temperately, but much to the same effect, as follows:

"The measure offered Kansas a large grant of government lands and provided that the proposition should be voted on by the people of Kansas. . . . It was, in effect, a bribe of land to induce the people of Kansas to accept the Lecompton constitution."¹¹

NOTE 7.—Globe, 35—1, pp. 1864 and 1874. The paragraph in Wilson's *Rise and Fall of the Slave Power* which purports to be an extract from Bingham's speech consists of five passages taken from different parts of the speech, pieced together without regard to sense or to the order in which they occur in the original.

NOTE 8.—Vol. II, ch. 42. The extracts quoted are from pages 559, 561, and 565.

NOTE 9.—Constitutional History of the United States, vol. VI, p. 234.

NOTE 10.—History of the United States, vol. V, p. 399.

NOTE 11.—History of the United States since 1850, vol. II, p. 296.

All of these accounts give the impression that the English bill offered the people of Kansas an exceptionally large grant of land.¹² An examination of the policy of the government in regard to the grant of lands to new states discloses the fact that this was not the case. In the course of the successive admission of public-land states, the amount of land to be granted to each had become an absolutely fixed quantity.¹³ The enabling act for Ohio, the first of these states, granted to the new state one section in each township for public schools, in accordance with the reservation in the land survey act of 1785, certain designated salt springs, and five per cent. of the proceeds of public lands thereafter sold within the state. Under the terms of the Ohio Company and Symmes purchases, Ohio had already become entitled to three townships for university purposes. Louisiana and Mississippi, admitted in 1811 and 1817, were given only the five per cent. of the proceeds of public-land sales. Indiana was given one section in each township for public schools; two townships, one in addition to one already reserved, for university purposes; four sections for public buildings; saline lands amounting to thirty-six sections, and five per cent. of the proceeds of public-land sales. Illinois was given the same grant as Indiana, except that all the salt springs were granted in lieu of any grant for public buildings. With the admission of Missouri the grant of saline lands was permanently fixed at seventy-two sections, but in other respects the grant remained the same. Arkansas, Michigan, Florida, Iowa and Wisconsin were given practically the same grants as Missouri, the only exceptions being some variation in the amount of land given for public buildings, and in the case of Florida four townships instead of two for university purposes, a grant which Wisconsin also eventually received in lieu of her grant of saline lands. The grant to California followed the precedent, established in 1848 in the act for the territorial organization of Oregon, of granting two sections in each township instead of one for public schools, but the grant of saline lands and the five per cent. were withheld. With the enabling act for Minnesota territory, in 1857, the grant of lands to new states assumed its final form—two sections in each township for public schools, two townships for a university, saline lands amounting to seventy-two sections, and five per cent. of the proceeds of public lands. The grant of land offered to Kansas in the English bill was identical with the grant offered to Minnesota the year before.

This fact was well known in Congress during the debate on the bill. The senate bill for the admission of Kansas under the Lecompton constitution provided that nothing therein contained should deprive the people of Kansas of the same grants as those contained in the enabling act for Minnesota territory.¹⁴ The Crittenden-Montgomery substitute copied the land grant from the Minnesota act, as Mr. Crittenden took pains to explain when he moved the amendment in the senate.¹⁵ In speaking in opposition to the English bill in the debate in the house, Mr. Howard admitted that the grant

NOTE 12.—Reference to similar statements in popular books could be multiplied indefinitely. Cf. Stanwood's *History of the Presidency*, p. 297; Elson's *United States*, p. 586; Merriam's *Negro and the Nation*, p. 151, and Adams and Trent's *School History*, p. 331.

NOTE 13.—See table of land grants to new states at the end of this paper.

NOTE 14.—*Senate Journal*, 36-1, p. 201. *Globe*, 35-1, pp. 902, 1263, and 1436.

NOTE 15.—*Globe*, 35-1, p. 1280.

was the same as that proposed to Minnesota. At this point Mr. English interrupted with the question:

"I should be glad to ask the gentleman whether he is not advised of the fact that the amount of land proposed to be granted in the bill of the committee of conference is precisely the same as that proposed in the Crittenden amendment for which the gentleman voted."

To which Mr. Howard replied:

"So far as the grant of land is concerned this bill and the Crittenden-Montgomery bill are identical, but the grant in the latter case is offered to Kansas under any constitution she may choose to adopt. The grant there was general, and therefore it was fair, but this grant hinges upon the adoption of this particular constitution, and is therefore unfair. It may be considered as a bribe."¹⁶

Not only was the grant in the English bill the same as that offered to Minnesota, it was the same as that offered to Kansas in the Toombs enabling bill,¹⁷ passed by the senate in 1856; the same as that contained in the Grow bill¹⁸ for the admission of Kansas under the Topeka constitution, passed by the house at the same time; the same as the grant made to Oregon in 1859,¹⁹ and the same as the grant under which Kansas herself was finally admitted to the Union in 1861.²⁰ Since that time the grants to new states, though of the same general form, have, except in the case of Nevada, been considerably enlarged. It is therefore clear that the grant of land proposed by the English bill was not in the slightest degree exceptional.

In order to explain the position of the land "proposition" in the English bill, it is necessary to review the Lecompton controversy from another point of view. Attached to the Lecompton constitution was an ordinance which requested an unusual grant of public land—four sections in each township instead of two for public schools, all of the salt springs and mines in the state, the usual five per cent. and university grant, and, in addition, alternate sections for twelve miles on each side of two railroads, one to run north and south and the other east and west through the limits of the state.²¹ The request for grants for railroads was evidently inspired by similar grants that had recently been made in other states. The Illinois Central act of 1850 had given to Illinois alternate sections for six sections on each side of a railroad to be built through the entire length of the state. Before 1857 similar grants had been made for a large number of railroads in Mississippi, Alabama, Missouri, Arkansas, Iowa, Florida, Michigan, Wisconsin, and Louisiana.²² It therefore appeared to the framers of the Lecompton constitution

NOTE 16.—Globe, 35—1, p. 1857.

NOTE 17.—The text of the Toombs bill, as introduced in the senate, is neither in the Senate Journal nor in the Globe, but the original bill, as moved in the house by Stephens, is printed in the Globe, 34—1, p. 1514.

NOTE 18.—Globe, 34—1, p. 1469.

NOTE 19.—11 U. S. Statutes at Large, 384.

NOTE 20.—12 U. S. Statutes at Large, 126.

NOTE 21.—Poore's Charters and Constitutions, vol. I, p. 613. The General Land Office estimated that this would amount to 23,592,160 acres. (Globe, 35—1, p. 1766.) The English bill reduced the amount by about 20,000,000 acres.

NOTE 22.—See "Statement of Land Grants Made by Congress to Aid in the Construction of Railroads," etc., compiled by the General Land Office, 1888, also "Donaldson's Public Domain," p. 268. The latter compilation must be used with care, as it is probably the source of more misstatements in American history than any other single publication. For the land-grant movement, see "Sanborn's Congressional Grants of Land in Aid of Railways," in Bulletins of the University of Wisconsin, Economics, Political Science and History Series, vol. II.

that Kansas ought to receive equivalent grants, and that they might as well be obtained at the time of her admission to the Union.

The Lecompton question therefore presented two points—the major one of the acceptance of the constitution, and the minor one of the acceptance of the ordinance. Upon the major point the houses disagreed, the senate accepting the Lecompton constitution and the house refusing to do so unless it should be resubmitted and ratified by the people of Kansas. The senate bill, accepting the Lecompton constitution, provided that nothing therein contained should be construed as an assent by Congress to the propositions contained in the ordinance of the said constitution nor to deprive the people of Kansas of the same grants as those contained in the enabling act for Minnesota territory; and the Crittenden-Montgomery substitute,²³ passed by the house, gave to Kansas, as already stated, the identical grants that had been made to Minnesota the year before. The conference committee, therefore, in arranging a compromise, sought to emphasize the minor point upon which the houses agreed and to minimize as much as possible the real issue upon which they were divided. The only possible compromise between those who opposed and those who insisted upon a resubmission of the constitution was some sort of indirect resubmission. The English bill, therefore, put the land grant in the foreground and the constitution in the background. This arrangement enabled those who had opposed resubmission of the constitution to cover their retreat by claiming that it was the land grant and not the constitution that was submitted while it enabled those who had insisted upon resubmission to show that they had, after all, gained their point. The object was not so much to secure the acceptance of the constitution in Kansas, which no one seems to have expected, as to throw the bill into such ambiguous form that it would receive the assent of both houses and restore peace, temporarily at least, to a distracted country.

It is not contended that the land "proposition" may not be construed as a bribe. In the debate in the senate Mr. Douglas stated the case exactly.²⁴ The bill offered a specific grant of land in case the Lecompton constitution was accepted, but was silent as to the grant that would be made under another constitution. Friends of the bill ridiculed the idea that a provision which reduced the grant of land demanded by the Lecompton ordinance from 23,500,000 acres to 3,500,000 acres and offered only the normal cession to new states could be construed as a bribe. Even opponents of the bill conceded that Kansas would probably get the normal grant whenever admitted, but the omission to promise it raised a doubt upon this point, and by opposing a certainty to an uncertainty did offer the shadow of an inducement for accepting the Lecompton constitution.

More important was the inducement contained in the provision of the bill postponing the admission of Kansas, in case the Lecompton constitution was rejected, until the population of the territory equaled the basis of representation, since it offered an immediate admission for an indefinite postponement. This, however, is not the provision designated as a "bribe" in the accepted accounts of the bill, since in them it is described as a "threat" or a "penalty" additional to the "bribe." It was really the more vulnerable provision of the bill, since it involved the inconsistent proposition that

NOTE 23.—Both bills are printed in the *Globe*, 35-1, p. 1436.

NOTE 24.—*Globe*, 35-1, p. 1869.

the population was large enough for admission under one constitution but not under another; or, as Collamer expressed it, "There were people enough to hold slaves, but not enough to enjoy freedom."²⁵ The position of the administration party was that they would waive the question of population provided the Kansas agitation could be terminated, but would not do so if the agitation were to be continued. Despite the inconsistency involved in the provision, Kansas could not fairly complain of the postponement of her admission. No community can equitably claim two representatives in the upper house of Congress until its population entitles it to at least one representative in the lower house. In 1872 Congress passed a general act²⁶ making this requirement for all states that should thereafter be admitted, and in recent practice admission has been delayed until long after this point has been reached. For four years the country had been stirred from the depths by the Kansas issue, and the administration could scarcely be blamed for exercising its right to enforce a respite from further agitation.

When the English bill was discussed in Kansas, the speeches in Congress and the editorials in Eastern newspapers, making the charge of bribery, were reprinted in the local press, and the form of the land proposition was resented, but no one claimed that its rejection would make any difference with the amount of public land that would eventually be received. A few of the leaders²⁷ and of the newspapers believed that it was advisable to secure immediate admission by temporarily accepting the Lecompton constitution and then calling a convention for its revision, but the section in the schedule of the constitution which provided for amendment only after 1864 raised a doubt as to whether this could be done.²⁸ Nearly the whole of the free-state press and the mass of the free-state voters felt that they would stultify themselves by accepting even temporarily a constitution which they had so bitterly opposed. Accordingly, when the question was submitted, on the 2d of August, 1858, the constitution was rejected by a vote of 11,300 to 1788. This vote marks the close of the Kansas struggle in Congress, in the country at large, and in the territory of Kansas, and this end was accomplished by the resubmission of the Lecompton constitution provided for in the English bill.

NOTE 25.—*Globe*, 35—1, p. 1819.

NOTE 26.—17 U. S. Statutes at Large, 26.

NOTE 27.—Robert J. Walker and Frederick P. Stanton, both staunch friends of the Free-state party, advised acceptance of the Lecompton constitution. George W. Smith, governor elect under the proposed state government, naturally took the same ground.

NOTE 28.—Section 14 of the schedule of the Lecompton constitution provides that after the year 1864 a move may be made to amend, alter or change it. President Buchanan, in his message presenting to Congress the constitution, says, page 479, volume 5, Messages and Papers of the Presidents: "If, therefore, the provision changing the Kansas constitution after the year 1864 could by possibility be construed into a prohibition to make such a change previous to that period, this prohibition would be wholly unavailing. The legislature already elected may at its very first session submit the question to a vote of the people whether they will or will not have a convention to amend their constitution and adopt all necessary means for giving effect to the popular will."

In a large number of letters furnished the State Historical Society by Thomas Ewing, jr. (3d), of New York, we learn that Hon. Thomas Ewing, of Chillicothe, Ohio, gave much consideration to the Kansas troubles. In a letter addressed to his sons, Hugh Ewing and Thomas Ewing, jr., under date of December 10, 1857, he says: "If the constitution should be sanctioned by Congress you must not fail to possess yourselves of the first legislature and other civil offices under it. You will then have your two senators and your representative in Congress, and the constitution will be at once in your power. You can call the convention to amend it, and if you please substitute the Topeka constitution for it, in three months after the legislature meets, and there is no power to question the validity of the act except your own judiciary: and, indeed, until 1865 (I think that is the year) the convention has most generously left you to choose your own mode of amending. If this course be pursued you will in one year from this date have a constitution such as the people approve. You will have your member of Congress and your two senators, your governor, judges, etc., and without rebellion or civil war."

It is not intended to defend all the provisions of the English bill, but merely to show that the bill, both in content and purpose, was quite different from the common conception of it. The issue was between no resubmission and resubmission of the Lecompton constitution. The two inducements for accepting the constitution—the land grant and immediate admission—were the price paid for resubmission. They were not offered in the expectation that they would affect the result, but in order, by an appearance of compromise, to bridge the crisis in Congress. The bill was the trick of a shrewd politician, very similar to the subterfuge by which Clay secured the acceptance of the constitution of Missouri. It rests upon the same basis as all the slavery compromises in our history from the formation of the constitution to the civil war. It was not the best solution of the difficulty, but the only one attainable at the time.

The restatement of this single point in the Kansas controversy suggests the necessity of a new examination of the whole subject. Mr. Rhodes has pointed out the essential fairness of the Toombs enabling bill adopted by the senate during the Thirty-fourth Congress. If, in addition, it be admitted that the English bill, passed by the Thirty-fifth Congress, was a fair adjustment of the existing situation, then it follows that the Democrats, conscious of the injury that the Kansas issue was working to their interests, were willing to adopt any reasonable measure for its settlement. The Republicans, on the other hand, must either have been blinded by prejudice to the fairness of the proposals made by their opponents or else have intended for the sake of partisan advantage, as was charged at the time, to keep the Kansas issue alive as long as possible. Now that the heat of controversy has passed, a study of the debates will convince the candid reader that the irreconcilables, the violent speeches, and the responsibility for the final breach were by no means all on the side of the South.

APPENDIX.

GRANTS to public-land states upon admission to the Union.

STATE.	Schools, sections in each township.	University, number of townships.	Public buildings, number of sections.	Salt springs, number of sections.	Land sales, per cent.	Prisons, number of sections.
Ohio	1	3		(a)	b 5	
Louisiana					5	
Indiana	1	2	4	36	b 5	
Mississippi					5	
Illinois	1	2		All.	b 5	
Alabama	1	2	c 1,620	36	5	
Missouri	1	2	4	72	5	
Arkansas	1	2	15	72	5	
Michigan	1	2	5	72	5	
Florida	1	4	8	72	5	
Iowa	1	2	5	72	5	
Wisconsin	1	d 2	5	72	5	
California	2	2	10			
Minnesota	2	2	10	72	5	
Oregon	2	2	10	72	5	
Kansas	2	2	10	72	5	
Nevada	2	2			5	20
Nebraska	2	2	20	72	5	50
Colorado	2	2	50	72	5	50
Dakotas, Montana, and Washington	2	2	50		5	(e)
Idaho	2	2	50		5	(e)
Wyoming	2	2	50		5	(e)
Utah	4	f 2	100		5	(e)
Oklahoma	2	(g)	(h)		5	(e)

- a. Particular springs designated in the act.
 - b. Two-fifths disbursed by Congress, in the case of Ohio for roads to the state, and in case of Indiana and Illinois for roads through the states.
 - c. Acres.
 - d. Wisconsin, by special act of December 15, 1854, received two additional townships for university purposes in lieu of her grant of salt springs.
 - e. Large additional grants of public lands to nearly all public institutions, in lieu of grants to other states under the distribution act of 1841 and the swamp-lands act of 1850.
 - f. And an additional grant of 110,000 acres for a university and 200,000 acres for an agricultural college.
 - g. One section in each township, proceeds to be divided equally between state university, state normal school, and agricultural college.
 - h. One section in each township.
-