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TOGETHER WITH

**ADDRESSES AT ANNUAL MEETINGS, MEMORIALS, AND
MISCELLANEOUS PAPERS.**

EDITED BY GEO. W. MARTIN, SECRETARY.

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sistance to free-state settlers, whenever a proslavery party, whose headquarters were at Fort Scott, would drive or attempt to drive out free-state men from their claims; and to attend trials held by said proslavery party regarding the rights of individual claimants to lands, and to see that such trials were conducted with reasonable fairness.

Montgomery and his companions believed that the right way to make Kansas a free state was by outnumbering the proslavery element, and violence was resorted to only when made necessary by the unlawful and wholly unwarrantable interference of the proslavery party with the rights of free-state men in the matter of claims.

The man Quantrill I never saw, and I never heard of him until he began his depredations in Kansas, during the civil war.

SLAVERY IN KANSAS.

An address by C. E. CORY* before the Kansas State Historical Society, at its twenty-sixth annual meeting, January 21, 1902.

TO the first 100 men you meet on the street ask these two questions: (1) Was Kansas ever a slave territory? (2) Were there ever slaves in Kansas? Nineteen in every twenty of those accosted would answer No to each question. Still, nothing could be further from the real truth.

The Missouri compromise of 1820 was intended to exclude slavery forever from all the territory north of 36° 30'—the south line of Kansas. It was the result of the first great fight on slavery after the constitutional convention. It was abrogated by the Kansas-Nebraska bill in 1854. Both the proslavery and free-soil people were ready for the fight. The two territories organized by that bill were fair fighting ground for the two opposing forces which, later, were to cost vaults of money and rivers of blood. The radical difference between the sympathies and interests, or supposed interests, of the North and South had been growing more marked from the time of Washington. The chasm had steadily been growing wider. Politicians had tried to ignore it. Statesmen had tried to bridge it over. Futile endeavor. No great moral question was ever settled by compromise. Radicals on both sides had kept it open. Friends on opposite sides had become estranged. The two sections of the country became to each other foreign lands. In this way, at the middle of the nineteenth century, the country approached what a statesman, wiser than his time, called the "irrepressible conflict."

*CHARLES ESTABROOK CORY was born in Blenheim township, Brant county, Canada West (now Ontario), December 2, 1852. He removed to Evart, Osceola county, Michigan, where his brother was foreman of a large lumber establishment, September 13, 1871. Here he worked one end of a cross-cut saw in winter, and on the streams and rivers drove logs in summer, until September 15, 1874, when he moved to Kansas, joining a sister who lived on a farm near St. Paul, in Neosho county. He taught the district school that winter. A couple of years tried to farm, and for a short time worked with a shovel on the M. K. & T. railroad, but this was too strenuous. In the spring of 1876 he obtained a school at Moundville, Mo. In the fall of 1877 he returned to Crawford county, Kansas, four miles north of Walnut. Here he acquired the distinction of being the first country school-teacher in Kansas who prepared, formulated and had adopted by the school authorities a regular set course of instruction. He was the first principal of the schools at Pittsburg, Kan., in the year 1879-'80. The next two years he was principal at Monmouth. In 1882-'83 he was principal at Cherokee. Here he quit in 1883 and entered the law office of Eugene F. Ware, at Fort Scott. He was admitted to the bar May 27, 1885. He was a member of the board of education in Fort Scott for the years 1885 to 1887. He was elected county attorney of Bourbon county in 1895, and served two years. In 1898 he was appointed referee in bankruptcy by Judge C. G. Foster, and reappointed by Judge William C. Hook in 1900.

The people of the two sections, then so far apart, now so happily reunited, rushed to the new lands. Each party was insistent upon enforcing its own ideas in the new-formed territory. The national government was fully committed to the extension of slavery. The two presidents of that period, Franklin Pierce and James Buchanan, were quick to forward any movement in that direction. The whole machinery of the army, so potent on the frontier, had been kept organized for years with an eye to its interest. It was the test upon which all appointments and elections were determined—its friends in full power. In this condition of the public mind the work of organizing the territory of Kansas was done. All the officers appointed were radical on the great question. By the use of methods not to be discussed now the first territorial legislature was made unanimately proslavery. Moderation was not thought of. The army, the courts, the peace officers, thought of slavery and nothing else. They were all zealots. Thus entrenched, thus armed, thus enthusiastic, it was natural that the laws enacted should breathe the spirit of the times.

With these surroundings the first legislature met. Thus it came to pass, strange as it may seem now, that Kansas was furnished with a slave code which, in its brutal and shameless disregard of the individual rights of whites and blacks, was never surpassed on the continent. Chapter 151 of the Statutes of 1855 was entitled "An act for the protection of slave property." After many provisions forbidding and punishing offenses against such property, section 12 read as follows:

"SEC. 12. If any free person, by speaking or writing, shall assert or maintain that persons have not the right to hold slaves in this territory, or shall introduce into the territory, print, publish, write, circulate or cause to be introduced into this territory, written, printed, published or circulated in this territory, any book, paper, magazine, pamphlet or circular containing any denial of the right of persons to hold slaves in this territory, such persons shall be deemed guilty of felony, and punished by imprisonment at hard labor for a term of not less than two years."

The infamy of this clause will fully appear when you observe that by its terms a man could be sent to the penitentiary for the offense of crossing the territorial line with a copy of the *New York Tribune* in his pocket. Section 13 was as bad as the former one:

"SEC. 13. No person who is conscientiously opposed to holding slaves, or who does not admit the right to hold slaves in this territory, shall sit as a juror on the trial of any prosecution for any violation of any of the sections of this act."

A finer encomium could not be paid to the bravery and nerve of any set of men than to mention the fact that the free-state men, in the face of this savage law and the arrogant power of their enemies, did not hesitate a moment, but kept up the fight. A notable instance was the publication in the *Kansas Tribune*, at Lawrence, of a full-page broadside denouncing the law and defying its terms. Much of the broadside was printed in large display capitals, so that, as the writer said, "the infatuated invaders who elected the Kansas legislature as well as the corrupt and ignorant legislature itself may understand—so that, if they cannot read, they may spell it out." The editor of the paper, John Speer, to whom all honor, was indicted by the grand jury under the statute I have quoted, but never tried.*

* JOHN SPEER was born in Kittanning, Pa., December 27, 1817. His education was mostly acquired in the reading of newspapers while carrying the mail on horseback over a 70-mile route through the wild mountain country of Pennsylvania, and in the printing-office in Indiana, Pa., where he spent his three years' apprenticeship. From 1839 to 1843 he was editor and journeyman on papers in Pennsylvania, Ohio, and Indiana. In 1841, as flatboatman, he visited New Orleans. In 1843 he established at Medina, Ohio, the *Democratic Whig*, antislavery in senti-

The legislature of 1855, which passed the statute referred to, was elected on March 30, 1855. At that election Judge William Margrave,* of Fort Scott, then and continuously until now a justice of the peace (now the oldest public officer in the state), was a free-state candidate for representative from Fort Scott. He was defeated by a vote of 313 to 16—the only time he was ever defeated in his life for anything.

Judge Margrave gives a quaint account of that election day. At early morning the hill in Fort Scott, which is now Carroll plaza, then a parade-ground, around which all the government buildings were situated, was crowded with teams and men coming in from the east—all of them armed. Fort Scott is only four miles from the Missouri border. At that time the town's total population, men, women, and children, excluding the soldiers and their families, was less than 300. Voting was lively all day, but a reserved, breathless peace was preserved. Men moved about quietly, as if each one was saying to himself, "I hope no one will start a disturbance." The legal voters of the town, themselves somewhat divided, were effectually cowed. The visitors had the situation well in hand. Along in the afternoon a dog was seen out south of the plaza acting strangely, and, on the supposition that he was mad, a couple of shots were fired at him. Within two minutes men from all parts of the town were running to the spot, guns in hand, forming a jam, much surprised when they found the target was not a man. When the voting was done; the officers solemnly reported the casting of 329 votes, with the result I have given. The election in other parts of the territory was conducted in the same way.

ment and whig in politics. He sold this paper in 1854, and with his brother Joseph came to Kansas, locating at Lawrence, September 27, 1854. It had been the aim of the brothers to issue the first antislavery paper in the territory, and they at once set about gathering original Kansas material for the undertaking, but having no office of their own, and failing to secure its printing at either Kansas City or Leavenworth, they were obliged to return to Ohio, where they issued the *Kansas Pioneer*, dated Lawrence, K. T., October 15, 1854. The second number was printed at Lawrence the following January, the name having been changed to the *Kansas Tribune*. Joseph left the paper in May, and in November the paper was removed to Topeka, W. W. Ross, joint editor. Early in 1857 Mr. Speer quit the newspaper business, and tried lumbering, farming and freighting until December 27, 1859, when he purchased the *Lawrence Republican*, which he published until September 4, 1862. January 1, 1863, he revived the *Lawrence Tribune*, and continued its publication until 1871. The office was destroyed in the Quantrill raid, August 21, 1863, but the publication was resumed with the addition of a daily in the following November. His last connection with a newspaper was as editor of the *Tribune* from 1875 to 1877. In 1879 he edited the United States Biographical Dictionary for Kansas, a standard historical work, and in 1896 published his "Life of Gen. Jas. H. Lane," setting the type himself, and issuing a second edition in 1897. He printed many of the laws, journals and public documents of the early state legislatures and the Statutes of 1865. Mr. Speer on all occasions took a bold stand in defense of free Kansas. The first territorial legislature made it a penitentiary offense to deny the legal existence of slavery in Kansas. On the day this law went into effect he published in the *Tribune* a full-page denunciation of the law and its enactors, A facsimile of this page is printed in the First Biennial Report of the State Board of Agriculture, page 189. He was United States collector for Kansas from September, 1862, to October, 1866. This office was destroyed in the Quantrill raid, with all its records, money, and stamps. Mr. Speer was married July 14, 1842, to Miss Elizabeth D. McMahon, of Harrison county, Indiana. In the Quantrill massacre they lost two sons, young men, who assisted their father in the publication of his paper, John M. and Robert. He is now in Denver, but his legal residence is at Garden City, Kan.

* WILLIAM MARGRAVE was born in Gasconade (now Osage) county, Missouri, February 17, 1818. Here he spent his boyhood, removing to Jasper county, near Carthage, in his fifteenth year. Like most of his neighbors in the western tier of counties, he did not believe in slavery, and came over into the new territory of Kansas to make his home in November, 1854, settling at Fort Scott, and opening his grocery store on the 8th of that month. December 5, 1854, he received from Gov. A. H. Reeder, our first executive, his commission as justice of the peace, and he still holds the office. Eugene F. Ware says of him, in the *Kansas City Star* of November 11,

After this election a dispatch to the *St. Louis Republican*, now the *Republic*, said: "Not an antislavery man will be in the legislature of Kansas." A few days later the *Leavenworth Herald* said: "Kansas has proved herself to be S. G. Q." [sound on the goose question].

February 2, 1858, President Buchanan, in his message to Congress, said: "It has been solemnly adjudged by the highest judicial tribunal that slavery exists in Kansas by virtue of the constitution of the United States. Kansas is, therefore, at this moment as much a slave state as South Carolina or Georgia."

On January 10, 1858, Gen. Benjamin F. Stringfellow, in a letter to Preston S. Brooks, of South Carolina, published in the *Washington Sentinel*, said: "Kansas is not suited for little farmers. It cannot be settled by those who have not the command of labor. Slavery exists in Kansas and is legal. It will never be abolished. The great staple articles of Kansas must be hemp and tobacco. It will be found that Missouri is nearer to Kansas than Boston."

In writing to a paper in Alabama a short time later, he said: "They [Kansas] have now laws more efficient to protect slave property than any state in the Union."*

1900: "Judge Margrave's present jurisdiction has shrunk to one-twentieth of its original size. His jurisdiction is the county of Bourbon, with about one-twelfth of the present population of his once extended frontier district. He has tried more criminals and sentenced more outlaws than perhaps any justice of the peace now in the United States, or that ever was in the United States. He has been steadily at it over forty-five years. His original jurisdiction took in the stormiest part of Kansas, and when the war ended 'Battle Corners,' as Noble L. Prentiss calls them, were overrun. That point of territory where Kansas, Missouri, Arkansas and Indian Territory corner furnished a roving ground before the war for border ruffians and outlaws. After the civil war it furnished a retreat for all the bad and enterprising banditti left from the ranks of both armies, and the wrecks of the guerrilla maraudings and assassinations of the frontier. Judge Margrave always had his hands full, and well and bravely did he do all his duties, and no man ever escaped except he were innocent; and it is on account of that firm and fearless discharge of duty that through two generations Judge Margrave has been successively elected to the place he filled so well. The number of cases disposed of by Judge Margrave up to November 1, 1900, is 14,294." The territory assigned to Judge Margrave in 1854 now comprises all or in part twenty-two counties, and over 385,000 population, and covers a part of four congressional districts. Then it contained 238 voters; now there are over 100,000. Judge Margrave has lately presented the Historical Society the desk which he used since 1838, excepting a year when it was with headquarters of the Sixth Kansas cavalry in Missouri and Arkansas.

* Washington correspondent *New York Courier and Enquirer*, August 11, 1856: "Governor Geary has demanded the abrogation of the more especially infamous of the pretended territorial laws, and a bill is before the house for that purpose, which he desires to pass."

Washington correspondent *New York paper*, August 12, 1856: "It is a deplorable proof of the degradation of the democratic party, which yet governs the country, that Governor Geary has been compelled to apply to Senator Toombs and Mr. Stephens, of Georgia, for leave to arrest bloodshed and anarchy in Kansas. It is asserted on authority, which I cannot question, that Colonel Geary has declined to go to Kansas unless the spurious laws, which the administration is pledged to enforce, were repealed. The president refused to assent to the condition unless an application to that effect should come from the South. Accordingly, Colonel Geary waited upon Toombs in the senate and Stephens in the house, as representatives of the sectional party seeking to force slavery upon Kansas, and laid before them the impossibility of governing the territory unless Congress placed its ban upon the scandalous edicts of the mock legislature. These autocrats dismissed the suppliant with a peremptory refusal to act in the matter. The next expedient for the accommodation of differences was the dismissal of the judges through whose corrupt and oppressive course these acts derived the force of laws, and the release of the political prisoners confined under them. To this the president assented, and it is understood that he pledged himself to dismiss Leconte and Cato, unless they should yield to superior force and resign. They declined to retire in a quiet and peaceful manner, and it is believed that they have been suspended from their functions, and if not already dismissed, they will be on the adjournment of Congress. But, notwithstanding this concession, it remains doubtful whether Colonel Geary will accept the trust confided to him. He says, with great truth, that it has broken down two Northern men, and will, under such alleged laws, break down whomsoever may undertake it."

In Leavenworth, on May 17, 1855, William Phillips, a lawyer, who had protested against the election control by voters outside of the territory, was arrested, taken to Weston, Mo., shaved on one side—head and face—tarred and feathered, carried astride a rail, and mockingly sold as a vagrant, by a negro, on the charge of expressing sentiments so as "to disturb the domestic relation of the people"—that is, interfere with slavery. This action was not done quietly nor secretly. It was publicly indorsed by a meeting at Leavenworth presided over by a member of the territorial council.

On February 6, 1858, Acting Governor James W. Denver, to whom was forwarded the bill repealing the slave laws of 1855, said, in a veto message to the territorial legislature :

"The act referred to is a very stringent one, perhaps much more so than

"WASHINGTON, Wednesday Night.—The case of Judges Lecompte and Cato, after being determined on, was again warmly discussed in the cabinet to-day. It is understood that there were four for and three against their removal. Their dismissal is regarded as certain. Southern members are greatly excited at Mr. Campbell's declaration that the president would cause the Kansas prisoners to be discharged. The administration is wisely yielding to the free-state pressure. Governor Geary still lingers."

New Haven *Paladium*, August 14, 1856: "The statement, now denied, that Colonel Geary only accepted the governorship of Kansas on the conditions that Judges Lecompte and Cato and Marshal Donaldson should be removed and the state prisoners released, and that these conditions had been or would be complied with, was made in the most direct manner by the correspondents of the *New York Courier and Enquirer* and *Herald*. It would seem that there must have been some good foundation for it. Perhaps it is another case of promise not performed by the executive. The debate in the house on Wednesday indicates very clearly, however, that the administration has or had determined to withdraw its prosecutions for treason in Kansas. The Washington correspondent of the *New York Times* says, in giving an account of the house debate: 'Mr. Campbell stated significantly that he knew confidentially that the prosecutions were not to be pressed. Many republicans insisted on more particulars. The other side of the house speedily exposed their own knowledge, with conflicting intimations.' Orr and others proceeded to admit that it had been doubtful whether these prosecutions for treason ought to be pressed. Craige wanted to introduce a resolution asking the president if he intended to discontinue, and what for. The truth is, the administration has backed down, and to-day has decided in cabinet to order a discontinuance of the Kansas prosecutions."

Springfield (Mass.) *Republican*, August 15, 1856: "The contradictory reports from Washington this week, of the determination of the administration as to the release of the state prisoners in Kansas, and the removal of its tyrannical judges and Marshal Donaldson, indicate faithfully the indecision and conflicting purposes that prevail in its councils. It seems to have been determined to order both the release of the prisoners and the removal of the chief instruments in the wickedness inflicted on the people of the territory, but, under a pressure from the ultra-slavery party in the contrary direction, this purpose was abandoned or postponed."

The *Atlas* [no location given] of August 16, 1856, in an editorial commenting on this statement (such paragraphs, it says, being common in the newspapers), adds: "It is believed that the president, who has the right of pardoning all persons prosecuted for a breach of territorial laws, has ordered that the Kansas prosecutions for treason be dismissed. He has not yet dismissed Judges Lecompte and Cato, but it is commonly supposed that he will do it, upon the representations which may be made by Colonel Geary as to the state of things in Kansas."

Washington correspondent *New York Tribune*, August 21, 1856: "Governor Geary has taken the oath of office to support the bogus laws of Kansas. He is expected to remain passive, and only keep the peace until after election. The border ruffians won't permit this. There is no middle ground in Kansas. Geary will be forced, as Reeder was, to become a border ruffian or leave, and that quickly. I have conversed with him, and he does not fully realize the horrid state of affairs in that territory. No man can, this side of hearing and seeing for himself. If Governor Geary acts as he talks, the border ruffians will catch a tartar. President Pierce will find his passive instructions disobeyed. And Mr. James, of Rhode Island, and Mr. Bigler, who is Buchanan's mouthpiece, will discover that they had better kept their promise without consulting their Southern masters, and presented Geary's bill, abrogating the bogus legislature and laws, leaving him free to organize a new one."

Washington correspondent, *New York Times*, August 21, 1856: "Colonel Geary will start for Kansas next week, though he openly opposes the territorial laws."

necessary, but so long as a territorial existence continues here the owners of slaves have a right to claim protection for their property at the hands of the law-making power. The peculiar character of this property requires the enactment of laws for its management and control different in many respects from that which is required for any other. I cannot, therefore, give my consent to the repeal of all laws on this subject until there shall be some other enactment to take their place, so long as slavery is recognized and allowed to exist in this territory."

The slave code was not repealed until 1860. The act of repeal closely followed the language of the Wyandotte constitution adopted the year before, and under which the state now operates, and is as follows:

"CHAPTER CXI.—An Act to Prohibit Slavery in Kansas.

"*Be it enacted by the Governor and Legislative Assembly of Kansas Territory:* SECTION 1. That slavery or involuntary servitude, except for the punishment of crime whereof the parties shall have been duly convicted, is and shall be forever prohibited in this territory.

"SEC. 2. This act shall take effect and be in force from and after its passage.

GUSTAVUS A. COLTON,
Speaker House of Representatives.
W. W. UPDEGRAFF,
President of the Council."

"This bill having been returned by the governor, with his objections thereto, and, after reconsideration, having passed a vote of two-thirds of both houses, it has become a law, this 23d of February, 1860.

GUSTAVUS A. COLTON,
Speaker of House of Representatives.
W. W. UPDEGRAFF,
President of the Council."

On page 453 of the House Journal of the special session of the territorial legislature of 1860, which met at Leocompton, January 19, 1860, there appears a veto message by Gov. Samuel Medary,* vetoing house bill No. 6, the statutes which I have just quoted, he sending it back to the house in which it originated, with a message covering fifteen closely printed pages in the House Journal.

John A. Martin at that time was editor of the *Atchison Champion*, afterwards colonel of the Eighth Kansas regiment and governor of the state. He was afire on the subject of slavery. Governor Medary copied an editorial from the *Champion* on the pending bill, as follows:

"If Medary will take the responsibility of vetoing it, pass it over his head, and then let them bring the subject before the courts and have Judge Taney make another advance in his theories respecting the constitution. We shall see then what these democrats who howl about 'as-good-free-state-men-as-you-are' will do when called upon to act, and we shall see whether there is anything in their professions of 'squatter sovereignty.'

"We repeat it, that the republicans pass a bill abolishing slavery at the earliest possible day; make it as simple as possible; put into it no outside propositions that they may excuse themselves on; simply abolish the thing and bring these democrats to test. It is the first, the most-important and all-absorbing duty which devolves upon the republicans in the legislature, and if they dare neglect it, if they dare let it pass by unimproved, the people of Kansas and the press of the territory will hold each and every one of them to a strict accountability for its actions. 'It were better that a millstone be hanged about his neck and he be drowned in the midst of the sea,' than that he should fail or refuse to pass an act which the whole people demand."

*SAMUEL MEDARY was the last territorial governor. He was appointed November 19, 1858, succeeding James W. Denver, who resigned. He assumed the duties of the place December 20. He resigned December 20, 1860, leaving Secretary George M. Beebe acting governor until January 29, 1861, when the state was admitted. Samuel Medary was born in Montgomery county, Pennsylvania, February 15, 1801. He was appointed territorial governor of Minnesota in March, 1857. He was editor of the *Ohio Statesman*, and afterwards of the *Crisis*. He died November 7, 1864.

In his veto message Governor Medary traces the history of slavery from the discovery of America. He severely criticizes the English and New Englanders for establishing the institution in America, and protests that, while it may be right for the soon-to-be-formed "state government" to abolish slavery, it is beyond the power of the territorial government to do so. The argument by Governor Medary is about as strong and well written as it could be made. It is really a forceful argument and is well worth perusing, but too long for me to quote.

The bill came up on February 21, on a motion to pass it over the governor's veto. It was passed by a vote of thirty to seven, the speaker, Gustavus A. Colton, of Lykins (now Miami) county, voting with the majority. The bill afterward came up in the territorial council on February 21. After the same message mentioned before, which is again copied in full on the council journal, a motion to pass the bill, the veto of the governor notwithstanding, was adopted by the council by a vote of nine to four. It was afterward certified by the speaker of the house and the president of the council, and became a law on February 23, 1860. And so the institution of slavery in Kansas died. The struggle was a local struggle. The wise men of each side throughout the country had come to realize it was a fight to the death. In Kansas it was brief, but it was bitter and bloody.

Acting Governor Beebe,* in his message to the last territorial legislature, special session, January 10, 1861, said in regard to the repealing act of 1860:

"The last legislature passed, the objections of the governor to the contrary notwithstanding, "An act to prohibit slavery in Kansas." By it, slavery and involuntary servitude, except for crimes, etc., were forever prohibited. If, at the time of its passage, the right of property in slaves legally existed—and it is generally conceded it did—the act is clearly unconstitutional, for in such case it seeks to immediately destroy existing rights of property without rendering a just compensation therefor. If, on the other hand, no such right existed, then the act was and is unnecessary. But, waiving all other reasons, I earnestly recommend the repeal of this law, because it forms an obstacle to the adjustment of the unhappy differences with which the country is now distracted. Could a weightier consideration operate to influence you to meet this appeal with a favorable response?"

The legislature entirely ignored the suggestion and recommendation. It will, therefore, be easy from the records to answer my first query affirmatively.

As to the actual presence of slaves here the facts are not so easily gathered. Recourse must largely be had to the county records and to the recollection of old citizens. The first official census of Kansas, taken February 28, 1855, shows the presence in the territory of 151 free negroes and 193 slaves. On the statement of John Speer, there was a much larger number. He should know. Here are his words, from volume VI, Kansas Historical Collections, pp. 67, 68. They being already in your published records, my only excuse for repeating them here is that they are there used in another connection, and I wish to get the facts together:

"I was amazed to read in a magazine article an expression dropped by one of the most estimable patriots, philanthropists, and divines, as well as among the most eminent litterateurs of this country, to the effect that he supposed there never were any slaves in Kansas. It is such utterances from such sources that

*GEORGE M. BEEBE was appointed secretary of the territory in May, 1860, to succeed Hugh S. Walsh. He was born in New Vernon, N. Y., October 28, 1836. He settled in Doniphan county, Kansas, in 1859, and that year was elected a member of the territorial council. He became acting governor upon the resignation of Governor Medary. In a message to the territorial legislature, January 10, 1861, he advised that Kansas maintain a neutral position in the war of the rebellion. He removed to Nevada in 1863. He returned to New York, where he still lives. He has served as a member of Congress from New York for two terms.

hurt. What were we fighting about? The ruffian might bawl himself hoarse and do no harm. This good divine never was acquainted with Buck Scott, the good slave who contracted with his master to send him seventy per cent. of his earnings if he would let him live at Lawrence, and fulfilled his contract manfully, voluntarily returning to slavery. He never knew Tom Bourn, of Washington creek, whose master brought him and a dozen more slaves from Virginia 'to establish the institution in Kansas,' who, when the master got scared and wanted to take them back to 'the old Virginia home,' replied: 'No, no, Massa Bourn; I com' to 'establish de institution, an' I 'ze gwine to see it froo'; and in less time than two weeks ran off to the North with the whole gang! He never made the acquaintance of Bob Skaggs, who, with twenty-seven fellow slaves, made a big clearing in the woods opposite Leecompton, and was run off to Texas at the sound of the voice of the 'Crusader of Freedom,' and came back 'after the break up,' as the slaves called it, and made a home on the Verdigris, and brought his 'po'ol' massa' in his poverty to live with him, the ex-Kansas slave. He never sat with your speaker at the Big Springs hotel warming his toes, while poor Liza, one of eleven slaves of a Kansas judge, cooked his meal, with her little pickaninny crawling around her feet on a dirty dirt floor. He was not present when a fugitive from Kansas slavery on the Marais des Cygnes made her escape to Samuel N. Wood's house in Lawrence, her back cut in welts. Perhaps the good man was not acquainted with that amiable Christian woman, now a director of this Society, when the slave sleuths were in pursuit; and surely he never heard her sobs and cries, 'O God! what would I do if this were my sister?' when her life depended on flight. He never knew the three proslavery men who took the slave to the Shawnee mission to consult the territorial officers, and returned her to slavery! And surely, surely, the good man never had a warrant issued for him as an 'abolitionist' by that woman whipper, after he was made a proslavery judge! He did not even know the proslavery divines of Kansas, one of whom, at Tecumseh, told me the beautiful story of St. Paul, the slave-driver, sending Onesimus, the slave, back to his master; the other at Osawkee, of whom it was said by the abolitionists that he was a pretty good man, but a little quarrelsome when he was drunk!

"When the Wakarusa war broke upon us, there were more than half as many slaves in Kansas as there were able-bodied free-state men who stood up in the ranks for our defense.

"A few weeks ago I called upon the venerable Dr. J. N. O. P. Wood at Wichita, a well-known opponent of the free-state movement, and compared notes on our personal knowledge of slaves in Kansas, and we counted over 400—and quit."

In 1857 Governor Walker estimated the number of slaves in Kansas at 200 or 300. In 1860 there were but two officially reported. They were from Anderson county. James H. Gladstone, a relative of the English premier, and a man thoroughly posted upon the situation in Kansas, asserted that there were not over fifty slave-owning settlers in Kansas. The slaves that were brought to Kansas were nearly all brought here during the first two or three years of the settlement, in 1854, '55, and '56. When the pressing strife broke out no more slaves were brought and the most of those who were here were removed.

Very few emigrants from slave states brought their servants with them. There were slaves, for instance, in Fort Scott as early as 1845, and at least one of them is here yet. Aunt Mary Davis was housekeeper for a family here for many years. After the breaking out of the civil war she was sold and went away from here. After emancipation she returned to the same family and remained until the family was broken up by death. She still lives in Kansas.

At book "A," page 5, in the register of deeds' office of Bourbon county, appears this document, which sounds strangely now:

"KNOW ALL MEN BY THESE PRESENTS, That we, James M. Rucker and Minta E. Rucker, of the state of Illinois, Mason county, for and in consideration of the sum of \$500, to them in hand paid by Wiley Patterson, of the county of Bourbon, Kansas territory, the receipt whereof is hereby acknowledged, do by these presents bargain, sell, transfer, assign and deliver unto the said Wiley Patterson, his executors, administrators, and assigns, a negro woman, slave for life, called and known by

the name Lucinda, now of the age of thirty-six years, of a yellow complexion, rather slender made, about or a little above (height evidently omitted in copying), together with all right, title, interest, claim and demand of, in and to the said negro woman.

"TO HAVE AND TO HOLD the said negro woman slave above bargained and sold, or intended to be sold, to the said Wiley Patterson,* his executors, administrators and assigns forever.

"And the said James M. Rucker and Minta E. Rucker, for themselves, their heirs, executors, administrators, and assigns, covenant that said negro woman is a slave for life, and that she is perfectly sound both in body and mind.

"IN TESTIMONY WHEREOF, We have hereunto set our hands and seals, this 8th day of August, A. D. 1857.

JAMES M. RUCKER.

"By WILLIAM WASSON, Attorney.

MINTA E. RUCKER.

"C. B. WINFIELD, J. D. WINFIELD, witnesses.

"Recorded this 10th day of August, 1857.—JAMES J. FARLEY,

[SEAL.]

Clerk and ex-officio Recorder."

Here is another document from the same book, page 27, which suggests thoughts of the old highlander who is said to have always held family prayers before going down to the lowlands to steal cattle:

"FORT SCOTT, BOURBON COUNTY, KANSAS TERRITORY, October 30, A. D. 1858.

"In the name of God, amen.

"This is my last will and testimony.

"It is my will that all the just demands against me be settled out of the moneys or property on hand.

"2. It is my will that my dear wife, Elizabeth, have my negro woman Winnie and my negro boy George, and negro child Ann, and that she use them during her natural life, and afterwards these negroes is to go to my dear children, my son Harry and my son William and my daughter Mary, to be divided between them as they may see proper.

"3. It is my will that my wife have and use all my stock, household and kitchen furniture, farming utensils, etc., and dispose of any of them at will and pleasure, for the benefit of herself and the children, together with any money that may be on hand or any debts that is due or may become due me.

"Made this day above written. J. M. HART.

"Signed and sealed in the presence of Harrison R. Kelsar, John R. Baty."

"TERRITORY OF KANSAS, COUNTY OF BOURBON, ss.: (In vacation.) Be it remembered, that, on the 8th day of November, A. D. 1858, personally appeared before me, William Margrave, judge of probate of the county and territory aforesaid, Harrison R. Kelsar and J. R. Baty, the subscribing witnesses to the annexed will of J. M. Hart, and being by me sworn, each deposes and says that the said J. M. Hart, the testator, subscribed the same in his presence and published the said will or instrument of writing as his last will; that he, the said testator, was, at the time of publishing his will, of sound mind and more than twenty-one years of age; and that the said deponents attested said will as witnesses thereto by subscribing their names to the same in the presence of the testator.

HARRISON R. KELSAR.

JOHN R. BATY.

"IN WITNESS WHEREOF, I, William Margrave, judge of probate within and for the county of Bourbon, in Kansas territory, hereunto subscribe my hand and affix the seal of the court.

"Done at my office in the county aforesaid, this 8th day of November, A. D. 1858.

WILLIAM MARGRAVE, *Judge of Probate.*

"Recorded this 9th day of December, 1858.—JAMES J. FARLEY,

Clerk and ex-officio Recorder."

The records of Bourbon county contain many other papers of like character.

Col. Thomas Arnott, who ran a hotel in the officers' quarters building, still standing at the north end of Carroll plaza, in Fort Scott, owned a negro. At a

* WILEY PATTERSON was the third postmaster of Fort Scott. William Wasson was a doctor living a few miles northwest of where Fulton now stands. His descendants are still prominent in professional and official life in Kansas.

time when Colonel Montgomery was momentarily expected in town, the old man was seen on horseback, with his negro mounted behind, lashing his horse over the hill south of town. He never returned.

A man named Brantley, who owned what is now Jewell's addition to Fort Scott, had several slaves. When the change in sentiment came he left the territory, and his holdings were confiscated.

A man named Ganther, on Mill creek, was a radical antislavery man, but when he acquired a "little nigger" in some trade in Missouri he became equally radical on the other side. Dr. Blake Little, an early settler of Fort Scott, whose name is perpetuated in the name of one of the streets of the city, owned a yellow girl, Winnie.

Wilson, Gordon & Ray, the earliest heavy mercantile firm in Fort Scott, owned a slave, who, as is alleged by an old resident, in the facetious and vivid language of the time, "once got scared on the street, like a horse, and ran away with a wheelbarrow and smashed it all to hell."

Maj. Gen. Geo. A. McCall writes of a hunting trip on the Marmaton river, and incidentally refers to his "colored boy Jordan."

Crawford county was not organized until long after the slave period, but while it was a part of Bourbon county there were slaves owned and held there.

The first post-office in Allen county was Cofachique, named after the Indian princess Cofachique, who, Cleopatra-like, met Hernando De Soto on the Savannah river. But that, as Kipling says, is another story. The post-office was on section 3, township 25, range 18 east, about half a mile southeast from the present limits of Iola, and now occupied by Capt. H. A. Ewing. James L. Gilbreath was the storekeeper, in 1855, and the first postmaster, and owned a slave.

Linn county was the headquarters for the southern Kansas division of the "underground railroad," a railroad on which every worker was a conductor, self-appointed, and running "regardless of all other trains"—or anything else. Col. James Montgomery, a Campbellite preacher, and a fanatical antislavery man, lived there, and "Col." C. R. Jennison was near at hand. Close to Trading Post, near the Missouri border, a man named Scott had several slaves. In 1858, seeing that slavery was doomed, he took his slaves across the line and sold them to a trader. The adherents of "Colonel" Jennison, being incensed at this, hanged him.

J. H. Barlow lived, in those days, at Paris, the first county-seat of Linn county, about seven miles north of Mound city. He owned two or three slaves. At the approach of the "change" he sent them back to Kentucky.

Rev. S. B. McGrew, who lived four miles southwest of Mound City, owned a colored man named Lewis Campbell.

Ezra H. Smith, of Mound City, had a colored boy, Jim Titsworth, who had come from below Fort Smith, Ark.

Elizabeth Marrs, an ex-slave, came to Linn county on the "underground," and lives at Mantey, in that county, now.

It was in this county that, in May, 1858, occurred the Marais des Cygnes massacre, probably the most brutal and inexcusable of all events of the kind in the history of the country. In the year following, one Russell Hines, who advertised himself as a "nigger hunter," led a party one evening to the home of Colonel Montgomery, a few miles west of Mound City. They wanted Montgomery. Unfortunately for Hines, he ran across Jennison, a man much of his own stripe, but on the other side of the question. Hines, after being captured, was taken to the house of a man named Hart, who lived where Pleasanton now stands. In the morning he was taken on horseback back about four miles southeast of the pres-

ent town site of Pleasanton; his neck was connected with a tree limb. The horse, which belonged to the other people, was led away.

These and many other events which could be related of Linn county grew out of the existence of slavery there.

Lykins county (now Miami) had a considerable number of slaves. James Deets came from Cass county, Missouri, in 1857, and settled on Bull creek, a few miles west of where Hillsdale now stands. His five slaves that he brought with him went north on the underground railroad in 1858.

Probate Judge Yokum, of Franklin county, was forced to leave the state because "his negro property had been stolen and his life menaced."

Johnson county, being one of the first counties settled by whites, had many slaves. Maj. R. W. Cummings, who lived on a farm adjoining Shawnee Mission, close to where the village of Merriam, on the 'Frisco road, now stands, owned a number as early as 1832 to 1837, and in the year 1850 he moved back to Missouri and took with him about fifteen slaves.

Rev. Thomas Johnson, who was principal of the Shawnee Manual Training School, at Shawnee Mission, from 1832, owned four or six slaves. Some of them he bought out of pity for their condition. They had an easy existence.

Col. A. S. Johnson, of Topeka, a son of Rev. Thomas Johnson, whom I just mentioned, owned some slaves.

Hon. Rush Elmore, a member of the territorial supreme court, brought fourteen slaves from Alabama to Shawnee Mission, afterward removing to Shawnee county.

In Wyandotte county slaves were held by the Wyandot Indians as early as 1845. The Walker, Garrett and Hicks families all held slaves, purchased in Missouri soon after they arrived from Ohio. The bill of sale of Dorcas, a negro girl, to Gov. William Walker, by the administrators of the estate of John Gipson, deceased, of Cass county, Missouri, is set out in Connelley's "Provisional Government of Nebraska Territory," page 194. It is dated January 1, 1847. Governor Walker bought and held at least one other slave, the husband of Dorcas. He gave them their freedom before the beginning of the civil war. The Hicks family voluntarily freed their slaves before the war, as did some of the other principal Wyandot families. During the territorial period some slaves were held by white people in what is now Wyandotte county, but as the county was then principally a part of Leavenworth county, the records show no transactions in their traffic.

Douglas county was the home of the free-soilers, and naturally slaveholding was never popular there. While the destruction of all county records, in 1863, in the Quantrill raid, makes it impossible to speak definitely, it is probable that no official recognition was ever given to the "institution" in that county. There were many slaves there, but they were mostly there by their own consent or were passengers on the underground railroad, of which that was an important station. It is said by old settlers that at least \$100,000 worth of this sort of "property" had its "clearance" at Lawrence. In 1855 a man by the name of Bowen settled on Washington creek, in Douglas county. He brought with him ten slaves—a man and wife and eight children. A young lady named Miss Sarah Armstrong taught these slave children to read, whereupon Bowen made threats against Miss Armstrong and her brother, who was his neighbor. Finally Capt. A. Randlett came with a crowd of free-state men from Lawrence, in 1856, and ran Mr. Bowen and his family out of the country. The negro family wanted Miss Armstrong's brother to start them on the way to Canada, but the risk was too great and he did not do so. Bowen took them to Westport, Mo.

In 1857 a slave woman, Ann Clarke, the joint property of Geo. W. Clarke and Colonel Titus, left her master's home near Lecompton and came to the home of a Mr. Howard, near Topeka. She was secreted there and other places for several weeks, waiting for a chance to go north. Some friends of her master, finding her location, arrested her and took her back to Lecompton. She succeeded in making her escape to Chicago in 1856.

The Lecompton *Union* contained an offer of a reward of \$50 for the return of Judy, who, it suggests, "is no doubt lurking about Lawrence, if she has not already secured passage on the underground railroad to Chicago."

In 1856 a man named Jones, living near Palmyra, in Douglas county, owned two colored boys. A crowd of free-state men, led by John Brown, jr., visited Mr. Jones and gave him until next morning to get his belongings out of the territory, on the charge that he was a spy on his free-state neighbors. The two boys were given the privilege of going with Jones or staying. They went with him.

At Lecompton, in the year 1856, a slave called Buck Scott had bought his freedom and was working it out for his master, a Mr. Douglas. At Douglas, a defunct town just below Lecompton, on the south bank of the Kaw river, there were two slaveholders, a Mr. Ellison and a Mr. Wallis.

A widow named Brooks owned three or four slaves at Lecompton during those days.

In Shawnee county, last week, I found a trust deed recorded in book 10, page 49, from Finis E. McLean and Lucy A. McLean to Thornton McLean, their son. The deed was executed for the benefit of the grantee and the other children of the grantors. The consideration is expressed as "one dollar to them in hand paid, and for the further consideration of the natural love and affection that they have and bear to their children." The property transferred covers several hundred acres of land in Kentucky and Missouri, some town lots in Kansas City, Mo., Topeka, and Lawrence and Tecumseh, in Kansas territory, "and the following slaves: Jim, Grace, Daniel, Adaline, Isaac, Nelly, Robert, George, Elizabeth, Mary, Clerk, Emily, Philip, Godfrey, Florence, Henry, Martha, Betty, Calvin, Hogan, Jerry, Sally, Jenny." In the deed of trust it is not stated where the slaves were at that time. The deed is dated February 27, 1860, and acknowledged the same day. An old citizen of Shawnee county tells me that these slaves were never really in Kansas—that the combined deed and bill of sale was recorded here only because of the real estate. There were slaves actually held, however, in Shawnee county. A man is now employed in one of the public offices here who was held in Shawnee county as a slave.

There were slaves in what is now Leavenworth county, in Indian territory times, before the territory of Kansas was organized. They were servants of the officers at the cantonment and fort. I cannot learn whether they were the property of the officers or hired from other owners.

James Redpath, a correspondent representing the *Missouri Democrat*, now the *Globe Democrat*, mentions a slave boy in Leavenworth in 1855.

Slaves were kept at an early day in Atchison county. A Mr. Million, who kept the ferry across the Missouri at Atchison, owned six. Mr. Hayes, near Cummings, owned two or three; and Nathan Hawley, a Missourian, who farmed near Crooked creek in 1856-'58, owned six. Duff Green, of Monrovia, owned a negro woman and her baby. In 1859 he sold them to a trader. They both secured passage on the underground railroad and escaped.

Col. Peter T. Abell, of Atchison, owned Aunt Nancy, a favorite and very efficient house servant. She always appeared to be contented and was especially

well treated. In 1859 she suddenly disappeared—permanently—much to the surprise of every one.

William H. Mackey, sr., of Junction City, writes me: "Fox Booth, a North Carolinian, who came from some point on the Platte to Fort Riley, in 1854, owned a negro woman slave. She worked a ferry-boat for him, and rowed me across the raging Kaw many times. Booth tired of her and brought her down to McDowell's creek to Tom Reynolds's place, and offered her for trade. Reynolds looked her over and came to the conclusion that she would make a good herder. Booth wanted a few cows for her, but Reynolds would not part with the cows, and finally offered an old white stallion, and the deal went. I was a witness to the transaction. This was in the fall of 1855. There were several slaves at Fort Riley. Dr. William P. Hammond, post surgeon, afterwards surgeon-general of the army of the United States, owned one or two. The post chaplain also owned one. Two slaves known as Aunt Cely and Patsey, owned at Fort Riley, were accused of poisoning an ordnance sergeant who died mysteriously. They were taken to the sawmill, near where the Union Pacific now crosses the Republican river, set astride the log, and the saw started. When the saw came uncomfortably close Aunt Cely declared: 'Fo' God, I is innocent!' The saw was stopped and she was released. She died, in the neighborhood, of old age and neglect. In 1856 Mr. John Gallagher, of Louisville, Ky., brought some slaves with him to eastern Leavenworth county, where I was then living." The records of Geary county show no transfers. The slaves were all female house servants at Fort Riley.

At Atchison occurred an incident extremely uncommon among negroes and entirely unique among slaves, so far as I can learn. A slave woman, the property of Grafton Thomasson, committed suicide by drowning.

In 1855 there were at least thirty-five slaves in Doniphan county. Cary B. Whitehead traded his farm in that county for a number of slaves, which he afterward took to Missouri. The first issue of the *White Cloud Chief*, Hon. Sol. Miller's paper, was printed on a press operated by a slave whom Mr. Miller hired from his owner for that purpose.

Thomas Bayne brought two slaves in 1855 to Jefferson county and hired another one from his brother, all three of whom he used on his farm.

A man named Skaggs settled in Jefferson county, in what is now Kentucky township, in 1854. He had twenty-seven slaves. He took them to Texas in the fall of 1859, when slave property became very uncertain. By the abolition of slavery Skaggs lost all his property, and in 1871 was living near Coffeyville, Montgomery county, as a retainer of one of his former chattels, and enjoying the bounty of his former slave. This is the incident referred to by "Old John Speer" in the quotation I made from him a few minutes ago.

Brown, Nemaha, and Calhoun (now Jackson) counties no doubt had slaves, but I have no details concerning them.

It is well known that the Cherokees, Choctaws, Chicasaws, and Seminoles in the West owned slaves. It is no doubt a fact that the Cherokees owned slaves in what now constitutes Cherokee and Crawford counties, Kansas, when they were here, though I have no record of instances. Of the holding of slaves by Indians, but two instances of slaves held have been secured. Rev. S. L. Adair, of Osawatimie, mentions that the noted Indian, Baptiste Peoria, after whom the town of Paola was named, owned a colored woman. The other instance is found in Rev. John McNamara's volume, "Three Years on the Kansas Border." In November, 1854, he accompanied Doctor Bonnifant, of Weston, Missouri, to see the daughter of the widow Bulboni, eighty miles in the interior, on the Pottawatomie reservation. Mrs. Bulboni owned a colored woman. A few slaves were

owned by the Shawnee and Kansas Indians, but they were generally owned by "squaw men"; that is, men who had married Indians.

The writers whose statements I have been able to get nearly universally unite in speaking of the general kind treatment of the slaves that were in Kansas, and also agree that the slaves did very little work. The fact is, the slaves that were brought to Kansas were brought very largely, though of course not entirely, as a part of the proslavery propaganda—not for profit. The people who brought them here were mostly zealots. They wanted to establish the "institution" here, and brought their slaves along to demonstrate its physical existence here. When the plan failed, when the reasonable people connected with it saw that it was doomed, they moved back and took their chattels with them. While here they mostly had the good of their cause at heart and treated them well. One of the ex-slaves, when approached by Miss Zu Adams, of the State Historical Society, to get his experience, refused to give his recollections until the consent of former master could be obtained, as "Mr. Bayne," as he expressed it, "has always been a good friend of mine, and I don't want to hurt him." Col. A. S. Johnson, of Topeka, whom I have quoted before, gives another instance of this. "At the time the territory was opened for settlement, in 1854," he says, "I moved over to Missouri and left my farm in the care of a slave. It was a continual loss of money. They talked of leaving on the underground railroad. I told them all right; they could go; they did not, however. They all showed up one morning over in my home in Missouri. Two trusty slaves of my father's, Jack and Charlotte, husband and wife, practically raised my father's family, at the manual-training school at Shawnee Mission. They stayed with our family until 1861, although they had been offered their freedom."

It must ever be a satisfaction to the people of Kansas to remember that, though the final battle of the slave question was fought out on Kansas soil, the rigor and cruelty of the slave business never existed within her borders. The mere existence of slavery here was enough.

From the year 1860 Kansas has been outspoken and radical on the question of freedom. She may wander on social, religious or political questions, but with all her vagaries no Kansas man has since that date dared to advocate or recognize any cause tainted with the curse of human bondage.

The constitution of the state chiefly commends itself to the people of the state because, in the words of one of her greatest and most learned sons, "Every word, sentence and paragraph breathes the spirit of human liberty."