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THE POLITICAL CAREER OF
GENERAL JAMES H. LANE

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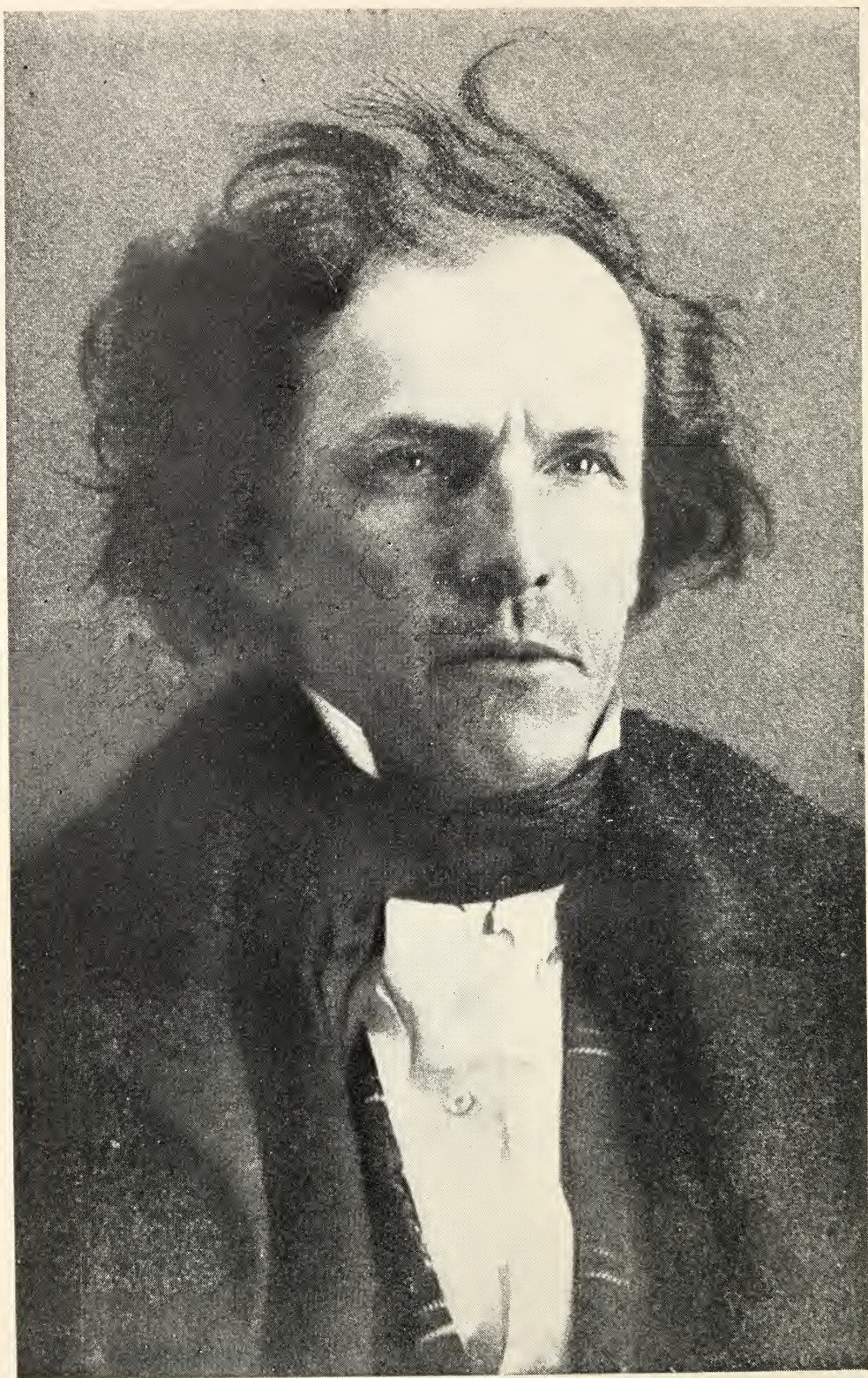
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of the requirements for the
DEGREE OF DOCTOR OF PHILOSOPHY IN THE UNIVERSITY OF MICHIGAN

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JAMES H. LANE.

"That he loved Kansas, and that Kansas loved him, is undeniable."
—*Emporia News*, July 14, 1866.

To
MY MOTHER AND FATHER.



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INTRODUCTION.

GENERAL JAMES H. LANE was the outstanding figure in Kansas in the struggle to withstand slavery and found a free state. He possessed an overpowering personality, and was a man of many eccentricities. He was a genius, and the wavy line separating genius from insanity is almost imperceptible—is completely so at times. I think there is no doubt that Lane was at times of unbalanced mind. I have talked to many hundreds of his friends—men who knew him in Kansas territorial days and the stormy period of the Civil War. Many of them believed he had periods of insanity. But that did not hinder him in his enthusiasm for Kansas. Kansas was his burden—his song.

In Kansas politics Lane was king. The Kansas people were largely from the Ohio valley. Their fathers had crossed the Alleghanies and descended into the fairest land on the globe. There they fought the wild Indian and the trained troops of Britain. They conquered both and set up the first free and independent states known in all history. When Kansas became the frontier of Western conquest, the children of the indomitable settlers of the Ohio valley stood along the border. They knew what to do. They knew how to live in a new land. For they had been born and reared in a new land. They were pioneers by instinct and training. Lane was one of these. The people turned to him. They had lived as he had lived. They thought as he thought. The thin line of New England people was absorbed by the pioneer element from the Middle West. To make any appreciable impression in Kansas, the New Englanders were too far from pioneer conditions. They had lost the pioneer instinct. And the political structure of Kansas bore scant portions of New England thought and tendencies. It was Western to the core and in some features radical, new and revolutionary. The leading New England figure in Kansas opposed prohibition of the liquor traffic. But your true Westerner carried with him the genius of the American people and the destiny of the republic. He established prohibition as he abolished slavery. He wrote on the eternal tablets of the nation that intoxicating liquor and its traffic, and its baneful influence should be uprooted, destroyed, and made a thing to trouble us no more forever. And his decree is fate. Liquor and its day has passed.

Lane was the leader of this Western spirit. Through him it expressed itself. That expression is Kansas as she stands to-day.

So it is fine of Doctor Stephenson that he has given us here this balanced biography of Lane. He has avoided the controversies of Lane's day and has even ignored the bitter malice with which he was constantly attacked in life and in death. He found these themes unnecessary to his purpose. A plain statement of fact was all that the establishment of Lane's position and power required. This statement he has made in a masterful way. And not only the people of Kansas but those of the nation are his debtors for doing it.

WILLIAM E. CONNELLEY, *Secretary.*

AUGUST 29, 1929.

PREFACE.

This study of the life of James H. Lane was undertaken at the suggestion of Prof. William O. Lynch, of Indiana University. The four chapters dealing with his Indiana career were submitted as a master's thesis at Indiana University in 1924, and those embracing his leadership of the Free-state party in the Kansas struggle were presented as a doctor's dissertation at the University of Michigan in 1928. The remaining chapters, comprising his senatorial career, have been completed subsequently.

Although the monograph was not designed as a biography, few important facts have been omitted. More of Lane's military activities have been included than was originally intended, since they were found to constitute a proper background for his political leadership. There are many controversial aspects of the period under review, and it had therefore been deemed expedient to permit Lane and his contemporaries to speak for themselves wherever possible.

The study seeks to explain Lane's transition from Indiana conservatism to Kansas radicalism, to reveal him as a leader of the "intense radical loyalty" of the United States during the Civil War, and to explain his motives for reverting to conservatism.

For encouragement, suggestions, and criticism, I am indebted to Mr. William E. Connelley, secretary of the Kansas State Historical Society, Prof. U. B. Phillips, of the University of Michigan, Prof. William O. Lynch, of Indiana University, and Prof. F. H. Hodder, of the University of Kansas. Mr. Connelley kindly placed at my disposal collections of Lane material from his private library, which he has been assembling for thirty years.

I wish to express my gratitude to the historical libraries of Illinois, Indiana, Kansas, and Missouri; the public libraries of Indianapolis, New Albany, and St. Louis; the Michigan and Indiana University libraries; and the St. Louis Mercantile Library, for the use of their collections of material, and for courtesies shown me. W. H. S.

BATON ROUGE, May 30, 1929.

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THE POLITICAL CAREER OF GENERAL JAMES H. LANE.

CHAPTER I.

A SOUTHERN INDIANA FAMILY.

THE Kansas-Nebraska act of 1854 transferred the question of slavery in the territories from the halls of legislation to the frontier west of Missouri. Friends of slavery and of freedom immediately hurried to the newly created territory of Kansas, intent upon forming a state government compatible with their convictions. In the decade preceding the Civil War, Indiana sent approximately ten thousand emigrants, and these, with a like number from Ohio and from Illinois, determined that the principle of popular sovereignty should result in another antislavery state.¹ Among the Indiana adventurers were men destined to become leaders in the struggle with proslavery forces. Most important of these was James H. Lane, who emigrated to Kansas in April, 1855, eager for political advancement.

During the period of Lane's minority, Lawrenceburg, Ind., his early home, was a place of a thousand or fifteen hundred inhabitants. Situated on the Ohio river twenty-three miles below Cincinnati, it was commercially dependent upon New Orleans, since the people of Dearborn and neighboring counties brought their products there and forwarded them down the Ohio and Mississippi rivers.² Flatboating offered adventure as well as business opportunity, and attracted young men of Lane's type.³ In those pioneer days the youth of eighteen or twenty did not consider his education complete until he had made a trip down the river to New Orleans.

Another factor that increased the commercial prosperity of Lawrenceburg was its situation near the mouths of the Whitewater and Big Miami rivers. By the internal improvements bill of 1836 the town was made the terminus of the Whitewater canal, and the prospect of a larger trade caused a fresh impetus in the erection of buildings.⁴

This brisk prosperity brought to Dearborn county emigrants from all quarters of the East. Keen business men and political aspirants were attracted because of the rising commercial and political importance of southeastern Indiana. These early settlers were "a bold and resolute, rather than a cultivated people." They were "plain men and women . . . without the refinements that luxury brings," but they were not lacking in common sense and energy.⁵

1. Census of 1860, Population, 616,618. See, also, W. O. Lynch: "Population Movements in Relation to the Struggle for Kansas," in *Studies in American History* Inscribed to James Albert Woodburn (Bloomington, Ind., 1926), 383-404; and by the same author, "Popular Sovereignty and the Colonization of Kansas from 1854-1860," in *Mississippi Valley Historical Association Proceedings*, 1917-1918, 380-392.

2. Archibald Shaw, ed.: *History of Dearborn County* (Indianapolis, 1915), 442, 443.

3. For a brief account of the flatboat trade in Indiana, see Logan Esarey: *History of Indiana* (Indianapolis, 1918), I, 306-308.

4. *History of Dearborn and Ohio Counties* (Chicago, 1885), 256.

5. Shaw, *op. cit.*, 125.

To this southeastern Indiana community Amos Lane, the father of James H., emigrated in the spring of 1808. Originally the Lanes were Pennsylvanians, but from this state some went to New York, others to Virginia, and still others to North Carolina.⁶ Amos Lane was born in the state of New York, probably on March 1, 1779.⁷ As a boy he assisted his father in cultivating a farm, but at the age of fourteen he was apprenticed to a millwright, whom he served four years. After trying his hand at school teaching he studied law from 1803 to 1805, and the following year was admitted to the bar at Ogdensburg.⁸ His ambition to become a lawyer was strengthened by his marriage to a capable woman, Mrs. Mary Howes, a daughter of the Revolutionary veteran, John Foote. Mrs. Lane was born in Connecticut of Puritan stock,



House at Lawrenceburg, Ind., where James H. Lane was born.

and belonged to a distinguished family, one of whom was governor of that state, and later United States senator.⁹

In 1807 the Lanes emigrated to Steubenville, Ohio, and after a year's residence there, to Lawrenceburg.¹⁰ Amos immediately sought admission to the Dearborn county bar, "but was refused license for the sole reason, as he

6. William E. Connelley: James Henry Lane (Topeka, 1899), 38.

7. *Lawrenceburg Register*, in the *Weekly Indiana State Sentinel*, September 13, 1849. Shaw, op. cit., 346, and *History of Dearborn and Ohio Counties*, 150, record the date, March 1, 1778. In 1831, Amos Lane stated that in 1803, his twentieth year, he began to study law. He therefore implied that he was born in 1783. See the *Indiana Palladium* (Lawrenceburg), October 2, 1830, March 12, 1831.

8. *Indiana Palladium*, October 2, 1830, March 12, 1831.

9. John Speer: *Life of Gen. James H. Lane* (Garden City, Kan., 1896), 10. This is a biography written by a contemporary and friend of James H. Lane. Little space is devoted to his career in Indiana, but some interesting facts are stated in connection with his work in Kansas.

10. *Indiana Palladium*, October 2, 1830.

frequently declared, that he was an ardent friend of Thomas Jefferson." At that time both the local probate judge and county clerk were staunch federalists, and were therefore not inclined to favor anyone of a different political color.¹¹

Not to be outdone by his political opponents in Indiana, he shook the dust of Lawrenceburg from his feet, crossed the Ohio river to the Kentucky side and located on a certain Judge Piatt's farm. Dissatisfied with his selection, "he constructed a huge canoe, and loading his few household goods and family into it he floated down the river to Carrollton." However, he was so much disgusted "with the first sight of the town that he returned to Boone county and located directly opposite . . . Lawrenceburg . . . at a place then called Touseytown." Two years later the family again moved, this time to Burlington, the county seat of Boone county. Here Lane was admitted to the bar, and practiced law until 1814.¹²

But Amos Lane was not destined to remain a citizen of Kentucky. The political situation in his former home in Indiana had changed, and the opportunity which was once refused him seemed to present itself again. Therefore he returned to Lawrenceburg in 1814, and renewing his effort, was readily admitted to the bar of Dearborn county.¹³

Amos Lane soon gained recognition as an able criminal lawyer.¹⁴ In 1815 he was appointed prosecuting attorney for Dearborn county, and served until 1823.¹⁵ As was customary in those days he traveled the circuit, as the migratory court rotated from place to place. He was appointed prosecuting attorney for the third judicial district in 1826, but it seems he did not retain this position very long.¹⁶

In 1816 he was elected to the lower house of the first state legislature of Indiana,¹⁷ and was soon recognized as a political leader of ability. That he took an active part in debate is revealed by a perusal of the pages of the House Journal during the sessions that he was a member. It is a conservative estimate to say that he introduced more bills than any other member of the legislature. Procedure in the early sessions was expedited by means of special committees, and Lane's name appeared on almost every one appointed. On

11. O. F. Roberts: "The Lane Family," in *Kansas Historical Collections*, XVI, 29. This sketch was written by Judge O. F. Roberts, of Aurora, Ind., and addressed to the editor of the *Boone County* (Ky.) *Recorder*, September 17, 1881. The letter was written to correct an alleged inaccurate and unjust sketch published in the *Missouri Republican*, signed "Dulcamara."

12. *Ibid.*

13. *Ibid.*, 30.

14. He distinguished himself in the case of the *State v. Amasa Fuller*, March, 1820, tried and convicted for the murder of Plamer Warren. Lane and John Test served as counsel for the state.—Leander J. Monks, ed.: *Courts and Lawyers of Indiana* (Indianapolis, 1916), I, 155. See, also, a *Sketch of the Life and Public Services of Hon. James H. Lane*. This pamphlet is a campaign document published in 1864, when Lane was a candidate for reelection to the United States senate. Its author was probably John Speer. It is inaccurate in many respects. For instance, it states that Lane was born in 1822, instead of eight years earlier. It also records his birthplace as Boone county, Kentucky.

15. *Indiana Palladium*, March 12, 1831.

16. In an "Appeal" to the people of Indiana, September 24, 1830, Lane said: "At one time you have seen the whole power of legislation exerted, at the expense of the people, in violation of their unanimous voice, in legislating him out of the office of prosecuting attorney of the third judicial circuit." *Indiana Palladium*, October 2, 1830.

17. *House Journal*, 1816, 3, 6. The legislature met at Corydon, the capital of the state from 1816 to 1825.

one day the speaker¹⁸ selected five such committees, and Lane was chairman of four of them.¹⁹

Again in 1817 Amos Lane was elected to represent Dearborn county in the state legislature.²⁰ His record of the previous year won for him the speakership of the house,²¹ and he discharged his duties with the ability of a veteran. Years later, in 1839, he served another term in the lower house,²² and was chairman of the committee on canals and internal improvements.²³ At that time this was one of the most important assignments, for three years earlier Indiana had inaugurated a program of railroad and canal building, which had resulted in a miserable failure.²⁴ In his report as chairman of the committee he urged that every citizen "double his industry" and "observe the most rigid economy in expenses" in order that the state's debt might be paid, and her honor and credit restored.²⁵

With the dissolution of the Jeffersonian Republican party Amos Lane supported Adams and Clay, but after the election of 1828 he declared for Jackson.²⁶ From then until his death in 1849 he was the leading spirit in the Democratic party in southeastern Indiana. In 1833 he was chosen to represent the fourth district in congress,²⁷ and was reelected two years later.²⁸ As a member of the house he was an ardent champion of Andrew Jackson, "and won the title of 'The Wheel Horse,' so . . . zealously did he defend the hero of the Hermitage."²⁹

The elder Lane's leadership in congress was comparable in many respects to his career in the state legislature. During his first term he served as a member of the committee on post offices and post roads,³⁰ and during his second term on the committee for the District of Columbia.³¹ He was a convincing speaker and ably argued against the "Bank" and "Distribution of the Proceeds," while he gave administration measures his undivided support. However, some of his most forceful speeches were made in favor of the "Deposit" bill, which though championed by Calhoun, received the sanction of the president.

"As a popular orator," wrote Judge O. F. Roberts, of Aurora, Ind., "Amos Lane had but few if any equals in the West, Corwin and Clay only excepted. He was full six feet high, of erect and commanding stature, and possessed a

18. Isaac Blackford, later a judge of the Indiana supreme court, was speaker of the first house of representatives.—*Ibid.*, 4.

19. *Ibid.*, 16, 17. The committees of which Lane was chairman were: (1) a committee to consider that part of the governor's message relating to the revision of the laws of a general nature; (2) a committee to consider that part of the governor's message relating to the passage of a law preventing the unlawful seizing and carrying away from the state of free negroes; (3) a committee to consider that part of the governor's message recommending a law providing that justices of the peace shall discharge their duties more regularly; (4) a committee to consider that part of the governor's message recommending that crimes be punished in proportion to the enormity of the offense.

20. *Idem*, 1817-1818, 3.

21. *Ibid.*, 4.

22. *Idem*, 1839, 3.

23. *Ibid.*, 30.

24. Esarey, *op. cit.*, I, ch. 16.

25. House Journal, 1839, 737. Complete report, 721-738.

26. *Indiana Palladium*, December 15, 1829, March 12, 1831.

27. *Indiana Palladium*, August 24, 1833.

28. *Indiana Palladium*, September 26, 1835.

29. Roberts, *loc. cit.*, 30.

30. *Cong. Globe*, 23 cong., 1 sess., 17, 18.

31. *Id.*, 24 cong., 1 sess., 21.

voice of remarkable force and power. . . . His language was ready and fluent, and being master of invective in a marked degree, woe the man who incurred his displeasure. He had full blue eyes which were very expressive under all circumstances, but when he was aroused by feelings of emotion they were positively piercing. He could express more indignation and bitterness by his manner of speaking than any man I ever heard before an audience. When on the hustings and was dealing in sarcasm and bitterness towards his political adversaries . . . he has been heard to grit and grind his teeth together fifty yards. . . . Instantly changing his manner, his voice would become soft and mellow, coupled with the most touching tones, that would draw tears from many of his hearers."³² It was because of Amos Lane's remarkable oratorical ability that he exerted such an influence upon the people of southeastern Indiana. In his generation it was the spoken word, not the printed page, that guided thought and aroused enthusiasm.

The elder Lane's ability as a public speaker is revealed by a story related by Roberts. In 1844 he "heard Lane deliver one of his powerful philippics against the Whig party" at Wilmington, the old county seat of Dearborn. "All day long the Democrats had been toiling to raise a pole. Twice it had broken and as often had been spliced. The Whigs, naturally enough, taunted the Democrats with their bad luck, but finally, about ten o'clock at night, patience triumphed and a Polk and Dallas flag waved from the pole. Lane was the orator of the occasion. He was then old, but the taunts of the Whigs aroused the fire of youth in the old man. Lane took his stand in the country farm wagon that stood by the side of the street. . . . I can see that grand old man as he stood there before that audience of spellbound spectators, with his white locks being waved in the monlight by the evening breeze, giving utterance to some of the most eloquent periods that ever fell upon the ears of a Hoosier assemblage. It abounded in sarcasm, wit, pathos, poetry, legal lore and statesmanship, carrying conviction to the hearts of all who heard him."³³ Well might it be said of him that "he commanded an eloquence that could raise a hurricane or melt his audience to tears."³⁴

Like a great many frontier families, that of Amos and Mary Lane reached large proportions. To them were born seven children, six of whom reached maturity.³⁵ In addition to the subject of this study, two of them deserve special attention. The eldest son, John Foote Lane, was born at Touseytown, Ky., December 24, 1810. He entered West Point at the age of thirteen and graduated four years later. He studied law in the office of William Wirt, but like his brother James, his disposition was of too restless a nature to permit him to practice his profession. He organized and commanded a regiment of

32. Roberts, loc. cit., 30.

33. Ibid., 30, 31.

34. Shaw, op. cit., 347.

35. William, the youngest son, died at an early age. The three daughters married men of high standing—Arthur St. Clair, George P. Buell, and Judge Huntington. See James H. Lane's "Autobiography," published in the *Kansas Crusader of Freedom*, February 3, 1858. This paper, published at Doniphan by James Redpath, was discontinued after the first chapter appeared, and no more chapters were ever published. The sketch was quoted by the *New York Times*, February 19, 1858. Lane's purpose in writing it was stated in the introductory paragraph: "At the earnest solicitation of my friends, and in order to vindicate the character of gallant soldiers who have fought with me in Mexico and Kansas, and more especially to do justice to the real actors in the struggle against federal and Missouri usurpation in the territory, I have consented to write a narrative of my life in which I shall endeavor to embody a history brief, but faithful, of the events with which I have been connected or associated in an official capacity."

educational opportunity, and Mary Foote had had the advantages of attending one of the foremost schools for girls.⁴¹ Her attainment in literature was considerably above that of most women of her time. It was said that she wrote well in both prose and poetry. The mother of seven children and never rich, Mrs. Lane devoted her efforts to raise her family in such a way that they might occupy places of honor and respectability.⁴²

To a large extent Lane was a product of the frontier. Two years after his birth, Indiana was admitted into the Union, but colonial conditions still persisted. The sixty-three thousand people who in 1816 constituted the population of the state lived within thirty miles of the Ohio, or up the White-water and Wabash valleys. In this primitive society, rude but alluring, the earmarks of a man were courage, perseverance, self-reliance, resourcefulness. As William E. Connelley, a biographer of Lane, so well says: "In such a frontier schooling did Lane become familiar with the motives and forces that move men—especially frontiersmen. The exaggerated style of speech, the boisterous and aggressive manner, the personal courage, the iron constitution, the remarkable and tireless persistency in the prosecution of an enterprise once engaged in—these were the inheritance from his environment on the frontier. . . . In this same school was Lincoln learned, and one of the reasons for the strong attachment between these two most remarkable men was their graduation from the frontier life of southern Indiana."⁴³

But if educational advantages were limited, it must not be supposed that Lane was ignorant of the "fundamentals." Fortunately, his mother possessed the requirements of a school teacher. While the family lived at Touseytown, Mrs. Lane opened a school and at one time had enrolled seventy pupils.⁴⁴ Later at Lawrenceburg, Lane records, "While his father traveled the circuit, his mother, in addition to her family duties, kept boarders and taught school at her own cabin. She superintended his education, which she had begun, after he had passed to other tutors, with prayerful and never-flagging solicitude."⁴⁵

It is probable that his mother imparted to him something besides the fundamentals of knowledge. Constant care and diligence in the management of her family, the tenderness of her spirit, and her noble aspirations, all had their effect upon the boy. Burdened as Mrs. Lane was with other duties, she did not neglect the spiritual side of life in rearing her family. She was an active member of the Methodist Episcopal Church, and the Christian spirit permeated her home. The year preceding her husband's death she persuaded him to become a member, and he was frequently seen in that meeting place "bowed as an humble penitent at the altar of prayer."⁴⁶ But Mrs. Lane was especially interested in the welfare of her youngest son. During her last

41. Speer: *Life of Gen. James H. Lane*, 11.

42. Lane said that she was "a woman of rare gifts and acquirements, a fine poet and a model wife and mother."—*Crusader of Freedom*, February 3, 1858.

43. Connelley: *James Henry Lane*, 40.

44. *History of Dearborn and Ohio Counties*, 277, 278.

45. *Crusader of Freedom*, February 3, 1858.

46. *Weekly Indiana State Sentinel*, September 13, 1849.

years while he was a member of congress, her letters indicate that she was still encouraging him to lead a religious life and attend church regularly.⁴⁷

On November 29, 1841, Lane married Miss Mary E. Baldrige, of Youngstown, Pa., a daughter of William T. Baldrige, and a granddaughter of Gen. Arthur St. Clair.⁴⁸ Her husband described her as a woman of pleasing manners and great personal charm. To them were born four children, Ellen, James H., Jr., Anna and Jane. The family lived happily together until Lane resolved to emigrate to Kansas. Mrs. Lane and the children accompanied him from Washington to Lawrence, Kansas territory, where they "squatted" on a claim adjoining that settlement and built a log cabin. "Accustomed to the conveniences and refinements of a city life," Lane explained, his wife "found it difficult to endure the hardships, annoyances, and inconveniences of a pioneer's lot." She desired to return to her home in Indiana, but Lane determined to remain in Kansas. An estrangement and divorce resulted,⁴⁹ but according to the testimony of the husband, there were no "acrimonious feelings on the part of either."⁵⁰

Several years before his marriage Lane entered business with his brother-in-law, George P. Buell. The firm, known as "J. H. Lane & Co.," advertised "for sale, in addition to Dry Goods, &c., *Whiskey, Flour, & Salt, by the barrel*, all of which will be sold low for Cash or produce."⁵¹ The partnership was dissolved "by mutual consent" in 1836.⁵² In his "Autobiography" Lane says that "for thirteen consecutive years [he] was industriously engaged in commercial pursuits—packing pork, slaughtering hogs, selling goods, building, speculating and forwarding produce down the river."⁵³ He himself made several trips to New Orleans in a flatboat. But Lane was not destined to remain a merchant. His peculiar bent of mind demanded that he be a leader of men, and the life of a pork packer did not bring him the proper opportunities.

While he was still engaged in business young James studied law in his father's office, and at the age of twenty-six was admitted to the bar.⁵⁴ He practiced in partnership with his father for some time, but the profession was too confining to permit him to follow it through life. Nevertheless, it led him into politics, and politics directed him to Kansas territory where opportunity for leadership awaited.

47. Mary Lane [his mother] to James H. Lane, November 25, 1853; Mary Lane [his mother] to James H. Lane, December 4, 1853, in Lane papers. (Copied from James H. Lane's papers in possession of his daughter, Mrs. Anna Lane Johnson, by William E. Connelley. The copies are in the private library of Mr. Connelley at Topeka, Kan.)

48. William T. Baldrige to James H. Lane, December 18, 1841, in Lane papers.

49. Papers relating to the divorce, granted to Mrs. Lane in Indiana, were published in the *Lecompton Union*, August 30, 1856.

50. *Crusader of Freedom*, February 3, 1858.

51. *Indiana Palladium*, December 8, 1832.

52. *Indiana Palladium*, January 16, 1836.

53. *Crusader of Freedom*, February 3, 1858.

54. Shaw, op. cit., 347.

CHAPTER II.

A COLONEL IN THE MEXICAN WAR.

FROM the dull pages of "Coke on Littleton" Lane turned to a task for which he was far better adapted. In the spring of 1846 the United States became involved in a war with Mexico, and as colonel of the Third Indiana regiment of volunteers he served with marked ability for one without previous military training or experience. More important, however, is the fact that while campaigning in Mexico he was building a foundation for that more remarkable career which began in Kansas a decade later.

Three days after congress declared war, President Polk made a requisition upon the state for three regiments of volunteers.¹ Indiana was by no means prepared to meet this requirement, for during the thirty years of peace following the treaty of Ghent, and especially after the Black Hawk war of 1832, the military system gradually decayed to the point of almost total dissolution.² The adjutant general ceased to make reports to the ordnance office of the United States,³ because there was nothing to report. True, the need was felt for a reorganization of the state militia, and in 1843 an act was passed amending the law of 1831.⁴ But when the requisition reached Governor James Whitcomb⁵ on May 21, 1846, he had not a single regiment that could be called out, for the plain reason that none existed.⁶ To add to the discomfiture of the situation neither the commander in chief nor the adjutant general, David Reynolds, knew the first principles of military organization.⁷

But while Governor Whitcomb was lacking in experience, his energy and initiative were unsurpassed.⁸ On May 22, the day after he received the requisition from the Secretary of War, he issued a proclamation calling for the organization of the regiments and designating New Albany as a rendezvous.⁹ In view of the fact that the militia system was in such disorder, the appeal had to be made to the individual patriotism of the state.¹⁰ Within a month after the governor's proclamation was issued an army of 2,553 men was recruited and assembled on the banks of the Ohio at Camp Clark.¹¹ But the excitement of the people had become so intense that within seven days after

1. Documentary Journal of the General Assembly of Indiana, 1846, pt. II, 7.

2. Ibid. See, also, *Indiana State Sentinel*, June 17, 1846.

3. Esarey, op. cit., I, 497.

4. Laws of Indiana, 1843, 17-26.

5. Governor of Indiana, 1843-1849.

6. Documentary Journal, 1846, pt. II, 7. There were a few companies of organized militia, but the state had no record of them.

7. Lew Wallace: *An Autobiography* (New York, 1906), I, 108.

8. The details of a plan for calling volunteers were formed in less than a day, and the governor was tireless in his efforts to see that the soldiers were properly cared for. In addition he answered all of his correspondence, for the office of private secretary had been abolished immediately after James Whitcomb became governor.—*Indiana State Sentinel*, June 17, 1846.

9. *Indiana State Sentinel*, May 23, 1846; *Indiana State Journal*, May 27, 1846.

10. Documentary Journal, 1846, pt. II, 7.

11. Ibid., 8.

Indiana's quota of thirty companies was raised twenty-two others tendered their services.¹²

The enthusiasm of the state is easily explained. The people of the Northwest, like those of the South, were expansionists. It was they who had made possible the annexation of Texas,¹³ and they were now ready to furnish volunteers. Adventurous and aspiring sons of southern Indiana had gone to Texas and established homes; others had come in contact with the gulf country by means of the flatboat trade with New Orleans. Lane himself had made several trips down the Mississippi river and thus acquired an interest in the territory to the southwest. Furthermore, he had supported Polk in the campaign of 1844, and the duty devolved upon him to assist the Democratic party in redeeming its expansionist pledges. Finally, and most important, Lane was ambitious, and many young Americans had been crowned with laurels because of successful military careers.

By the governor's proclamation any citizen of the state was given the privilege of raising a company of volunteers. But even before the President's requisition reached Indianapolis, James H. Lane, then in his thirty-second year, organized and equipped a company¹⁴ in his home county.¹⁵ This group of young farmers and mechanics from Dearborn unanimously elected him captain. The company was commissioned in June, 1846, the first to be accepted by the governor.¹⁶ Ten days later they embarked on the *Pike No. 7* for New Albany.

According to general orders issued by the adjutant on June 4, 1846, the thirty companies required of Indiana were to be formed into three regiments after all had reached Camp Clark.¹⁷ But the commandants were unable to effect an organization, and at a joint meeting, requested the assistance of the governor.¹⁸ After he had finally succeeded in making a rather arbitrary arrangement the officers and privates proceeded to elect the regimental field staffs, consisting of a colonel, a lieutenant colonel, and a major.

James H. Lane was elected colonel, William A. McCarty, lieutenant colonel, and Willis A. Gorman, major, of the regiment to which the Dearborn county volunteers were assigned. James P. Drake and Joseph Lane, later brigadier general of the Indiana brigade, were elected colonels of the other two regiments.¹⁹ Some excitement prevailed before and during these elections, and the Whigs charged the governor with knowing how to take care of his political

12. Isaac Smith: *Reminiscences of a Campaign in Mexico* (Indianapolis, 1848), 5; Shaw, op. cit., 290.

13. In the campaign of 1844 Polk openly advocated the annexation of Texas, while Clay attempted to straddle the issue. Three states of the Northwest, Indiana, Illinois, and Michigan, as well as various Southern states, went Democratic.

14. The number of privates in each company was limited to eighty, which with one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, and two musicians, made a total of ninety-three. Each soldier provided his own clothing and his transportation to the rendezvous.—General orders, No. 1, issued by the adjutant general, June 4, 1846, quoted in the *Indiana State Sentinel*, June 6, 1846.

15. *Crusader of Freedom*, February 3, 1858.

16. *Indiana State Sentinel*, June 10, 1846.

17. Frequently designated as Camp Whitcomb.

18. *Indiana State Journal*, July 1, 1846; *Indiana State Sentinel*, July 1, 1846; Smith, op. cit., 6. The regiment in which Lane's company was placed consisted of the Johnson County Volunteers, Brown County Blues, Shelby Riflemen, Monroe Guards, Bartholomew Volunteers, Dearborn Volunteers, Switzerland Riflemen, Washington Guards, Madison Rifles, and the Clark Guards.

19. *Documentary Journal*, 1846, pt. II, 8-10.

favorites.²⁰ On the evening of the election, the colonels-elect, holding commissions of even date, determined the numbers of their regiments and their own rank by lot, drawn in the presence of the governor and adjutant general. James P. Drake became colonel of First regiment, Joseph Lane²¹ of the Second, and James H. Lane of the Third.²²

Camp life at New Albany and the trip down the Mississippi seemed fascinating to the adventurous Hoosiers who had not yet tasted the real hardships of war.²³ The volunteers were mustered into the service on June 19, and after spending about two weeks learning the rudiments of military science, all three regiments embarked for Mexico by the 12th of the following month.²⁴ A few days later they arrived at Jackson's battle ground near New Orleans, where they waited on the muddy slime of that historic field for transports to take them across the gulf.²⁵ By the last of July all of the troops succeeded in making a landing at Brazos Santiago.²⁶ From here the brigade moved to Camp Belknap, opposite Barita, eight miles from the mouth of the Rio Grande. The selection of this site for a camp was unfortunate, for a few days after the volunteers arrived the river overflowed its banks, and no fresh water could be obtained except by wading a muddy pond half a mile wide. This caused considerable sickness among the soldiers "and the dead march was heard nearly every day."²⁷

In the early part of October the Third regiment was ordered to Matamoras. A month later General Patterson issued marching orders to Gen. Joseph Lane, recently promoted from colonel to brigadier, instructing him to proceed to Monterey with the entire Indiana brigade.²⁸ But when he reached that city General Taylor ordered the first Indiana back to the mouth of the Rio Grande, while the Second and Third regiments continued the march to Saltillo,²⁹ the latter reaching camp on December 30 and the former two days later. General Lane was assigned the command of Saltillo, and the two regiments were ordered to occupy that place.³⁰ News was received that the Mexicans under Santa Anna were advancing rapidly, and General Taylor began to concentrate his forces in preparation for an attack.

The battle of Buena Vista began on the morning of February 22, 1847. Outnumbered almost four to one, Taylor's army of volunteer soldiers with-

20. Lew Wallace, *op. cit.*, I, 116. Wallace lists the brigadier and two of the colonels as Democrats, but says that James H. Lane was a Whig. How he made the mistake cannot be explained, for even though Lane was obscure in politics at this time, his father was a prominent Democrat and rigid partisan. See, also, Esarey, *op. cit.*, I, 500, note 15.

21. After Joseph Lane was promoted to the brigadier generalship of the Indiana brigade, William A. Bowles became colonel of the Second regiment.

22. *Indiana State Journal*, July 1, 1846.

23. See letters from A. F. Morrison, quoted in the *Indiana Democrat*, June 26, 1846, July 3, 1846. From the time the regiment left New Albany until it arrived at Brazos Santiago, nine men were lost.

24. *Documentary Journal*, 1846, pt. II, 10.

25. *Indiana State Sentinel*, August 14, 1846.

26. For a description of the trip across the gulf, see an article in the *Brookville American*, August 21, 1846, quoted in Oran Perry: *Indiana in the Mexican War* (Indianapolis, 1908), 83, 84. The latter is a compilation, chiefly of newspaper accounts, made by the incumbent in the adjutant general's office in 1908.

27. Smith, *op. cit.*, 7.

28. Smith, *op. cit.*, 30.

29. The march to Saltillo is described in the diary of a private in J. H. Lane's regiment, "L. B. McK.," published in the *Tri-weekly Indiana State Journal*, March 17, 1847. It includes entries for December 8, 9, 12, 13, 15, 17, 23, 30, 31, 1846, and January 12, 1847.

30. Smith, *op. cit.*, 38.

stood the successive attacks of Mexican lancers with the steadiness of seasoned veterans. While the forces of Santa Anna gained the initial advantage by seizing a threatening position, the peculiar nature of the battle ground favored the American army.³¹ It was a section of rugged valley averaging about three miles in width, between mountain walls rising a thousand feet high. On either side the slopes were cut by deep ravines and gullies, each opening upon the plateau in the center, through which ran a road parallel with the stream that drained the valley. Taylor placed his men in groups on the bluffs of the eastern mountain, and at the front or southern edge of the plateau. The numerous engagements of the battle centered about Washington's battery which Gen. John E. Wool stationed across the road at the Angostura pass, the narrowest point between the two mountains. The Third Indiana was detached from the brigade and posted on a hill at the roadside in the rear of the battery, and overlooking the path by which the enemy had to advance.³² In this position Col. James H. Lane's regiment remained for the rest of the day and the night of the 22d.

On the following morning the Third Indiana was held in reserve while the battle raged on the plateau. But about the middle of the morning a large force of Mexican cavalry and infantry engaged the Mississippi Rifles under Col. Jefferson Davis; and while the latter fought valiantly, they were beginning to fall back before the tremendous numbers of the enemy.³³ Colonel Lane was now ordered to form a junction with the Mississippi regiment and a portion of the Second Indiana, which, after having been repulsed, had been rallied and attached to the Mississippi Rifles.³⁴ The combined forces, consisting of about nine hundred men, two-thirds of whom were Indiana volunteers, contributed no small amount toward the success of American arms in this important battle.³⁵ Round for round of ammunition was exchanged until an order to cease firing was received from General Taylor. This order was given because a white flag had been sent forward by the enemy, but it was soon discovered that this was a piece of strategy employed by the Mexicans to enable their hard-pressed infantry to cross the river and join the main army, so the nine hundred resumed the battle.

At this juncture the Mexicans concentrated a heavy force of lancers, preparatory for a desperate charge.³⁶ The Mississippi Rifles with a portion of the Second Indiana were moved back a few paces to the mouth of one of the ravines, occupying the extreme left of the American line, while the Third Indiana and the remainder of the second occupied a position on the slope of an adjoining ravine to the right of Rifles.³⁷ The lancers charged obliquely, evidently with the purpose of neutralizing the effect of the musketry, but Colonel Lane quickly ordered two of his companies who were in the direct path of the oncoming horsemen into such a position that they could receive

31. For a description of the battle ground, see Edward Channing; *History of the United States* (New York, 1905-), V, 593-598.

32. *Indiana State Sentinel*, August 18, 1847. This issue gives the full text of Colonel Lane's report of the battle of Buena Vista. His report was also published in the *Tri-weekly New Albany Democrat*, August 19, 1847.

33. Gen. Joseph Lane's supplemental report.—*Indiana State Sentinel*, June 19, 1847.

34. Smith, *op cit.*, 51.

35. *Indiana State Sentinel*, June 9, 1847.

36. Smith, *op cit.*, 52.

37. *Indiana State Sentinel*, August 18, 1847; *Tri-weekly New Albany Democrat*, August 19, 1847.

them squarely. The enemy was permitted to approach within twenty-five paces before the command was given to fire. The lancers were repulsed and fled to the cover of their battery, while the infantry that had been sent to support them dispersed among the mountains.³⁸

This defeat of the cavalry charge was a spectacular achievement, and credit should be given both to the Mississippi Rifles and the Indiana volunteers. As a direct result of this engagement fame came to Jefferson Davis, while General Taylor, in his official report, barely mentioned the participation of the Hoosier regiments. But in evaluating the services of the two colonels, Davis and Lane, it should be remembered that it was a portion of the Third Indiana that received the direct charge of the Mexican cavalry, whereas the Rifles were so far to the left that they could fire only obliquely.³⁹

About the middle of the afternoon of the 23d the attention of General Lane was attracted to heavy firing in the center of the field, and his command was ordered in that direction. Colonel Lane's regiment was the first to arrive on the scene of action, where a large force of the enemy was pursuing three or four hundred of the Illinois volunteers, who were retreating to the rear of Washington's battery.⁴⁰ Santa Anna had made a last desperate attack upon the first and Second Illinois and the Second Kentucky regiments, and because of overwhelming numbers, had repulsed them. The Kentucky volunteers had retreated down a ravine to the front of the American battery, while portions of the Illinois regiments, which had become separated from the main body, were retreating to its rear. After a brisk engagement the Mexicans were driven back. Had reinforcements not arrived at the critical moment, and had the enemy been allowed to follow up its success to the rear of the battery at the same time the latter was engaged in repulsing the masses of Mexicans pursuing the Kentucky regiment in its front, it is doubtful if the battery could have escaped capture.⁴¹

This last struggle terminated the battle of Buena Vista. The Third Indiana was now separated from the two regiments with which it had been associated, and remained during the night of the 23d in the most advanced position on the field.⁴² Early the following morning Santa Anna retired and left the American forces in undisputed possession of northeastern Mexico.

After the battle of Buena Vista there was little prospect that the volunteers would again meet the enemy before their term of service expired. Under such conditions many became discontented, and there was a tendency for them to grow careless and neglectful. But Colonel Lane addressed his command, emphasizing the necessity of maintaining discipline and morale. "His remarks had the desired effect" and the Third regiment retained its military efficiency during the remainder of the period of service.⁴³

The battle of Buena Vista was by far the most important engagement in which James H. Lane and the Third regiment participated, and the one in which he, like Jefferson Davis, gained his reputation as a military leader. The latter was a West Point graduate, had spent some years in the service in the

38. *Madison Courier*, May 29, 1847, quoted in Perry, op. cit., 170-172.

39. Smith, op. cit., 52.

40. *Indiana State Sentinel*, August 18, 1847; *Tri-weekly New Albany Democrat*, August 19, 1847.

41. *Madison Courier*, May 29, 1847, quoted in Perry, op. cit., 170-172.

42. *Tri-weekly New Albany Democrat*, August 19, 1847.

43. Smith, op. cit., 65.

Northwest, and had acquired experience in the Black Hawk war. On the other hand, Colonel Lane knew nothing of the technique of warfare before 1846. When the Indiana brigade was mustered into the service not one of the elected officers could lead his regiment "through the manual of arms."⁴⁴ But Colonel Lane was an ambitious young officer, and applied himself to the task before him with remarkable success. Officials of the regular army were reported to have said that the Third Indiana regiment was as well drilled as any in the volunteer service. Aside from West Point graduates, Colonel Lane was regarded as one of the most skilled tacticians in Mexico.⁴⁵ When under fire he remained calm, and directed the movement of his regiment with precision and efficiency. As a result of his diligent application he won for himself the honor of being colonel of the "Steadfast Third," a regiment that never retreated.⁴⁶

The citizens of the state hoped that ranking officers would approve the conduct of the Indiana regiments in the battle of Buena Vista.⁴⁷ They were greatly disappointed when General Taylor not only reported adversely on the behavior of the Second Indiana, but also failed to give the Third regiment the credit they believed it deserved.⁴⁸ Respecting the contributions of the Mississippi Rifles commanded by his son-in-law, General Taylor said: "The Mississippi riflemen under Colonel Davis were highly conspicuous for their gallantry and steadiness, and sustained throughout the engagement the reputation of veteran troops. Brought into the action against an immensely superior force, they maintained themselves for a long time unsupported and with heavy loss, and held an important part of the field until reënforced. Colonel Davis, though severely wounded, remained in the saddle until the close of the action. His distinguished coolness and gallantry at the head of his regiment on this day entitle him to the particular notice of the government."⁴⁹ In contrast to this laudatory estimation of the services of Jefferson Davis, his reference to the Indiana regiments was conservative and terse: "The Third Indiana regiment under Colonel Lane, and a fragment of the Second, under Colonel Bowles, were associated with the Mississippi regiment during the greater portion of the day, and acquitted themselves creditably in repulsing the attempts of the enemy to break that portion of our line."⁵⁰

Furthermore, in Taylor's account of the last great struggle of the battle in which the two Indiana regiments and the Mississippians figured so conspicuously, his evaluation of their services again reveals partiality: "In the meantime the rest of our artillery had taken position on the plateau, covered by the Mississippi and Third Indiana regiments, the former of which reached

44. Esarey, op. cit., I, 506.

45. Letter from Maj. Willis A. Gorman, Third Indiana regiment, to the editor of the *Indiana Democrat*, quoted in *Indiana State Sentinel*, November 14, 1846.

46. *Tri-weekly New Albany Democrat*, August 19, 1847. Smith, op. cit., 76, says: "The 3d Indiana regiment, Washington's battery, and the Illinois riflemen, under Captain Crow, were the only corps that never retreated."

47. Gen. Joseph Lane thus evaluated the services of the Third: "Col. J. H. Lane and the 3d regiment of my command were ordered into the action soon after Colonel Davis; and the coolness and bravery displayed by both the officers and men of that regiment have rarely been equaled—never surpassed—by any troops of any time. They have done infinite honor to the state and nation that gave them birth."—Quoted in Smith, op. cit., 74.

48. *Tri-weekly Indiana State Journal*, May 21, 1847; *Tri-weekly New Albany Democrat*, July 8, 1847.

49. The text of General Taylor's report was published in the *Vincennes Western Sun and General Advertiser*, May 1, 1847; *Indiana State Sentinel*, April 28, 1847.

50. *Vincennes Western Sun and General Advertiser*, May 1, 1847.

the place in time to pour a fire into the right flank of the enemy, and thus contribute to his repulse."⁵¹ He not only omitted the fact that the fragment of the Second was associated with the Mississippi regiment, but accepted the statement of Colonel Davis relative to the respective contributions of the Rifles and Third Indiana. Believing that the report of General Taylor was unjust, twenty-one officers of the "Steadfast Third" signed a statement⁵² that in the last engagement, when the Kentucky and Illinois volunteers were repulsed, the Third Indiana "was the first regiment that arrived on the ground, and gave the enemy two discharges of musketry before any other regiment arrived."⁵³

Such was the relative importance of the two regiments in General Taylor's estimation. The "Steadfast Third," a regiment that never retreated, one which contributed in changing two temporary reverses into brilliant achievements, is represented to have acted only "creditably." Even after Gen. Joseph Lane had made a supplemental report, and numerous letters had been written to General Taylor, advising him to alter his report concerning the Indiana volunteers, he refused to revise his original estimation.⁵⁴ This in part accounts for the fact that in the election of 1848 Indiana gave a majority to Lewis Cass.⁵⁵

In the latter part of May, 1847, the Second and Third Indiana regiments left Buena Vista for New Orleans. By the middle of July all of the volunteers from the state arrived home and were met with welcome receptions of hearty congratulations and cannon salutes.⁵⁶ During the next few months a series of barbecues and festivals were given in nearly every county that furnished volunteers. The Democracy of Indiana as well as the Whig party used this method of jockeying for political position, and on a great many occasions heroes of Buena Vista were the speakers of the day. Colonel Lane addressed a number of such audiences and always proved to be a popular orator.⁵⁷ At a meeting of the Democrats of Indianapolis on the evening of July 24, 1848, a resolution was adopted which hailed him as the gallant colonel of the "Invincible Third—the only regiment at Buena Vista that never wavered nor faltered."⁵⁸

51. *Vincennes Western Sun and General Advertiser*, May 1, 1847.

52. Appended to Colonel Lane's report.

53. The certified statement continued: The "Third Indiana regiment was on the left of the line nearest the enemy, about one hundred yards distant; and here the Third regiment lost more men than during the rest of the day; and here fell the last man that was killed at 'Buena Vista.'" Gen. Joseph Lane, in another certificate, says: "The Third Indiana regiment got up the hill in advance of all others and opened the fire. The Second Indiana came up next and the Mississippians last." Both of these certificates were appended to Colonel Lane's report, and were published in the *Indiana State Sentinel*, August 18, 1847; *Tri-weekly New Albany Democrat*, August 19, 1847.

54. For the documents relating in particular to the controversy over the conduct of the Second Indiana regiment, see Perry, op. cit., 300-321.

55. In this campaign, Lew Wallace, heretofore a Whig, refused to support Taylor because of his attitude toward the Indiana volunteers, and helped edit a free-soil paper.—An Autobiography, I, 201-205. *The Sentinel*, a leading Democratic paper of the state, made Taylor's adverse criticism a leading issue in the campaign.

56. *Indiana State Journal*, July 6, 1847; *Madison Courier*, July 10, 1847, quoted in Perry, op. cit., 206.

57. *Madison Courier*, July 17, 1847, quoted in Perry, op. cit., 208; *Greenfield Investigator*, October 11, 1847, quoted in *ibid.*, 230, 231. The latter account reported: "We never listened to a speech of greater interest. It was an honor to the speaker's head and heart and told that he was earnest in his purpose, that he was a patriot in name, feeling, principle and everything. He spoke and conviction seized upon his hearers; no bombastic words, no far-fetched illustrations marked his speech, but plainness and truth, and the consequence was the people believed him."

58. *Indiana State Sentinel*, July 26, 1848.

However, Lane's career in Mexico was not finished. Soon after his return he made application to the War Department for permission to raise a fifth⁵⁹ regiment of volunteers.⁶⁰ On August 26, 1847, he was authorized to organize such a regiment of infantry, "to be formed wholly or principally from the officers and men" who had already seen service in Mexico.⁶¹ Once more the patriots of Indiana volunteered and in three weeks' time ten companies were raised and accepted.⁶² The new regiment rendezvoused at Madison and on October 22 elected their field officers. Naturally James H. Lane was chosen colonel.⁶³

On the day preceding departure the regimental colors were presented by the adjutant general, David Reynolds, who praised the record made by the Indiana volunteers in the recent campaign.⁶⁴ Colonel Lane responded on behalf of the soldiers and pledged their honor to return the colors untarnished. The Fifth regiment embarked for Vera Cruz the last day of October. Upon arrival it proceeded to Mexico City under the order of General Butler. But unlike the "old Third" Lane's new regiment had no opportunity to gain distinction upon the battlefield. Its behavior, however, gave further proof of Lane's ability as a military leader.⁶⁵ It "was celebrated for its perfection in drill, its strict discipline, and uniform good conduct."⁶⁶ Not a single individual had to be "punished by sentence of court-martial," for all seemed "to be moved by a desire to sustain the honor of the state."⁶⁷ Upon their return to Indiana the receptions given them were as ceremonious as those in honor of the heroes of Buena Vista. Lane lost no opportunity to address such meetings, an evidence that he already had political aspirations.

Colonel Lane was a popular commander and held the admiration and respect of all the soldiers included in the regiments he commanded. Before dispersing the officers and men of the Fifth Indiana raised money by popular subscription to purchase a sword for their revered colonel.⁶⁸ It was presented to him in the hall of the house of representatives at Indianapolis on the evening of January 8, 1849, at a meeting of the Democratic state convention.⁶⁹ Lane prized the gift very highly, for it was emblematic of the fidelity and faith of the men under his command. He carried it to Kansas, where he is said to have found use for it against the "border ruffians" from Missouri. The sword was in his house at Lawrence, Kan., when Quantrill raided that town, and it

59. The Fourth regiment of volunteers had been organized on June 16, and departed for Mexico on the 27th. It was commanded by Col. Willis A. Gorman.

60. J. W. Mason to James H. Lane, August 26, 1847, in Lane Papers.

61. Governor's proclamation, *Tri-weekly Indiana State Journal*, September 6, 1847; *Tri-weekly New Albany Democrat*, September 7, 1847.

62. *Tri-weekly New Albany Democrat*, September 30, 1847.

63. For a brief account of the Fifth regiment, see Thomas Bailey; "Diary of the Mexican War," in *Indiana Magazine of History*, XIV, 134-147.

64. *Tri-weekly New Albany Democrat*, November 13, 1847.

65. *Indiana State Sentinel*, April 8, 1848.

66. Smith, op. cit., 114.

67. *Indiana State Sentinel*, April 18, 1849.

68. James H. Lane to Mary E. Lane, June 21, 1848, in Lane Papers: *New Albany Democrat*, January 11, 1849. The sword cost \$800.

69. *Indiana State Sentinel*, January 11, 1849.

was carried away. However, the sheath was recovered and is still in the possession of a member of Lane's family.

NOTE.—After the capture of the City of Mexico Lane was made provost marshal of the city under the American forces, and that position made him the governor of the city. The city was completely in his control. So well did he perform his duties and afford protection to the people that the ladies of the City of Mexico made and presented him a banner at the expiration of his term of office. This banner was on heavy black broadcloth and had on it the arms of Mexico embroidered on yellow silk; also some suitable inscriptions embroidered in yellow silk. General Lane prized this banner very highly. When his house was robbed at Lawrence by Quantrill, in the Lawrence massacre, this banner was taken by two guerrillas, one of whom was Allen Palmer. The ignorant and illiterate guerrillas thought this was a black flag and it was told over Missouri that Palmer and his partner had captured the black flag given Lane by the ladies of Leavenworth at the beginning of the war. Of course, there was no truth to it. The ladies of Leavenworth never gave Lane a black flag. Lane never marched or fought under a black flag. But so great a prize did the guerrillas think they had secured that they cut it in two pieces, each wrapping his half around his body under his clothing, so that he would be sure not to lose it.—[WM. E. CONNELLEY, *Secretary*.]

CHAPTER III.

LIEUTENANT GOVERNOR OF INDIANA.

THE advent of James H. Lane in politics resulted from military achievement. But even before the Mexican war he had made a beginning, due for the most part to the reputation of his father as a politician. Shortly after attaining his majority the younger Lane was elected a member of the city council of Lawrenceburg, "to which office he was repeatedly reelected, owing," so he explains, "to his zealous efforts in behalf of every scheme for increasing the prosperity of the place."¹ His first public speech was made in support of Jackson in the campaign of 1832. In the contests between Van Buren and Harrison he "took the stump for the former, and established his reputation as one of the most effective and popular speakers in the West."² In 1844 he advocated the election of Polk, not only because of political affiliation, but also because of the later's expansionist policy.

By 1845 Lane seems to have become one of the prominent politicians of Dearborn county.³ In that year he was nominated by the Democratic party for the lower house of the general assembly, but because of a peculiar local arrangement he failed to be elected. Originally Dearborn county had been entitled to three members in the house of representatives, but the act which created Ohio county out of the southern portion of Dearborn stated that one of the three should be a resident of the newly created county. In the election Lane stood third on the list, receiving 114 more votes than William Lanius, a candidate from Ohio county.⁴ Both men appeared at the opening session of the general assembly; but while Lane presented credentials signed by the sheriff of Dearborn county, the credentials of Lanius were signed by the sheriffs of both Dearborn and Ohio counties.⁵ In the debate on the question as to which one was entitled to a seat those who supported Lane claimed that the qualifications for members were unalterably fixed by the constitution of the state, and could not be restricted by legislative enactment. On the other hand, the supporters of Lanius contended that since the legislature had a right to pass an act creating a new county out of a portion of an old one, it could also provide that one of the members to which the original county was entitled should reside within the limits of the new county.⁶ Lanius was seated by a vote of 49 to 47.⁷

The Mexican war necessitated an adjournment of Lane's political activities during the next three years. But upon his return to the state in the summer of 1848 his brilliant military achievements and personal popularity brought

1. *Crusader of Freedom*, February 3, 1858.

2. *Congressional Globe*, 39 cong., 1 sess., pt. V, 3914.

3. See report of the Democratic convention of the third congressional district, *Weekly Indiana State Sentinel*, May 22, 1845.

4. House Journal, 1845, 39. The official vote was: Lane, 1,555; Lanius, 1,441.

5. *Indiana State Sentinel*, December 3, 1845.

6. For reports of debates in the house on the contested seat, see the *Indiana State Sentinel*, December 3, 4, 6, 1845; *Indiana State Journal*, December 10, 1845.

7. House Journal, 1845, 65; *Indiana State Sentinel*, December 11, 1845.

him to the attention of the Democracy of Indiana as an available candidate. His name was frequently mentioned in connection with the office of United States senator, and in September he received a letter signed by the three representatives of Dearborn and Ohio counties, who desired to know if he would permit his name to be used in the general assembly as a candidate for that position.⁸ Lane replied that as there were already several prominent Democrats in the field who were better qualified and more capable than he, he had no intention of becoming a candidate at that time.⁹

During the summer and fall of 1848 Lane kept his name before the public by attendance at barbecues and political meetings. About the first of October he filled an engagement for Senator Edward Hannegan at Bloomington. In this speech he gave his undivided support to the principles advocated by Lewis Cass, and warmly denounced Taylor, especially for his unjust report on the conduct of the Indiana troops in the battle of Buena Vista.¹⁰

As the time approached for the Democratic state convention it became evident that James H. Lane would be a candidate for the gubernatorial nomination.¹¹ At this time he was only thirty-five years old, but he was celebrated for his record in Mexico, and his father, Amos Lane, had been an influential man in the Democratic party for more than a quarter of a century. At a meeting of the Democrats of Dearborn county in December, 1848, the delegates to the state convention were instructed to support the colonel as a candidate for governor.¹² Other local conventions of southeastern Indiana recommended him to the Democracy for that important office.¹³

The Democratic state convention met at Indianapolis, January 8, 1849.¹⁴ The candidates for governor in addition to Lane were Joseph A. Wright and Judge E. M. Chamberlain. The Whigs charged that the friends of Lane, finding that he could not be nominated, reached an agreement with the supporters of Wright whereby the latter was nominated for governor, and the former for lieutenant governor.¹⁵ However true the allegation may have been, the convention added strength to the state ticket by placing thereon a popular young man who had "achieved military glory" in Mexico. A perusal of the comment found in a number of newspapers of the state reveals the fact that the Democrats made political capital of Lane's success by constantly alluding to him as the colonel of the "Steadfast Third," the regiment that had won memorable distinction at the battle of Buena Vista.¹⁶

8. *Lawrenceburg Register*, October 14, 1848, in the *Indiana State Sentinel*, November 30, 1848.

9. At a caucus of the Democratic members of the state legislature in 1851, Lane was not a candidate for the senate, but he received one vote as the party nominee for that position.—*Indiana State Sentinel*, January 14, 1851.

10. *Tri-weekly Indiana State Journal*, October 6, 1848.

11. See the *Goshen Democrat*, in the *Indiana State Sentinel*, December 28, 1848.

12. *Indiana State Sentinel*, December 30, 1848.

13. *Indiana State Sentinel*, January 2, 1849.

14. Proceedings of the convention were reported in the *Indiana State Sentinel*, January 11, 1849; *Democratic Pharos*, January 17, 1849.

15. *Indiana State Journal*, January 15, 1849. For a reply to the charge, see the *New Albany Daily Ledger*, January 26, 1849.

16. *Daily New Albany Democrat*, January 9, 16, 24, 1849; *Indiana State Sentinel*, January 24, 1849; *Lawrenceburg Register*, January 13, 1849, in the *Indiana State Sentinel*, January 24, 1849; *Paoli American Eagle*, in the *Indiana State Sentinel*, January 24, 1849; *Richmond Jeffersonian*, in the *Indiana State Sentinel*, January 24, 1849; *Covington People's Friend*, in the *Indiana State Sentinel*, December 24, 1849; *Logansport Pharos*, in the *Indiana State Sentinel*, January 24, 1849. The *Indiana State Sentinel*, January 31, 1849, contains excerpts from the *Fort Wayne Times*, *Miami County Sentinel*, *Western Ranger*, *Democratic Age*, *Washington Union*, *Shelbyville Volunteer*, and the *Princeton Democratic Clarion*.

During the campaign which followed both Democratic candidates made an extended canvass of the state. Lane addressed audiences in at least thirty-four of the principal cities and towns. In a speech made at Vincennes on June 18,¹⁷ he contended that candidates should be held strictly accountable to their constituents for principles advocated previous to obtaining power, a pledge which he redeemed during the five years of his political career in Indiana.¹⁸ Following the traditional policy of campaign orators, he "pointed with pride" to the splendid record his party had made during the six years it had been in power in the state. The enormous debt "extravagantly incurred by Whig misrule" during that miserable period of the internal improvements craze had almost been extinguished. Furthermore, the annual expenses of the state government had been reduced from \$130,000 to \$78,000. Faithful agents had redeemed the character and credit of the state, and should therefore be retained in power in order that the remaining burden might be removed. He pledged the administration to amend the constitution to protect the people from legislative encroachment by providing a popular referendum upon all taxes for internal improvements. He advocated an amendment substituting biennial sessions of the general assembly for annual sessions, a change which would save thousands of dollars and reduce taxes. General enactments of the legislature should supersede special legislation, and judges should be elected by popular vote.¹⁹ He discussed the bank, the tariff, the independent treasury, but had nothing whatever to say on one of the most important issues of that campaign—the slavery question. Finally he closed with a justification of the Polk administration and a statement of the value of the Mexican cession.²⁰

During the interval between the election of Taylor and the crisis of 1850 there was a decided antislavery tendency in the Democracy of the Northwest.²¹ Democratic platforms and campaign speeches reveal a strong support of free-soilism, and for a time it seemed as if the party was about to become sectional. In Indiana the congressional election of 1849 resulted in returning ten Democrats and one free-soiler to congress. Although the state platform of the same year contained an antislavery plank, no record has been left of Lane's attitude toward this important issue. The election of state officials proved to be another Democratic triumph.²²

After taking the oath of office²³ the lieutenant governor was conducted to the senate chamber, where he delivered a brief address to the members of the two houses and a host of friends. He asked the forbearance of the senators

17. *Western Sun and General Advertiser*, June 23, 1849.

18. For a more complete statement of his policy, see the *Congressional Globe*, 33 cong., 1 sess., pt. I, 605.

19. The last three amendments suggested were incorporated in the new constitution adopted two years later.

20. Concerning the value of the Mexican cession, Lane said: Think of the man who would sit down and calculate the war of '76 by dollars and cents; or the war of 1812; these were questions of dignity and honor; dollars and cents should not be brought up in comparison. "Who can calculate the advantages of the late war, to our government? Why," said Col. Lane, "the Mexicans valued the Bay of San Francisco alone at \$50,000,000; how much is it worth to us, bearing as it does upon its bosom the commerce of the world? How much are California and New Mexico worth? The important Santa Fe trade is also ours. How shall we value that?"

21. *Semi-weekly Indiana State Sentinel*, December 16, 1848, January 12, March 17, June 2, 1849; *Daily Indiana State Journal*, January 12, 1849.

22. Senate Journal, 1849, 31; *Indiana State Sentinel*, August 30, 1849; *Indiana State Journal*, September 3, 1849. The popular vote for lieutenant governor was: James H. Lane (Democrat), 77,002; Thomas S. Stanfield (Whig), 66,385; John W. Wright (Free-soil), 2,795; scattering, 143.

23. Administered by Isaac Blackford, a judge of the Indiana supreme court.

in the errors he would doubtless commit, for he had only a theoretical knowledge of the rules of order governing such an assembly. Questions of supreme importance affecting the vital interests of the state he hoped would be discussed and determined with party prejudices and feelings laid aside. Although he was elevated to the position of lieutenant governor by the Democracy of Indiana, partisan feelings would find no abiding place with him, "except when called upon to give a casting vote on questions involving party principles. Such a contingency is not likely to occur," he said, "but, should I be placed in that position, my vote will unhesitatingly be cast in accordance with the whole tenor of my past political life."²⁴

The office of lieutenant governor was then, as now, a relatively unimportant position. The duties of that official were to preside over the deliberations of the senate, give the casting vote in case of a tie, and participate in the discussion of such subjects as the senate saw fit to consider in committee of the whole.²⁵ Such an inactive career did not appeal to the energetic Lane, who, in spite of the nonpartisan declaration in his inaugural address, found it increasingly difficult to refrain from debate. Consequently he managed to procure through a friend the adoption of a resolution changing a rule which had been established ever since the senate was first organized. The new rule provided that every bill and joint resolution should be considered in committee of the whole on second reading. The Whigs declared that the object of the new order was to permit the president to descend from his high and respected position of arbiter between conflicting parties, to the floor of the senate to engage in the strife and contention of debate.²⁶

Under the constitution of 1816 the general assembly was in session about two months of each year. Ample time was thus afforded the lieutenant governor for other pursuits, and Lane devoted a portion of the long intervals to the practice of law. He was frequently called upon to defend veterans who had served with him in Mexico.²⁷

Services of quite a different nature were often performed by the second official of the state. On a number of occasions Lane was called upon to help entertain distinguished visitors to Indiana.²⁸ After the failure of the Hungarian revolution of 1848-1849, Louis Kossuth went into exile, and during the next few years he toured the United States, where he was welcomed in many important cities of the country.²⁹ In December, 1851, a large and enthusiastic meeting was held in Indianapolis, and a committee of fifty members was appointed to invite the distinguished Hungarian to visit and partake of the hospitalities of the state.³⁰ The lieutenant governor was selected as chairman of a committee to meet the guest at Cincinnati, deliver the invitation, and accompany him to Indianapolis.³¹ While at the capital Kossuth was

24. Senate Journal, 1849, 47; *Indiana State Journal*, December 10, 1849; a résumé of the address was published in the *New Albany Daily Ledger*, December 8, 1849.

25. Constitution of 1816, art. IV, sec. 16.

26. *Daily Indiana State Journal*, January 21, 1852.

27. *Indiana State Sentinel*, July 10, 1851; *Madison Daily Tribune*, July 11, 23, 1851.

28. Lane was a member of the committee to make preparations for the visit of Col. William H. Bissell in January, 1851.—*Indiana State Sentinel*, January 14, 1851. He was also chairman of the committee to arrange for the visit of the Irish patriot, Thomas F. Meagher, in June, 1852.—*Democrat Pharos*, June 9, 1852.

29. See John W. Oliver: "Louis Kossuth's Appeal to the Middle West—1852," in *Mississippi Valley Historical Review*, XIV, 481-495.

30. *Indiana State Sentinel*, January 1, 1852.

31. *Daily Indiana State Journal*, January 14, 1852; *Daily Indiana State Sentinel*, January 15, 1852.

the special guest of the senate, and Lane introduced him to the members of that body.³²

The period³³ of Lane's service as lieutenant governor was an important one in the history of the state. In October, 1850, delegates to a constitutional convention assembled at Indianapolis and after eighteen weeks of diligent application submitted the result of their labor to the people for ratification.³⁴ When the new organic law went into effect it was necessary for both legislators and presiding officers to familiarize themselves with the document in order that legislation might conform to the provisions of the new constitution.³⁵ The session of the general assembly which met December 30, 1850, rendered the state a valuable service by revising the statutes and simplifying the code of practice and pleadings in the courts of justice.³⁶

Lane's term as lieutenant governor expired January 8, 1853, with the formal installation of his successor.³⁷ As president of the senate he discharged his duties with ability and dignity,³⁸ and at the end of each session the customary resolution was unanimously adopted: "*Resolved*, That our thanks be tendered to Lieut. Gov. James H. Lane for his dignified, able and impartial discharge of his duties as presiding officer of the senate."³⁹ In his farewell address to the members of that body he closed with the following words: "During the three years I have had the honor to preside over this body I have not for a single moment had reason to complain of the conduct of a single member. All have aided me in the discharge of my duties; all have been kind and courteous. We separate now, perhaps forever; but as long as I live, will I remember your many kindnesses. Farewell, friends; may health and happiness attend you."⁴⁰

A review of Lane's career as lieutenant governor would not be complete without mention of an incident which occurred in the spring of 1851. A difficulty arose between him and Ebenezer Dumont, lieutenant colonel of the Fourth Indiana regiment, and later speaker of the lower house of the state legislature. In a disagreement on the street Lane understood that Dumont expressed the desire to fight him if he could be placed on equal terms. Four days later Lane addressed a note to Dumont, stating that if he "intended to convey such an insinuation, he . . . could receive the note as an invitation and make his selections." Dumont accepted and asked for three days to select his second and mature his arrangements.⁴¹ The challenger chose Capt. T. W. Gibson as his second, and the challenged, Capt. L. F. Mosher.⁴²

32. Senate Journal, 1851, pt. I, 625, 630.

33. Senate Journal, 1849, 37, states that Lane should serve as lieutenant governor for the "term of three years, from and after the third day of the present session of the general assembly, and until his successor shall be elected and qualified." This was from December 5, 1849, until January 8, 1853.

34. Esarey, op. cit., I, ch. 20.

35. See Lane's speech before the senate, March 5, 1851, in the Senate Journal, 1851, pt. I, 708-710.

36. See Lane's farewell address to the senate.—Idem, pt. II, 1219; *Daily Indiana State Journal*, June 9, 1852.

37. Senate Journal, 1853, 52-53.

38. *New Albany Daily Ledger*, December 10, 1849.

39. Senate Journal, 1851, pt. I, 713; pt. II, 1220.

40. Ibid., 1219; *Daily Indiana State Journal*, June 9, 1852.

41. *New Albany Daily Ledger*, March 28, 1851.

42. Statement of Captains T. W. Gibson and L. F. Mosher, March 14, 1851, in Lane: Papers.

Lane desired to go below the falls at Louisville to fight, but the place finally selected was Petersburg, Boone county, Kentucky, a short distance down the Ohio river from Lawrenceburg. The principals, their seconds, and a surgeon arrived upon the field, but before the weapons were selected or the ground measured, a mutual friend, John Ryman, appeared and suggested that the matter might be adjusted amicably.⁴³ Captain Mosher stated that negotiations for a settlement could not be entered unless the challenge were withdrawn, to the propriety of which Captain Gibson consented.⁴⁴ The challenge was then withdrawn for the purpose of negotiation, and Colonel Dumont, through his second, stated that he had no intention of inviting a challenge from Colonel Lane, "and that if his language was so understood . . . it was a misapprehension." This explanation proved to be satisfactory and it was agreed that all offensive language by either should be withdrawn, and that past difficulties should be forgotten.⁴⁵

This was not the first time, nor the last, that Lane's temperament came near plunging him into mortal combat. Just before the battle of Buena Vista a duel between Gen. Joseph Lane and Col. James H. Lane was narrowly averted.⁴⁶ Later in Kansas a number of such incidents arose, for Lane's peculiar nature prompted him to defend his individual honor whenever it was questioned.⁴⁷ Not infrequently, however, did men as late as the fifties sacrifice life in order to sustain personal honor.

43. Thomas W. Gibson to the editor of the *Cincinnati Daily Commercial*, March 25, 1851, in Lane Papers.

44. Statement of Captains T. W. Gibson and L. F. Mosher, March 14, 1851, in Lane Papers.

45. Thomas W. Gibson to the editor of the *Cincinnati Daily Commercial*, March 25, 1851, in Lane Papers.

46. Reminiscences of Edward T. Dickey, Third Indiana, quoted in Perry, op. cit., 134; William Henry Smith; History of Indiana (Indianapolis, 1903), II, 6.

47. A statement sworn by George W. Lane (brother of James) before a notary public, indicates that Colonel Lane had no intention of firing at Colonel Dumont: "Personally appeared before me, a notary public of said county [Dearborn], George W. Lane, who being duly sworn upon his oath states that he was cognizant of and in full and free conference with Col. James H. Lane in the difficulty with Col. E. Dumont, from the commencement until Colonel Lane left Lawrenceburg. That during the time he had frequent confidential conversations with Colonel Lane and knows that it was his positive determination not, under any circumstances, to fire at Colonel Dumont—that he might receive but could not be induced to return the fire of his opponent." Statement of George W. Lane sworn before a notary, George Gozlay, August 31, 1852, in Lane Papers. However, James H. Lane had been imprisoned in the county jail for five minutes and fined \$100 for challenging Dumont to a duel. —*Madison Daily Tribune*, May 30, 1851.

CHAPTER IV.

A MEMBER OF CONGRESS.

LANE'S entrance into national politics came in 1852 with his election to the lower house of congress. He was nominated by the Democratic convention of the fourth congressional district which met at Napoleon, Ripley county, on August 10. "To this nomination," said the *Madisonian*, "every true Democrat of that district will say, Amen! Colonel Lane is a Democrat 'dyed in the wool,' a gentleman of talents, and deservedly popular among the masses. Before his immense popularity Whiggery will go down, as the troops of Mexico fell before the well-aimed fire and dauntless bravery of the men he led to victory on Buena Vista's battle field!"¹

Lane's opponent on the Whig ticket was Col. John H. Farquhar, an able politician of southeastern Indiana, and the man who succeeded him in 1855. An incident of some interest occurred during the campaign. Farquhar was scheduled to address the Whigs of Decatur county the latter part of August. They endeavored to raise a pole, but when they succeeded in getting it twenty-five feet high, it "broke of its own weight" and fell to the ground. About this time Farquhar appeared and "attempted to calm the troubled waters, by making a funny speech," but unfortunately for the Whigs, Lane happened to come into town and the meeting ended in "loud huzzas for Col. J. H. Lane, Pierce and King, and the constitution."²

In the October election the Democrats were successful and returned ten out of the eleven congressmen from Indiana.³ Lane's majority in the fourth district was 994,⁴ a signal triumph considering the fact that in the preceding election that district went Democratic by the narrow margin of 68 votes.⁵ But while the success of the Democracy appeared encouraging on the surface, there were already bitter dissensions within the party which threatened to disrupt it during the coming session of congress.

While Lane was still serving as lieutenant governor his party conferred upon him the honor of presidential elector for the state at large.⁶ It thus happened that while he was canvassing the fourth district in the interest of his own candidacy, he supported that of Pierce as well. In the national election of 1852, the Democratic party carried the state by a plurality of 15,000 votes over the Whigs, while Hale received less than 7,000.⁷ The thirteen Democratic

1. *Madisonian*, August 12, 1852. in the *Daily Indiana State Sentinel*, August 14, 1852.

2. *Daily Indiana State Sentinel*, August 30, 1852.

3. *Daily Indiana State Sentinel*, October 26, 1852.

4. *Daily Indiana State Sentinel*, October 26, November 9, 1852; *New Albany Daily Ledger*, October 27, November 13, 1852.

5. J. L. Robinson, Democrat, was elected over J. Watts, Whig, the vote being 8,242 to 8,174. This was the third district at that time, and contained Switzerland county in addition to those contained in the fourth in 1852.—*Weekly Indiana State Sentinel*, August 21, 1851.

6. *Daily Indiana State Sentinel*, February 25, 1852; *Daily Indiana State Journal*, March 1, 1852.

7. *Daily Indiana State Sentinel*, November 23, 1852. The official vote of Indiana for president in 1852 was: Pierce, 95,299; Scott, 80,901; Hale, 6,934.

electors of the state met at Indianapolis, December 1, 1852, and cast their votes for Franklin Pierce and William R. King.⁸

Indiana was greatly interested in Pierce's prospective cabinet, especially the portfolio of war. When it became known that Jefferson Davis was being considered for that position a protest of the Democracy of the state was formulated at Indianapolis and forwarded to Jesse D. Bright, Democratic senator from Indiana. This protest, signed by Lane and other prominent Democrats of the state, in all probability dated back to Taylor's official report of the battle of Buena Vista, which lauded the achievements of the Mississippi Rifles at the expense of the Hoosier volunteers. But it seems that Senator Bright's friendship for Davis caused him to betray the confidence of the protesting Indiana Democrats, for he not only failed to present the document to the president, but exhibited it privately to Jefferson Davis. This evoked a scathing letter from the impetuous Lane, who denounced Bright in caustic terms.⁹

As a result of the well-performed duty of the Democracy of Indiana in the October election of 1852, it was suggested that the state should urge its claims to the speakership of the house. The name of James H. Lane was frequently mentioned in connection with that office,¹⁰ for as lieutenant governor he had presided over the senate with marked ability and efficiency. Presumptuous as such a suggestion was, it served to illustrate Lane's popularity in the Democratic party in his own state.

In the formation of the house committees the Indiana delegation was not favorably considered, perhaps because of the fact that with two exceptions they supported David T. Disney of Ohio for speaker. An article in the *Sentinel* of December 31, 1853, signed "Nepos," designated Lane as the only member from Indiana occupying "anything like honorable position on any of the committees." He was placed second on the committee on private land claims,¹¹ and it was pointed out that this would furnish him an excellent opportunity of coöperating with his compeer, John Pettit,¹² a member of the senate's similar committee. "In speaking of the Indiana delegation," "Nepos" continued, "I mean no disparagement to others when I say that Colonel Lane is already gaining for himself a reputation for talents and industry, and that he will be a useful member to his constituents as well as to the state at large. I know, also, that from his former position in Indiana, and his prompt and decisive action since he has been here, he has secured the friendship and confidence of President Pierce and his cabinet—a position seldom so soon obtained by new members. I trust that the friendship may ever be maintained, and the confidence never shaken."¹³

But however true this supposition seemed at the time, it was erroneous. Lane did not occupy an outstanding position in the house; neither did his friendship with Pierce last until the end of the administration. He did not participate largely in the debates, and made very few long speeches. Such an

8. *Daily Indiana State Sentinel*, December 2, 1852.

9. James H. Lane to J. D. Bright, n. d., in Lane Papers.

10. *Democratic Pharos*, December 15, 1852; *Daily Indiana State Sentinel*, December 20, 1852.

11. *Congressional Globe*, 33 cong., 1 sess., pt. I, 34.

12. Senator from Indiana, and the other elector for the state at large in 1852. In 1859 he was appointed by President Buchanan chief justice of Kansas.

13. *Indiana Daily Sentinel*, December 31, 1853.

outcome is difficult to explain, owing to his active interest in state politics before 1853, and his energetic political career in Kansas following his emigration in 1855. In this respect Lane may be compared to Lincoln, who served a term in the lower house of congress, 1847-1849. Lincoln made only two speeches during his term of office, and as a result of his inactivity, his political career seemed very unpromising. But it may be said of both men that the fates had not yet furnished the situation which was to arouse them to the full exercise of their ability. In each case that stimulus proved to be the Kansas-Nebraska act.

In view of the fact that Lane and Pierce became such bitter enemies in 1856, it is interesting to note the former's admiration for the president at the beginning of the administration. In a letter of January 7, 1854, to the Sachems of Tammany Hall, expressing regret that he could not accept an invitation to attend a celebration of the thirty-ninth anniversary of the battle of New Orleans,¹⁴ Lane wrote: "The Democratic party now have a chief, in the person of Franklin Pierce, whom they love and admire. His administration, so far as it has progressed, has been a glorious vindication of Democratic principles, and is approved by the people. The inaugural, the message, the reports of the various heads of the departments, and last, though not least, Secretary Marcy's letter to the Austrian minister, give abundant assurance that his administration will be equal in brilliancy to any that has preceded it. . . . While he faithfully adheres to the policy that has thus far characterized his administration, he will be entitled to the undivided support of the Democratic party; and every assault upon his administration must be viewed as an attempt at disorganization, and will meet stern rebuke."¹⁵

At the beginning of that historic session that passed the Kansas-Nebraska bill, Lane interested himself in two measures which concerned the West. The first of these was the "homestead" bill, and the second was an act "to aid the territory of Minnesota in constructing a railroad for military, postal, and other purposes." Lane conceived the two measures to be antagonistic in purpose, and therefore supported the first but denounced the second.¹⁶ A bill "to encourage agriculture, commerce, manufactures, and all other branches of industry," by granting to every family head "a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation," benefited those whom he represented,¹⁷ while a measure which granted a tract of land to a corporation for the purpose of building a railroad, benefited only a few. "Now, my first lesson in Democracy was," he said, "that we should legislate for the whole people, and not exclusively for the rich and well born."¹⁸

On this and a number of other occasions Lane stood firmly upon the doctrine that the duty of a representative was to follow closely the instructions of his constituency. In March, 1854, he became involved in a controversy

14. In this connection Lane wrote: "Having commenced my political career during the first administration of General Jackson, and having been his personal and political friend, it would afford me great pleasure to meet with the old and well-tried friends of that great chief, and unite with them in the celebration of one of the most brilliant achievements of our arms."

15. J. H. Lane to the Sachems of Tammany Hall, January 7, 1854, in the *Indiana Daily Sentinel*, February 11, 1854.

16. *Congressional Globe*, 33 cong., 1 sess., pt. I, 565-566, 574.

17. *Ibid.*, 542, 549.

18. *Ibid.*, 574. Lane was opposed to all measures granting land to corporations, except the proposed grant for a Pacific railroad.

with certain southern leaders over this issue. Augustus R. Sollers, a Maryland Whig, asserted that he would control his constituents by molding public opinion, rather than be controlled by them.¹⁹ Lane answered this declaration with a sarcastic reference to the nature of the people whom Sollers represented: "I do not doubt that the gentleman from Maryland has the ability to mold the opinions of that portion of his constituency that requires five men to count as three. I am thankful that I represent no such constituency. I am here representing an independent constituency whose opinions cannot be molded by any influence."²⁰ Such a statement was naturally resented by members of the house from the South. Especially was it offensive to Theodore G. Hunt, a Louisiana Whig, who rebuked Lane for using expressions tending to disparage members representing slaveholding states. This personal thrust brought the impulsive Hoosier to his feet, who amid cries of "order" replied: "I will say to the gentleman from Louisiana, that if he intends to apply the term rebuked to me for any sentiment I have uttered, I laugh it to scorn! Yes, Mr. Chairman, to scorn! I have uttered no expression intended to disparage members upon this floor representing bond or free territory."²¹

But the matter did not end here. A few days later Hunt obtained the unanimous consent of the house to make a personal explanation. He pointed out that the *Globe* had failed to record the most offensive portion of Lane's remarks. The member from Indiana, in alluding to Sollers' constituency, had said: "The gentleman *may mold the sentiments of his curly-heads; but thank God I represent a constituency that does not require five men to count as three.*"²² He then called upon Lane to state whether the language of scorn and defiance in reply to the rebuke was directed at him.

The house again readily gave its unanimous consent to a personal explanation, for the clash was more than an individual affair. Partisan and sectional feeling was embodied in this repartee between an Indiana Democrat and a Louisiana Whig.

Lane's reply came straight from the shoulder: "*I did intend the language used by me on Friday last to apply in response to the remark made by him on that occasion. He is to be the judge as to the application.*"²³

This sharp retort was preceded by a general statement in which Lane explained his attitude toward slavery. "I am no advocate of slavery," he said. "I am no slavery propagandist; and yet my history will prove that I have gone as far . . . to maintain the constitutional rights of gentlemen representing slave states upon this floor . . . as any man. I hail from a state that occupies the summit of the conservative position—the state of Indiana, the state of my birth, has said again and again that it knows no East, no West, no North, no South—that it knows nothing but the Union, and the rights of the people of each and every state under the constitution. . . . I know no difference between Northern and Southern states. I shall know no difference. Brethren all—all interested in perpetuating the harmony and integrity of this Union. I shall go as far as any of you in trampling out agitation in the North, and as far as any of you in trampling out agitation in the South, which is calculated to disturb the harmony of the Union."²⁴ This statement demon-

19. Ibid., 604.

20. Ibid., 605.

21. Ibid., 606.

22. Ibid., 610.

23. Ibid., 611.

24. Ibid.

strates clearly that he was then in sympathy with the compromise policy of Douglas for the maintenance of friendship between the two sections.

The outstanding measure before the session of 1853-1854 was the Kansas-Nebraska bill. A record of Lane's attitude toward this important subject before it came up for final passage is limited to a single letter which he addressed to William J. Brown, the editor of the *Sentinel*.²⁵ This letter is a bitter denunciation of the Clayton amendment which struck from the original bill that provision extending the right of suffrage to foreigners who had resided in the country one year, in the territory six months, and who had filed their intentions of becoming citizens of the United States. Lane saw in the amendment an attempt on the part of the South to prevent the great foreign element of the North who emigrated to Kansas or Nebraska, from voting, holding office, or participating in any way in the political affairs of the territories. It would mean that the descendants of Lafayette, Pulaski, Montgomery, Steuben and De Kalb were thus disfranchised, and could "have no voice in electing legislators who are to decide upon all questions, including the question of slavery." Such a "nefarious policy" Lane was not ready to adopt. He was "incapable of perpetrating such an outrage upon the rights and privileges of a large and useful class" of his constituents who might desire to go to the new territories. He concluded his argument with the following statement of his position: "If Clayton's amendment can be voted down in the house, the original provision in Douglas' bill restored, the senate concurring therein, and if that body will pass the homestead bill sent to them some weeks since by our house, giving to every white person, male or female, over 21 years of age, 160 acres of land, my fears of slavery being extended into the territories of Nebraska and Kansas would, to a considerable extent, be removed. The question then will resolve itself into this, How far shall we go to humor our southern friends, and what effect will the repeal of the Missouri compromise restriction have upon the slavery agitation?"

It is clear, therefore, that while Lane advocated popular sovereignty he seemed determined that Kansas should be free. He foresaw, also, as a great many did not perceive, that the clause inserted in the bill repealing the compromise of 1820, would tend to arouse the antislavery elements of the North, and he feared that agitation would drive the sections farther apart.²⁶

The objectionable feature of the bill which Lane opposed was stricken out, and he voted for the measure, as did six of his Democratic colleagues in the house

25. *Indiana Daily Sentinel*, March 24, 1854. A statement made by James Rodgers, of Topeka, Kan., December 20, 1879, preserved in the Kansas Historical Society Manuscript Collections, throws some light on the problem: "I was in Washington in 1854, during the pendency of the Kansas-Nebraska bill. I was on intimate relations with Senator Norris, of New Hampshire, and with members of the house of representatives. Through them I became familiar with the movements and course pursued by Gen. James Lane, of Indiana. He at first opposed the Kansas-Nebraska bill. In consequence the friends of the bill procured strong petitions from Lane's constituents in Indiana, asking him to favor the bill. He then changed and did favor the bill. He was a good deal excited about the matter. Seemed to be worried about the matter of his inconsistency and the probable effect of his changing his position. But he pushed on strongly for the bill and seemed to aspire to become the leader of the movement. But before the passage of the bill some of the leaders got up some business for him to attend to at Harrisburg, and kept him away until just in time to vote on its passage. There was talk about the reason of his being away. Some said he had gone crazy on account of compunction of conscience for having taken a position in opposition to his convictions in changing and supporting the bill. The leading Democrats were afraid of Lane as a leader. They remembered his violent conduct in Mexico, in getting into a fight with Gen. Joseph Lane. And they were afraid he might as leader, as he aspired to be, involve them in trouble at any time."

26. *Congressional Globe*, 33 cong., 1 sess., pt. I, 611.

from Indiana.²⁷ In voting for the act they were seemingly not out of harmony with the Democracy of the state,²⁸ since two days after its passage a Democratic state convention placed its stamp of approval upon the bill.²⁹

Although Lane voted for the measure, there is evidence that he did not give it his whole-hearted support. While it was before congress for consideration Whig papers of the state listed him as either opposed to the bill or doubtful.³⁰ His letter to the editor of the *Sentinel* clarified his position to some extent, but he made no definite statement that he would vote for the measure if the Clayton amendment were stricken out. But he was ambitious to reach the United States senate, and it is possible that he saw in territorial Kansas a road which would lead to a seat in that body.³¹

Lane did not stand for reelection to the house in 1854. Had he again been a candidate he might have suffered the fate of four of his Democratic colleagues who voted for the Kansas-Nebraska bill,³² but he did not even seek the nomination. In a letter addressed to the voters of the fourth congressional district, June 29, 1854, he declared that feeble health prevented him from being a candidate.³³ That Lane was in poor health at this time is true,³⁴ but in all probability he determined to emigrate to Kansas before he rejected the nomination.

Various aspects of Lane's Indiana career harmonize with that which began with his removal to the frontier. While engaged in politics in Indiana he was emphatically a man of the people. He sought to discover the trend of popular thought, and then used every resource he possessed to accomplish the desired end. He became a leader of the Free-state party in territorial Kansas because he championed the favorite measures of that political element. The same determination and force of character which he displayed at Buena Vista also served him in his contests against the "border ruffians" from Missouri. The daring but spontaneous assertions made upon the floor of the house in reply to the Maryland Whig who expressed a principle antagonistic to his own,

27. Idem, pt. II, 1254; *Indiana State Sentinel*, May 27, 1854.

28. The *Sentinel* of May 13, 1854, declared: "We shall rejoice at the passage of the Nebraska bill, as one of the most signal and glorious victories ever achieved by the Democracy."

29. *Daily Indiana State Sentinel*, May 25, 1854; *Indianapolis Daily Journal*, May 26, 1854.

30. *Indianapolis Morning Journal*, March 14, 15, 25, 1854; *New Albany Daily Tribune*, April 6, 1854.

31. Connelley: James Henry Lane, 43, says: "There was for many years in Kansas a persistent repetition of the terms of an agreement said to have been made between him and Douglas. . . . Lane was at first opposed to the Kansas-Nebraska bill. Douglas succeeded in convincing Lane that the passage of the bill would make him (Douglas) President. Lane was to go to Kansas, organize the Democratic party there, and when the territory should be admitted as a state he was to be elected United States senator, and control the patronage of the state under the administration of Douglas."

32. All of the Democratic members of the house from Indiana except Lane were re-nominated, but only two of those who voted for the bill, Smith Miller and William H. English, were reelected. The defeat of the Democratic party in 1854 resulted from a Fusion ticket consisting of those elements opposed to the Kansas-Nebraska bill.—*Daily Indiana State Sentinel*, September 2, October 26, 1854.

33. *Daily Indiana State Sentinel*, July 3, 1854.

34. During his term of service in the house, Lane was frequently absent on account of ill health.—See the *Congressional Globe*, 33 cong., 1 sess., pt. III, 1853; *New Albany Daily Tribune*, April 25, 1854.

After Lane returned from Mexico City, in 1848, he stated before a notary public that he had contracted diarrhea while encamped at Belknap in 1846; that in June, 1848, "he was prostrated by said disease"; that when the fifth regiment "moved from San Augustine on their return to the United States after peace was made, he was hauled in a coach upon a bed placed therein, being entirely unable to ride on horseback."—Statement of James H. Lane before a notary public in applying for a pension, in Lane Papers. Also, see James H. Lane to Mary E. Lane, June 21, 1848, in Lane Papers.

his fiery retort to the rebuke of the Louisiana Whig, the readiness to defend his personal honor at the point of the sword, all reflect an impulsive spirit which became even more manifest in the "grim chieftain" of Kansas history.

Yet when these analogies are pointed out the fact remains that there is little in Lane's activities in Indiana which foreshadows his strenuous and spectacular career after 1855. The striking characteristics displayed in Kansas had for the most part lain dormant prior to that time. The need for an aggressive leader who could bring organization to a territory in chaos and disorder, brought out that imperious and dominant will that defied all opposition and pursued "objects with an energy and force that wrung success from adverse circumstances and reluctant fortune."³⁵

35. *Congressional Globe*, 39 cong., 1 sess., pt. V, 3904.

CHAPTER V.

POLITICAL BEGINNINGS IN KANSAS.

THE short session of the thirty-third congress had no sooner ended than Lane was on his way to territorial Kansas. His final preparation for removal to the frontier as well as the journey itself were left unrecorded. His first appearance in that territory seems to have excited so little attention that only one meager announcement found its way into the press. The *Kansas Free State* recorded under the caption of "Distinguished Arrival":

"Col. James H. Lane, late member of congress from Indiana, arrived in our place on the 22d inst., with his family all in good health and spirits. He is comfortably ensconced in a log cabin, and will in all probability remain permanently with us. His design is to live in the territory."¹

But while contemporaneous evidence of Lane's arrival is limited, several of his associates later claimed to have influenced him in the choice of a location within Kansas. John Armstrong, who had been with Charles Robinson in Kansas in 1854, asserted that he met Lane "on a boat on the Missouri river the morning after leaving St. Louis." According to his account Lane was in company with Thomas C. Shoemaker, land receiver at Kickapoo, "a proslavery man as well as Lane," who had evidently advised the ex-congressman that either Kickapoo or Leavenworth would make an excellent place for him to settle. Armstrong says that he gave them a "glowing description" of Lawrence and the Kansas bottom, and concluded that he had prevailed upon Lane to locate there, for three days after his own arrival in Lawrence Lane appeared with his family.²

A few miles across the Kansas border Lane happened upon the camp of James R. McClure, who was moving his family from Westport, Mo., to the new territory. The two were old acquaintances, for McClure had served in the Fifth Indiana regiment of volunteers under Lane in the Mexican war, and had later campaigned with him in Indiana politics. McClure records that Lane had "his family and effects loaded in wagons," and was on his way to Lawrence. However, Lane had not yet fully determined upon a permanent location, but informed McClure that he intended to stop there for a few days and look around. Lane seemed very inquisitive; asked McClure about the various places he "had visited; the advantages they possessed; . . . and especially as to the views of the people on the question of slavery." Remaining in McClure's camp for two hours he expressed himself "freely on all subjects except politics." McClure concluded that Lane "evidently had not then decided on which side he would cast his fortune, as he carefully avoided any expression that would indicate the party he would support." It was his opinion, however, that the former Indiana Democrat "intended at that time

1. *Kansas Free State*, April 30, 1855.

2. This account is taken from an address made by Armstrong at the old settlers' meeting held at Bismarck Grove, Kan., September 15 and 16, 1879, in Charles S. Gleed, ed.: *The Kansas Memorial* (Kansas City, 1880), 200.

to support the side of slavery, but was willing to espouse either cause that he found was most likely to advance his political interests."³

Arriving in Lawrence on the 22d of April, Lane stopped at the office of the *Free State*, one of the pioneer newspapers of the territory, edited by Robert G. Elliott. Exactly what influence the editor, as well as other residents of Lawrence who may have been present in that primitive printing shop, exerted upon Lane in making his final decision cannot be determined, but it was not long before he staked out his claim in the valley of the Kaw, near the promising town of Lawrence.⁴

But although Lane arrived comparatively early upon the scene, exciting incidents had already occurred under the practical application of popular sovereignty. The first party sent out under the promotion of the Massachusetts Emigrant Aid Company arrived in August of 1854,⁵ followed by several other companies during the same year, numbering in all about seven hundred. Meanwhile residents of Missouri, taking advantage of their proximity, were staking out choice claims in the valleys of the Kansas and Missouri rivers. The election of November, 1854,⁶ resulted in a proslavery victory, and Whitfield was returned as a delegate to congress in a contest in which there was undoubtedly illegal voting on both sides. Less than a month before Lane's appearance a proslavery legislature was elected,⁷ thanks to the participation of several hundred Missourians who came into the territory for that occasion.⁸

Lane went to Kansas with the intention of organizing the Democratic party there with a view to receiving political preferment at its hands. For two months after his arrival the records furnish little information as to his activities. He was undoubtedly studying the conditions of his new environment, seeking to learn the nature of the issues in the process of forming, for it was a maxim with Lane that he keep in touch with the popular will. There is some doubt as to the course he intended to pursue with respect to the institution of slavery. As a member of congress from Indiana he had voted for the Kansas-Nebraska bill, but had recorded his opposition to the introduction of slavery into the new territories.⁹ Now, however, the rumor became current that he had made a speech at Westport, Mo., "where he had stopped while on his way to Kansas, in which he said that he would as soon buy a negro as a mule, and that the question of the success of slavery in Kansas depended upon the suitability of the country to produce hemp."¹⁰ Again, a few weeks after

3. James R. McClure, "Taking the Census and Other Incidents in 1855," in *Kansas Historical Collections*, VIII, 242.

4. Leverett W. Spring: "The Career of a Kansas Politician," in *American Historical Review*, IV, 80. This article includes a brief account of Lane's arrival. The author is perhaps too severe in his criticism of Lane, for the latter is constantly held up to ridicule and scorn. No citations are given and it has been impossible to locate the sources of a number of the statements. Also, see Herbert Flint: "Journalism in Territorial Kansas," pt. I, 82, 83. This is a master's thesis at the University of Kansas. A typescript is in the Kansas Historical Library. The discussion on this subject is based partly upon an interview of the author with R. G. Elliott in 1915.

5. D. W. Wilder, *Annals of Kansas* (Topeka, 1875), 37.

6. *Ibid.*, 41.

7. *Ibid.*, 34-49.

8. A very fair discussion of this problem is presented in James C. Malin: "The Proslavery Background of the Kansas Struggle," in *Mississippi Valley Historical Review*, X, 285-305. A proslavery view of the participation in this election was published in the *Liberty Tribune*, quoted in the *Missouri Republican*, April 26, 1855.

9. *Indiana Daily Sentinel*, March 24, 1854.

10. Connelley: James Henry Lane, 46.

his arrival in the territory, he was reported to have said in conversation with a group of friends, "that his action in regard to the institutions of the territory depended upon the adaptation of the soil and climate to the growing of hemp. If it was a good hemp-growing country, he was in favor of making Kansas a slave state; if it was not adapted to the growing of hemp, he was in favor of making it a free state."¹¹

Regardless of this indecision with respect to slavery, Lane was determined to make an effort to organize the Democratic party. On June 27, 1855, the "National Democracy" assembled in the office of Dr. John P. Wood at Lawrence. The place of meeting indicates that the number present could not have been large. Lane was called to the chair and explained the object of the meeting. It was resolved that in the opinion of those present, "the best interests of Kansas require an early organization of the Democratic party," and the originators of the movement pledged themselves "to use all honorable exertions to secure such a result." The Democratic platform of 1852 and the principles of the Kansas-Nebraska bill were also fully indorsed.¹²

The *Kansas Territorial Register*, published at Leavenworth by Mark W. Delahay, professed to discern "quite a general approbation among all national Democrats" of this attempt to organize the party of Pierce and Douglas in Kansas.¹³ But the movement "touched no responsive chord" among the settlers of the territory, and likewise was opposed by the proslavery Democracy of Missouri, which already had a strong organization in Kansas recognized by the administration.¹⁴ "Atchison and his followers knew exactly what they wished to do," says a Kansas historian, "and desired no help from any Kansas source, especially from Lane and Lawrence. The National Democracy, as understood by Lane and the country at large, was not the Democracy of Price, Atchison, and others in Missouri."¹⁵

Two months after the original attempt to organize the party a Democratic mass meeting was called to meet at Tecumseh for the same purpose. The call was signed by seventy Democrats, but Lane's name was not among them.¹⁶ This convention assembled on August 30, but it did not succeed in its purpose any better than that of the preceding June. The Big Springs convention was to meet in less than a week, and already many Democrats were shifting their position and eventually joined the Free-state party.¹⁷

Meanwhile leaders of the various free-state factions were advocating a general convention representing all shades of antislavery political opinion in the territory. It was believed that the views of the extremely radical¹⁸ might drive the more conservative into the proslavery organization unless a closer

11. *Herald of Freedom*, May 8, 1858. See, also, a speech of Samuel F. Legate, in Gleed, ed., op. cit., 60.

12. Reports of this meeting were published in the *Herald of Freedom*, June 30, 1855; *Kansas Free State*, July 2, 1855.

13. *Kansas Territorial Register*, July 21, 1855.

14. A. T. Andreas: *History of the State of Kansas* (Chicago, 1883), 106.

15. William E. Connelley: *A Standard History of Kansas and Kansans* (Chicago, 1918), I, 425, 426.

16. *Kansas Territorial Register*, August 18, 1855. This paper was originally Democratic, advocating compromise between North and South, but it soon became free-state. In the issue of July 28, 1855, it took the ground "that no proslavery or antislavery party is necessary in this territory—that the exigencies of the times do not call for the existence of any further organization than we find already all over the Union."

17. Robert G. Elliott: "The Big Springs Convention," in *Kansas Historical Collections*, VIII, 369.

18. See Charles Robinson: *The Kansas Conflict* (New York, 1892), 144-152.

union of the free-state men could be formed. "To prevent the threatened revolt," Elliott¹⁹ informs us, several "of the disaffected were summoned for consultation," and assembled at the *Free State* office, July 17. Among them were John A. Wakefield, William Y. Roberts, William Jessee, J. O. Barnes, George W. Smith, and Dr. John P. Wood. Adjourning to the shade of a cottonwood on the river bank they invited all they met on their way to the conference, until there were more than a score in attendance. Such were S. N. Wood, John Speer, E. D. Ladd, and George W. Deitzler, all of whom already favored aggressive action. But most conspicuous "among the counselors who were caught on the wing was Colonel Lane, fresh from attendance upon the bogus legislature."²⁰ Evidently he was not yet ready to act publicly with such a group, for he consented to join them upon condition that his participation should not be divulged. It was decided at this conference that the situation demanded a general convention "in which every locality should be fairly represented, and free from domination from local influences." No longer could such a dangerous and radical policy be imposed upon the masses as that enunciated at the Lawrence fourth of July celebration without "consultation and authority."

But the conclusion reached at the Sand Bank conference was not unanimous, the secretary records. Perhaps a fourth of the score of men present believed that a trap was being laid which was designed "to lead the unwary masses into the Democratic fold." The call for the assembly at Big Springs was therefore duplicated by the convention held at Lawrence on the 14th of August.

This mass meeting which assembled August 14 and continued in session until the following day was the seventh political convention to be held in Lawrence since June 8.²¹ It convened at the request of the free-state members of the legislature, supplemented by a public call of many citizens.²² Hon. Phillip C. Schuyler, of Council Grove, presided,²³ and I. S. Goodnow, of Manhattan, recorded the proceedings. This was the first free-state convention of any significance in which Lane participated. It was only natural that his presence should be viewed with suspicion by other members,²⁴ as he had supported the Kansas-Nebraska bill in congress and more recently had attempted to organize the National Democracy in Kansas territory. Lane's

19. R. G. Elliott, the editor of the *Free State*, was elected secretary of the Sand Bank convention, as the conference at the river bank came to be called, and John A. Wakefield was elected chairman. The fullest account of the meeting is found in Elliott, loc. cit., 368-370.

20. The rumor was current in Kansas that Lane had intended to support the proslavery territorial legislature until his request for a divorce was denied at the first session of that body in July, 1855. Years later (1879) Stringfellow, speaker of the house, was reported to have said that "Jas. H. Lane attended a Democratic legislative caucus at Pawnee, near Fort Riley—it was held on the prairie—and assured the speaker that he should act with that party in Kansas, but in a quiet way."—*Troy Kansas Chief*, January 23, 1879, in *Kansas Scrap Book, Biography*, S., V, 208. The writer has searched both the House Journal and the Council Journal for 1855, but found no mention of Lane's petition for a divorce in either. This cannot be construed to mean, however, that Lane did not attempt to petition for a divorce. A concurrent resolution was passed declaring that the legislature would not entertain petitions for, nor grant divorces, in any case. See the House Journal, 1855, 109, and the Council Journal, 1855, 87. Documents relative to the divorce, which was granted to Mrs. Lane in Indiana, were published in the *Lecompton Union*, August 30, 1856.

21. Leverett W. Spring: *Kansas, the Prelude to the War for the Union* (Boston, 1907), 62.

22. *Herald of Freedom*, August 18, 1855.

23. *New York Tribune*, August 24, 1855, in *Webb Scrap Book*, V, 69. This account states that over 600 persons were present.

24. Isaac T. Goodnow: "Personal Reminiscences and Kansas Emigration," in *Kansas Historical Collections*, IV, 252.

speech on the afternoon of the first day was earnest and conservative: "If I believed a prayer from me, for you, would do any good, it would be that you might be imbued with the wisdom of Solomon, the caution of Washington, and the justice of Franklin. . . . I say as a citizen of Kansas, I wish we had wisdom to-day. There is the existence of a nation hanging upon the action of the citizens of Kansas. Moderation, moderation, moderation, gentlemen! I believe it is the duty of each of us to define our position. I am here as anxious as any of you to secure a free constitution to Kansas. . . . It is represented that I came to Kansas to retrieve my political fortunes; but gentlemen should know that I was urgently solicited to be a candidate for another term to congress, but I positively declined. I would vote for the Kansas-Nebraska bill again. I desire Kansas to be a free state. I desire to act with my brethren, but not in a manner to arouse the passions of the people of other states. I would not repudiate the legislature, but the acts of that legislature which contravene the right of popular sovereignty."²⁵ This speech reveals Lane in transition. It demonstrates that his evolution, though rapid, could have been natural and sincere.

The resolutions adopted at this convention recited that the members regarded "the legislature now in session . . . as a living insult to the judgment and feelings of the American people"; that it had no power to legislate for the people of Kansas; that the latter should "set aside all differences of political opinion"; and at some convenient period should "elect delegates to a convention to form a . . . constitution for the state of Kansas, with the view of an immediate state organization and application, at the next session of congress, for admission into the American Union."²⁶ It was here, also, according to the testimony of R. G. Elliott, that the disaffected members of the Sand Bank conference maneuvered a call for the Big Springs convention.²⁷

But Lane was not yet accepted as a leader of the Free-state party, then in the process of forming. It was said that at this meeting he repeated his earlier declaration "that if Kansas had been a good hemp and tobacco state he would have favored slavery, but as it was not he would favor a free state provided it was white."²⁸ This latter opinion was shared by a great number of western men in Kansas, for in some of their native states there were either laws or constitutional provisions forbidding the entrance of free Negroes. Seeking to establish himself more firmly among free-state men, Lane announced that he would speak the evening of the adjournment of the Lawrence convention upon the issues of the day, and would champion the free-state cause.²⁹ A contemporary of Lane, Milton W. Reynolds, thus described the meeting thirty years later:

"The crowd was immense. . . . They wanted to know from his own mouth the Grim Chieftain's position on political questions. . . . Lane was in his best mood. He was prepared for a vituperative, sarcastic, ironical and intensely personal speech. Such the crowd usually likes, or used to in the

25. *Herald of Freedom*, August 18, 1855. This speech is also quoted in Connelley: *Kansas and Kansans*, I, 426.

26. The proceedings of this convention were published in the *Herald of Freedom*, August 18, 1855, and the *Kansas Free State*, August 20, 1855.

27. See the *New York Tribune*, August 24, 1855, in Webb Scrap Book, V, 69, 70.

28. Charles Robinson: "Topeka and Her Constitution," in *Kansas Historical Collections*, VI, 294.

29. Speer: *Life of Gen. James H. Lane*, 42, 43.

early days, when men were walking arsenals and crept over volcanoes. Such an analysis of character was never heard before or since in Kansas. It was equal to John Randolph's best effort in that line. His late Democratic associates were denounced, burlesqued, ridiculed and pilloried in a hysteria of laughter by an excited, cyclonic crowd. No one afterward doubted where Lane stood. He crossed with a leap the Rubicon of radical politics and burned all his bridges behind him. He was not baptized—he was immersed in the foaming floods of radicalism. As the whitecaps rose higher on the stormy and tumultuous political sea Lane contended the stronger and baffled them."³⁰

But while there is some truth in this description the writer has evidently woven into his story much that occurred after the event of which he speaks. Lane had not yet acquired the sobriquet of Grim Chieftain. Further, it is hard to believe, in view of the fact that he was posing as the agent of the administration, that he denounced his "late Democratic associates" in such unguarded terms. And finally, though Lane was shifting his position, he had not yet acquired that radicalism which was to make his political career distinctive.

Big Springs was chosen as a place of meeting because of its convenient location. The invitation had been extended by William Y. Roberts, one of the two men who lived at that "celebrated camping ground on the California road." A rude hotel was hastily built, and a shaded platform and adequate seats were provided for the occasion. Roberts promised free accommodations for the hundred delegates, but thrice as many spectators as delegates attended, making it necessary for many to camp on the open prairie. They brought with them "tents and camping outfit, the most poorly equipped provided with lariat, picket pin and blanket, the distinguishing marks of the plainsmen."³¹

Lane stood for election as a delegate from the Lawrence district, and although stoutly opposed as a "black-law" man,³² he was elected.³³

The Big Springs convention organized by the election of Judge G. W. Smith as chairman and David Dodge and R. G. Elliott secretaries. Five committees were appointed, chief of which were those on platform, resolutions and state organization, with Lane,³⁴ James S. Emery, and Elliott as their chairmen. The anomalous "bifurcated committee on resolutions" is explained by Elliott, an active participant in all of the convention's proceedings. The branch of which Lane was chairman was "charged with furnishing the necessary material

30. Milton W. Reynolds, in the *Kansas City Times* (1885), quoted in Connelley: *Kansas and Kansans*, I, 426, 427.

31. Elliott, loc. cit., 372. Also, see *ibid.*, 369, 370. Big Springs is in Douglas county, eleven miles east of Topeka. Descriptions of the place are also available in Connelley: *Kansas and Kansans*, I, 449, and Spring: *Kansas*, 64.

32. Speer thus explains the meaning of the term: "The western men, notwithstanding their positive enmity to slavery, were generally in favor of a law prohibiting Negroes, bond or free, from settling in the country; and some of them went so far as to say, if they must have Negroes among them, they wanted them slaves. Such laws had existed in the Western states, and in some they were constitutional provisions. He [Lane] was a black-law man; and, while that helped him with the western people, it was very repugnant to the advanced antislavery sentiment of the East."—*Life of Gen. James H. Lane*, 42.

33. *Kansas Free State*, August 27, 1855. One hundred and thirty-one voted in the Lawrence district, and elected fifteen delegates. The election was held at Blanton. Elliott says that the "accession of the radical element . . . complicated the situation and called into play for the first time the 'fine Italian hand' of Lane. . . . A well-balanced ticket was selected, composed of the best men representing the diverse free-state elements." Strangely enough, John Speer was Robinson's chief supporter in this contest.—Elliott, loc. cit., 371.

34. Spring: *Kansas*, 64, 65, states: "Lane intrigued himself into the chairmanship of a committee of thirteen to which the construction of a platform was intrusted. The question of slavery brought on an all-night discussion in which he persuaded the committee to adopt violent anti-Negro principles." For a reply to these charges, see Elliott, loc. cit., 373.

for a broad and substantial platform," and was by far the more conservative of the two. The second, technically called the committee on resolutions, with Emery as chairman, was designed "to furnish explosives and projectiles . . . too dangerous to be inserted in the platform and too radical to be imposed upon the masses." The purpose of such an arrangement was to accommodate Gov. Andrew H. Reeder, who could thereby assert his indignation at removal by the President at the instance of the legislature.³⁵

The free-state platform as reported by Lane is an important document in the annals of Kansas. It asserted that minor issues of partisan politics were to be ignored in order to form an organization for the recovery of their dearest rights guaranteed by the constitution and the organic act. The coöperation of all, whether Whig or Democrat, native or naturalized, was to be promoted, although without any sacrifice of their respective political creeds. The energies of the party thus created were to be devoted to the exclusion of the institution of slavery and to the securing of a free constitution for Kansas. A reasonable and fair provision was to be made for all slaves within the territory, but upon the organization of a state all Negroes, bond or free, were to be excluded by stringent laws. Finally, "the stale and ridiculous charge of abolitionism, so industriously imputed to the Free-state party," was denied in forceful language.³⁶

While the personal influence of Lane can be read between the lines of the platform, the harmonizing of the various elements represented in the convention was the object sought. Negro exclusion was favored by a large element as is shown by the fact that three months later, when that question was submitted separately from the Topeka constitution, the vote was nearly three to one for debarment.³⁷ The platform was adopted after heated discussion. Judge Smith played the role of "patriot and patriarch," which together with Lane's swaying oratory resulted eventually in what was reported as the unanimous adoption of the platform.

But it was the report of the committee on state organization which necessitated tact and ability on the part of Lane. That committee, headed by R. G. Elliott, reported adversely, deeming the movement for a constitutional convention preparatory to application for statehood as "untimely and inexpedient." Lack of popular support and paucity of population were cited as sufficient reasons for their recommendation. Why the report of the committee was not adopted is explained by the chairman:

"Lane permitted Hutchinson, Foster of Osawatomie, Judge Smith and other trained advocates of the measure to exhaust their ammunition with no apparent effect. Then rising to the occasion, under a shadow of threatened defeat, he gave an exhibition of that magic faculty by which he controlled primitive assemblages, convincing them against their judgment and bending them against their will. It was not measured oratory nor logical argument, nor was it an emotional harangue, but the blending of an accompaniment toned to the popular chord, with a dramatic presentation of the subject, that materialized as a moving, tangible reality. His ideal was a state, not antagonistic but harmonizing, rising legitimately out of the popular-sovereignty clause of the organic act."³⁸

35. *Ibid.*, 374, 375.

36. The text of the Big Springs platform was published in Wilder, *op. cit.*, 60, 61; *Herald of Freedom*, September 8, 1855.

37. Wilder, *op. cit.*, 73.

38. Elliott, *loc. cit.*, 374.

It was in this debate upon the report of the state organization committee that Lane revealed his affiliation with the administration, although this was not the first time that he represented himself as its official spokesman in Kansas. At the Lawrence convention of August 14 he assured his audience that Attorney-general Cushing and President Pierce were as anxious as they to make Kansas a free state. "Frank Pierce," he confided, "would give his right arm to-day to insure freedom to this territory."³⁹ Now at Big Springs he hinted very strongly that he knew the mind of the administration and again counseled moderation.⁴⁰ He believed it impolitic to resist the territorial legislature. Governor Shannon had asserted at Westport, Mo., that he recognized the laws of the existing legislature as legally enacted and intended to enforce them. Lane knew Shannon and declared that he was a man of his word. The answer to the problem that confronted free-state men was a constitutional convention and state organization. It appeared from Lane's account that Douglas was "in a fright lest the Kansas question destroy his popularity, and with it his prospect to succeed Mr. Pierce in the presidency."⁴¹ Wishing to be rid of the Kansas question and at the same time to quiet the agitation raised over the North by the Nebraska fraud, he desired that the people of Kansas be persuaded to form a state constitution and apply for immediate admission into the Union. Not only was Douglas in a state of alarm, but Pierce was again represented as being more than willing to sacrifice his right arm to correct the mistakes of his administration. And Lane "bore the parting admonition of Douglas: 'For God's sake, do something to save the Democratic party.'"⁴² If these words be true it is evident that Lane stood close to the administration and firmly believed that his course in Kansas would be approved at Washington. Not only on this, but on later occasions, he dropped suggestive hints that he knew the mind of Douglas, and was pursuing a policy that had been worked out before he emigrated to Kansas territory.⁴³ Unfortunately for the investigator, however, no evidence has been left either by Pierce or Douglas that Lane was a special agent of the administration to manage its interests in Kansas. But, while he was entirely capable of exaggerating,

39. *Herald of Freedom*, August 18, 1855.

40. The editor of the *Parkville* (Mo.) *Democrat*, reported Lane as saying at Big Springs, which convention the editor seems to have attended: "The only way to settle the question is to admit Kansas as a free state. The North has a majority of two in the Senate—some with proslavery proclivities—but that, situated as Douglas is, he would do anything to get Kansas in as a free state; that on the passage of the Kansas bill, not a northern man had the remotest idea of its ever being admitted as a slave state."—Quoted in *Mobile Advertiser*, September —, 1855, in Webb Scrap Book, V, 237.

41. *Evening Post*, September 21, 1855, in Webb Scrap Book, V, 192, 193.

42. Elliott, loc. cit., 374.

43. The credit for originating the scheme of state organization is claimed for both Lane and Robinson. Elliott says: "The scheme for a state government was the proposition of Lane, suggested by him on the day of his arrival in Lawrence to the writer, while the free-state men were staggering under their recent defeat and groping for some active policy for relief. He attested that it was approved by Douglas, Dickinson and other leading Democrats in Washington, with whom he had had personal consultation. . . . Though not offered by Lane in a public assemblage, this plan became current on his authority, and was met with approval by a few, but discarded by most, who were suspicious of its origin, as a scheme to entrap and democratise the Free-state party. It was finally redeemed from disrepute by John Speer, who became sponsor for it before the 14th of August convention, with Lane in anxious readiness to support it and press it with all his force to adoption."—Elliott, loc. cit., 367.

L. W. Spring, in his "Kansas," 59, says that the "line of policy adopted—repudiation of the territorial legislature as an illegal, usurping, 'bogus' concern, and organization forthwith of a state government and application to congress for admission to the Union—emanated from Robinson." [But Spring is not to be trusted in any matter where Robinson is concerned.—WM. E. CONNELLEY, *Secretary*.]

it is difficult to see how he would assume such a position without any authority, when it would imperil the cause he was advocating from its inception.⁴⁴

When the convention reassembled after an hour's recess Hutchinson presented a substitute for the report of the state organization committee. This indorsed the call for a delegate convention to be held on the 19th at Topeka "to consider the propriety of forming a state constitution."⁴⁵

The Big Springs convention had yet to consider the resolutions reported by Emery's committee but actually written by Governor Reeder. These embodied a violent attack upon the legislature which had recently passed a stringent slave code. That body was condemned as representing "lawless invaders" and "demagogues of Missouri," and their actions were repudiated "as the monstrous consummation of an act of violence, usurpation, and fraud." If peaceable remedies failed the odious laws were to be resisted "to a bloody issue."⁴⁶ Lane, Marcus J. Parrott and other moderate men sought to modify the resolutions, but without success. Their tone, in fact, brought Reeder the unanimous nomination as delegate to congress.⁴⁷

The Big Springs convention was one of the most important free-state assemblies ever held in Kansas. It consolidated the various antislavery elements in the territory into a unified Free-state party with a constructive platform. For Lane it meant the beginning of a leadership in Kansas politics which continued, with the possible exception of one year, until his death in 1866. Once Lane had allied himself with the movement there was no wavering in the course he pursued. He had come to Kansas a conservative; in less than six months he was well on the way toward a radicalism which stamped itself plainly and indelibly upon his adopted state.

44. Spring: "The Career of a Kansas Politician," in the *American Historical Review*, IV, 81, says: "Whatever the facts may be, two collateral points are clear: first, Lane, in his later years, when all occasion for deception, if any ever existed, had passed away, stoutly maintained that he came to Kansas as the representative of Mr. Douglas; secondly, he actually attempted to organize a new party in the name of the Illinois senator."

45. Wilder, *op. cit.*, 61, 62.

46. These resolutions are quoted in Wilder, *op. cit.*, 61.

47. *Ibid.*, 62.

CHAPTER VI.

THE EXECUTIVE COMMITTEE AND THE TOPEKA MOVEMENT.

FOLLOWING the convention at Big Springs, Lane began an active campaign to convince free-state adherents that statehood was the only solution of the Kansas question. In his numerous addresses he urged the immediate formation of a constitution, to be followed by an election of state officials.¹ He was present at the "peoples convention" which assembled at Topeka, September 19, and was made chairman of a committee of eighteen, "clothed with full power to write, print and circulate an address to the people of this territory and to the civilized world, setting forth our grievances, the policy we have been *compelled* to adopt, and which we have determined at all hazards to carry out."²

Resolutions were also adopted at this convention naming the second Tuesday in October as the date for holding an election of members to a constitutional convention, and calling for the appointment of an "executive committee of Kansas territory." The presiding officer of the convention, William Y. Roberts, named Lane, Cyrus K. Holliday, Marcus J. Parrott, Philip C. Schuyler, George W. Smith, George W. Brown and Joel K. Goodin as members of this committee, which met the following evening and organized by the election of Lane as chairman and Goodin as secretary.³ As this committee was instructed to exercise a "general superintendence of the affairs of the territory" in its quest for statehood, it assumed the functions of a provisional government.⁴ The Topeka movement was in reality an insurrection, for there was already in the territory an officially recognized government in accordance with the organic act. Furthermore, it was without precedent, for although there had been irregularity in the granting of statehood in a few cases, never had a movement been sanctioned which was organized in opposition to regularly constituted authority.⁵

The executive committee first turned its attention to the task of working out in detail arrangements for the election of members to a constitutional convention. The day following the organization of the committee its members met at Doctor Robinson's house "and took into consideration the powers and duties expressed and implied in the report of the business committee at the Topeka convention."⁶ The territory was divided into four districts for

1. *Kansas Territorial Register*, September 22, 1855; *Daily Democrat*, October 22, 1855, in Webb Scrap Book, VI, 65, 66; *Herald of Freedom*, October 23, 1855; *Buffalo Commercial Advertiser*, October 24, 1855, in Webb Scrap Book, VI, 75.

2. Kansas Historical Collections, XIII, 129. The records of the Executive Committee, together with other important documents relating to the Topeka movement, were preserved by the secretary of the committee, J. K. Goodin, and are published in this volume of the Collections, 125-249.

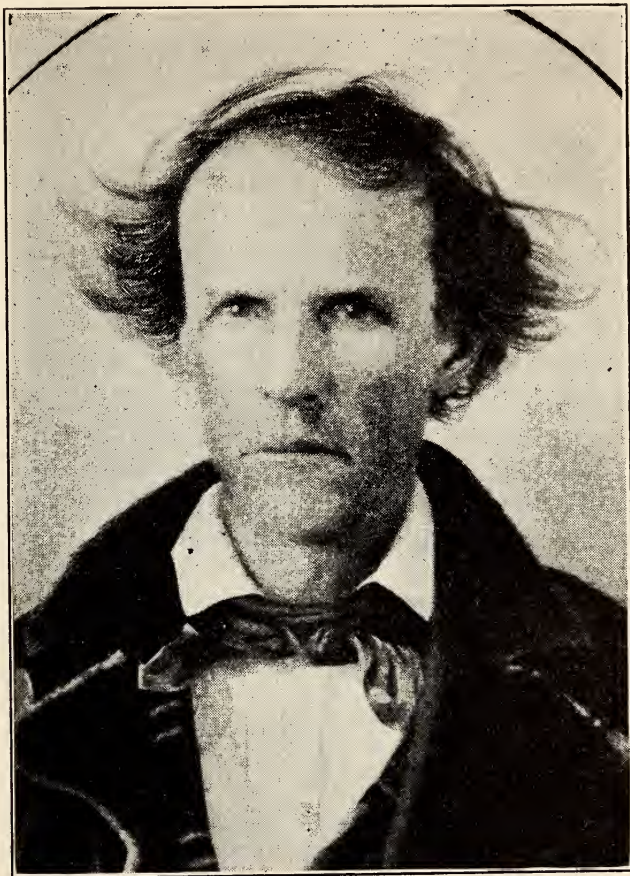
3. *Ibid.*, 131.

4. Andreas, *op. cit.*, 112, 113.

5. See Connelley: *Kansas and Kansans*, I, 461, and by the same author: James Henry Lane, 60.

6. Kansas Historical Collections, XIII, 131.

"canvassing purposes," and a formidable array of speakers, Lane among them, was provided for each district.⁷ The chairman and secretary drew up a proclamation calling for an election of members to a constitutional convention, designating the polling places, instructing the judges, apportioning the delegates, and stating the qualifications of voters.⁸ The election was held on October 9, and a total of fifty-one delegates were chosen, although only thirty-seven of them attended the convention. While all members now belonged to the Free-state party, twenty-one had formerly been Democrats, nine had been Whigs, four



James H. Lane as he appeared at the time of the Big Springs convention.

had been Republicans, two had been Independents, and one had been a Free-soil Democrat.⁹

The constitutional convention met at Topeka on October 23, though the lack of a quorum prevented organization until next day. The first concern was the election of the president. The correspondent of the *New York Times*

7. Ibid., 132, 133.

8. Ibid., 133-136.

9. The roll of the convention, containing the names of all who signed the constitution except that of Martin F. Conway, was published in the Kansas Historical Collections, XIII, 164. A facsimile of the first page of autographs is found on page 163. It is here that Lane gave his birthplace as Kentucky. The distribution of members by native states according to the roll follows: Pennsylvania 6, Ohio 5, Kentucky 5, New York 4, Indiana 2, Maine 2, South Carolina 2, Tennessee 2, Massachusetts 2, Illinois 1, North Carolina 1, Maryland 1, Virginia 1, England 1, Ireland 1.

reported that "Col. J. H. Lane, of Indiana, with characteristic modesty, had demanded the place for himself," and by flattery, promises, and threats, he succeeded in getting himself elected.¹⁰ The official organ of the convention, the *Daily Kansas Freeman*, shows that Lane received fourteen votes to five for W. Y. Roberts and four for John A. Wakefield.¹¹ Lane's election as president of the convention, while open to criticism, was probably as good a selection as could have been made. He had had valuable experience as presiding officer of the Indiana state senate while lieutenant governor, and had studiously observed constitution making in that state in 1850-'51. In political experience he was as well qualified as any other member of the convention. Lane was not content, however, to act merely as a presiding officer, but left the chair for the floor and spoke as much if not more than any other delegate.¹²

Upon taking the chair as president he delivered a short address which had evidently been prepared beforehand. He painted the glorious future of Kansas under the constitution they were about to frame. While the subject of education was the most important that would engage the attention of the delegates, the encouragement of agriculture and the restriction of the borrowing power of the legislature should receive careful consideration. A democratic government should be their aim. "Trust all power to the people; they may err for a brief period, but the sober second thought will soon come and all will be well."

But perhaps the most notable part of the address was that concerning slavery. "When the Kansas-Nebraska bill was before congress," he said, "no one of its supporters claimed that Kansas could ever become a slave state; all from the highest to the lowest discarded the idea that slavery could ever be extended within her borders. Our southern friends were among the most prominent in pressing this position before the country." In Lane's opinion the "idea of forcing slavery into Kansas was an afterthought; for sinister purposes." It was a political move occasioned by a pending senatorial election in an adjoining state.¹³

By virtue of Lane's own assertions that he enjoyed the confidence of Pierce and Douglas his election as president of the Topeka constitutional convention was regarded as a move on the part of the administration to control that body.¹⁴ A correspondent of the *New York Daily Tribune* suggested that while some of the National Democrats in the convention "want to indorse and declare 'squatter sovereignty,' he wants to act it. In his speeches he

10. *New York Daily Times*, November 5, 1855, in Webb Scrap Book, VI, 158. Robinson says that Lane "was a candidate for president of the convention, and the only reason he urged for his candidacy was a scandal in Lawrence with which his name was connected. He claimed his election would indorse him and put a quietus upon the scandal and he was elected upon that issue. But the scandal would not down, and a duel was inaugurated" with G. P. Lowry, ex-Governor Reeder's private secretary, which, however, was never fought.—C. Robinson: "Topeka and Her Constitution," in *Kansas Historical Collections*, VI, 296. See, also, by the same author: *The Kansas Conflict*, 176, 177.

11. *Daily Kansas Freeman*, October 24, 1855. In Wilder, op. cit., 69, Lane's vote is given as fifteen. See, also, *Herald of Freedom*, October 27, 1855, and *Kansas Free State*, October 29, 1855.

12. *Daily Kansas Freeman*, October 24, 1855; *New York Daily Tribune*, November 20, 1855, in Webb Scrap Book, VI, 243.

13. He alluded to the contest in Missouri between Atchison and Benton. The entire speech was published in the *Daily Kansas Freeman*, October 24, 1855. It was copied by the *New York Daily Times*, November 5, 1855, in Webb Scrap Book, VI, 158.

14. *Boston Journal*, November 13, 1855, in Webb Scrap Book, VI, 196.

occasionally drops precious morsels, such as that *he knows* that the application of Kansas, if in this shape, will receive favor at Washington; speaks of letters he has had, and assurances given, in a manner infinitely suggestive. Whenever this topic is touched in any shape, he leaves the chair, and no member has spoken half as often on this floor as the president of the convention."¹⁵

The situation was stated very clearly by John H. Byrd, who wrote to the *National Era* from Leavenworth on September 20 of Lane: "He affirms that Douglas would make any sacrifice to secure the immediate admission of Kansas to the Union as a free state; and in his opinion, it would result in the election of the senator to the presidency. . . . Democrats here hold that the salvation of the Democratic party requires that this question be settled immediately, and that this alone will secure the Democratic party from defeat in the next presidential election. With this question settled, it is expected that the honors and spoils of office will continue in his hands; and the evidence probably is, that these views originated with the party leaders abroad."¹⁶

The delegates had hardly assembled in Topeka when factions began to appear. A conservative or administration group, including Lane, Delahay, Parrott and Roberts, established its headquarters at the Garvey house. The radical wing, led by Robinson, Emery, Schuyler, and Wakefield, held its caucuses at the Chase house.¹⁷ The chief test of strength came when Delahay presented a resolution indorsing the principle of squatter sovereignty as embodied in the Kansas-Nebraska bill. After "much persuasion on the part of Colonel Lane and others, and the assurance that its passage would secure the friendly coöperation of Douglas, it was carried by a majority of two votes."¹⁸ Of the seventeen who voted in the affirmative all but one had signed the roll of the convention as having formerly belonged to the Democratic party. Fifteen voted in the negative, four of whom had been Democrats, eight had been Whigs, two had been Republicans, and one had been an Independent.¹⁹ It seems clear, therefore, that the question of indorsing the basic principle of the Kansas-Nebraska act revived to some extent the "former politics" of the members of the convention. However, on the following day, November 9, after speeches by Robinson and Emery, the question was reconsidered and a motion to postpone the resolution indefinitely passed by a vote of nineteen to twelve.²⁰

The question of excluding free Negroes from Kansas was also the occasion for a heated debate in the convention.²¹ Several of the delegates as well as their constituents had come from western states which had prohibited the

15. *New York Daily Tribune*, November 20, 1855, in Webb Scrap Book, VI, 243.

16. *National Era*, October 5, 1855, in Webb Scrap Book, VI, 12.

17. Robinson, *The Kansas Conflict*, 176. See, also, Robinson, "Topeka and Her Constitution," in *Kansas Historical Collections*, VI, 295.

18. *Brattleboro Vermont Phœnix*, December 1, 1855, in Webb Scrap Book, VII, 71.

19. Samuel C. Smith: "Journal of the Topeka Constitutional Convention," in *Kansas Historical Society Manuscript Collections*. The vote on Delahay's resolution of November 8 was: Affirmative—Arthur, Delahay, Dodge, Goodin, Griffith, Graham, Hicks, Lane, Landis, May, Mewhinney, Nesbitt, Parrott, Roberts, Stewart, Thompson, Tuton. Negative—Bell, Bunson, Crosby, Curtis, Emery, Holliday, Hillyer, Hunt, Klotz, Latta, Robinson, Sayle, Schuyler, Smith, Wakefield.

20. *Ibid.* For discussion of this question see the *Indianapolis Daily Journal*, November 26, 1855; *New York Morning Express*, November 27, 1855, in Webb Scrap Book, VII, 12; *Atchison Daily Free Press*, November 28, 1855, in Webb Scrap Book, VII, 15.

21. See Lane's "Card," published in the *Kansas Tribune*, May 12, 1856.

entrance of the free Negro, either by statute or constitutional provision. The convention which nominated delegates from the Lawrence district on October 7 passed a resolution instructing them "to use their exertions to submit the question of excluding free Negroes from the territory, to the people . . . on the day the constitution is submitted, their decision to operate as instructions to the first legislature upon that subject."²² After presenting this resolution, which was spread upon the Journal, Lane submitted a motion to that effect and it was adopted by the convention. The admission of Negroes into the militia, urged by Doctor Robinson, was defeated by a vote of twenty-four to seven.²³ On December 15 the Free-state party voted by a majority of nearly three to one that free Negroes should be forever excluded from Kansas.

On the day preceding the adoption of the constitution Lane appointed a committee of three, Wakefield, Emery and John H. Nesbitt, to draft a memorial to be presented to congress with the constitution, "laying before that body the causes that compelled the people of Kansas to frame a constitution, asking to be admitted as one of the states of the American Union."²⁴ The constitution was adopted late Saturday night, November 10, and the convention adjourned the following Monday.²⁵

But the movement toward statehood was not destined to proceed without interruption. For more than a year free-state and proslavery settlers flowed into the territory, but moderation and self-control prevented hostile encounters between the contestants. The proslavery party captured control of the territorial government, and the free-state men, ignoring the constituted authorities, inaugurated the Topeka movement. But in the latter part of November, 1855, occurred an "untoward" event which brought the opposing forces face to face in hostile military array, and only the sound judgment and tact of leaders on both sides ended the affair without considerable bloodshed. In this "Wakarusa war" Lane played a conspicuous part.

The opening of hostilities resulted from the killing of Charles W. Dow, a free-state settler living at Hickory Point, ten miles south of Lawrence on the Santa Fe road, by one Coleman, a proslavery squatter of the same neighborhood.²⁶ The homicide followed a quarrel over a land claim. Because of the active leadership of Jacob Branson²⁷ in the apprehension of the murderer and alleged threats against Coleman's friends, Sheriff Samuel J. Jones, of Douglas county,²⁸ proceeded to arrest him. As the sheriff was taking his prisoner to Leecompton, on the night of November 26, he and his posse of about fifteen were stopped by a similar number of free-state men, who "persuaded" Jones to surrender his captive. The sheriff proceeded to Franklin

22. S. C. Smith, loc. cit. See, also, *Daily Kansas Freeman*, November 1, 1855.

23. S. C. Smith, loc. cit.

24. Ibid.

25. The text of the constitution is available in Wilder, op. cit., 74-88; it was published widely in contemporary newspapers: *Kansas Free State*, November 26, 1855; *Kansas Freeman*, November 28, 1855; *Kansas Territorial Register*, December 1, 1855; *New York Daily Tribune*, December 8, 1855, in Webb Scrap Book, VII, 121-124; *Kansas Tribune*, December 10, 1855.

26. A free-state account of the outbreak of hostilities was published in the *New York Daily Tribune*, December 8, 1855, in Webb Scrap Book, VII, 118. A proslavery account is available in the *Cincinnati Gazette*, December 5, 1855, in Webb Scrap Book, VII, 88.

27. Branson was a close friend of Dow, and the latter had boarded at his house.

28. Samuel J. Jones had been postmaster at Westport, Mo., before he was appointed sheriff of Douglas county.

and the following day sent a dispatch to Colonel Boone at Westport for assistance. He then wrote Governor Shannon that he might "consider an open rebellion as already having commenced," and called upon the executive "for *three thousand* men to carry out the laws."²⁹ Without stopping to make an investigation the governor ordered Maj. Gen. William P. Richardson, of the territorial militia, and Adjutant General H. J. Strickler to collect their forces and report to the sheriff of Douglas county to assist him in the execution of the law.³⁰ Finding the militia in a disorganized condition Shannon called upon the United States troops stationed at Fort Leavenworth under Col. E. V. Sumner. The latter, however, refused to move without instructions from Washington. Both the sheriff and Major General Richardson urged the governor to permit them to proceed against Lawrence without waiting for the coöperation of the United States forces. Some twelve hundred Missourians, together with a few Kansans, assembled at Franklin, on the Wakarusa river, subject to the orders of Sheriff Jones.³¹

Meanwhile the citizens of Lawrence had not been idle. G. P. Lowry and C. W. Babcook were dispatched to Shawnee Mission to interview the governor, and convinced him that the controversy was more complicated than he had supposed, and partially undeceived him as to the nature of the threatened attack upon Lawrence. Shannon decided that the seriousness of the affair demanded his presence. Arriving at the Wakarusa camp he again requested aid from Colonel Sumner, this time to restrain the Missourians from attacking Lawrence. They "*are beyond my power,*" he wrote, "*or at least soon will be.*"³²

To defend itself the town of Lawrence assumed a military appearance. After the rescue of Branson a public meeting was called, and Doctor Robinson, with characteristic caution, advised "disavowal of all responsibility in the matter, dispatch of the men who were implicated out of town without delay, and adoption of a strictly defensive attitude."³³ A committee of safety consisting of ten men was appointed, and these selected one of their number, Robinson, as commander in chief, with the rank of major general. With the consent of the committee Robinson authorized Lane, as brigadier general, to take charge of the field force, and prepare to defend Lawrence against attack.³⁴ For this task Lane was undoubtedly better fitted than any other man in the territory³⁵ because of his experience in the Mexican war under Taylor and Scott. Calls for assistance were dispatched to other free-state settlements in the territory,³⁶ and every hour during the last week of the

29. Samuel J. Jones to Wilson Shannon, November 27, 1855, in Connelley: *Kansas and Kansans*, I, 500.

30. Wilder, *op. cit.*, 71.

31. See the *New York Daily Times*, December 13, 1855, in Webb Scrap Book, VII, 147.

32. Wilson Shannon to Colonel Sumner, December 6, 1855, in Connelley; *Kansas and Kansans*, I, 507.

33. Spring: *Kansas*, 90.

34. William Phillips: *The Conquest of Kansas by Missouri and her Allies* (Boston, 1856), 175, 176.

35. See G. Douglas Brewerton: *War in Kansas* (New York, 1856), 340; C. H. Dickson: "The 'Boy's' Story: Reminiscences of 1855," in *Kansas Historical Collections*, V, 83, 84. For Lane's reply to Colonel Boone, see *Kansas Free State*, December 17, 1855; *Herald of Freedom*, January 19, 1856.

36. "We want every true free-state man in Kansas at Lawrence immediately." Such was a dispatch sent by Lane to Charles A. Foster, December 5, 1855, in *Kansas Historical Society Manuscript Collections*. See, also, *Daily Democrat*, December 17, 1855, in Webb Scrap Book, VII, 160.

siege saw the arrival of recruits.³⁷ The number of men under arms at Lawrence was variously estimated at from six to eight hundred, many of whom came from other localities.³⁸ Lane proceeded with characteristic thoroughness to erect fortifications and drill the men under his command. The Free-state hotel,³⁹ "still unfinished, but sufficiently comfortable to inhabit," became the headquarters and also accommodated many of the companies, although "Every house in town was converted into a barrack for the time being."⁴⁰ Three or four large circular earthworks or rifle pits about seventy-five to one hundred feet in diameter were constructed to defend the town from attack.⁴¹ Every afternoon there was drill parade. Lane "walked beside the companies, in an easy, swinging military gait, and gave the orders in his short, shrill voice when on the parade ground. . . . Lane would sometimes make a speech; and if General Robinson and staff went out to the parade he was invariably called upon and sometimes spoke. On such occasions Lane was fiery and his remarks were calculated to rouse up the men to the fighting point. Robinson, on the other hand, restrained them. He urged them to avoid making any attack."⁴² Such were the characteristics of the two most important leaders of the Free-state party. Robinson favored defensive operations while Lane wanted to take the offensive. Such inveterate differences in the two men precluded any great degree of coöperation, except when the situation absolutely demanded it.⁴³

On December 7 Governor Shannon arrived in Lawrence and consulted with Robinson and Lane, who acted on behalf of the committee of safety. The governor asserted that the controversy could be settled if free-state men would give assurance that the laws of the legislature would be obeyed, and surrender their arms. While the former demand could be met, the governor was informed that their arms would not be surrendered.⁴⁴ No agreement being reached, Shannon returned to Camp Wakarusa. Here he found the Missourians in an ugly frame of mind, for if the arms were not surrendered an attack would be made upon the town. A meeting was finally arranged in which Lane and Robinson conferred with the governor and certain pro-slavery captains at Franklin. But before proceeding thither the governor and the two free-state leaders drew up and signed a "treaty."⁴⁵ In it the citizens of Lawrence professed that the rescue of Branson was made without their knowledge and consent, but if any were implicated they would "aid in the execution of any legal process against them"; that they knew of no organization in the territory for the resistance of the laws; and pledged themselves to assist in maintaining them "when called upon by the *proper authority*."

37. Correspondence, dated Leavenworth City, December 4, of the *New York Daily Tribune*, December 20, 1855, in Webb Scrap Book, VII, 186.

38. *Albany Evening Journal*, December 10, 1855, in Webb Scrap Book, VII, 126; Phillips, op. cit., 203, says that besides "the citizens of the town there were nearly five hundred men under arms from different parts of the territory." John Speer, in his *Life of Gen. James H. Lane*, 51, says that there were about 600 under Lane's command.

39. Later the Eldridge House.

40. Phillips, op. cit., 203.

41. Speer: *Life of Gen. James H. Lane*, 51, 52.

42. Phillips, op. cit., 204.

43. *St. Louis Evening News*, December 28, 1855, in Webb Scrap Book, VII, 232, 233.

44. *Daily Democrat*, December 19, 1855, in Webb Scrap Book, VII, 175.

45. The text of this "treaty" was published in many newspapers, including the *Daily Democrat*, December 27, 1855, in Webb Scrap Book, VII, 217; *Kansas Free State*, January 7, 1856; *Kansas Weekly Herald*, January 12, 1856; *Kansas Tribune*, January 28, 1856.

The governor agreed "to use his influence to secure to the citizens of Kansas territory remuneration for any damage suffered in any unlawful depredations." He also asserted that he had not called upon residents of other states to aid him in the execution of the laws, but such as were there had come of their own choice.⁴⁶ But the treaty was not to be construed to the effect that free-state men sanctioned the existing laws. "We wish it understood," it concluded, "that we do not herein express any opinion as to the validity of the enactments of the territorial legislature."

After signing the treaty Lane and Robinson accompanied Governor Shannon to Franklin and there conferred with a committee of thirteen captains representing the proslavery men. The governor addressed the two committees, stating the objects he desired to obtain, namely, the vindication of the laws and the prevention of "the effusion of blood." Shannon urged both parties to acquiesce in the agreement he had made "by inducing their men to retire quietly."⁴⁷ Lane addressed the committees, as did also Robinson and Colonel Wardson, of Independence. The conference lasted three hours and both parties agreed to disband their forces. The Missourians left reluctantly,⁴⁸ claiming to have been sold out by the governor.⁴⁹ Free-state men generally acquiesced in the settlement, for it was becoming a custom to accept the leadership of either Lane or Robinson, and when these two agreed, there was little room for opposition. Only one hostile voice was lifted in criticism of the treaty. John Brown and his four sons arrived in Lawrence when the negotiations were pending. Fearing that some concessions had been made which had not been revealed, he mounted a box and began to denounce the treaty, but was not permitted to finish his speech. Being assured by the leaders that the unpublished treaty was a great diplomatic victory the people withdrew in a satisfied frame of mind.⁵⁰

On December 11 the volunteers at Lawrence disbanded after farewell addresses by Robinson and Lane. Evidently the two rival leaders in the Free-state party, whose minds seldom traveled the same path, forgot for the time being their mutual and personal animosity and competed in paying suitable tribute, each to the other. "To the experience, skill and perseverance of the gallant General Lane all credit is due," said Robinson, "for the thorough

46. A certain S. L. Leonard, a Missourian who claims to have volunteered at the call of Governor Shannon to assist in sustaining the laws, wrote to the *St. Joseph Gazette*, January 15, 1856: "Independent nations may enter into treaties with each other. But who ever heard of a governor making a treaty with the citizens within his jurisdiction touching their obedience to the laws? . . . At headquarters, at Wakarusa, I know that gentlemen from Missouri were invited to meet Governor Shannon in council—that they did—that he invited them, knowing that they were from Missouri, to participate in the council, and that they did so. The statement of Governor Shannon then, to the people of Lawrence, is a willful falsehood."—Quoted in the *Herald of Freedom*, February 2, 1856. See, also, the *Daily Democrat*, January 26, 1856.

47. Governor Shannon wrote a detailed account of his visit to Lawrence and the negotiations which followed, which was published in the *New York Herald*, January 9, 1856, a copy of which is available in Webb Scrap Book, VIII, 84.

48. Colonel Boone, of Westport, and Senator Atchison used their influence in persuading the forces from Missouri to return home. The latter is reported to have said in a speech to them: "The position of General Robinson . . . is impregnable; not in a military point of view, but his tactics have given him all the advantage as to cause of quarrel. If you attack Lawrence now, you attack it as a mob, and what would be the result? I tell you it would cause the election of an abolition President, and the ruin of the Democratic party. Wait a little—now you cannot destroy these people without losing more than you would gain!"—*Valley Whig*, December 29, 1855, in Webb Scrap Book, VII, 242, 243.

49. *St. Louis Evening News*, December 28, 1855, in Webb Scrap Book, VII, 232, 233.

50. Oswald G. Villard; John Brown; A Biography Fifty Years After (Boston, 1910), 123, 124; Phillips, op. cit., 222.

discipline of our forces, and the complete and extensive preparations for defense. His services cannot be overrated; and long may he live to wear the laurels so bravely won." Not to be outdone by his ranking officer Lane said in the course of his speech: "From Major General Robinson I received that counsel and advice which characterizes him as a clear-headed, cool and trustworthy commander. He is entitled to your confidence and esteem."⁵¹

The Topeka movement was not seriously impeded by the Wakarusa war or the "treaty" which ended it. Four days after the disbandment at Lawrence an election was held in which the Topeka constitution was adopted, together with a general banking law and instructions to the first legislature to exclude free Negroes.⁵² On December 27 the executive committee issued a proclamation fixing January 15 as the date for an election of "state" officials.⁵³ Already (December 22) a free-state nominating convention had assembled at Lawrence.⁵⁴ It was reported that Lane desired to be a candidate for governor, but Robinson was finally nominated for that office.⁵⁵ It may be doubted that Lane actually desired the governorship, although he would surely have done anything in his power to prevent Robinson's nomination. The entire free-state ticket nominated at the Lawrence convention was elected January 15, 1856, including members of a "state legislature" and a delegate to congress.⁵⁶

Prior to the events of November and December Lane had been gradually shifting his position. Undoubtedly this was partly due to the general trend of affairs in the territory which caused many who had gone to Kansas with preconceived political ideas to change their courses. It must be admitted, also, that Lane wished no place in a minority party, and constantly kept his ear to the ground for signs of ultimate change. But the Wakarusa war was a turning point in his career. He was essentially a conservative until that crisis presented a proper background for radical leadership. For in battle array the belligerent Lane was in his element, and the hysteria of exciting events intensified his fiery and impulsive nature. Many of the volunteers under his command were western men who were amenable to his influence. The more conservative, according to Robinson, no longer trusted him after his advocacy of an aggressive policy against the Missourians.⁵⁷ But the radically inclined, who had confidence in his military capacity, became his political constituents.

About the middle of January the Free-state party held a convention at Lawrence, and Lane was made chairman of a committee to report resolutions. It was here resolved that the motto of the party should be: "A free-state government in Kansas without delay, emanating from the people, and responsible to them; noninterference with the institution of slavery in the states where it now exists, and *opposition to its further extension*."⁵⁸ Lane was reported to have made a speech in favor of the resolution "in which he repudiated squatter sovereignty and mounted 'fairly and squarely' the Republican plat-

51. Both speeches are quoted in Speer: *Life of Gen. James H. Lane*, 67-70.

52. Wilder, *op. cit.*, 73. The constitution was adopted, 1,731 to 46; the general banking law, 1,120 to 564; and the exclusion of free Negroes and mulattoes, 1,287 to 453.

53. *Kansas Historical Collections*, XIII, 149, 150.

54. *St. Louis Intelligencer*, January 3, 1856, in *Indianapolis Daily Journal*, January 7, 1856.

55. Robinson: *The Kansas Conflict*, 220, 221; *Herald of Freedom*, December 29, 1855.

56. Wilder, *op. cit.*, 88, 89.

57. Robinson: *The Kansas Conflict*, 220; *Herald of Freedom*, December 29, 1855.

58. *Herald of Freedom*, January 19, March 1, 1856; *New York Times*, January 29, 1856, in Webb Scrap Book, VIII, 245.

form.”⁵⁹ If true, Lane may have been courting favor with the Republicans, although there is evidence to show that he still desired to be considered a National Democrat. He was criticized for his inconsistency in now supporting the underlying principle of the Republican party, whereas only a few months before he had fought so ardently to secure indorsement of the principle of popular sovereignty in the Topeka constitutional convention.⁶⁰ This free-state convention cannot be construed, however, as the origin of the Republican party in Kansas. It was not until 1859 that the Free-state party was supplanted there by a Republican organization.

The Topeka constitution had provided that the “state legislature” should meet at Topeka on March 4, 1856.⁶¹ The house was called to order by Lane as chairman of the executive committee, and as such he administered to the members the oath of office.⁶² With the organization of the “legislature” the authority of the executive committee came to an end. The final report of that committee was made to the “general assembly” on March 6 by the chairman. In this report Lane reviewed briefly the history of the movement for statehood, explained the financial policy that had been pursued, and assured the members of the “legislature” that every effort was being made to secure the admission of Kansas into the Union under the Topeka constitution.⁶³

The executive committee now ceased to exist. It had been the moving and directing force in organizing a “state” government. Andreas concludes that the committee had “within itself the combination of qualities required to plan and execute whatever the exigencies of the times demanded in the interest of the Free-state party.”⁶⁴ Of Lane the same authority says:

“From his official acts as the executive head of this committee, and the frequent occurrence of proclamations bearing his signature, James H. Lane came to be early recognized as the leader of the Free-state party in Kansas.”⁶⁵

59. Unidentified clipping, possibly the *New York Tribune*, in Webb Scrap Book, VIII, 247. See, also, the *Worcester Daily Transcript*, January 23, 1856, in Webb Scrap Book, VIII, 186. The statements made by newspaper correspondents harmonize with the resolution quoted.

60. *Kansas Freeman*, February 2, 1856.

61. Schedule of the Topeka constitution, in Wilder, op. cit., 85.

62. “Journal of the House of Representatives of the State of Kansas,” published as part of “The Topeka Movement,” in Kansas Historical Collections, XIII, 166, 167.

63. Ibid., 196-199. Lane concluded: “We cannot refrain from congratulating you and those you represent on the bright prospects before you. The state government for Kansas is organized. You are assembled to enact laws that will secure peace and happiness to our people. There are dark clouds in our political horizon, but we should not be discouraged. We have the sympathy and promised aid of strong arms and stout hearts with their assistance. If we are true to ourselves Kansas must and will be free.”

64. Andreas, op. cit., 112.

65. Ibid., 112, 113.

CHAPTER VII.

THE KANSAS MEMORIAL.

BY the spring of 1856 the Topeka movement was well under way. The Free-state party had been organized at the Big Springs convention in September, 1855, and in six months' time a constitution had been framed and adopted, and the machinery of a "state" government had been placed in operation. It now remained for party leaders to convince congress that the legally recognized territorial government should be abandoned, and that Kansas was ready for admission into the Union under the Topeka constitution.

As early as December 9, 1855, the executive committee appointed five "delegates to travel in the states to urge the cause of Kansas upon the people and induce emigration to the territory."¹ Five weeks later it appointed seven "general agents to visit the several states of the Union, to ask appropriations of munitions of war and means for the defense of the citizens of Kansas,"² and at a meeting on February 11, 1856, the four remaining members in the territory, Lane,³ Holliday, Brown, and Goodin, decided to "repair to Washington in order to prove as efficient as possible in securing for Kansas her admission into the Union as a sovereign state."⁴ Lane furthermore was elected by the free-state "legislature" on March 4,⁵ along with Reeder, to be senator from Kansas when the state should be admitted.⁶ And in addition to this, as reported in the *Kansas Free State*, at "a meeting of the Democratic portion of the Free-state party, he was appointed one of the delegates to the national Democratic convention to meet at Cincinnati, which he designs attending. Before starting he expressed his determination to stump every Democratic district in the North, in vindication of the claims of Kansas. The Colonel is universally admitted to be a superior canvasser, and can exercise a decided influence for good, but we fear that the proslavery Democracy of the North will be found by him too far gone in corruption to admit of redemption. His

1. Kansas Historical Collections, XIII, 148.

2. Ibid., 150.

3. Lane had intended to leave Kansas for the East much earlier than he did, but was prevented by a renewal of hostilities in the territory. According to newspaper reports he was a member of the deputation appointed on January 16, 1856. See the *New Haven Daily Palladium*, January 22, 1856, in Webb Scrap Book, VIII, 172, 173; *Boston Journal*, January 22, 1856, in Webb Scrap Book, VIII, 174.

4. Kansas Historical Collections, XIII, 158. At the same time the secretary was instructed to write to M. J. Parrott, already in Washington, "reminding him of his appointment as chairman of a committee of the executive committee to draft a memorial to be presented to congress, setting forth our grievances and asking of congress the immediate admission of Kansas into the Union as a state."

5. As chairman of the executive committee Lane had assisted in organizing the free-state legislature on March 4.—Ibid., 166, 167; *Herald of Freedom*, March 8, 1856; *Kansas Daily Tribune*, March 10, 1856; Andreas, op. cit., 125.

6. See "The Journal of the House of Representatives of the State of Kansas," in Kansas Historical Collections, XIII, 205, 206. In general, Lane's election to the senate was regarded favorably by the press. However, the *Cincinnati Daily Gazette*, March 20, 1856, regarded Lane's election as unfortunate and tending to damage the free-state cause. The opposite point of view was taken by the *Kansas Tribune*, March 10, 1856.

attending the convention, however, will doubtless result in great good to our cause."⁷

Although President Pierce had denounced the Topeka movement in his special message to congress,⁸ January 24, it is entirely possible that Lane still believed he could persuade party leaders to accept Kansas as a free state. No other evidence is available, however, that he planned to attend the Democratic national convention, and there is no record that he was present when the delegates assembled at Cincinnati.⁹

Senator Lewis Cass had been selected to present to the senate the memorial of the Topeka legislature praying for admission into the Union under the recently framed constitution.¹⁰ This he did on April 7, and it was referred to the committee on territories.¹¹ But immediately a debate arose as to whether the memorial should be printed. James A. Bayard, of Delaware, and Andrew P. Butler, of South Carolina, proposed to reject it on the ground that it purported to emanate from "the senators and representatives of the general assembly of the state of Kansas," when no such legislature existed, except as a "self-constituted, arrogant, and usurping body."¹² Douglas discovered upon inspecting the document "that the signatures are all in one handwriting, showing that it is not an original paper." Furthermore he noted "various interlineations and erasures," which increased his doubt as to "the genuineness of the document." He said, however, that although those who sent it had no right to demand that it be printed, he had no objection if the senator from Michigan desired it.¹³

With arguments like those of Bayard and Butler, Senator James M. Mason, of Virginia, moved that the order referring the memorial to the committee on territories be rescinded, and that "the committee on printing be discharged from the consideration of the motion to print the said paper."¹⁴ Before the motion came to a vote Cass explained that he had conversed with Lane, and was "not satisfied that the paper is one that ought to be received."¹⁵ The motion of the Virginia senator passed by a vote of thirty-two to three, only James Harlan, William H. Seward and Charles Sumner opposing it. Cass then asked permission to withdraw the memorial, "with a view to return it to the gentlemen who handed it to me."¹⁶

The motion to rescind found the Republican minority in the senate without a clear understanding of the real issue involved. "When the roll call reached Harlan's name," says the Iowa senator's biographer, "not a negative vote

7. *Kansas Free State*, March 24, 1856.

8. James D. Richardson, ed.: *Messages and Papers of the Presidents* (Washington, 1896-1899), VII, 2890, 2891. Lane refuted the President's charges in an address at Legislative Hall, Topeka, March 3, 1856.—*Herald of Freedom*, March 29, 1856.

9. Apparently M. W. Delahay and S. W. Johnson did attend.—See the *Cincinnati Daily Gazette*, June 2, 1856. W. Y. Roberts, according to the *Chicago Daily Tribune*, June 4, 1856, in Webb Scrap Book, XIII, 30, passed through that city on his way to the convention.

10. In explaining this choice Lane said: "I gave that direction to the memorial from the fact that the convention which framed the constitution of Kansas, with great unanimity, had before selected General Cass as the medium by which to present the constitution to the senate, deeming him, on account of his seniority, the most proper person to introduce into the Union the new applicant."—*Kansas Free State*, May 19, 1856.

11. *Congressional Globe*, 34 cong., 1 sess., pt. I, 826.

12. *Ibid.*, 826-827.

13. *Ibid.*, 827.

14. *Ibid.*, 854.

15. *Ibid.*, 864.

16. *Ibid.*

had been cast, and he voted 'no' expecting to find himself alone. Surprised at what seemed to him the 'complete demoralization' of his Republican associates and indignant at the virtual branding of the 'free-state' people of Kansas as forgers and traitors, he defiantly recorded his negative vote. Much to his relief he was followed by Seward and Sumner, the latter afterward informing him that he had intended to withhold his vote, until he heard Harlan's negative."¹⁷

Lane was naturally chagrined and humiliated at the refusal of the senate to receive and print the Kansas memorial. The following day, April 11, he sought out Harlan and declared to him "that he was mortified beyond the power of words to express over the debate of the preceding day.' He also stated that Horace Greeley, who was in the gallery when the vote was taken, 'was fighting mad' and had said that 'he was amazed at such stupidity on the part of Republican senators; that Harlan, of Iowa, seemed to be about the only level-headed man among them.' Greeley also suggested to Lane that he get Harlan 'to move a reconsideration of the question, so that the Republican senators could put themselves right on the record.'" This the Iowa senator could not do, for he had voted against the motion, but he suggested that a personal petition should be drawn up with the rejected memorial incorporated.¹⁸ Lane therefore repaired to Justice John McLean, of the supreme court, and made an affidavit "that the twenty-four half sheets of paper hereto annexed contain the original draft of the memorial from the members of the general assembly of Kansas from which the revised copy was prepared which was submitted to the senate of the United States by General Cass."¹⁹ This affidavit, together with the personal statement or memorial of Lane, was then presented to the senate on April 14 by Senator Harlan. The statement gave a complete history of the Kansas memorial. It had been drafted rather hastily by a committee of the Topeka "legislature" of which John Hutchinson was chairman, and unanimously adopted in each house. It being "deemed by some crude and prolix in its phraseology," the memorial was referred to a committee "with power to revise, modify and correct it; and with instructions to prepare three revised copies—one for each house of congress and one for the people of the United States."²⁰ After the adjournment of the "legislature"²¹ the committee on revision met at Topeka, Robinson and Lane being "present by invitation," and to the latter was delegated the task of improving the phraseology of the document. This duty he had discharged upon his arrival in Washington, but the three copies prepared by a clerk still contained superfluous sentences; hence the erasures and interlineations which appeared in the copy presented to the senate. The final drafts, however, had been approved by Robinson, governor-elect, and Morris Hunt, a judge of the supreme court of the Kansas provisional government.²²

17. Johnson Brigham: James Harlan (Iowa City, 1913), 98, 99.

18. Ibid., 99, 100.

19. *Appendix to the Congressional Globe*, 34 cong., 1 sess., 379.

20. The third copy was published in the *New York Daily Tribune*, April 9, 1856. It is essentially the same as the one presented to the house of representatives, although the wording is slightly different.

21. The legislature adjourned March 15 to meet again July 4.—Kansas Historical Collections, XIII, 235.

22. The history of the memorial and the debates in the senate were reviewed in the *Pittsfield Berkshire County Eagle*, April 18, 1856, in Webb Scrap Book, XI, 116.

But another objection in the senate was that the signatures were all in one handwriting. This, also, Lane was able to explain, at least to his own satisfaction. After the memorial had been submitted to the committee on revision, "three separate sets of signatures were executed by the members of the general assembly . . . to be attached to the revised copies." Unfortunately these had been mislaid, and the names affixed to the document which had been before the senate had been "taken from autographs now in possession of your memorialist; which, being in a book containing other memoranda, cannot be attached to the memorial," but would be exhibited by Senator Harlan, in whose possession it would be placed.²³ After this explanation Lane expressed the hope that the senate would now receive the memorial, "and grant the prayer therein expressed, to admit Kansas into the Union with her present constitution, on an equal footing with the other states."²⁴

After having presented the affidavit and personal statement of Lane²⁵ to the senate, Harlan proceeded to taunt Democratic leaders with having forgotten important services which the memorialist had rendered to the Democratic party. Lane was a "*Democrat*—not by conversion but by conception and birth." Amos Lane's services as a staunch supporter of Andrew Jackson were recapitulated, as were also the exploits of Colonel Lane in the Mexican war, and his subsequent activities in Democratic politics of Indiana. For sixteen years Lane had been the champion and standard bearer of the party, and now when the Kansas memorial was pronounced an impudent fraud, and the source from whence it came demanded, his former political associates did not defend him.²⁶

Douglas made a sarcastic reply. He could not see that Lane's military service, his Democratic record or his Kansas-Nebraska vote proved the present paper to be genuine. He thought it would "not be denied by his new political associates" that Lane was "essentially identified with the Black Republican party." He continued: "Is there so much virtue in Democratic associations that it protects a man's reputation from all injurious imputations, after having fallen from grace? I admit the virtue, so long as they are faithful to Democratic principles; but I deny that they have a right to claim, as a saving grace sufficient to exculpate them from subsequent sins, that they were once Democrats and apostacized from the true faith. That, sir, is all I have to say of the Democracy of Colonel Lane, and all that class of modern politicians whose chief claim to popular favor consists in the fact that they were once Democrats, and have betrayed those who reposed confidence in them and heaped honors on them."²⁷

The original memorial as prepared by the Topeka "general assembly" has not been preserved, nor was the copy presented by Cass to the senate entered

23. The writer fails to detect the logic of this explanation.

24. The statement was published in the *Appendix to the Congressional Globe*, 34 cong., 1 sess., 282, 283.

25. Lane also addressed a communication to the editor of the *New York Tribune* in which he explained the history of the memorial very much as in the affidavit and statement presented by Harlan.—See *New York Daily Tribune*, April 11, 1856. The text of Lane's memorial, together with the affidavit sworn before Justice McLean, appeared in the *New York Daily Tribune*, April 16, 1856.

26. *Appendix to the Congressional Globe*, 34 cong., 1 sess., 378-382.

27. *Ibid.*, 383.

upon the records. At the same time, however, Daniel Mace, of Indiana, placed a similar copy before the house of representatives where it received more favorable consideration, and was ordered to be printed.²⁸ It was moderate in phrase and respectful in its tone toward congress. Douglas, however, found upon comparing the original and the copy revised by Lane that some very vital changes had been made, and he did not hesitate to point out why, in his opinion, they had been made. He had called the memorial presented by Lane to Cass a forgery because the original adopted by the Kansas "legislature" "declared their right to form a state constitution because the Nebraska bill was unconstitutional; because being unconstitutional, it was a nullity, because there were no constituted authorities in the territory; because congress had no power over them; and hence they would not submit to the power of congress. That is the ground upon which this memorial adopted by the Kansas legislature puts their case. . . . Colonel Lane comes here standing on the revolutionary right, with a memorial that denies the power of congress, and defies its authority; he finds his friends backing out, saying that it is not their position; and then he sits down and makes what he calls a copy, and omits that fundamental principle on which their whole action rested . . . It is a change in a vital part of the memorial, for the purpose of avoiding the issue which the majority of the committee on territories had made with the minority, for the purpose of avoiding the weight of the blows under which the defenders of this rebellion were staggering and tottering until they found that they could not maintain their position."²⁹

Douglas also found objection to the constitution which was presented with the memorial,³⁰ for in his opinion a very material portion of it had been suppressed. He claimed that the clause adopted by a separate vote of the people instructing the first legislature to prohibit free Negroes and mulattoes from entering the state was in reality an integral part of the constitution.³¹ This suppression of a vital clause in the fundamental law seemed to him as reprehensible as were the changes which had been made in the memorial.³²

Senator George E. Pugh, of Ohio, another administration leader, thought it necessary to answer Harlan's accusation that Lane's Democratic friends did not know him. Pugh had heard, although he could not vouch for the truth of the statement, "that four or five months ago, in the territory of Kansas, he [Lane] publicly expressed a full adhesion to the Republican party and platform." The senator from Iowa should understand that whenever "a man joins the Republican party (so-called) he is a Democrat no more; and the sooner he parts with that title the better for himself and for all concerned."³³ Senator Benjamin F. Wade defended Lane with his usual "warmth." He could see "nothing in this whole transaction but what is honest, right and

28. "Papers purporting to be the Memorial of the Senators and Representatives of the State of Kansas and the Constitution of the State of Kansas," in *Kansas Collected Speeches and Pamphlets*, VIII, 1855, 1857, 11 pp. This is evidently a reprint from the House Documents.

29. *Appendix to the Congressional Globe*, 34 cong., 1 sess., 383. This subject is also discussed in the *New York Times*, quoted in the *Washington Union*, and copied by the *Daily Illinois State Register*, May 6, 1856.

30. See the *Kansas Tribune*, May 12, 1856.

31. While Douglas was speaking Lane "leaned over" and gave Seward his account of the transaction.—*Appendix to the Congressional Globe*, 34 cong., 1 sess., 388.

32. *Ibid.*, 387, 388.

33. *Ibid.*, 385.

aboveboard." Nor was there anything "for which any man can justly censure the individual who has presented these papers."³⁴

The debate in the senate on the 14th lasted some five hours, and was concluded by a vote which tabled the motion to receive the petition.³⁵ The result was decisive, but this time, however, "the eleven Republican senators voted in the negative, thus accomplishing the chief purpose for which the petition was reintroduced, and restoring the party integrity."³⁶

But the matter did not end with a second rejection of the Kansas memorial by the senate. Lane had been charged with fraud and forgery in a body in which he felt himself entitled to a seat, and his belligerent and impassioned nature rebelled. He therefore addressed a letter to Douglas³⁷ on April 18 in which he called upon the Illinois senator for such explanation of his language "upon that occasion" as would "remove all imputation upon the integrity" of Lane's "action or motive in connection with that memorial."³⁸ The letter was delivered by Hon. C. R. Watson, Lane's representative, to whom Douglas addressed his reply.³⁹ Lane's letter, he said, was "so equivocal in terms, and portions of it so irreconcilable with other portions," that he found it difficult to determine with any degree of certainty whether it was "intended as a hostile message or a friendly note." Furthermore, other senators had used language equally objectionable, for three or four had denounced the memorial as "an impudent forgery, attempted to be palmed off upon the senate of the United States through the hands of the venerable senator from Michigan." In fact he had followed the lead of the Michigan senator and had expressed "a willingness to vote for his motion to print" until its "reception and printing became the test of a principle which was to recognize and sanction the revolutionary proceedings in Kansas." Later, when Lane had presented the original memorial through Senator Harlan, and invited comparison between the original and the copy, Douglas, as chairman of the committee on territories, had made such comparison. He found that not only was the original devoid of signatures, but that the first three pages of it "were entirely suppressed in the pretended copy," and there were "other material omissions and suppressions, many interpolations and alterations running all through the paper, and changing its whole character, not only in form but in substance and principle." He must therefore conclude that there were no facts within his knowledge which could "remove all imputation upon the integrity of his action or motives in connection with that memorial."⁴⁰

The Kansan rejoined characteristically in a "card" to the public. This recited that Douglas and he "had long been personal and political friends,"

34. Ibid.

35. The whole debate is reviewed in the *National Intelligencer*, April 15, 1856.

36. Brigham, op. cit., 100.

37. See Frank E. Stevens, "The Life of Stephen A. Douglas," in *Journal of the Illinois State Historical Society*, XVI, 505, 506. This biographer of Douglas concludes that the incident was a plot to lead Douglas into a complicated situation, and injure his candidacy before the Cincinnati convention.

38. Lane's "Card" in which he attacked and denounced Douglas was widely published. See the *Cincinnati Daily Gazette*, April 29, 1856; *Indianapolis Daily Journal*, May 1, 1856; *Indiana Daily Sentinel*, May 1, 1856; *Daily Illinois State Register*, May 5, 1856; *Kansas Free State*, May 19, 1856.

39. This letter of Douglas to Watson is in the nature of reasons why he cannot correspond with Lane.

40. Douglas' letter of April 19, together with related correspondence, was published in the *New York Daily Times*, April 26, 1856, in Webb Scrap Book, XI, 169, 170.

and if there had been any doubt as to their future relations, this had been allayed upon his arrival at Washington. "The senator met me with great cordiality; he . . . pleasantly upbraided me for not giving him an opportunity to welcome me at his house. I became his invited guest, and communicated with him in honest friendship." But later, "in the senate chamber, where all his deeds, by his constitutional oath, ought to be bound in truth and honor, I found him breaking open and parading the private conversation of an invited friend, . . . in such a tortured and misshapen manner that it ceased to be truth and became falsehood." But even after he had called upon Douglas "for explanations which would lead to proper vindication," the charge had been repeated "in the most brutal language." Being denied justice Lane could only appeal from what he believed to be "the atrocious conduct" of Douglas and submit his cause "to the honest public and its just sense and conviction."⁴¹

Commenting upon Lane's appeal, the *Springfield Republican* had "rarely seen the English language used more effectively in this respect. The insinuations and open charges he brings against the Illinois senator . . . are calculated seriously to injure that gentleman, particularly at the South and West, where the 'code of personal honor,' as it is called, recognizes such resorts as Colonel Lane sought for reparation. The matter, as it now stands, must leave the balance of personal sympathy with Colonel Lane, as a man, feeling personally and sorely aggrieved, who is not only denied any sort of satisfaction, but the insults repeated in the most offensive style. Certainly Mr. Douglas has found that others can bully as well as himself; and he stands before the country as a man beaten at his own game."⁴² On the other hand, the *New York Times* believed that in "So far as this is a personal controversy, we have no hesitation in saying that Senator Douglas has the best of it."⁴³

As suggested by the *Springfield Republican*, it was currently reported that Lane had challenged Douglas to a duel, or would do so. In a letter to Hon. C. R. Watson, of April 19, Douglas said that the city was full of rumors to that effect, and that the "letter writers" for eastern newspapers "most friendly to the revolutionary movement in Kansas" and "most hostile" to himself, had not only announced a challenge three or four days previous, but had actually fixed the time when the hostile message was to be sent.⁴⁴ Meanwhile Douglas consulted five friends, Robert Toombs, John B. Weller, James L. Orr, Jesse D. Bright, and Joseph Lane, who advised him that he should not construe Colonel Lane's letter as a hostile message.⁴⁵

From the available material it appears that the press was about evenly divided in its support of Lane and Douglas, although there was an occasional editorial denouncing the conduct of both participants in the controversy. To a large extent party lines were the determining factor. Democratic papers saw in the attack on Douglas an attempt to injure his prospects in the campaign of 1856.⁴⁶ Lane was pictured as a tool of abolitionists and Black

41. *Kansas Free State*, May 19, 1856.

42. *Springfield Republican*, April 29, 1856, in Webb Scrap Book, XI, 181, 182.

43. *New York Daily Times*, April 28, 1856, in Webb Scrap Book, XI, 176.

44. *New York Daily Times*, April 26, 1856, in Webb Scrap Book, XI, 169, 170.

45. *New York Daily Times*, April 26, 1856, in Webb Scrap Book, XI, 169, 170. Toombs of Georgia, Bright of Indiana, and Weller of California were colleagues of Douglas in the senate; Orr was a representative from South Carolina; and Joseph Lane was the delegate from Oregon territory.

46. See, for instance, the *Daily Illinois State Register*, April 22, 1856.

Republicans who desired to break the political power of the Illinois senator.⁴⁷ On the other hand the Republican papers professed to see in the whole affair an attempt on the part of the administration senators to force slavery upon Kansas.⁴⁸ In the territory Lane's course was in general approved by the free-state party, although the *Kansas Free State* considered that his belligerent attitude had imperiled the cause he represented.⁴⁹

For the inglorious fate of the Kansas memorial Lane must assume a large share of the responsibility. He, more than any other, was the guiding spirit in the Topeka movement. It was a great blunder to present the petition in so crude a form and give its opponents a perfect ground for technical attack. A carefully prepared document, drafted in due form and authentically signed before it left the territory, would have saved Lane from humiliation and the whole Topeka movement from ridicule. A leading Republican paper observed that the mistakes which had been made constituted "a crime against the cause of Kansas," and made it possible to "cover up the real issue in dust about a merely incidental matter."⁵⁰ In view of the political complexion of the senate and the approaching election, it is difficult to see how the reception and printing of the memorial could have gained any tangible benefit for the Free-state party.

During the summer of 1856 the movement toward statehood was again obstructed by border warfare. On July 4 the free-state "legislature" which assembled at Topeka was dispersed by United States troops.⁵¹ The Topeka constitution, however, still remained the goal of the free-state party until it captured control of the official territorial legislature. The Topeka movement as such did not breathe its last until March, 1858.

47. *New York Day Book*, April 19, 1856, in *Daily Illinois State Register*, April 25, 1856.

48. *Rochester Daily Democrat*, April 23, 1856, in Webb Scrap Book, XI, 146; *Indianapolis Daily Journal*, April 22, 1856.

49. *Kansas Free State*, May 5, 1856. This paper says: "We do not understand that the Colonel was sent to Washington with revolver in hand to demand our admission into the Union, and we do not desire that he should imperil our cause, in trying to obtain revenge for a personal insult, whether merited or unmerited. The time is passed when moral integrity was measured by the foolhardiness necessary to enable one to place himself as a target for a 'bully.'"

50. *Springfield Republican*, April 29, 1856, in Webb Scrap Book, XI, 181, 182.

51. The "Journal of the House of Representatives of the State of Kansas" contains this entry for July 4, 1856:

"House of representatives met pursuant to adjournment.

"Assistant Clerk Samuel F. Tappan called the house to order. Roll called.

"Sergeant at arms sent for absentees.

"Roll called.

"Col. E. V. Sumner, U. S. Army, having now taken a position upon the platform, interrupted the proceedings of the house and said:

"GENTLEMEN: I am called upon this day to perform the most painful duty of my whole life. Under the authority of the President's proclamation I am here to disperse this legislature, and therefore inform you that you cannot meet. I, therefore, in accordance with my order, command you to disperse.

"God knows I have no party feeling and will hold none so long as I hold my present position in Kansas. I have just returned from the borders where I have been sending home companies of Missourians, and now I am here to disperse you. Such are my orders that you must disperse. I now command you to disperse. I repeat that this is the most painful duty of my whole life. But you must disperse."

"P. C. Schuyler, a spectator, asked:

"Col. Sumner, are we to understand that the legislature is dispersed at the point of the bayonet?"

"Colonel Sumner replied: 'I shall use the whole force under my command to carry out my orders.'

"The house thereupon dispersed.

S. F. TAPPAN, Assistant Clerk."

It is not certain that Sumner dispersed the legislature by order of the administration, for his instructions have not been located. He considered that it was required by his orders, but he was immediately recalled on the ground that he had exceeded his authority.

An interesting discussion of the dispersion is available in a statement of Loring Farnsworth, December 1, 1880, in Kansas Historical Society Manuscript Collections.

CHAPTER VIII.

LANE'S ARMY OF THE NORTH.

SHAKING the dust of Washington from his feet, Lane made a speaking tour in the Old Northwest to lay the cause of Kansas before the people. In this he proved his capacity as a shrewd politician and a persuasive advocate.

The first of this series of notable speeches, however, preceded the fiasco at the national capital. With arrangements made in advance he spoke at Harrisburg April 5, where the hall of the house of representatives was made available. According to the *Pittsburg Enquirer* Lane made a "decidedly favorable impression."¹ He spoke for two hours to a large audience, giving "a graphic picture of the wrongs the territory had suffered from the invasions of armed bands of Missourians," and arguing for the admission of Kansas under the Topeka constitution.²

Journeying now to his old stamping grounds he undertook a score of engagements in Indiana.³ One of these was at Indianapolis May 1 to address the state Republican or "people's convention," where resolutions were passed "sympathizing with the people of Kansas; condemning the administration for permitting the border outrages; . . . [and] favoring the immediate admission of Kansas as a free state."⁴ Again on May 22 Lane spoke to an audience of fifteen hundred in the same city, making what was reported to be "the most triumphant and thrilling speech of the season."⁵ To add to the enthusiasm of the campaign, the "bullet-rent flag of 'the steadfast Third,'" together with the veterans of that regiment, were paraded upon every possible occasion.

During the month of May, 1856, two events of national interest occurred which gave Lane additional points of attack. On the 21st a proslavery force of about seven hundred men, led by Sheriff Jones, Senator Atchison, General Richardson, and Col. H. T. Titus,⁶ appeared at Lawrence to assist the United States marshal in arresting certain free-state leaders whom a grand jury had indicted for treason. This purpose, which was accomplished without re-

1. Quoted in the *Pittsburg Commercial Journal*, April 9, 1856, in Webb Scrap Book, XI, 55.

2. A full account of the address is recorded in the *New York Daily Tribune*, April 7, 1856, in Webb Scrap Book, XI, 42, 43. See, also, *Herald of Freedom*, April 19, 1856.

3. Lane was scheduled to speak at Franklin, Greencastle, Shelbyville, Fort Wayne, Wabash, Logansport, Delphi, Lafayette, Terre Haute, Vincennes, Evansville, Princeton, Madison, Aurora, Richmond, and perhaps other cities. According to the *Cincinnati Columbian*, quoted in the *Daily Illinois State Register*, May 9, 1856, Lane designed to speak during the campaign in every county in Indiana, in support of the Republican ticket and platform. Correspondence preliminary to the Franklin speech was published in the *National Era*, May 1, 1856, and discussed in the *National Intelligencer*, April 24, 1856. A report of the speech was published in the *New York Daily Tribune*, May 5, 1856, in Webb Scrap Book, XII, 39, 40. His engagement at Madison was announced in the *Madison Banner*, May 24, 1856, in Webb Scrap Book, XII, 192, and reported in the *Cincinnati Daily Gazette*, June 3, 1856.

4. *National Intelligencer*, May 5, 1856. A report of the convention was given in the *Indianapolis Daily Journal*, May 2, 1856.

5. *Indianapolis Daily Journal*, May 24, 1856. The entire second page of the *Indianapolis Daily Sentinel*, May 24, 1856, was devoted to a discussion of Lane's speech, in which his "lies" are refuted, and he is ridiculed. The paper asks in what capacity Lane is thrusting himself into the campaign in Indiana.

6. Richardson and Titus were officers in the territorial militia.

sistance,⁷ was thought by Atchison and most of the other proslavery leaders present to complete the errand. But Sheriff Jones, rankling over his failure to destroy the town the previous December, seized this opportunity to demolish the two free-state printing presses⁸ and the new free-state hotel.⁹

The day following the raid upon Lawrence, Preston S. Brooks assaulted Charles Sumner in the United States senate chamber, to punish him for the remarks regarding Senator Butler, of South Carolina, in Sumner's speech on "The crime against Kansas."¹⁰ These two startling incidents, occurring almost simultaneously, greatly aroused the North and enabled Lane to convince his audiences that affairs in the territory had reached a crisis. Speaking at Cincinnati May 26,¹¹ he charged the administration with responsibility for bloodshed in Kansas. Especially did he arraign Franklin Pierce, "of whom he said he had a right to talk as he pleased, having made more than one hundred speeches advocating his election, and having also, as one of the electors of Indiana, cast the vote of that state for him." Finding some misunderstanding as to the sources of Kansas immigration, he explained that it was the states of the Northwest, and not New England and New York which were furnishing the majority of settlers, a contention later proved to be accurate.¹² These, he said, were conservative and union-loving people, not abolitionists.

A few days later Lane addressed the Ohio Republican convention at Columbus.¹³ But perhaps his greatest triumph was at Chicago, where he addressed an immense mass meeting of five or ten thousand people on the evening of May 31, ten days after the attack on Lawrence. The speech in full has not been preserved, although the *Chicago Tribune* gave an elaborate report of the occasion.¹⁴ The audience was his from start to finish; "he controlled its every emotion—moving to tears, to anger, to laughter, to scorn, to the wildest enthusiasm, at his will."¹⁵ He repeated a great deal that he had said at Cincinnati, denouncing the Pierce administration and explaining the true source of Kansas immigration. He established a point of contact when he recalled having fought with their "gallant and noble Bissell¹⁶ at Buena Vista and in congress." He pictured in detail the terrible events in the territory which constituted the "Bleeding Kansas" of 1855-1856. Against the statutes passed by the Kansas

7. G. W. Deitzler, Gaius Jenkins, and George W. Smith were arrested. Reeder, G. W. Brown, and Robinson had also been indicted. Reeder escaped to the states, and Robinson was on his way east May 9, when he was taken off the boat at Lexington, Mo., and held until an indictment could be issued. Lane and S. N. Wood had also been indicted, but not arrested. See Robinson: *The Kansas Conflict*, 235-240.

8. *The Herald of Freedom* and the *Kansas Free State*.

9. Two accounts of the attack on Lawrence are included in Wilder, op cit., 99, 100. See, also, the *Independence (Mo.) Messenger*, May 24, 1856, in Webb Scrap Book, XII, 183.

10. *Appendix to the Congressional Globe*, 34 cong., 1 sess., 529-544.

11. Reports of this speech were published in the *Cincinnati Daily Gazette*, May 27, 1856; *Cincinnati Daily Enquirer*, May 28, 1856; *National Era*, May 29, 1856; *Kansas Tribune*, June 16, 1856. The *Enquirer*, a Democratic paper, reported: "His [Lane's] speech at Greenwood Hall was about as poor a specimen of trash as we have fallen in with in a long time. It is remarkable only in the manner in which he defied the truth."

12. W. O. Lynch, "Population Movements in Relation to the Struggle for Kansas," in *Studies in American History* Inscribed to James Albert Woodburn, 383-404.

13. *Cincinnati Daily Gazette*, May 31, 1856. See, also, F. D. Kimball to Eli Thayer, May 30, 1856, in Kansas Historical Society Manuscript Collections.

14. *Chicago Tribune*, June 2, 1856, in Webb Scrap Book, XIII, 6, 7. Briefer accounts were published in the *Daily Illinois State Journal*, June 3, 1856; *Indianapolis Daily Journal*, June 4, 1856; *New York Daily Tribune*, June 5, 1856; *Norwich Evening Courier*, June 7, 1856, in Webb Scrap Book, XIII, 62.

15. From the account compiled for Andreas, op cit., quoted in Connelley, *Kansas and Kansans*, II, 596.

16. Now the Republican candidate for governor of Illinois.

legislature, especially the odious slave code, he poured forth a bitter and scathing arraignment. Such a code of laws the people of Kansas never would obey. The *Chicago Tribune* concluded its report: "He was listened to with the deepest interest and attention by the vast throng, and as he detailed the series of infamous outrages inflicted upon the freemen of Kansas, the people were breathless with mortification and anger, or wild with enthusiasm to avenge those wrongs. During Colonel Lane's address he was often interrupted by the wildest applause, or by deep groans for Pierce, Douglas, and Atchison, and the doughfaces and ruffians who had oppressed Kansas, and by cheers for Sumner, Robinson and other noble men who have dared and suffered for Liberty."¹⁷

This speech at Chicago, like most of Lane's, presented only one side of the controversy. To have admitted that depredations had also been committed by free-state men, or that many proslavery people were actually residents of the territory, would have been fatal to the cause he was advocating. Political campaigns, like revolutionary movements, are not conducted with high regard for the absolute truth. Lane was flamboyantly gifted and he could hardly speak without exaggeration. Yet he spoke convincingly, as one having authority. He caught and carried his audiences with him, and tangible results followed. Chicago was ripe for action. This great outburst of enthusiasm was responsible for the subscription of \$15,000, along with a number of rifles, revolvers, and a quantity of ammunition; and a resolution was adopted to the effect that a colony of five hundred "actual settlers" should be sent to the territory from Illinois.¹⁸

Meanwhile the situation in Kansas had been growing steadily more critical, and free-state people realized that a crisis was at hand with a lack of leadership to meet it. There seems to have been a general agreement among those who placed themselves on record that if Lane could only be located and induced to return to Kansas, order could be brought from the chaos. Samuel Walker, one of Lane's closest friends and lieutenants, wrote to his brother-in-law, May 18, 1856:

"We are in a bad fix. They have got Reeder, Robinson, Brown, and Jenkins, and we have no leader—Lane is in the East. If he was only here, all would be right, but everything is going to the d——l. . . . I wish you would try and find out where Lane is and write to him. . . . Tell him if he wants to save Kansas from slavery now is the time. If he comes out he can raise at least 2,000 men in two weeks, and with that force he can drive all this mob out of the territory in one week. Things look bad, very bad, at present."¹⁹

A similar message was written from Lawrence May 30 to the editors of the *Chicago Tribune*:

"Where is James H. Lane? Every Northern man in Kansas is impatient for his arrival. He is the only man now at liberty who can command the confidence and reinstate the spirit of our harassed and worn-out squatters."²⁰ A third appeal in a similar strain found its way into the *Quincy (Ill.) Daily Republican*: "We want Colonel Lane here! Hope would spring afresh in every heart, and confidence light up every eye the moment Colonel Lane landed on

17. *Chicago Daily Tribune*, June 2, 1856, in Webb Scrap Book, XIII, 6, 7.

18. The resolutions passed by the meeting are quoted in Connelley: *Kansas and Kansans*, II, 596.

19. *Indianapolis Daily Journal*, June 9, 1856.

20. *Chicago Daily Tribune*, June 9, 1856, in Webb Scrap Book, XIII, 69. It was copied by the *Cincinnati Daily Gazette*, June 11, 1856.

the prairies of Kansas. Five hundred men could take command of a boat at St. Louis or Alton and come up the Missouri river."²¹ A letter from Leavenworth published in the *New York Evening Post* reported that "people are fleeing for their lives, and leaving claims and companions to save themselves alive. Women are not deemed safe from outrage, and are on the wing for safety and protection. Colonel Lane is anxiously looked for, and all hope is centered on his coming."²²

Some of these appeals reached Lane, for on May 30 he penned a note announcing that he would have to postpone his appointments with the exception of those at Dayton, Columbus and Chicago. "You have heard the late thrilling news from Kansas," he said. "I am hastening there, then, either to relieve, or perish with that gallant bleeding people."²³

The spring of 1856 was bringing increased emigration to Kansas from free states.²⁴ Such enthusiasm in populating the territory was viewed with alarm at the South. Missouri in particular was trying to arouse the other slave states to action in the competition for Kansas, and some of her frantic appeals had resulted in promoted emigration from the South.²⁵ A new plan was hit upon to reduce the flow of colonists to Kansas from free states. The Missouri river, which formed a part of the usual highway to the territory, was now to be policed, and all prospective settlers inimical to the interests of the slave power were to be turned back. Ostensibly the purpose was to sift the colonists, to admit those who gave evidence of intention of making Kansas their permanent home, and to reject those who came only with arms and ammunition. Such a policy, administered by unbiased hands, might have proved advantageous to Kansas; but this was not the intention of those who policed the Missouri river.²⁶ The first large party to be turned back was one of seventy-five recruited at the Chicago meeting of May 31.

But even before the free-state emigrants began to find the Missouri river route entirely closed, Lane had already determined upon a new route to the territory. While attending the Ohio Republican convention he confided to the attorney-general of that state, F. B. Kimball, a definite plan of operations. It was to establish a line of communication with Kansas via Iowa and Nebraska which would at all times be open to emigrants and supplies. "But the opening of communication," the attorney-general wrote to Eli Thayer, "including the establishment of one or two intermediate settlements, is of the first importance, and to this object he [Lane] wishes the attention of the Eastern states and particularly the Emigrant Aid Society directed, and if possible their aid enlisted. Funds are necessary to the accomplishment of this plan and it seems to me it is the only feasible one to save Kansas and its people from the

21. *Quincy (Ill.) Daily Republican*, June 13, 1856, in Webb Scrap Book, XIII, 105.

22. Quoted in the *Boston Evening Telegraph*, June 6, 1856, in Webb Scrap Book, XIII, 55.

23. *Indianapolis Daily Journal*, May 31, 1856. The note was addressed to the citizens of Putnam county, Greenfield, Vernon, Martinsville, Columbus, Terre Haute, Vincennes, Evansville, Princeton, Rushville, Versailles, and Fort Wayne, Indiana, and Springfield and Eaton, Ohio.

24. See, for instance, the *Daily Missouri Democrat*, April 25, 1856; *Milwaukee Daily Sentinel*, June 4, 1856, in Webb Scrap Book, XIII, 30.

25. Letter of D. R. Atchison, September 12, 1855, quoted in the *Missouri Republican*, November 5, 1855; a Newberry, S. C. paper, March 12, 1856, in Webb Scrap Book, X, 85; *Missouri Republican*, April 7, 1856.

26. *Missouri Republican*, September 2, 1856, in the *Daily Illinois State Journal*, September 3, 1856.

aggressions to which they are now subjected. A route once opened to Kansas not subject to interruption as the river route now is, and the victory is an easy one."²⁷

Among the free states Iowa was most vitally interested in the outcome of the Kansas struggle. The inhabitants of that state were more than willing to assist emigrants on their way to the territory, and coöperated with Lane and other free-state leaders in perfecting the "Lane Trail." On July 4, 1856, a circular²⁸ was issued by the Kansas central committee of Iowa "To the Friends of Free Kansas," announcing the establishment of the new route. Iowa City was then the most western point that could be reached by railroad. From this city the trail led westward across the state to the Missouri river, a distance of about three hundred miles. The citizens of the towns along the route,²⁹ Sigourney, Oskaloosa, Knoxville, Indianola, Osceola, Quincy and Sidney appointed active local committees which would do all in their power to help the emigrants. Furthermore, the Western Stage Company had secured new equipment and would be able to accommodate every emigrant who came at a fare of about \$25. The trail was marked "by cairns or piles of stone built on the elevations. One of these monuments could be seen across the intervening valley from another. Some of them were still standing as late as 1880, and they were known to the early settlers of Kansas and Nebraska as 'Lane's Chimneys.'" ³⁰

While this route was being opened the Kansas aid movement had become quite general throughout the North. All aid societies, committees and other organizations interested in Kansas were invited to appoint delegates to a convention to be held at Cleveland, June 20, "to take into consideration the appropriate measures to be adopted for the protection and relief of the Free-state emigrants in Kansas, and the preservation of 'law and order' in said territory."³¹ To this convention Lane and Reeder were invited. The latter was present and acted as presiding officer, but Lane did not arrive until after the meeting adjourned. Resolutions were passed "pledging the various local associations to vigorous exertions for securing aid, and proposing the organization of a central executive committee of five at Chicago," to receive and distribute contributions for Kansas.³² The convention adjourned to meet at Buffalo on July 9. Lane and other delegates from Iowa and Indiana having arrived late, held an informal meeting and discussed plans, especially with "reference to the movements of 400 emigrants for Kansas, now collected at Iowa City, on their way to the territory."³³

The day following Lane addressed a political rally at Cleveland called to

27. F. D. Kimball to Eli Thayer, May 30, 1856, in Kansas Historical Society Manuscript Collections.

28. A copy of the circular is preserved in the Kansas Historical Society Pamphlet Collections. It is quoted in Connelley, "The Lane Trail," in Kansas Historical Collections, XIII, 268, 269.

29. A map of the "Lane Trail" through Iowa, drawn by W. E. Connelley, is published in the Kansas Historical Collections, XIII, opposite 268. Another map by the same authority continuing the route through Nebraska and Kansas appears in *ibid.*, opposite 276.

30. Connelley: "The Lane Trail," in Kansas Historical Collections, XIII, 269.

31. *Boston Evening Telegraph*, June 17, 1856, in Webb Scrap Book, XIII, 133.

32. *New Haven Daily Palladium*, June 23, 1856, in Webb Scrap Book, XIII, 174.

33. *New Haven Daily Palladium*, June 23, 1856, in Webb Scrap Book, XIII, 174; *Cleveland Herald*, June 20, 1856, in *New York Daily Times*, June 23, 1856, in Webb Scrap Book, XIII, 179.

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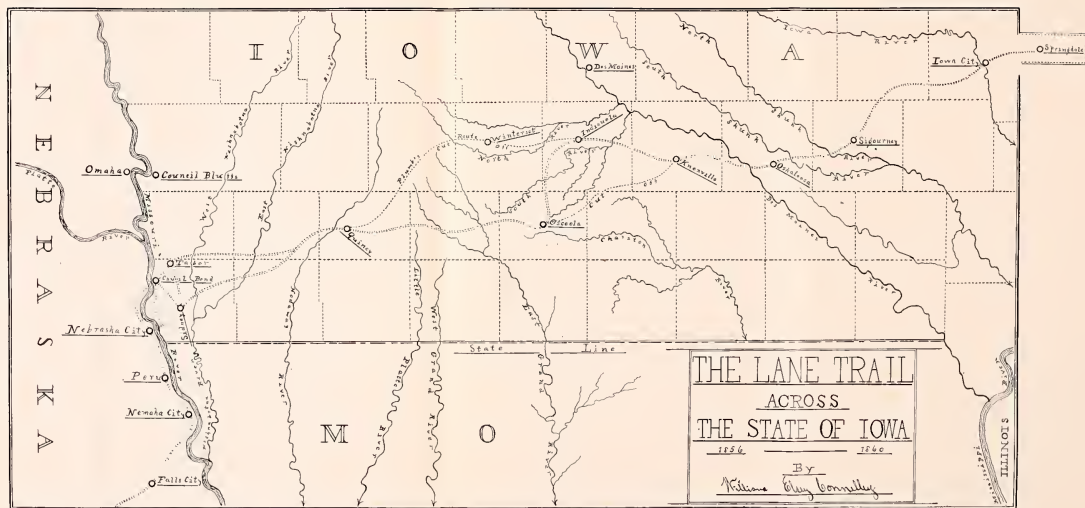
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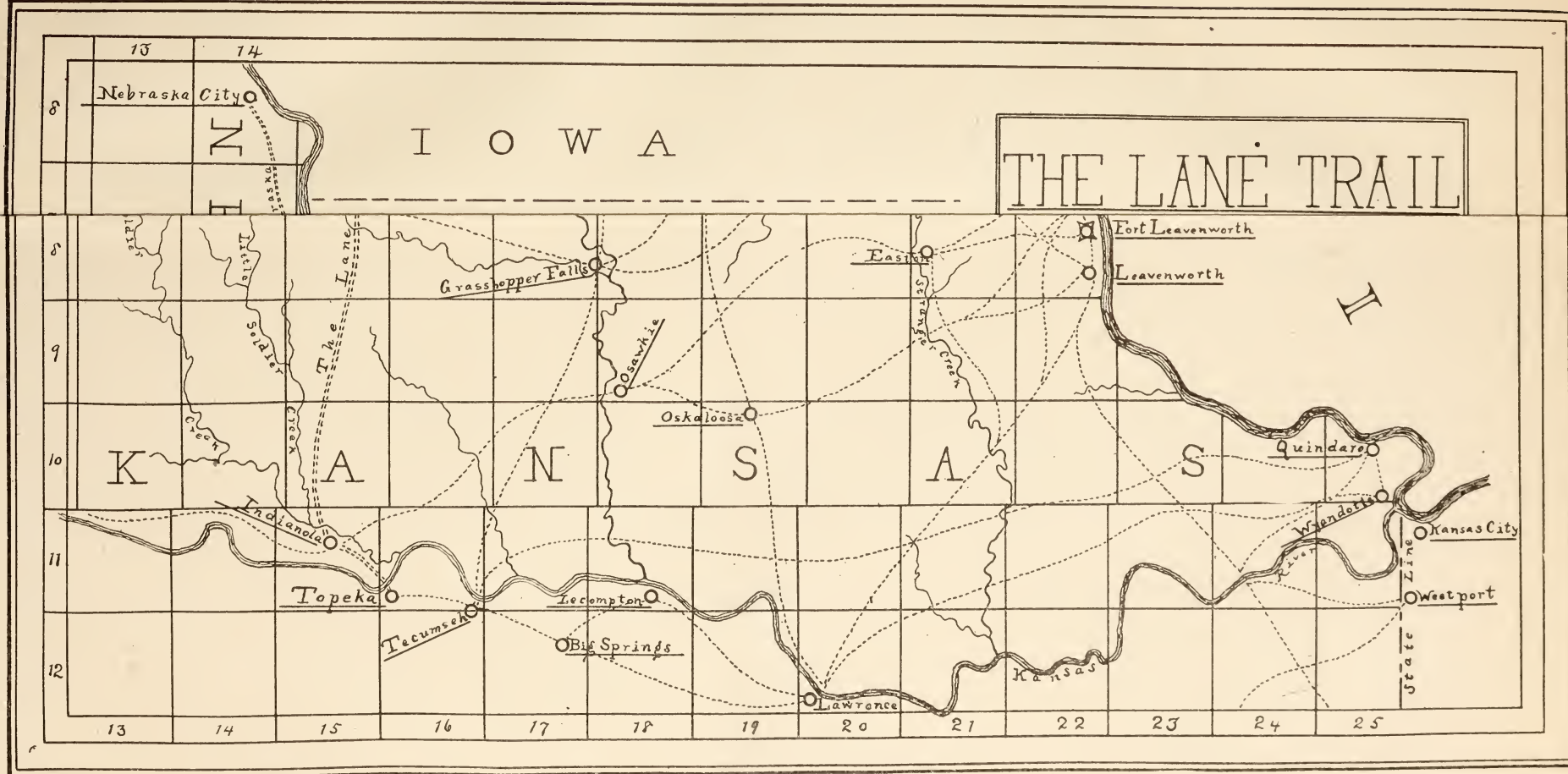
30. Connelley: "The Lane Trail," in Kansas Historical Collections, XIII, 269.

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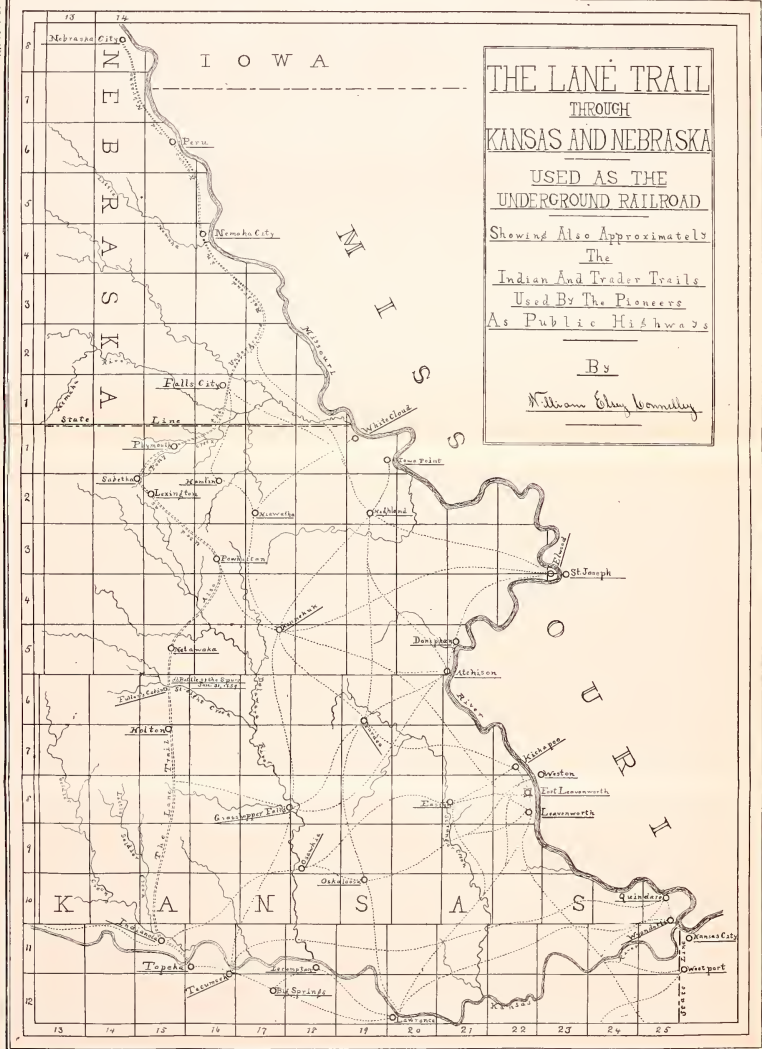


THE LANE TRAIL THROUGH KANSAS AND NEBRASKA

USED AS THE
UNDERGROUND RAILROAD

Showing Also Approximately
The
Indian And Trader Trails
Used By The Pioneers
As Public Highways

By
William Chas. Connelley



indorse the nominees of the Republican national convention. He had been brought up to believe, he told the assembly, that he should always "vote an unscratched Democratic ticket; he was yet a Democrat, but could no longer sanction the action of the party that now acted under its name,—its leaders and supporters were traitors, and not Democrats." Until Lane's rebuff at Washington by party leaders he had expressed no remorse for having voted for the Kansas-Nebraska bill. He now asked forgiveness for that great political sin. But while he was returning to Kansas the next week, he explained, with seven or eight hundred men, victory in the territory would be worthless unless the election resulted in a Republican triumph. "Free territory and Frémont must carry the day here," he said, "or all that we can do will be of no avail." A local paper said of the speech: "It was the most eloquent and effective we have heard this many a day, and throughout its delivery was interrupted by the outbursts of an enthusiasm which have had no equal since the days of 1840."³⁴

It was at Buffalo, however, that a general organization for the purpose of aiding Kansas free-state settlers was effected. At this meeting, held July 9, a national Kansas committee was appointed, with Thaddeus Hyatt, of New York, as chairman. The seventeen members were drawn from a wide range of free states and included Abraham Lincoln.³⁵ At the same meeting an executive committee was selected consisting of J. D. Webster, chairman; George W. Dole, treasurer; and H. B. Hurd, secretary, with headquarters at Chicago. The duty of this committee was "'to receive, forward, and distribute the contributions of the people, whether provisions, arms or clothing, to the needy in Kansas.'"³⁶ Thus the various local organizations were consolidated into a national body with Chicago as an outfitting station for emigration to Kansas.³⁷ During the half year that the executive committee was in existence it received and distributed approximately \$120,000, "besides immense quantities of arms, provisions and clothing."³⁸

Massachusetts did not coöperate with the national organization, but preferred to assist emigration through her own Kansas state committee, of which George L. Stearns was chairman. In the five months between August and December, 1856, he succeeded in raising \$48,000, in addition to supplies of various kinds worth half that amount.³⁹ These Kansas aid societies, state and national, greatly assisted Lane in his project during the summer of 1856, and contributed much toward a speedy termination of the struggle in Kansas.

The new route through Iowa and Nebraska did not prove to be an expeditious channel; and it was not until August that the first large body of emigrants using it actually entered Kansas.⁴⁰ The party numbered between three

34. *Cleveland Evening Herald*, June 23, 1856, in Webb Scrap Book, XIII, 172.

35. The members were: George R. Russell, Boston; W. H. Russell, New Haven; Thaddeus Hyatt, New York; N. B. Craige, Pittsburg; John W. Wright, Logansport; Abraham Lincoln, Springfield; E. B. Ward, Detroit; J. H. Tweedy, Milwaukee; W. H. Hoppin, Providence; W. H. Stanley, Cleveland; F. A. Hunt, St. Louis; S. W. Eldridge, Lawrence; G. W. Dole, J. D. Webster, H. B. Hurd, J. W. Scammon, and I. N. Arnold, Chicago.

36. Andreas, op. cit., 137.

37. *Albany Evening Journal*, July 22, 1856, in Webb Scrap Book, XV, 72.

38. Andreas, op. cit., 137.

39. Frank Preston Stearns, *The Life and Public Services of George Luther Stearns* (Philadelphia, 1907), 119, 120.

40. Wilder, op. cit., 104.

and four hundred,⁴¹ and included not only the emigrants from Chicago, but companies from Ohio, Indiana, Illinois, Massachusetts, and Wisconsin, many of whom had been recruited independently of Lane's efforts. But because of Lane's activity in the East, and because he commanded the whole body as far as the Missouri river, the entire expedition came to be known as "Lane's Army of the North." Evidently the Western Stage Company was unable to provide transportation for all emigrants, as Lane says that there "was a sufficient number of wagons to accommodate those who did not prefer to go on foot," the teamsters being hired originally in Iowa City. Lane thus described his activities: "In passing through Iowa I addressed the citizens upon the subject of politics at every prominent point—often speaking three, and sometimes four times a day—making during the march seventy-two speeches. I was frequently compelled to be in advance of the train, and sometimes in the rear, on which occasion I employed a carriage, furnished me by the Kansas committee of Iowa City; on all other occasions I was with the train, using the same transportation, and sharing the same fatigues and hardships."⁴² The party moved westward through Iowa very slowly. It was reported that the emigrants were encamped at Davenport two weeks, being detained because of lack of funds.⁴³

Among the members of the Kansas national committee there was serious opposition to Lane's leadership. In July that committee sent out Dr. S. G. Howe and Thaddeus Hyatt, not only "to observe the actual condition and wants of the settlers of Kansas," but also to ascertain the condition "of the several bodies of free-state emigrants supposed to be on the road thither."⁴⁴ They reached the encampment near the Missouri river late in the month, and found the prospective settlers in a forlorn condition, lacking money, clothing, and supplies. Moreover, they concluded that Lane's presence tended to place the party "in a false position" before the country, giving "its enemies a pretext for calling it a military or filibustering expedition."⁴⁵ Furthermore, Lane had been indicted for treason, and it was feared he might collide with federal troops.⁴⁶ However, his ability as a leader, his bravery, and his patriotism for the cause of Kansas were not doubted. A letter addressed to Lane requested him to sever his connection with the party in the interest of free Kansas. Samuel Walker was intrusted with the delicate mission of delivering it to him at Civil Bend, across the Missouri river. Walker relates that after reading it Lane "sat for a long time with his head bowed and the tears running down his cheeks. Finally he looked up and said: 'Walker, if you say the people of Kansas don't want me, its all right; and I'll blow my brains out. I can

41. The accounts vary in regard to the number in Lane's party, largely because reports were made at various times. General P. F. Smith wrote to Col. S. Cooper, July 14, 1856, in Kansas Historical Collections, IV, 457, 458, that Lane had 250 men at Iowa City on June 28; accounts in the *Chicago Daily Tribune*, July 26, 1856, in Webb Scrap Book, XV, 131, and the *New York Daily Tribune*, August 11, 1856, place the number at 300. C. S. Gleed: "Samuel Walker," in Kansas Historical Collections, VI, 268, says that the party numbered 350. To a large extent this article is quoted from "Walker's Annals." Wilder, *op. cit.*, 104, and other authorities, place the number at 400.

42. Lane to the editors of the *Cincinnati Gazette*, January 10, 1857, in the *Cincinnati Gazette*, February 5, 1857, quoted in the *Indianapolis Daily Journal*, February 10, 1857.

43. *St. Louis Evening News*, July 8, 1856, in Webb Scrap Book, XIV, 102.

44. Unidentified clipping in Webb Scrap Book, XVI, 3.

45. *New York Daily Tribune*, August 13, 1856, in Webb Scrap Book, XVI, 39, 40; F. B. Sanborn, "The Early History of Kansas, 1854-1861," in Massachusetts Historical Society Transactions, 3 ser., I, 459, 461.

46. Unidentified clipping in Webb Scrap Book, XVI, 3.

never go back to the states and look the people in the face and tell them that as soon as I had got these Kansas friends of mine fairly into danger I had to abandon them.' To which Walker recollected that he replied: "General, . . . the people of Kansas had rather have you than all the party at Nebraska City.'"47 Lane accepted the situation and explained that he "had determined from motives of policy" to separate himself from the emigrants "and go into Kansas in disguise."48

Receiving news from Lawrence Lane determined to turn south immediately, after giving his pledge to the Kansas national committee to avoid collision with federal troops. So a party of about thirty men under command of Captain Walker, including "Joe Cook," alias Jim Lane, and "Isaac Smith," alias Old John Brown,⁴⁹ headed for Lawrence. Six of the thirty reached the Kansas river opposite Topeka at ten o'clock at night, but the ferryman lived on the other side. Walker's horse was the only one able to swim the river, but Lane and a certain Charlie Stratton swam it themselves. Procuring a hasty lunch and fresh horses the three pushed on toward Lawrence. Lane outrode his two companions and arrived alone at 3 a.m.⁵⁰ Such was his remarkable endurance, which characterized his strenuous life during the Kansas struggle.

Meanwhile there was much speculation in Kansas and Missouri as to the intentions of Lane and the size of the force about to enter the territory. The attitude that would be taken by territorial authorities and United States troops was also open to conjecture. Early in July it was rumored in Missouri that Lane was approaching Topeka with 2,000 armed invaders.⁵¹ The delay in western Iowa increased the suspense, but was thought to be "for the purpose of learning the real intentions of General Smith."⁵² It was reported that Major General Richardson, of the territorial militia, had gone to the northern frontier with three or four hundred "Missourians and Southerners" to intercept and prevent the entrance of Lane's men.⁵³ Furthermore, it was currently understood that Colonel Sumner had said that if Lane entered the territory it would "be over his dead body."⁵⁴ But when Governor Shannon called upon Gen. Persifer F. Smith "to take the field with the whole disposable force in the territory, to prevent the ingress of 'Lane's party,'" he declined to move because he believed the information furnished the governor was exaggerated and incorrect. "I know that each party is trying to engage the action of the troops in expelling their adversaries," General Smith wrote to his adjutant general, "and I place no dependence on the reports that do not come from what I consider good authority."⁵⁵

47. Gleed: "Samuel Walker," in *Kansas Historical Collections*, VI, 268. To a large extent the story is quoted from "Walker's Annals."

48. Lane to the editors of the *Cincinnati Gazette*, January 10, 1857, in the *Cincinnati Gazette*, February 5, 1857, quoted in the *Indianapolis Daily Journal*, February 10, 1857.

49. Richard J. Hinton: *John Brown and His Men* (New York, 1894), 57. See, also, Villard, *op. cit.*, 228.

50. Gleed: "Samuel Walker," in *Kansas Historical Collections*, VI, 268.

51. *Missouri Republican*, July 10, 1856. See, also, a letter dated at Weston, Mo., August 20, 1856, in the *Missouri Republican*, August 31, 1856.

52. *New York Daily Times*, August 12, 1856, in Webb Scrap Book, XVI, 23.

53. *Daily Spy*, August 12, 1856, in Webb Scrap Book, XVI, 12; *Missouri Republican*, July 10, 1856.

54. *Missouri Republican*, June 22, 1856. See, also, Webb Scrap Book, XIV, 132.

55. Persifer F. Smith to Col. S. Cooper, August 11, 1856, in *Kansas Historical Collections*, IV, 460.

For offensive operations against Lawrence and to protect Lecompton, proslavery strongholds had been established at strategic points. Arriving in Lawrence after an absence of four months Lane⁵⁶ assembled the free-state men in that neighborhood, and on the night of August 12 attacked Franklin with less than a hundred followers.⁵⁷ Taking refuge in a block house the proslavery forces in that vicinity refused to surrender. Firing then began which lasted for three or four hours with no result except the wounding of a few men. Lacking artillery with which to carry it by assault, Lane's followers "filled a wagon with hay, and setting it on fire, backed it up to the house, whereupon the inmates had to leave it to escape the flames."⁵⁸ Not wishing to take any prisoners the proslavery men were permitted to escape.⁵⁹ A six-pound cannon and nearly one hundred stand of arms were taken, together with a quantity of provisions.⁶⁰

A second expedition occurred on August 15 when Lane and about four hundred men with the cannon captured at Franklin marched against Fort Saunders on Washington creek. The immediate cause for this assault was the killing of Maj. D. S. Hoyt, who went to the fort to arrange amicable relations between it and Lawrence, and failing to adjust the differences, was murdered while returning. Upon the approach of the free-state men the garrison deserted without firing a shot, and the stronghold was burned.⁶¹

One of the most contemptible characters in the eyes of the free-state men

56. One of Lane's intentions was to rescue the "treason" prisoners. He wrote to Robinson from Topeka, August 11, 1856:

"DEAR FRIEND: I am here at last, with a sufficient force and ready to rescue you. It were best if you can escape to do so, and let me meet you with my defending force just outside of your prison house.

"It is necessary to remind you that time is all important. My whereabouts cannot long be concealed from the bloodhounds who are seeking my blood.

"Act promptly. If you cannot escape, I can and will attack your guard, although it were best policy, if blood is to flow, that it be shed in your defense rather than in your rescue. Decide, and that quickly—time is everything. Yours truly.—J. H. LANE.

"To his excellency Gov. C. Robinson, governor of Kansas, Judge Geo. W. Smith, Gen. G. W. Deitzler, G. W. Brown, Hon. John Brown, Gaius Jenkins, Elisha Williams."

Robinson replied from "Camp Sacket," August 11, 1856:

"DEAR SIR.—We have information from Washington that either a *nolle prosequi* will be ordered or a bill will pass congress removing our trials to Pennsylvania or some other state.

"While such is the case, it is thought best to wait till congress adjourns. I have no doubt that something will be done, and to anticipate any such assistance would be prejudicial to our cause.

"It would afford us great pleasure to see you, and perhaps we may. We have an excellent officer here now.

"Guerilla operations are rife now, and they should be attended to. The Missourians are evidently intending an attack, but we can *sweeten them now*. The officers here are willing that our people should put an end to these invaders without troubling them. Roberts is on his way to the state, and I understand will be ready to call the legislature together when he comes. It may be desirable to make a new move. Till then, all think *best to keep quiet here*."—Kansas Historical Society Manuscript Collections. The letters were published in Kansas Historical Collections, VIII, 203, footnote.

57. The accounts are so conflicting that it is impossible to determine with any degree of exactness the number of men that took part in these engagements. The *Missouri Republican*, August 21, 1856, says: "They numbered some 250 strong, and kept up the attack for about four hours." A free-state account in the *Boston Evening Traveller*, August 25, 1856, in Webb Scrap Book, XVI, 135, 136, states that "a party of about sixty assembled and marched to Franklin."

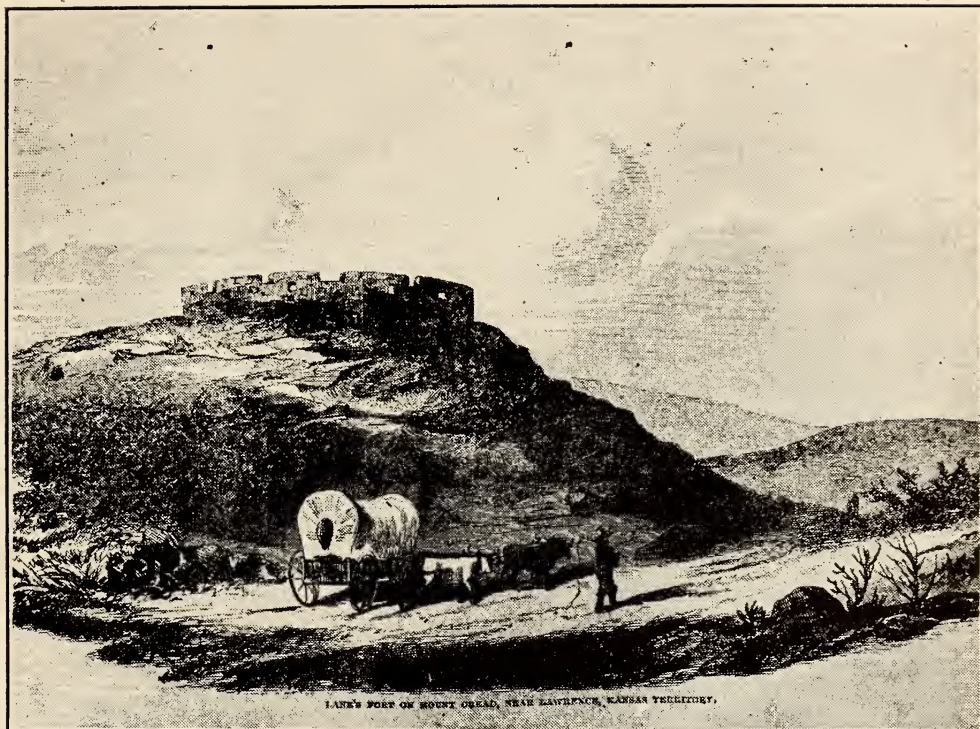
58. *Missouri Republican*, August 21, 1856.

59. The postmaster, Squire Crane, was detained for a short time. See the *Boston Evening Traveller*, August 25, 1856, in Webb Scrap Book, XVI, 135, 136.

60. An article in the *Missouri Republican*, August 21, 1856, states that "The scoundrels then entered the post office and robbed it of about \$60 in cash, all the bed blankets and clothing which they could find, and many other things, in fact, everything they could lay their hands on."

61. *Detroit Daily Tribune*, August 29, 1856, in Webb Scrap Book, XVI, 178.

was Colonel Titus of the territorial militia, who had been very active in harassing them. They charged that he "had been the terror of the whole neighborhood for months," and that he and his subordinates had "robbed, pillaged and plundered every party that was unfortunate enough to fall in their path."⁶² Lane placed an expedition against Fort Titus under command of Capt. Samuel Walker, who attacked the place early on the morning of August 16.⁶³ Twenty prisoners were taken, including Titus, and a quantity of arms and ammunition was captured.



Lane's fort on Mount Oread, Lawrence, Kan., 1856.

By this time the situation had become so serious that Governor Shannon decided to intervene. Accompanied by two proslavery leaders he went to Lawrence on Sunday, August 18. Acting as peacemaker a second time the governor effected a treaty which stipulated that the five free-state men arrested for participation in the attack on Franklin should be released; the cannon captured by sheriff Jones at Lawrence May 21 should be returned; and Titus and his men should be liberated.⁶⁴ This was the last important act of Governor Shannon. A few days later he received notice of his removal and the appointment of John W. Geary as his successor.

Reports of these engagements in which Lane played an active part soon reached Missouri. The alarm was sounded by the citizens of Cass county,

62. *Chicago Democratic Press*, August 28, 1856, in Webb Scrap Book, XVI, 167.

63. Accounts of the battle were published in the *St. Louis Intelligencer*, August 21, 1856, in Webb Scrap Book, XVI, 95; F. G. Adams: "The Capitals of Kansas," in *Kansas Historical Collections*, VIII, 340; *Missouri Republican*, August 21, 1856; *Chicago Democratic Press*, August 28, 1856, in Webb Scrap Book, XVI, 167.

64. *Chicago Democratic Press*, August 28, 1856, in Webb Scrap Book, XVI, 167.

who petitioned Governor Sterling Price on August 20⁶⁵ to call out the state militia for the protection of the border counties of western Missouri against the "abolitionists." The petition recited that Lane's army had "sacked, plundered and burnt several of the principal towns of that territory, and are now ravaging that whole country, murdering, butchering, robbing and driving out, in the most brutal manner, without discrimination of age or sex, all the citizens of that territory who refuse to take up arms and aid them in their insurrectionary designs." Furthermore the towns and counties of western Missouri had been repeatedly threatened with destruction.⁶⁶ A letter, dated at Weston, August 20, addressed to a resident of St. Louis, likewise expressed cause for alarm:

65. "Petition of Citizens of Cass County, Missouri, to Governor Price to call out militia against abolitionists led by J. H. Lane, August 20, 1856," in Missouri Historical Society Manuscript Collections.

66. Accounts of depredations committed by Lane's men are fairly numerous. Daniel Woodson wrote to Messrs. William Hutchinson and H. Miles Moore, September 3, 1856, in reply to a letter of these two gentlemen of September 2, asking that large bodies of Missourians then invading the territory should be dispersed and driven out:

"You cannot be uninformed of the fact that Gen. James H. Lane has recently marched into the territory a large body of armed men, obtained chiefly in the Northwestern states, after canvassing those states for some time for them, avowedly for the purpose of setting at defiance our territorial laws, and of subverting by force and violence the regularly established government of the territory. At the time these men arrived in our midst, everything was comparatively peaceable and quiet. As soon as they crossed the northern boundary of Kansas they began the erection of a cordon of block houses and forts, extending to Topeka, on the Kansas river, a town commonly known as the capital, for the time being, of the so-called state of Kansas. Soon after crossing the Kansas river these men, aided by lawless military combinations heretofore existing in the territory, commenced, in pursuance of threats previously made, the bloody work of exterminating or driving from the territory such of our citizens as had sought to enforce the territorial laws, by attacking at midnight the law-abiding citizens of the town of Franklin with an overwhelming force of armed men, well supplied with Sharp's rifles and other deadly weapons; and finally succeeded by the application of the torch in driving the few citizens from the hotel. . . . The house was then robbed of almost everything valuable, as well as the store of Doctor Skillback, and the post office. The U. S. muskets left there for a volunteer company were taken away. This attack, it is now known, was headed in person by Gen. James H. Lane under the assumed cognomen of 'Colonel Cook.'

"Soon after this a similar attack was made on the New Georgia colony, every man of whom was compelled to flee the territory to save his life, whilst their houses were burned to the ground.

"The settlement on Washington creek was next threatened with extermination, and the settlers, . . . were compelled to flee for their lives and take refuge in the adjoining state of Missouri . . .

"This army of outlaws next turned their course toward Lecompton, with the intention of attacking it, but were induced by some of their leaders not to do so at that time. They then attacked the house of Colonel Titus, firing upon it with Sharp's rifles and artillery, killing one man and severely wounding a gentleman then residing with Colonel Titus, who was also badly wounded, besides taking and holding as prisoners all persons found on the place, . . .

"It is unnecessary to add that Colonel Titus' house was robbed of everything valuable, even the wearing apparel of his Negroes, and then consigned to the flames.

"Many other depredations scarcely less atrocious, committed by Lane's men and the lawless military combinations heretofore existing in the territory might be adverted to."—"Executive Minutes," in Kansas Historical Collections, III, 330, 331. The same events were reviewed in Daniel Woodson to Franklin Pierce, September 20, 1856, in "Executive Minutes," Kansas Historical Collections, III, 334, 337.

A letter from a "responsible merchant" of Jackson county, dated at Independence, August 19, 1856, was published in the *Missouri Republican*, August 23, 1856:

"We are in the midst of another excitement. The outrageous conduct of Lane's, Brown's and Walker's parties in Kansas has at length aroused the border counties, so that it will be impossible to keep assistance from being sent to the proper authorities in Kansas to aid in maintaining the peace of the country. We are satisfied now, from sources the most reliable, . . . that from the treatment they received from the hands of these marauders it is the determination of Lane and others to rid the country of every proslavery man in it. Men, women and children are driven off, stripped of their clothing, robbed of their money, and their houses burned in their sight, and then told that they fared well in that their lives were not taken. . . . These are the rumors we receive every day. Our citizens, in view of these things, think it their duty to go to the aid of the governor and his party, and this was the determination of the largest meeting ever held here."

"A Kansas Citizen" to the editor of the *Chicago Times*, October 16, 1856, in the *Indianapolis Daily Sentinel*, October 30, 1856:

"My picture is not overstrained when I say that no conduct of a party of men claiming to

"There is no doubt that Lane, at the head of two thousand armed outlaws, is making war—open war—on the proslavery party, south of [the] Kansas river. . . . they are driving off all who are opposed to them, destroying houses and farms, killing some, and taking others prisoners to the Army of the North, as they style it. . . .

"Lane is said to be bold and defiant, and to proclaim that he is making war against the proslavery party—a war that he intends to keep up until the last man of that party is killed or driven off." The writer thought that the people of western Missouri were "alive to the danger," however, and predicted that within five days three thousand men would cross the border "to stop the career of Lane, or fall in the attempt."⁶⁷

The time was propitious for carrying their plans into effect. Governor Shannon received notice of his removal on August 21, and Secretary Daniel Woodson became acting governor for a period of three weeks before the arrival of Geary. Woodson was strongly proslavery in feeling, and Missourians welcomed his ascendancy. Four days after he assumed the executive duties he issued a proclamation which asserted that a state of insurrection and rebellion existed in the territory, and all patriotic citizens were called upon to defend law and order and punish traitors. Such an appeal found a ready response in Missouri. By August 29 a host of about twelve hundred led by Atchison and other prominent Missourians encamped on Kansas soil. A portion of this force, some two hundred and fifty men commanded by John W. Reid, were dispatched to destroy Osawatimie, the headquarters of Old John Brown. Lane, who had just returned from a fortnight in Nebraska, collected three hundred men in the neighborhood of Topeka and Lawrence and led them against the enemy at Bull creek. After some slight skirmishing the Missourians returned to Kansas City, and no decisive encounter took place.

Woodson was determined to make the most of his authority before Geary's arrival. On September 1 Maj. I. B. Donalson, the United States marshal for the territory, wrote the acting governor that the ordinary judicial power vested in him was "wholly inadequate for the suppression of the insurrectionary combinations now known to exist through the whole extent of the Territory."⁶⁸ Woodson therefore called upon Col. P. St. George Cooke, commanding the United States dragoons, to aid in crushing the insurgents.

be civilized has ever disgraced a nation or an age so much as that which has characterized the career of Lane's men since they crossed the border.

"Their emissaries were dispatched throughout the country, to ascertain the political views of citizens, if reported 'right on the goose,' it was enough to proscribe him, and subject his goods to confiscation. Many free-state men not sympathizing with the movement shared the same fate. Suffice it to say, they have indiscriminately robbed seventy-five stores, and two hundred private dwellings, and stolen 5,000 horses, mules and cattle, besides private carriages and wagons. In fact, from a horse to a chicken, from a bed quilt to a pocket handkerchief. One million dollars would not restore us. Many innocent men have been murdered; but most of the proslavery men fled to Missouri at their approach."

Operations of Lane's "banditti" were thus described in the *Kansas Weekly Herald*, September 13, 1856: "This has been emphatically a week of wholesale plundering. Town after town has been sacked by the outlaws until there is scarcely a town in the interior of the Territory that has not fallen a victim to the ruthless hands of Lane's organized bands of marauders. Startling as it may appear, it is true! . . . Franklin, Tecumseh, Indianola, Easton, Summerville, Alexandria, and a number of others, have fallen victims of Lane's banditti, and have been plundered of everything they contained. Goods and stores have not only been taken by the rascals—but horses, mules, cows and sheep. . . . These same marauders rove over our country unpunished and unmolested."

67. *Missouri Republican*, August 31, 1856.

68. I. B. Donalson to Daniel Woodson, September 1, 1856, in *Kansas Historical Collections*, III, 327, 328.

He was ordered "to intercept the invaders on the road known as 'Lane's Trail'"; to disarm and imprison the leaders and armed men, and to "invest the town of Topeka."⁶⁹ This Colonel Cooke found impossible to do. His orders from General Smith stipulated that while he was to prevent "hostile collisions" it was not within his province "to interfere with persons who may have come from a distance to give protection to their friends or others, and who may be behaving themselves in a peaceable and lawful manner."⁷⁰

It soon became necessary for Cooke to prevent a hostile collision. By September 5 two columns of free-state men gathered at Lecompton to release prisoners held in custody by territorial authority. The town was especially odious to them, as it was both the proslavery capital and a military stronghold. Of the four hundred and fifty men now assembled to enforce compliance with their demand, Lane led the larger column, and a smaller detachment was commanded by Col. J. A. Harvey. Lacking adequate defense, the governor sought the protection of federal troops. To avert hostilities Colonel Cooke decided upon mediation, and was escorted to Lane's headquarters. He there informed free-state officers that it was a very unfortunate move on their part; that the Missourians had gone, and that the militia was dispersing. The attacking party was thus persuaded to return home, and the prisoners were liberated. Sheriff Jones, hearing of Lane's presence, demanded his arrest, and Woodson was on the point of writing such a requisition, when, finding that Colonel Cooke opposed the plan, dropped the matter.⁷¹

Lane's last engagement of 1856 occurred almost simultaneously with Governor Geary's entrance into the territory. He was in the act of assaulting Hickory Point, but was waiting for reinforcements when news of the governor's arrival reached him. Geary issued a proclamation September 11 declaring that the volunteer militia called into the service by Acting Governor Woodson was no longer required, and should be mustered out of service. At the same time he "commanded all bodies of men, combined, armed and equipped with munitions of war, without authority of the government, instantly to disband or quit the territory, as they will answer the contrary at their peril."⁷² Hearing of Geary's proclamation, Lane abandoned his half-finished attack on Hickory Point and retreated northward to "open up the road" where General Richardson was preventing immigration by way of the Lane Trail. Lane's subordinates, however, failed to receive his warning, and Colonel Harvey dispersed the enemy at Hickory Point, but the following day his command of one hundred and one men was captured by United States troops, and held at Lecompton on a charge of murder.⁷³

There is evidence that Lane left the territory at the request of Geary. P. P. Elder, an early settler in Kansas from Maine, was recorded as saying, "that in the early autumn of 1856 there was a definite agreement between Brown, Lane and Charles Robinson, then nominal governor of the territory, and Geary, at Lawrence, that they should all leave Kansas, and give Geary,

69. Daniel Woodson to Lt. Col. P. St. George Cooke, September 1, 1856, in *Kansas Historical Collections*, III, 328.

70. P. St. George Cooke to Daniel Woodson, September 2, 1856, in *Kansas Historical Collections*, III, 328, 329.

71. Colonel Cooke's report to Major George Deas was quoted in *Speer: Life of Gen. James H. Lane*, 119-122.

72. "Executive Minutes of Governor Geary," in *Kansas Historical Collections*, IV, 526.

73. Wilder, *op. cit.*, 108.

the newly arrived federal governor, a free hand in establishing peace between the warring parties. . . . All these free-state leaders did leave Kansas in September or early October, 1856."⁷⁴ After leaving for the East Lane was reported as saying "that Governor Geary was a friend of his and would not arrest him; that they had an understanding before he left, that the reward was not to be offered until he was out of reach."⁷⁵ Horace White, clerk of the national Kansas committee, wrote to Sanborn, September 26, 1856: "A messenger arrived from Lawrence reports the road open, and Lane coming up from Kansas with an escort of 100 men—whether to escort Higginson or to avoid arrest we are not informed. The border ruffians will have it that Geary was after him, though we know better. If Mr. Geary doesn't want to give his crony, Buchanan, a finishing stroke in Pennsylvania and Indiana he had better correct that news pretty soon. We shall not incur large expense in doing it for him."⁷⁶

But if Geary came to an understanding with Lane or other free-state leaders his correspondence does not show it. The governor wrote to Secretary William L. Marcy on September 22 that the "most determined enemy that now remains to the peace of Kansas is, beyond all question, the notorious Lane, who, while he studiously avoids all personal danger, is untiring in his endeavors to keep alive a spirit of disaffection, and to plot mischief; and it is a source of deep regret that he still continues to exercise an unholy influence over a large class of men who, if left to themselves, would refrain from lawless acts and become comparatively good and useful citizens. . . . The last authentic reports give the assurance that Lane has proceeded beyond the northern frontier to escort fresh supplies of troops and munitions of war into the territory. I have employed numerous agents to ascertain and watch his movements, and have reason to believe that unless he desists from his incendiary purposes, he will, ere long, fall into my hands, and receive the recompense that his persistence in disregarding the rights of our people, and violating the laws of the territory, so justly merits."⁷⁷ While such an official declaration was necessary to place his administration in a logical position, it is to be doubted that Geary actually desired Lane's capture, for making a political prisoner of him would have greatly aided the Republican party in the fall election.

With respect to his declaration of fairness and impartiality Geary was as good as his word. When interviewed by a deputation from Col. Shaler W. Eldridge's party⁷⁸ of three hundred men, he asserted "that he was determined that all highways leading to this territory should be free and safe to every American citizen coming here for lawful and peaceful purposes."⁷⁹ Proslavery men in Kansas and Missouri did not welcome such a policy. The governor's private secretary wrote:

74. F. B. Sanborn: *Recollections of Seventy Years* (Boston, 1909), I, 68, 69.

75. *National Eagle*, in the *Lecompton Union*, November 27, 1856.

76. F. B. Sanborn: "Some Notes on the Territorial History of Kansas," in *Kansas Historical Collections*, XIII, 249.

77. John W. Geary to William L. Marcy, September 22, 1856, in *Kansas Historical Collections*, IV, 552.

78. This expedition is described in Shaler W. Eldridge: "Recollections of Early Days in Kansas," *Kansas Historical Society Publications*, II, chs. 11, 12.

79. "Executive Minutes of Governor Geary," in *Kansas Historical Collections*, IV, 589, 590. See, also, a letter of Geary, dated September 30, 1856, in *Kansas Historical Society Publications*, II, 109. It gives Eldridge's party a safe conduct into the territory.

"Hence, when Governor Geary's appointment was announced, and it was understood that he was determined not to affiliate with either of the opposed factions, but purposed to hold the scales of justice with an even hand, and to support and carry out the doctrine of popular sovereignty in the territory, not only much dissatisfaction but considerable consternation was the result. It was feared that every daring scheme and infamous attempt to force the institution of slavery into Kansas would be frustrated by his acknowledged integrity and well-known sagacity, industry and energy."⁸⁰

It soon became necessary for Geary to prevent an attack upon Lawrence. By the middle of September about twenty-seven hundred men gathered around that city determined to destroy it and "every abolitionist in the country." "They were highly excited, and so eager and impatient for an assault upon Lawrence that it was with difficulty they could be restrained." Geary called a council of the officers and ordered them to disband their men. This they finally agreed to do, though "not without some murmurs of disappointment and disaffection."⁸¹

Leaving Kansas with forty-five or fifty men, Lane went first to Nebraska and Iowa, where he saw the companies of James Redpath and Eldridge safely into the territory. A few months later he explained that he left "to open communication on the northern frontier to Kansas, in order to obtain supplies of provisions, of which we stood greatly in need, and to facilitate and render secure the free-state emigration."⁸² John Todd, an early settler of Tabor, Iowa, says that Lane with fifty mounted men reached that place late in September, "claiming that they had left the territory to give the new governor a chance to show his hand or indicate his policy, without being biased or in any way impeded by their presence. . . . While here they practiced cavalry drill on the public square. General Lane had arranged with Jas. L. Smith on the 29th of September for the keeping of six horses, proposing himself to go east, when news received from Kansas caused them all to leave in the night and return to the territory as suddenly as they came."⁸³

Early in October Lane headed east with six companions on another speaking tour. He addressed audiences all along his route through Iowa and Illinois, and arrived in Indianapolis October 10, where he spoke that evening and again on the 11th. Here he recounted his recent exploits in Kansas, having "been eight weeks almost constantly in the saddle, and in that time had met the ruffians nine times." He earnestly appealed "to all men who desired to preserve the Union, and stop the slavery agitation, to vote for Frémont. He said he had never seen such enthusiasm manifested in Iowa and Illinois. The prairies were all on fire, and Frémont would sweep them by such a majority as had never been seen in the country."⁸⁴ Likewise every vote for Oliver P. Morton and the Republican state ticket "was a vote for free Kansas, a wise administration, and for the perpetuity of the Union."⁸⁵ Continuing eastward

80. John H. Gihon: *Geary and Kansas* (Philadelphia, 1857), 129.

81. "Executive Minutes of Governor Geary," in *Kansas Historical Collections*, IV, 533, 534.

82. *Cincinnati Gazette*, February 5, 1857, in *Indianapolis Daily Journal*, February 10, 1857.

83. John Todd: *Early Settlement and Growth of Eastern Iowa or Reminiscences* (Des Moines, 1906), 127, 128. Other information about this return to the territory is included in a letter from Ovid Butler, Jr., to his father, September 25, 1856, in the *Indianapolis Daily Journal*, October 11, 1856.

84. *Indianapolis Daily Journal*, October 11, 1856.

85. *Indianapolis Daily Journal*, October 13, 1856.

to Columbus, Ohio, he visited Gov. Salmon P. Chase and conferred with him about several Kansas problems.⁸⁶

It is evident that both Lane and Geary⁸⁷ felt the burden of the election upon their shoulders, and hoped to determine the result by the course pursued in the territory. The *Daily Illinois State Register*, a leading Democratic organ, represented Lane as under instructions from Republican leaders in Washington. They plotted that he should create civil war in Kansas while the house was defeating the army bill, so "that Lane and his banditti should have no army to oppose their lawless violence."⁸⁸ An authority on Kansas history, William E. Connelley, suggests that Lane believed he could crystallize public sentiment by invading Kansas with his "Army of the North," and by making a "sharp, decisive campaign against the border ruffian forts and camps surrounding Lawrence." He hoped "that the interest excited would be intense, that feeling in the North would be wrought to a high pitch, and that the election of Frémont would follow as a result."⁸⁹

The summer of 1856 witnessed the climax of Lane's activities in territorial Kansas. The eighteen months which had intervened since his arrival had been eventful ones, and the political and military campaigns occurring between the rejection of the Kansas memorial and the election of 1856 added a degree of national prominence to an already conspicuous character. Richard J. Hinton, a biographer of John Brown, sifting the evidence forty years later, concluded "that Lane was the prime organizer, as he certainly was the chief leader in that nine or ten weeks of marvelous activity, which saw a sufficient force of earnest men gathered, armed, and marched into Kansas from all parts of the North, and a carefully planned conspiracy of aggression, backed by federal acquiescence and official power, beaten, overthrown, stamped out, and practically driven away."⁹⁰

Although the recruits brought into the territory over the "Lane Trail" aided materially in the competition with proslavery forces⁹¹ and greatly inspired free-state settlers already in the territory, yet another result followed. The successful opening of the new route proved to the Missourians that the policing of the river would not prevent free-state settlement of the territory, and rendered obsolete that method of making Kansas a slave state. Undoubtedly this was an important contribution of Lane in the Kansas struggle.

86. *National Eagle*, in the *Lecompton Union*, November 27, 1856; *Leavenworth Journal*, October 29, 1856.

87. See Hinton, op. cit., 123, footnote 2.

88. *Daily Illinois State Register*, September 13, 1856. Also, see the issues of September 16 and 27.

89. William E. Connelley: *The Life of Preston B. Plumb* (Chicago, 1913), 38.

90. Hinton, op. cit., 58.

91. It must not be supposed, however, that more settlers went to Kansas via Iowa and Nebraska than would have gone had the Missouri river route been open.

CHAPTER IX.

THE TRIUMPH OF THE FREE-STATE PARTY.

"AT the end of 1856 I left the Kansas work and began the colonizing of Virginia. We had triumphed in the great conflict with such exuberance of strength that we had in Kansas four free-state men to every one of our opponents; while our members were rapidly increasing, and theirs constantly diminishing."¹

Thus wrote Eli Thayer more than thirty years later. While it was much easier to draw conclusions at that late date, yet it is quite possible that by the close of 1856 Eli Thayer and other leaders north and south had come to the realization that if the struggle were not actually over the result was determined. It was well known that free-state settlers in the territory greatly outnumbered proslavery inhabitants, although Thayer wrongly attributed the excess to the New England Emigrant Aid Society. In January, 1857, both the Kansas national committee and the Massachusetts Kansas State committee discontinued their activities, believing their mission to be virtually accomplished.² The Missouri river was again open to free-state emigrants, and northern men were going to Kansas without the impediments of the preceding summer.³ It seemed to be merely a question of time until the territory would become a free state. The Geary administration brought almost immediate peace, and Walker, who succeeded Geary as governor in the spring of 1857, gave up the idea of making Kansas a slave state and labored to save it for the Democracy.⁴ Old-line Whig papers of the South, realizing their political advantage, began to chide the Buchanan administration for betraying the confidence of their section, since Buchanan's strength in the South had been due "to the conviction that he was *favorable to the interests of slavery in the territory*."⁵

But while free-state men were in the majority, proslavery forces still controlled the territorial government. As long as this situation continued victory was not complete. Therefore the problem at hand was to gain control of the territorial legislature. Before this triumph was actually achieved the Leecompton struggle had begun.

During the six months between September, 1856, and March, 1857, a period

1. Eli Thayer: *The Kansas Crusade* (New York, 1889), 222. Somewhat earlier (1879) Thayer wrote: "At the end of 1855 I regarded the battle for free Kansas as fought and won. By the most careful estimate we had at that time six free-state voters to every one for a slave state."—Eli Thayer to F. G. Adams, May 21, 1879, in *Kansas Historical Society Manuscript Collections*.

2. Andreas, *op. cit.*, 137; Stearns, *op. cit.*, 120.

3. *Daily Missouri Democrat*, March 12, 16, 1857; *National Era*, April 16, 1857. The loss of trade to St. Louis and Kansas City merchants was partly responsible for reopening the river to free-state passage. See the *Daily Illinois State Journal*, August 26, 1856; *Daily Missouri Democrat*, March 16, 1857.

4. J. N. Holloway: *History of Kansas: From the First Exploration of the Mississippi Valley to Its Admission into the Union* (Lafayette, Ind., 1868), 527, 528.

5. *Richmond South*, quoted in the *Richmond Whig*, June 15, 1857, quoted in the *National Era*, July 2, 1857. See, also, the *Richmond Whig*, June 16, 1857, in the *National Era*, July 2, 1857; *Richmond South*, in *National Era*, May 14, 1857; *Richmond Whig*, in *National Era*, May 14, 1857; *Richmond South*, August 11, 1857, in *National Era*, August 20, 1857.

coinciding almost exactly with Governor Geary's administration, Lane was absent from the territory. Geary professed to find even in Lawrence and its vicinity "a feeling of thankfulness and joy that Lane and other meddling agitators had departed from the country," and hopes freely expressed "that they would never be permitted to return."⁶ Of Lane's activities during this period of exile little of record remains, except his immediate efforts in behalf of the Frémont campaign. A part of the winter was spent in Indiana and Ohio.⁷ It is probable that he visited his old home at Lawrenceburg, for it was either during this period or shortly after his return to Kansas that Lane and his divorced wife were remarried.⁸

Lane's return to Kansas in March, 1857, was unexpected and caused no little excitement among proslavery men. There were rumors that he had been in communication with Geary, and there was some talk of having him arrested.⁹ But he did not tarry long at Lawrence and Topeka, for he soon established his residence at Doniphan. It was about this time that several proslavery settlements along the Missouri river in northeastern Kansas were passing into the hands of free-state men. Capital was rapidly being invested in such towns as Atchison, Leavenworth, Delaware City, and Doniphan. It was reported that Lane was "enthusiastic in regard to the future of his adopted city," being "over head and ears in business," and having "left war and politics for money and speculation."¹⁰ At Atchison he was entertained by Dr. J. H. Stringfellow,¹¹ an event which caused a great deal of merriment as well as consternation, for only six months before these two men had been at swords' points in "border ruffian" conflicts, and Stringfellow had been denouncing Lane in his paper¹² "as a black-hearted abolitionist and traitor." Now they were engaged in land speculation, and it was rumored, although without much foundation, that they designed to make Kansas a free Democratic state.¹³

But Lane's abandonment of war and politics for the more peaceful pursuit of business was destined to be brief, as his leadership was again demanded. On February 19 the proslavery legislature inaugurated the Lecompton movement by providing for a census of voters and an election of delegates on the third Monday in June, to a constitutional convention.¹⁴ The new governor, Robert J. Walker, was determined that future elections should be held fairly. In an address at Topeka June 6 he announced his policy in simple words: "That the majority of the people of Kansas must govern; that the majority of

6. "Executive Minutes of Governor Geary," in Kansas Historical Collections, IV, 591.

7. In January, 1857, he was in Cincinnati and wrote a defense of his activities during the preceding summer. It was published in the *Cincinnati Gazette*, February 5, 1857, and quoted in the *Indianapolis Daily Journal*, February 10, 1857. Some time during the following month he spoke at Indianapolis. See the *Indianapolis Daily Journal*, February 26, 1857.

8. The *White Cloud Kansas Chief*, June 11, 1857, says: "Colonel Lane, of Kansas notoriety, is married again, his former wife, from whom he had been divorced, being his bride." Spilman, correspondent of the *Missouri Democrat*, wrote from Lecompton, March 24, that Lane had come into the territory alone.—*Missouri Democrat*, April 3, 1857. Documents relative to Lane's divorce were published in the *Lecompton Union*, August 30, 1856.

9. *Missouri Democrat*, April 3, 1857. This article was copied by the *National Era*, April 16, 1857.

10. *Missouri Republican*, May 19, 1857, in the *Indianapolis Daily Journal*, May 21, 1857.

11. Speaker of the territorial house of representatives, and brother of Gen. B. F. Stringfellow.

12. The *Squatter Sovereign*.

13. *National Era*, May 7, 14, 21, 1857.

14. Wilder, op. cit., 115.

the people of Kansas must adopt their own constitution or reject it; that the majority of the people of Kansas at the polls must decide whether they shall have a free or a slave state."¹⁵ But Governor Walker was still a stranger in the territory and free-state leaders were not easily convinced that his announced policy would be carried out. Addressing a large audience at Leavenworth the day following the governor's formal reception there, Lane strongly opposed participation in the election on the ground that a fair expression of the will of the people could not then be assured. His advice to the delegates who would be chosen was "to go into Missouri and hold their sessions among their constituents."¹⁶

On June 9 a free-state convention was held at Topeka to decide whether the party would go into the election. Albert D. Richardson, a correspondent of Boston and Cincinnati newspapers, was present and thus described the convention: "It was held in the open air, and attended by five hundred people. Their intelligence and culture surprised me. Delegates in blue woolen shirts, slouched hats, and rough boots, with bronzed faces, and unkempt beards, discussed freshly sprung questions with rare fluency and grace. The standard of speaking was higher than I had found it in congress, legislature, or national convention."¹⁷ Lane was made chairman of the convention and addressed the assembly, assuming the same position that he had advocated at Leavenworth. After debate the convention decided against participation in the election, indorsed the Topeka movement, and repudiated the laws of the territorial legislature.¹⁸

The movement toward statehood had, in fact, been revived early in 1857. The free-state "legislature" met at Topeka in January and memorialized congress for admission into the Union. But it was impossible to maintain a quorum, for after adjournment the second day the deputy United States marshal arrested a dozen members, including the presiding officer of each house. Consequently a recess was taken until June.¹⁹ In the interim a large free-state convention assembled at Topeka on March 10 and adopted a platform which declared that the Topeka constitution was still the choice of the majority and urged congress to admit Kansas under it at once.²⁰ On June 9, the same day that the party decided against participation in the Lecompton movement, the free-state "legislature" reconvened at Topeka, and continued in session until June 13. It provided for an election in August to fill vacancies, located the capital at Topeka, and passed a joint resolution asking congress for admission under the Topeka constitution.²¹ Although Governor Walker was in the city during the session he did not interfere with its meetings.

In this revival of the Topeka movement Lane became the spokesman of the free-state party. In reply to a speech made by the governor at Big Springs

15. Kansas Historical Collections, V, 292.

16. *Quindaro Chindowan*, in the *Indianapolis Daily Journal*, June 8, 1857; *National Era*, June 11, 1857.

17. Albert D. Richardson: *Beyond the Mississippi* (Hartfort, 1867), 43, 44.

18. Proceedings of this convention were published in the *Herald of Freedom*, June 13, 1857; *Quindaro Chindowan*, June 13, 1857.

19. Wilder, *op. cit.*, 113.

20. *Ibid.*, 118, 119.

21. *Ibid.*, 126. Lane advocated that the legislature adopt a complete code of laws to become effective when the state was admitted into the Union, but his advice was not followed.—*Herald of Freedom*, June 13, 1857.

early in July he said: "We have enlisted under the Topeka banner, which has been through all our troubles, becoming endeared to us, and now with its folds all dyed with the blood of our martyrs, and rent with the bullets of our foes, we will never desert it, but rise or fall with it, and will maintain their integrity."²²

On the 15th of July a delegate convention of free-state men assembled at Topeka to make nominations for "state" offices to be voted on August 9.²³ Lane declined the nomination for congress, saying "that he had determined never again to leave Kansas, until her Missouri chains were broken, and her people free under their own government." The delegates resolved to hold a convention at Grasshopper Falls the last Wednesday in August to determine whether the party should participate in an election of a territorial legislature in October. But without waiting for this important question to be decided, the Topeka convention, having "reliable information" that preparations were being made for another Missouri invasion, authorized Lane "to organize the people in the several districts, to protect the ballot boxes at the approaching elections in Kansas."²⁴

Lane began the task with accustomed energy and promptness. Two days after the Topeka convention adjourned he issued "General Order, No. 1,"²⁵ requesting the people of Kansas to form voluntary companies of thirty to eighty men, to elect officers, and to forward rolls of officers and men to headquarters at Lawrence. Upon receiving the rolls commissions would be issued to the officers, and requisitions for arms would be received by the quartermaster general. The captain of each company was directed to make a registry "of all persons in his neighborhood, town or settlement, if any such there be, who shall refuse to enroll himself in said company." In "General Order, No. 2,"²⁶ dated July 20, Lane divided the territory into four divisions, subdivided each division into two brigades and appointed a corps of officials for each unit. Preston B. Plumb, later a senator from the state of Kansas, was appointed superintendent of the fourth brigade.²⁷

Governor Walker looked with disfavor upon Lane's military activities. On July 27 he informed Secretary Cass of the organization of military companies by the free-state party. Especially was the registry of persons who refused to be enrolled regarded by the governor as an attempt to persecute and oppress free-state Democrats, "calculated to drive such conservatives from the territory, or at least to prevent their participation in the election." Therefore the governor called upon the United States government for 2,000 troops, including two batteries and a large number of mounted men, to prevent bloodshed.²⁸ Three weeks later Walker again wrote to Cass, notifying him

22. *Kansas Weekly Herald*, June 4, 1857.

23. The nominations were recorded in Wilder, op. cit., 129. The results of the election, August 9, were recorded in *ibid.*, 132, 133.

24. Proceedings of this convention were published in the following papers: *Kansas Tribune*, July 18, 1857; *Quindaro Chindowan*, July 18, 1857; *Herald of Freedom*, July 25, 1857; *Geary City Era*, July 25, 1857; *Lawrence Republican*, July 27, 1857; *Freeman's Champion*, July 30, 1857.

25. Text in *Kansas Historical Collections*, V, 364, 365. Both general orders are also available in the *Geary City Era*, August 15, 1857, and the *White Cloud Kansas Chief*, August 27, 1857.

26. *Kansas Historical Collections*, V, 365-367.

27. The certificate of appointment of P. B. Plumb as superintendent of enrollment of the fourth brigade is preserved in the *Kansas Historical Society Manuscript Collections*.

28. R. J. Walker to Lewis Cass, July 27, 1857, in *Kansas Historical Collections*, V, 362, 363.

that the military organization under General Lane was still progressing, that arms were being supplied and the troops drilled for action. In view of the fact that the "Topeka party" claimed to outnumber their opponents ten to one, the assembling of these forces appeared to the governor as "most fallacious." That he was much in earnest in dealing with both parties is apparent. He wrote to the secretary of state:

"If we can have a full, fair and free expression of the will of the people of the territory voting in October in obedience to the laws, much will have been accomplished towards securing the peace of Kansas, whichever party may prevail in the election. Heretofore, it is contended, there has never been a fair election, and the respective parties, it is alleged, have never measured strength at the ballot box. Should a full, fair and peaceful election now be had by the legal voters, in accordance with the territorial laws, the minority, in my opinion, will submit to the great principle of the constitution as embodied in the Kansas and Nebraska bill, that the majority of the people must govern."²⁹

The Grasshopper Falls convention assembled on August 26 with delegations in attendance from all parts of the territory.³⁰ Martin F. Conway "made an able and scholarly speech" against participation in the October election, because it would mean acknowledgment of the "bogus laws" and abandonment of the Topeka movement.³¹ Then "With that fervid, indescribable eloquence which characterizes his speeches," Lane convinced the delegates that humiliating as participation might be, the people of Kansas should have an opportunity to "regain their lost liberties by another effort at the ballot box." For the direction of the campaign an executive committee of twenty persons was appointed with Lane as chairman.³² He was also authorized to tender Governor Walker the forces he had raised.³³

A month later a committee of fourteen headed by Lane issued "An Address to the People of Kansas." The document is well written and conservative in tone; evidently it did not emanate from Lane's pen. It reviewed the history of the Topeka movement and considered the prospects of success in the coming election. The odds against carrying it were great. While Governor Walker had promised a "fair election, before impartial judges," past experience taught them not to expect too much from the agents of the administration. Sixteen strongly free-state counties were unrepresented in both branches of the legislature, and most of the members were to be elected from districts bordering on the Missouri line. Their opponents also had complete control of the election machinery, such as appointing judges, establishing polling places, canvassing returns, and declaring election results. The committee, therefore, did not expect a fair contest. Nevertheless all free-state men were urged to vote, for in any event it was believed their case would

29. R. J. Walker to Lewis Cass, August 18, 1857, in *Kansas Historical Collections*, V, 374.

30. *Herald of Freedom*, September 5, 1857.

31. *Sumner Gazette*, September 12, 1857.

32. *Herald of Freedom*, September 5, 1857.

33. For reports of proceedings and resolutions, see the *Quindaro Chindowan*, August 27, 1857; *Freeman's Champion*, September 3, 1857; *Lawrence Republican*, September 3, 1857; *Herald of Freedom*, September 5, 1857; *Sumner Gazette*, September 12, 1857; *Kansas Free State*, September 12, 1857; *Kansas Tribune*, August 29, October 5, 1857.

thereby be strengthened. If a fair election were not afforded, the party would then be unanimous in supporting the Topeka movement.³⁴

Meanwhile Lane's efforts to perfect a military organization continued, although with some disappointments. James B. Abbott, who had been sent east for funds, found sympathy and encouragement but no money.³⁵ Lane was also in communication with John Brown, who was then at Tabor, Iowa. As an agent of the Massachusetts Kansas committee Brown had been intrusted with two hundred Sharp's rifles which he transported to Tabor in October, 1856.³⁶ When he returned to Iowa in September, 1857, Lane sought his coöperation and appointed him brigadier general. He wrote Brown September 7 that there were no objections to his entering Kansas publicly but nevertheless offered him an escort for his protection, and transportation for his arms and supplies.³⁷ Brown replied "that three good teams, with *well-covered* wagons and *ten really ingenuous, industrious (not gassy)* men, with about one hundred and fifty dollars in cash," would see him safely in the territory "in the course of eight or ten days."³⁸ Not until the end of September was Lane able to write that he was sending Mr. Jamison and "ten true men" to assist Brown in getting his "articles into Kansas in time. . . . It is *all-important* to Kansas," Lane urged, "that your things should be in at the *earliest possible moment*, and that you should be much nearer at hand than you are."³⁹ But Brown found it impossible because of poor health "to go through on such very short notice."⁴⁰ He did not arrive in Kansas until after the election, and then without the Sharp's rifles and with very little ammunition.⁴¹

The October election was a victory for the Free-state party. Marcus J. Parrott was elected delegate to congress by a majority of more than two to one. The legislature was free-state, the council being divided nine to four and the house twenty-four to fifteen. Many fictitious ballots were cast in the border counties, but Governor Walker redeemed his pledge of a fair election and rejected them, thereby changing the party character of the

34. This "address" was published in full in the *Quindaro Chindowan*, September 19, 1857; *Lawrence Republican*, September 10, 1857; *Sumner Gazette*, September 26, 1857. A part of it was addressed to the inhabitants of Missouri: "We desire to be understood that the people of Kansas do not charge the outrages to which they have been subjected upon the people of Missouri as a body. On the contrary, they know that the masses of the people have not joined in the outrages, but have remained at home and denounced the invaders. Towards them we entertain no other feelings than those of respect and kindness." But to the Missourians who attempted to violate their rights, bloody resistance was promised. "A dissolved Union and a broken government may be the result. For the highest welfare of Kansas and Missouri, in the name of our common country, and the living God, we appeal to you to refrain."

35. James B. Abbott to James H. Lane, September 7, 1857, in Kansas Historical Society Manuscript Collections.

36. See W. H. Isely: "The Sharp's Rifle Episode in Kansas History," in *American Historical Review*, XII, 546-566, especially p. 561. The Massachusetts Kansas committee eventually turned these rifles over to Brown, who took them to the vicinity of Harper's Ferry.

37. J. H. Lane to John Brown, September 7, 1857, in F. B. Sanborn, ed.: *The Life and Letters of John Brown* (Boston, 1891), 401.

38. John Brown to James H. Lane, September 16, 1857.—*Ibid.*, 401.

39. J. H. Lane to John Brown, September 29, 1857.—*Ibid.*, 402.

40. John Brown to J. H. Lane, September 30, 1857.—*Ibid.*, 402.

41. A portion of this correspondence was published in F. B. Sanborn: "Some Notes on the Territorial History of Kansas," in *Kansas Historical Collections*, XIII, 254, 255, and also in Villard, *op. cit.*, 300-302. The originals of the letters are in the Kansas Historical Library. See, also, F. P. Stearns, *op. cit.*, 160.

legislature.⁴² A Democratic meeting held at Lecompton October 20 denounced Governor Walker and Secretary Frederick P. Stanton, and the same day Judge Sterling G. Cato issued a mandamus to compel them to issue certificates of election to the proslavery candidates in Johnson and Douglas counties, but the order could not be enforced. A month later Walker left the territory to be "absent on business three of four weeks."⁴³

Meanwhile the proslavery constitutional convention assembled at Lecompton September 7, and after organizing adjourned until after the October election. Reconvening October 19 it remained in session until November 3, framed and adopted the Lecompton constitution, and provided for its subsequent ratification by the voters of the territory December 21, who should vote for the constitution with slavery, or for the constitution without slavery. But in either case there was to be no interference with the right of property in slaves then in the territory.⁴⁴

Lane now begun another remarkable campaign to convince the governor that the newly elected legislature should be called into extra session to provide for a fair vote upon the Lecompton constitution. A contemporary biographer says of him that "Everywhere were seen the old moccasin-colored horse and his rider with the slouch hat, sealskin coat and calfskin vest, in his Paul Revere ride, announcing that nothing short of that action would save Kansas from the curse of slavery. He never held less than three meetings a day. Couriers were sent ahead of him from one meeting to another. The people seemed to rise up as if by instinct. On one day he rode ten miles to speak at 8 o'clock in the morning, and thirty more to speak at 3 o'clock in the afternoon, and still twenty more to speak at 7 o'clock at night."⁴⁵ Recalling this notable canvass John J. Ingalls wrote many years later: "His energy was tireless and his activity indefatigable. No night was too dark, no storm too wild, no heat or cold too excessive, no distance too great, to delay his meteoric pilgrimages, with dilapidated garb and equipage, across the trackless prairies from convention to convention."⁴⁶ On October 19 he addressed a meeting at Lecompton called to repudiate the action of the constitutional convention. Of his speech the *Lawrence Republican* reported: "For thrilling pathos, for withering invective, for crushing argument, for sublime earnestness of purpose, his speech of yesterday stands without a parallel in his history."⁴⁷ Lane was especially severe in denouncing the members of the Lecompton convention. He confessed that he could not express his contempt for them "in half severe language enough," but mildly characterized them as outlaws, bloodhounds, villains, devils, rascals, recreants, scoundrels, usurpers, murderers, and thieves, and their schemes as atrocious, disgraceful, hellish, and damnable, and he himself was in favor of cutting their throats then and there.⁴⁸

The alternative offered by the Free-state party, if the governor did not convene the legislature in extra session, was to put the Topeka government

42. Wilder, op. cit., 148-151.

43. Ibid., 151-153.

44. The text of the Lecompton constitution was published in *ibid.*, 134-148.

45. Speer: *Life of Gen. James H. Lane*, 143. See, also, Gleed: *The Kansas Memorial*, 180.

46. John J. Ingalls: "Kansas—1541-1891," in *Harper's Magazine*, LXXXVI, 702.

47. *Lawrence Republican*, October 22, 1857, in *Quindaro Chindowan*, October 24, 1857.

48. The speech was quoted in the *Kansas Weekly Herald*, November 21, 1857.

in motion "and stand or fall by it."⁴⁹ A majority of the members-elect met at Lawrence November 28 and petitioned Acting Governor Stanton to call an extra session, pledging themselves to consider only such measures as would "counteract the proceedings for the pretended submission of the so-called Lecompton constitution to a vote of the people, or to give the *bona fide* citizens of the territory a fair and impartial opportunity, through the ballot box, to express themselves in favor of or against that instrument."⁵⁰ This petition was indorsed by Lane, Robinson, G. W. Smith and G. W. Brown.⁵¹ Stanton, believing that he had nothing to expect from the administration, and realizing that justice was due the free-state men,⁵² issued a proclamation December 1, 1857, calling an extra session to meet at Lecompton December 7.⁵³

The day following a delegate convention representing all parts of the territory assembled at Lawrence. The resolutions, prepared by a committee of which Lane was chairman, denounced the "Lecompton swindle" as "hostile to the popular will"; declared the recently elected legislature to be "the only legitimate lawmaking body ever elected in the territory"; indorsed the Topeka movement; and "memorialized the territorial legislature, about to convene in extra session on the 7th inst. to frame a fair and impartial election law, and that they, under it, do submit the two constitutions . . . to a vote of the people of this territory." The delegates solemnly entered "into a league and covenant with each other that we will never, under any circumstances, permit the said constitution so framed and not submitted to be the organic law for the state of Kansas, but do pledge our lives, our fortunes and sacred honors in ceaseless hostility to the same."⁵⁴

As provided by the schedule of the Lecompton constitution it was voted upon December 21, although free-state men abstained from participation. For the "Constitution with slavery" there were 6,226 votes; for the "Constitution with no slavery" there were 569 votes. Of the former 2,720 were found to be fraudulent.⁵⁵

Having lost control of the territorial legislature, the only hope of the proslavery party lay in admission of the state under the Lecompton constitution. In meeting the new crisis the free-state men were divided. The radicals, now organized into a secret society known as the "Danites" with Lane in command,⁵⁶ urged aggressive action. The conservatives, led by G. W. Brown, S. N.

49. Such is the nature of a resolution adopted at mass meetings at Lecompton and Leavenworth on November 27, 1857. The *Kansas Tribune*, December 5, 1857, says that Lane presented such a resolution at Topeka, November 27, and the *Indianapolis Daily Journal*, December 10, 1857, says that he presented the same resolution at a mass meeting at Leavenworth the same day.

50. *Herald of Freedom*, December 5, 1857.

51. Wilder, op. cit., 152.

52. Connelley: *Kansas and Kansans*, II, 663.

53. The proclamation was quoted in Speer: *Life of Gen. James H. Lane*, 145, 146.

54. The resolutions were quoted in the *Sumner Gazette*, December 12, 1857; *White Cloud Kansas Chief*, December 17, 1857; *Lawrence Republican*, December 10, 1857; *Kansas Tribune*, December 5, 1857.

55. Wilder, op. cit., 155.

56. James F. Legate said of the Danites: "James H. Lane was a member and a leader. John Speer, Charles Robinson, Captain Shore, and many others whose names I cannot recall, were members. Charles Robinson, however, soon failed to attend, becoming more earnest in his Boston theory of nonresistance. The society had not much more than a year's duration, because Lane was continually calling meetings, and would invariably have a long paper of 'whereas' Bill Smith, a 'proslavery hell hound,' had been guilty of stealing free-state men's horses, or burning some one's house, or some crime of less grade, and then, 'Therefore, resolved,' that Bill Smith shall be brought before this body of men, his case investigated and adjudicated, and the decree shall be executed by one or more men appointed by the com-

Wood, P. C. Schuyler, and Thomas Ewing, Jr., favored nominating candidates under the Lecompton constitution, "that it might be speedily changed if admitted."⁵⁷ The Lawrence convention of December 2 was reconvened on December 23 for a two-day session to decide upon a policy. By a "characteristic trick" the Lane men controlled the convention and it decided against participation in the election of January 4, 1858. The conservatives, however, led by G. W. Brown, bolted and assembled in the basement of the *Herald of Freedom* building, where a state ticket headed by G. W. Smith for governor and W. Y. Roberts for lieutenant governor was nominated.⁵⁸

Although Lane "would have preferred to have 'pitched in,'" he gave the ticket his "reluctant support."⁵⁹ He addressed a mass meeting at Topeka, December 28, where resolutions "favoring contesting the election" were adopted.⁶⁰ Two days later Lane wrote to friends in Osawatomie:

"We have concluded to go into the election on Monday. It is confidently expected that you will nominate *good* and *true* men as candidates for the legislature and elect them—men that will never qualify under the Lecompton swindle—

"By pursuing this course we can strangle the infernal thing—if a corrupt congress should accept it—

"It is hoped that not a single vote will be lost against the constitution."⁶¹

On January 4, 1858, the Free-state party succeeded in electing its entire state ticket and a majority of the members of both houses of the legislature. At the same time 10,226 votes were cast against the Lecompton constitution, and a total of 161 were cast for it, either with or without slavery.⁶²

By the close of 1857 it was clearly understood in Kansas that the admission of the state under the Lecompton constitution would precipitate another crisis. On December 24 a delegate convention held at Lawrence appointed a committee consisting of Lane and fourteen others to protest to the national house of representatives against admission under that constitution.⁶³ On the same day a Democratic convention held at Leavenworth repudiated the Lecompton movement and indorsed the work of Walker and Stanton.⁶⁴ Acting Governor

mander of this council, or of some subcouncil. Lane's 'whereases' killed the society. This society had its birth because of the murder of Dow, Barber, and the robbery and house burning that were frequent in those days."—Hinton: *John Brown and His Men*, 698.

For the nature of the activities of the Danites, see a letter from John R. Boyd to J. W. Denver, February 12, 1858, in the Kansas Historical Society Archives. He wrote: "There exists in Doniphan a set of unprincipled rowdies, claiming to be free-state men, . . . These men have committed several acts of violence to private property, such as breaking open stores and burning goods . . . and threatened violence to individuals, but have never attempted to put their threats into execution until last Saturday night, when about midnight they came to my law office."

Some Danite lodge correspondence, a part of it written in cipher, is preserved in the Kansas Historical Society Archives. The letters bear the dates of March 3, 27, April 19, May 1, 14, 27.

For the activities of the Danites in western Missouri, see the *Missouri Republican*, May 28, 1858.

57. Robinson: *The Kansas Conflict*, 375.

58. The most complete record of "Brown's Cellar Kitchen Convention" is available in George W. Brown: *Reminiscences of Gov. R. J. Walker* (Rockford, Ill., 1902), 136-143.

59. *Herald of Freedom*, January 2, 1858.

60. *Kansas Tribune*, January 2, 1858.

61. J. H. Lane to O. C. Brown, Charles A. Foster, Col. Williams, and other citizens of Osawat[omie], December 30, 1857, in Kansas Historical Society Manuscript Collections.

62. *White Cloud Kansas Chief*, January 28, 1858. Proslavery men, of course, did not participate in this election upon the Lecompton constitution. The free-state plurality in the election of officials under the constitution was small, ranging from 301 to 696. However, many illegal votes were cast in the border counties.

63. *Freeman's Champion*, February 25, 1858.

64. Wilder, *op. cit.*, 157, 158.

James W. Denver, who took the oath of office December 21, soon addressed the president on the situation in Kansas, advising him not to submit the constitution to congress. But Buchanan had already shown his special message of February 2 to several senators and found it impossible to reverse his decision. On that date he transmitted the constitution to the senate with the recommendation that Kansas be admitted as a state under it. In his opinion the legislature was bound by the organic act to submit to the voters only that part which affected the "domestic institutions" of the state, and Kansas had but one, namely, the "domestic institution of slavery."⁶⁵ In his special message the President denounced that faction in Kansas which had "done all in their power to overthrow the territorial government established by congress." At the head of this "large portion of the people of Kansas" who had "been in a state of rebellion against the government," was a military leader "of a turbulent and dangerous character."⁶⁶ To such an accusation this "turbulent and dangerous character" was sure to reply. On February 13 Lane addressed an audience at Lawrence and attacked the President's message as a false and "unmanly assault upon a patriotic, patient, and peace-loving people."⁶⁷

With the Free-state party in control of the territorial legislature, the power of the executive was challenged. On December 16 a bill was passed over the veto of Acting Governor Stanton "to organize and regulate the militia of the territory of Kansas," and the same day Lane was elected major general.⁶⁸ Again during the regular session of 1858, a similar bill was passed over the veto of Acting Governor Denver. It created a military board consisting of a major general, eight brigadier generals, and the usual complement of subordinate officials.⁶⁹ The territorial executive naturally refused to recognize the military board, since he considered that the act creating it conflicted with his own position as commander in chief of the militia under the organic act.⁷⁰ Lane, however, began to function as major general. In December and January he led an expedition into southern Kansas to quell a disturbance that had arisen between free-state and proslavery people in that region.⁷¹ On January 15 he sent in a detailed report of his activities, addressing it to the acting governor, the president of the council, and the speaker of the house.⁷²

Out of this conflict of military authority there arose a bitter quarrel between Lane and Denver. On February 16 Lane issued instructions to enrolling officers from "Headquarters, Kansas Militia, Lawrence."⁷³ At the same time he appointed a certain S. J. Willis enrolling officer. Denver immediately re-

65. James D. Richardson, ed.: *Messages and Papers of the Presidents*, VII, 2983.

66. *Ibid.*, 3002, 3003.

67. *Quindaro Chindowan*, February 20, 1858. See, also, *Freeman's Champion*, February 18, 1858.

68. House Journal, 1858, 57, 58, 62, 67; Senate Journal (extra session), 1857, 63, 64.

69. Laws of the Territory of Kansas, passed at the third and fourth sessions of the legislative assembly, 330-333.

70. House Journal, 1858, 428, 429. See, also, R. G. Elliott: "The Grasshopper Falls Convention and the Legislature of 1857," in *Kansas Historical Collections*, X, 187. The writer suggests that the militia act gave the sanction of law to Lane's organization for the protection of the ballot box.

71. *Herald of Freedom*, December 26, 1857. See, also, two letters from J. Williams, one of them to James Buchanan, March 3, 1858, quoted in P. G. Auchampaugh: *James Buchanan and his Cabinet on the Eve of Secession* (1926), 38-46.

72. Lane's report is quoted in House Journal, 1858, 84, 85; *Missouri Democrat*, January 26, 1858.

73. For Lane's reasons for enrolling a large militia, see his speech at Troy, February 27, 1858, in the *Elwood Advertiser*, March 4, 1858.

plied by proclamation denouncing all these acts as "illegal, without authority of law, and on the part of 'J. H. Lane' a usurpation of power." He congratulated the people upon the restoration of peace, but warned them against "countenancing these insidious attempts to renew the difficulties and troubles which have too long held sway here. . . . What but trouble can ensue if one turbulent man is thus allowed to set up a military dictatorship over the civil authority and squander the public money at pleasure."⁷⁴

To this second accusation of turbulence Lane replied in language less respectful than that used in answering Buchanan's special message. He said that his command had been conferred upon him by the legislature without solicitation, but Denver, "a mere executive officer" had "arrogantly usurped and ruthlessly trampled under foot the legislative department of the government of a free people," and thus attempted by the control "of the sword and the purse of the people to crush out their liberties. Truth, justice and manhood require that the villian should be unmasked. I pronounce the charges he has preferred against me utterly untrue and calumnious, and his acts toward the people of Kansas perfidious and tyrannical, and I do arraign *one J. W. Denver before the country, and do denounce and brand him as a calumniator, perjurer and tyrant.*"⁷⁵

Meanwhile the question had arisen in the free-state party as to the future of the Topeka movement. Should the territorial legislature, now controlled by that party, continue as the authoritative legislative body of the territory, or should it use its power to put the Topeka "state" organization into operation? A memorial in the form of concurrent resolutions was presented by the "general assembly of the state of Kansas" to the territorial legislature, urging that body "to take immediate steps to remove the forms of a territorial government so far that it shall not obstruct and embarrass the state government."⁷⁶ The special committee to whom this memorial was referred recommended that, "In view of the probable admission of Kansas" under the Lecompton constitution, the Topeka "state" government "should be maintained for any emergency that may arise." It should pass laws of a general nature necessary for its operation, to be enforced as soon as it was ascertained that congress had forced upon Kansas the Lecompton constitution. As both legislative bodies represented the same people, concert of action as far as practicable, and the cultivation of mutual confidence, was recommended.⁷⁷ This report of the committee was accepted, but a minority report was made by W. P. Badger. He discovered that the memorial denied the legal existence of the territorial government, yet at the same time demanded that it pass legislation to put the Topeka government into operation, an admission of its legislative authority. It would therefore follow that the Topeka "legislature" had no such authority, for it would be an anomaly for two independent governments to exist over the same country at the same time with concurrent legislative powers.⁷⁸ Two days later all members of the select committee concurred in a resolution which was adopted. It expressed the fullest "confidence

74. *Quindaro Chindowan*, March 20, 1858.

75. *Quindaro Chindowan*, March 20, 1858.

76. House Journal, 1858, 93.

77. *Ibid.*, 70, 71. This report was signed by R. G. Elliott, chairman, S. S. Cooper, John Speer and H. Miles Moore.

78. *Ibid.*, 91-94.

in the wisdom, patriotism and prudence of the free-state legislature," left it within their province to take such action in their own capacity as they thought proper and legitimate, but absolved the territorial legislature of any responsibility therefor.⁷⁹

When the Topeka "legislature" assembled on March 4, 1858, it was impossible to secure a quorum.⁸⁰ The leading men who had originated the scheme had deserted it in favor of the legitimate and recognized territorial government. Those present appointed a committee to prepare an address to the people of Kansas, the expiring act of the "state" government. It recited the history of the movement, chided the free-state territorial legislature for failure to redeem its pledges, but admitted that "state" officers under the Topeka constitution had called the movement dead, and many of its own members had become discouraged and had gone home. Nevertheless, the few loyal ones would remain at their posts, should the people decide to fall back upon the Topeka constitution in order to defeat the Lecompton fraud.⁸¹

In the spring of 1858 the free-state party framed and adopted a new fundamental law as a "counter movement . . . against the Lecompton constitution" which was then before congress.⁸² Delegates elected on March 9 assembled at Minneola on the 23d and elected Lane, who represented the Doniphan district, president of the convention.⁸³ A day later it adjourned to meet at Leavenworth.⁸⁴ After the appointment of committees Lane resigned as president because of "the prejudice existing against him," he explained, "even among some good free-state men."⁸⁵ Martin F. Conway was then chosen presiding officer. The convention completed its work on April 3, and the Leavenworth constitution was ratified on May 18.⁸⁶ Lane made several speeches in favor of its ratification.⁸⁷ The constitution availed nothing, however, and a year later another was framed at Wyandotte under which the state was admitted in 1861.

79. *Ibid.*, 119.

80. Holloway, *op. cit.*, 531.

81. *Daily Missouri Democrat*, March 5, 1858. The address was signed by William A. Phillips, chairman, J. M. Henry, W. F. M. Army, William Hutchinson, J. M. Walden, B. B. Newton, L. Martin and Charles Mayo.

82. Connelley: *The Life of Preston B. Plumb*, 78. See, also, Blackmar, *op. cit.*, 237, 238.

83. Wilder, *op. cit.*, 163, 164.

84. On January 21, 1858, an act was passed over Governor Denver's veto which located the capital of the territory at Minneola, "an open prairie," in Franklin county. Many members of the legislature, as well as delegates to the convention, were land speculators in that vicinity, and the affair became known as the "Minneola swindle." Lane favored adjournment to another place, "and delivered one of the most dramatic and powerful speeches of his life." T. Dwight Thacher, a delegate from Douglas and Johnson counties, said of his address: "The night was far spent. The candles had burned down to their sockets. The debate had been long, and at times angry. Some of the members were deeply interested in Minneola, and in their excitement they threatened that if the convention should adjourn from Minneola they would abandon the Free-state party and break it up. This threat aroused the sleeping lion in Lane. He came down from the chair, where he had presided with great fairness during the debate, and took the floor. All eyes were upon him. The drowsy members sat upright. As he proceeded with his speech the interest intensified, and members began to gather round him, sitting upon the desks and standing in the aisles. I shall never forget the scene—the dimly-lighted room; the darkness without; the excited men within; little Warren, the sergeant at arms, standing unconscious upon the floor, with partly outstretched arms, and wholly carried away by the speech; and Lane himself aroused to a pitch of excitement which I never saw him manifest on any other occasion during his whole career."—Kansas Historical Collections, III, 13, quoted in Connelley: *The Life of Preston B. Plumb*, 80.

85. *National Era*, April 15, 1858.

86. For the text of the Leavenworth constitution, see Wilder, *op. cit.*, 168-182.

87. *National Era*, May 13, 1858.

CHAPTER X.

ELECTION TO THE UNITED STATES SENATE.

THREE years elapsed between the triumph of the Free-state party and the admission of Kansas into the Union. During this interval Lane was forced into political retirement, but emerged after a year to become an even more powerful factor in Kansas politics, and a strong contender for a seat in the United States senate. The cause of his temporary abandonment of politics was the homicide of Gaius Jenkins.¹ The dispute arose over a contested land claim upon which both men lived. The immediate cause of the difficulty was the use of a well upon the claim, said to have been dug by Jenkins, but situated near Lane's cabin and inclosed within his fence. While the claim was yet pending² Lane forbade Jenkins access to the well. On June 3, 1858, Jenkins accompanied by three armed men, appeared at Lane's cabin to get water. Lane ordered them away, but the party proceeded to cut down the gate. Retiring into the house, he reappeared with his shotgun, and after again warning the party, fired at Jenkins, killing him instantly. One of Jenkins' companions shot at Lane, wounding him in the leg. After partial recovery Lane was brought to trial before E. D. Ladd and two other justices of the peace. The trial lasted from June 15 to June 30, and resulted in Lane's acquittal "in consequence of the failure of 'probable' proof to show that the crime of 'willful murder' had been committed by General Lane."³ The claim contest between Lane and Jenkins' heirs continued, however. Soon after the fateful event Jenkins' claim was upheld by the land office, but in 1861 the decision was reversed and the claim was awarded to Lane.⁴

The decision of the justices' court was not popular with every element in the territory. Friends of Jenkins and political enemies of Lane looked upon the affair as nothing less than murder, and branded the decision "as the acme of injustice." Lane's friends supported it warmly, believing that he had shot in self-defense. Another class, according to the Lawrence correspondent of the *Missouri Democrat*, did "not make public their verdict," but upon these

1. A variety of material on "The Lane-Jenkins Claim Contest" has been published in the Kansas Historical Collections, XVI, 21-176. It includes biographical sketches of Jenkins and Lane, letters and other documents from the general land office of the Department of Interior relating to the contested claim, attorneys' briefs, and the testimony presented in Lane's trial, as recorded in the *Missouri Democrat*, June 21-July 10, 1858. A chapter from Speer: *Life of Gen James H. Lane*, 187-218, is reprinted. The evidence presented by Speer is largely favorable to Lane. Evidence in support of Jenkins was published in Robinson: *The Kansas Conflict*, 421-424.

2. Robinson introduces evidence to prove that the case had been settled prior to June 3, 1858. Ely Moore, son of the receiver of the local land office, wrote to C. Robinson, January 8, 1884, that "the case had been decided by the register and receiver of the Pawnee land district, then located at Leecompton, in favor of Gaius Jenkins and adverse to James H. Lane. . . . The Secretary of the Interior had also confirmed the decision of the land office at Leecompton."—Robinson: *The Kansas Conflict*, 423, 424.

The decision in favor of Jenkins by the local land office seems to have been October 6, 1858, four months after Jenkins' death. See letters from various commissioners of the general land office, in Kansas Historical Collections, XVI, 23, 116.

3. *Daily Missouri Democrat*, July 10, 1858, in Kansas Historical Collections, XVI, 176.

4. N. C. McFarland to J. H. Shimmons, February 2, 1884, in Kansas Historical Collections, XVI, 116; I. R. Conwell to J. H. Shimmons, August 25, 1892, in *ibid.*, 23; S. W. Lamereaux to John Speer, October 10, 1894, in *ibid.*, 116.

"law and order loving men from the olden states, . . . depends the fate of Lane, as regards his standing as a man and a politician."⁵

Those who become Lane's closest friends in later years record that "he never ceased to regret the melancholy occurrence."⁶ Regardless of his acquittal on the ground of self-defense and the failure of subsequent attempts to procure his indictment by a grand jury, he decided to retire to private life. He therefore announced his intention in territorial newspapers to abandon politics and devote himself entirely to the practice of law.⁷ That he did retire is evident because his name is seldom mentioned in the newspapers of the territory during the next year.

It had been Lane's intention from his arrival in Kansas to reënter the legal profession. In September, 1855, he sought to appear as counsel for one Cole McCrea in Judge Samuel D. Lecompte's court,⁸ but was denied admission because he refused to take an oath to uphold the laws of the territorial legislature.⁹ While he devoted some attention to the practice before 1858, it was rather intermittent, since much of his time was absorbed by war and politics.

Shortly before the tragic event already related Lane formed a law partnership with James Christian, and an office was established at Lawrence. The partners announced themselves as "Commissioners for all of the Western states," ready to "attend to collections in Kansas, Nebraska, western Missouri, and Iowa." "The Kansas struggle being over," so ran the advertisement, "Mr. Lane will devote himself *exclusively* to the practice, and trusts by strict attention to business, to receive a portion of the business of the people of Kansas."¹⁰

For about a year Lane closely adhered to his decision to retire from politics, although he made an occasional speech in the territory.¹¹ During the winter of 1858-1859 he "prepared several lectures," so he says, "on subjects now before the country, for delivery in the states, intending to spend the winter there—but was disappointed."¹² Not until March, 1859, did he again assume an aggressive attitude. At that time he published an address "To the people of Kansas," in which he defended his course in the Jenkins homicide. Recent charges preferred against him, he said, were the work of "the supposititious Democracy," which entertained "the opinion that its very existence in Kansas" depended upon crushing him. Lane still maintained, however, that he was out of politics. "The writer seeks no leadership—asks no office," he concluded, "but simply desires to enjoy the right of free speech and permission to labor as a private in the great Jeffersonian Republican party of freedom."¹³

But Lane had no intention of remaining a private in the ranks of the

5. *Missouri Democrat*, July 10, 1858, in Kansas Historical Collections, XVI, 176.

6. *Leavenworth Daily Conservative*, July 12, 1866.

7. *Lawrence Republican*, March 17, 1859; *Topeka Tribune*, May 5, 1859.

8. The United States district court for the territory of Kansas.

9. See the *Herald of Freedom*, September 22, 1855; *Evening Telegraph*, September 29, 1855, in Webb Scrap Book, V, 210; *Boston Liberator*, in Webb Scrap Book, V, 224.

10. *Lawrence Republican*, May 27, 1858.

11. The *National Era*, May 6, 1858, says: "General Lane has received an offer from Boston to deliver a series of lectures on Kansas, through the free states, for \$50 per night, for six months. He replied that just now he had more important business." Also, see Lane's address "to the People of Kansas," in *Lawrence Republican*, March 17, 1859; *Lawrence Republican*, January 20, October 27, 1859.

12. *Lawrence Republican*, March 17, 1859.

13. *Lawrence Republican*, March 17, 1859.

Republican party. The United States senate had been his goal even before he came to the territory. The time was approaching when Kansas would be admitted into the Union, and it was necessary that he resume leadership. Whether his ambitions went farther than reaching the senate is difficult to determine. For some time preceding the Jenkins homicide the *Herald of Freedom*, now a bitter opponent of Lane, had been heading its editorial columns with his name as "Our Candidate for President of the United States," announcing his candidacy in a satirical and sarcastic fashion.¹⁴ With the tragic event of June 3, 1858, however, that paper considered that the ridicule had gone far enough, and assumed a more serious attitude:

"It has been understood for months that General Lane was an aspirant for the presidency, and we are informed that he has been laboring with considerable energy to get his name brought forward as a candidate for that post. Yea, more, it is said that some of his cliquers had gone so far as to order the printing of a large number of lithographed portraits of the General, under which was to be inscribed, 'The Sixteenth President of the United States.' These portraits were to be distributed all over the country, and thus, with the aid of letter writers, public opinion was to be molded, and General Lane was to be the man of 1860."¹⁵

A Kansas historian, Leverett W. Spring, suggests that the "belief had long haunted him that some day the people of the country would call him to the highest office within their gift," and that many conferences on this subject were "held with intimate friends." According to that authority Lane's plan was to send young men from the territory into every Northern state to "get up another Kansas excitement," and no elaborate national organization would be necessary.¹⁶

But in the election of 1860 Lane was an ardent supporter of Abraham Lincoln. He met that great man for the first time in 1859. In December of that year Lincoln visited Kansas and was the guest of his old friend, Mark W. Delahay.¹⁷ This was the first and only time that Lincoln was west of the Missouri river. He spoke at Elwood, Troy, Doniphan, Atchison, and Leavenworth.¹⁸ Delahay invited a half dozen guests to meet Mr. Lincoln, among whom were Judge Pettit, Marcus J. Parrott, S. N. Latta, and Lane.¹⁹ After Lincoln's nomination Delahay went to Springfield to receive instructions

14. *Herald of Freedom*, May 29, 1858.

15. *Herald of Freedom*, June 12, 1858.

16. L. W. Spring, "The Career of a Kansas Politician," in *American Historical Review*, IV, 97.

17. Shortly before this visit Lincoln had written to Delahay: "Your letter requesting me to drop a line in your favor to General Lane was duly received. I have thought it over, and concluded it is not the best way. Any open attempt on my part would injure you; and if the object merely be to assure General Lane of my friendship for you, show him the letter herewith inclosed. I never saw him, or corresponded with him; so that a letter directly from me to him would run a great hazard of doing harm to both you and me."—A. Lincoln to Mark W. Delahay, October 17, 1859, in G. A. Tracy, ed.: *Uncollected Letters of Abraham Lincoln* (Boston, 1917), 116, 117.

On March 16, 1860, Lincoln wrote to Delahay: "I have just returned from the East. Before leaving I received your letter of February 6; and on my return I find those of the 17th and 19th with General Lane's note inclosed in one of them. I sincerely wish you could be elected one of the first senators from Kansas, but how to help you I do not know. . . . If my known friendship for you could be of any advantage, that friendship was abundantly manifested by me last December while in Kansas.

"Present my respects to General Lane, and say to him, I shall be pleased to hear from him at any time."—A. Lincoln to Mark W. Delahay, March 16, 1860, in Tracy, op. cit., 134, 135.

18. Wilder, op. cit., 231.

19. Mary E. Delahay: "Judge Mark W. Delahay," in *Kansas Historical Collections*, X, 640.

for campaign work.²⁰ Lane soon followed him east, and both men entered actively into the campaign, especially in the doubtful districts of Indiana and Illinois.²¹

Although the active contest for the senatorial positions began in the fall of 1859, Lane had been a potential candidate since his arrival in the territory. It would be an impossible task to record the "indorsements" which he received in political conventions between 1855 and 1861.²² His opponents were well aware of his tactics. Said the *Kansas Press*, a hostile paper: "If possible he gets into all the conventions, from state conventions down to little petty township meetings, and dictates their action or attempts to."²³ That such was the case is attested by Speer, who says that Lane "would go to a place where they were about resolved to hang him, and come back with Lane for the senate inserted in their resolutions." Nor did he insist that his friends control the convention. Seeing a political enemy in an assembly, Lane "inquired pleasantly about his affairs, and then arose, and suavely said: 'Mr. President—I move you, if I can meet with a second, [at least a dozen men seconded the motion before they heard it] that our distinguished fellow-citizen, Mr. J. O., be made chairman of this meeting.'" The motion being carried with great enthusiasm, Lane handed him the names of men suitable to constitute a committee on resolutions, and placed in the hands of the chairman a set of resolutions indorsing Lane for the senate.²⁴

Lane's friends urged his candidacy because of his tireless activity in behalf of the free-state party. On the other hand his enemies asserted that the erratic and notorious Lane had always acted from selfish motives, and had it not been for more conservative influences within the territory, his radicalism would have defeated the free-state cause. In the senatorial contest the indignant Lane was forced to rely upon his persuasive oratory and campaign promises. The *Kansas Press* accused him of making reckless promises not worth the paper upon which they were written. It was asserted that he was attempting "to farm out all the offices in Kansas, from congressman down."²⁵ There was a great deal of truth in the accusation. Lane wrote to Charles Foster in November, 1859, requesting that he interview all the members of the legislature nominated from his county, and write him as to their position. "I trust this labor will be cheerfully performed," he said, "as you know that the time is not far distant when Senator Lane will be able to serve all and *will* his true friends."²⁶

20. Geo. W. Deitzler wrote to S. N. Wood, August 18, 1860 (Kansas Historical Society Manuscript Collections): "The inclosed letter, which I clip from the *Times* of this city, written by Delahay, who went on to Springfield at the request of Lane for the purpose of creating the impression that 'our Gen. J. H. Lane' is wanted in the canvass. Lane has been making his arrangements to go East for some time and sent Delahay ahead to prepare the way. He is going soon and expects to howl frightfully against Democracy and in favor of 'Old Abe' and so secure, if possible, the confidence of that good man. Well, I have only to say that if such fellows as Lane and Delahay are to control matters in any degree, with the new administration, I shall feel but little hope for any good results from the change. The *Times* makes an ass of itself in publishing such nonsense."

21. Mary E. Delahay, loc. cit., 641. The *Lafayette* (Ind.) *Courier*, quoted in the *Lawrence Republican*, October 14, 1860, says that Lane "met with an enthusiastic reception" in Indiana.

22. See the *State Record*, April 6, 1861.

23. *Kansas Press*, November 7, 1859.

24. Speer: *Life of Gen. James H. Lane*, 223, 224.

25. *Kansas Press*, November 7, 1859.

26. J. H. Lane to Charles Foster, November 18, 1859, in Kansas Historical Society Manuscript Collections.

To conduct the campaign a Lane paper was needed at Lawrence. A printing press was about to be sold in that city, but Speer says that neither he nor Lane "had a dollar." The former, however, bought the paper, the *Lawrence Republican*, for \$3,500 and informed Lane that he "must have \$500 to pay the hands, to keep them from striking before the senatorial election." On a bitter December day Lane walked thirty-five miles through a deep snow to Leavenworth, aroused Mark Delahay out of bed at midnight and laid bare a precarious scheme for raising the \$500. The money was obtained and soon there was a Lane paper in Lawrence under the editorship of John Speer and Nicholas Smith.²⁷

There was a general understanding that one senator should be selected from candidates north of the Kansas river, and the other from the south of that river. Two prominent aspirants appeared in each section, Marcus J. Parrott and S. C. Pomeroy in the north, and F. P. Stanton and Lane in the south. Although each of these contestants, along with Delahay, Ewing and others, had his own personal following, it was believed that Lane and Parrott would be elected. The Topeka correspondent of a Leavenworth paper wrote, March 25, 1861:

"There is no mistaking public sentiment here; it is overwhelmingly for Parrott and Lane—they are almost the only candidates talked of, and will no doubt be elected by a handsome majority."²⁸ Letters from various parts of the territory showed the same tendency to support Lane and Parrott.²⁹ At least one writer noticed a difference between Lane's support and that of other candidates: "All persons and politicians have their common preferences as between Pomeroy, Parrott and Ewing, and would not regard themselves as utterly ruined, as the result of success or defeat of either of those senatorial candidates. But respecting Gen. James H. Lane, there is a different state of feeling. The Lane men are as enthusiastically devoted to their candidate as to believe the salvation of the nation, and the credit and prosperity of the state, depend upon his election."³⁰

Lane's services to the Free-state party elicited a great deal of attention by the press. After stating that several territorial exchanges were certain that Lane would be elected, the *White Cloud Kansas Chief* continued: "The General has done good service in the free-state cause, and one reason in favor of his election would be that it would be the most mortifying event to the proslavery ruffians that could happen." However, it was doubtful if "his election would conduce greatly to the harmony of the party in Kansas."³¹ Another paper wrote in a similar strain: "His unceasing devotion to the cause of freedom in the territory, when menaced by destruction by proslavery mobs, his untiring zeal and energy in battling with aggression and tyranny, together with his known ability and honor, entitle his claim to the respectful consideration of his countrymen."³²

27. "Jacob Stringfellow" [Nicholas Verras Smith]: "Jim Lane," in *Lippincott's Magazine*, V, 272; Speer: *Life of Gen. James H. Lane*, 224, 225.

28. *Leavenworth Daily Conservative*, March 26, 1861.

29. *Leavenworth Daily Conservative*, March 23, 27, 28, April 2, 1861.

30. *Leavenworth Daily Conservative*, March 16, 1861.

31. *White Cloud Kansas Chief*, January 24, 1861.

32. *Manhattan Western Kansas Express*, March 9, 1861.

Perhaps the most favorable estimate of Lane's services to Kansas was published in the *State Record*:

"General Lane is emphatically one of the 'Old Guard,' more closely than any man living, identified with the growth and expansion of the western territories on the basis of freedom, in opposition to the reduction of that vast and splendid domain to the curse of slavery. Occupying that position with regard to our higher political interests, no one could more clearly vindicate the history of Kansas, and the justice of the great cause which has here been imperiled and saved, than the election of General Lane to the senate."³³

As the legislature was elected about a year and a half before the state was admitted, there were several vacancies to be filled. Lane entered actively into the canvass in districts where vacancies had arisen, to elect legislators pledged to support him for the senate. Indorsement of Lane was the chief issue, and in about every such election candidates supposed to be friendly to him were successful.³⁴ It was argued that such an indorsement by the voters should also bind the other members from the districts.³⁵ "Sumter" wrote from Lawrence to the *Leavenworth Conservative*, March 20, 1861: "The triumphant result of the vacancy elections will make southern Kansas almost unanimous for Lane. His election is now conceded by some of his most bitter opponents, as for more than six months past it has been conceded by all who are acquainted with the sentiments of Kansas Republicans."³⁶

Lane hoped to secure two elections, one by the territorial and one by the state legislature. The former would merely serve as another indorsement. He had been chosen in March, 1856, to the senate by the "legislature" under the Topeka constitution, and now with a second unofficial election, he could go to Washington with sufficient prestige to control Kansas patronage, "or at least . . . prevent any appointment awaiting the election of United States senators . . . This action he had already preceded by an agreement with Hon. Martin F. Conway, our congressman-elect, who would be in his seat on the inauguration of President Lincoln, that all Kansas appointments should await the action of our senators. This agreement was faithfully carried out by Mr. Conway, and recognized by the President."³⁷ Both houses of the territorial legislature did pass a resolution, February 1, "to elect two United States senators for the state of Kansas," but by dilatory tactics the matter failed to come to a vote, and the assembly adjourned February 2 without expressing an opinion.³⁸

When Kansas was admitted January 29, 1861, "Lane was so poor that he was refused credit for a loaf of bread in Lawrence."³⁹ Accepting a ride in a neighbor's farm wagon he set out for Topeka and opened his campaign among the assembled legislators with but twenty dollars in his pocket, and that borrowed. Lane's enemies encouraged his landlord to turn him out of doors because he could not pay his bills. Not to be outdone, Lane said "he believed he could 'move into a store box on the avenue and get ahead of the hounds.'"⁴⁰

33. *State Record*, March 16, 1861.

34. *State Record*, March 16, 1861. See, also, *Missouri Republican*, quoted in *Leavenworth Daily Conservative*, March 23, 1861.

35. *Council Grove Press*, March 23, 1861.

36. *Leavenworth Daily Conservative*, March 21, 1861.

37. Speer: *Life of Gen. James H. Lane*, 220, 221.

38. *Ibid.*, 220.

39. *Ibid.*, 227.

40. John Speer to Messrs. Harper Brothers, January 18, 1894, in *Kansas Historical Society Manuscript Collections*.

As the time of the election approached Lane redoubled his efforts. "He waylaid the vacillating solons in the dark," says a contemporary, "decoyed them into the outskirts and bound them with appalling oaths. The hazel brush that girded the town was rife with whispered caucuses. On the eve of the balloting, all night long, from room to room of the Capital House he went, . . . exhorting, cajoling, encouraging his wayward followers with promises of future benefit."⁴¹

There were cries of bargain both before and after the election. It was charged that a combination existed between Lane and Parrott,⁴² and Speer admits that in the contest for filling vacancies in the legislature there was an understanding between these two candidates that their forces were to be combined as far as expedient.⁴³ But on April 1 the state senate voted upon "a senator from the south side of the Kaw," which resulted in Lane receiving only nine votes out of twenty-five, while Frederick P. Stanton had a plurality. That night Lane and Pomeroy entered into secret conclave at Pomeroy's headquarters, the result being that thirteen senators pledged themselves to go into joint convention with the house to elect two United States senators.⁴⁴ P. P. Elder, a member of the senate who signed the pledge, stated years later that Lane gave Pomeroy seven votes in the house and Pomeroy gave Lane one vote in the senate.⁴⁵ This bargain is also alluded to by Isaac T. Goodnow. He says that he approached Pomeroy in January, 1861, and suggested that he "join forces with General Lane and thus make sure of the election of both." Pomeroy refused, however, saying that he preferred to act independently, for after a canvass of the legislature, he was sure of fifty-one out of the hundred members. Later in the campaign Goodnow attended a caucus at the Miller House, called by S. D. Houston. Fifteen or twenty lobbyists and members from Riley and neighboring counties, most of them Parrott men, were present. Goodnow was called upon for a speech, and told them confidentially that "the election of J. H. Lane was a foregone conclusion whether we liked him or not," that Stanton had no chance, and as between Parrott and Pomeroy he preferred the business ability of the latter to the "literary attainments" of the former. In the meantime Pomeroy concluded that he "had mistaken words of kindness and encouragement for promises of support," and was again reminded by Goodnow "that his only chance was a combination with Lane." Goodnow then saw Lane at Pomeroy's request and found him ready to negotiate. That night, April 1, the two candidates reached the understanding above recorded.⁴⁶

41. "Jacob Stringfellow" [Smith], loc. cit., 273. In speaking of Lane's promises, the writer quotes Lane as saying: "Of the fifty-six men in the legislature who voted for Jim Lane, five and forty now wear shoulder straps. Doesn't Jim Lane look out for his friends?"—*Ibid.*, 274.

42. *White Cloud Kansas Chief*, March 14, 1861.

43. Speer: *Life of Gen. James H. Lane*, 228.

44. P. P. Elder to George W. Martin, September 3, 1903, in *Kansas Historical Society Manuscript Collections*. The pledge is quoted in John Speer: *Life of Gen. James H. Lane*, 229:

"TOPEKA, KANSAS, April 1, 1861.

"We, the undersigned members of the state senate, do hereby agree to vote for a resolution to go into a joint convention for the purpose of electing two United States senators, or agree to vote to concur in any such resolution coming from the house of representatives, for the same purpose; and also agree to vote for such resolutions as are necessary to attain that purpose.—JOSIAH MILLER, H. S. SLEEPER, S. D. HOUSTON, T. A. OSBORN, J. A. PHILLIPS, JOHN LOCKHART, J. C. BURNETT, WM. SPRIGGS, P. P. ELDER, H. W. FARNSWORTH, H. N. SEAVER, JOHN A. MARTIN, ED. LYNDE."

45. P. P. Elder to George W. Martin, September 3, 1903, in *Kansas Historical Society Manuscript Collections*.

The legislature assembled in joint convention on April 4 and each member voted for two candidates as his name was called.⁴⁷ While only one ballot was taken "the voting continued two hours, in which interval Lane fluctuated between 45 and 64, Pomeroy between 49 and 57, Parrott between 47 and 60, Stanton between 10 and 32, Delahay between 2 and 11, and Kingman between 3 and 18. Fifty-eight members changed their votes."⁴⁸ When the voting ceased Lane was leading with 55, Pomeroy had 52, Parrott 49, and Stanton 21. Lane and Pomeroy were declared elected.⁴⁹

A great deal of dissatisfaction was expressed at the method of voting, and even the clerks "distrusted their figures" and desired that the roll be called again.⁵⁰ It was asserted that "Pomeroy's supporters were salable stock," and Lane's friends were accused of sacrificing "the interests of the north side."⁵¹ Nevertheless, there was a tendency to acquiesce in the result. The *Kansas State Journal*, one of Lane's bitterest opponents, recognized its responsibility to assist in making his term of office "efficient and successful," and promised to be prompt in rendering "the due reward of respectful mention."⁵²

A ratification meeting was held at Leavenworth, the largest city in the new state, on April 9. The following resolutions were unanimously adopted:

"Resolved, That the citizens of Kansas owe a debt of gratitude to Gen. James H. Lane for his unceasing efforts in behalf of freedom and Republicanism, in Kansas and elsewhere, during the last six years.

"Resolved, That we hail the election of Gen. James H. Lane to the senate of the United States as the climax of the glorious victory for freedom in Kansas."⁵³

46. Isaac T. Goodnow, "Reminiscences of the First Kansas Senatorial Election, April, 1861," in Kansas Historical Society Manuscript Collections. This account was published in the *Topeka Daily Capital*, January 29, 1893.

47. See House Journal, 1861, 73, 74.

48. Wilder, op. cit., 261.

49. House Journal, 1861, 76. The proceedings were also published in the *Senate Journal*, 1861, 49-53.

50. *Leavenworth Daily Conservative*, April 7, 1861.

51. *White Cloud Kansas Chief*, April 11, 1861.

52. *Kansas State Journal*, April 11, 1861.

53. *Leavenworth Daily Conservative*, April 10, 1861. An attempt was made to amend the first resolution to include Pomeroy's name, but it was unsuccessful. It was asserted that he had done all in his power to injure Leavenworth.

CHAPTER XI.

A CIVILIAN BRIGADIER GENERAL.

WITH the admission of Kansas and the beginning of the Civil War the third epoch of Lane's career began. As in the two preceding periods he continued to combine war with politics.

When Lane arrived in Washington the city "was supposed to be in danger of capture by the southern troops flushed with their victory at Sumter."¹ The War Department welcomed the organization of volunteer companies for immediate defense. It was impossible for a man of Lane's temperament to await quietly the beginning of the next session of congress when military opportunity presented itself.² By April 18, three days after President Lincoln issued his first call for volunteers, Lane had raised a Frontier Guard of about 120 men.³ This voluntary company, composed mainly of Kansans, with Lane as captain, Delahay as first lieutenant, and Senator Pomeroy among the privates, assembled at Willard's hotel, and was assigned by Maj. David Hunter to guard the executive mansion.⁴ A vivid description has been recorded by Nicolay and Hay, the latter of whom was then aide to Hunter: "At dusk they filed into the famous east room, clad in citizens' dress, but carrying very new, untarnished muskets, and following Lane, brandishing a sword of irreproachable brightness.⁵ Here ammunition boxes were opened and cartridges dealt out; and after spending the evening in an exceedingly rudimentary squad drill, under the light of the gorgeous gas chandeliers, they disposed themselves in picturesque bivouac on the brilliant-patterned velvet carpet—perhaps the most luxurious cantonment which American soldiers have ever enjoyed. Their motley composition, their anomalous surroundings, the extraordinary emergency, their mingled awkwardness and earnestness, rendered the scene a medley of bizarre contradictions. . . . However, their special guardianship of the east room lasted only for a night or two, until more suitable quarters could be extemporized; and for many days they lent an important moral influence in repressing and overawing the lurking treason still present in a considerable fraction among the Washington inhabitants."⁶

1. James Ford Rhodes: *History of the Civil War, 1861-1865* (New York, 1919), 17.

2. Speer, in his *Life of Gen. James H. Lane*, 234, 235, says "Just before President Lincoln started to Washington to assume the presidential chair, General Lane tendered him a body-guard of Kansas men, to be led by himself, to escort the President to the national capital, which the good man, conscious of his own patriotism and humanity, politely declined to accept, expressing his firm belief in the loyalty of the American people. . . . In his offer of a guard to the President, his plans were for an organization of men, who should appear at different points, as if they were passengers, getting upon the trains about in the regular manner, some going to witness the inauguration, some for one purpose and some for another, none of them armed, but all ready to be armed, the arms within reach, and ready to use them."

3. "The Frontier Guard at the White House, Washington, 1861," in *Kansas Historical Collections*, X, 419. This article lists 51 officers and men, but states that it was "generally understood that there were 120 members of the Frontier Guard," it being impossible for the State Historical Society to obtain the other names.

4. William Roscoe Thayer: *The Life and Letters of John Hay* (Boston, 1915), I, 92; *Memoirs of Henry Villard, Journalist and Financier, 1835-1900* (Boston, 1904), I, 168, 169.

5. This sword was presented to Lane with appropriate ceremony during the first night at the White House. See the *Leavenworth Times*, quoted in the *Lawrence Republican*, May 2, 1861; Thayer, *op. cit.*, I, 92.

6. John G. Nicolay and John Hay: *Abraham Lincoln, A History* (New York, 1904), IV, 106, 107.

A week later the Frontier Guard and a similar company⁷ raised by Cassius M. Clay, of Kentucky, were ordered to report to the commandant of the navy yard for its protection.⁸ It was reported that Lane "made several scouting expeditions into Virginia, during one of which he captured a secession flag."⁹ The period of service at the navy yard was short. On April 27 Lane wrote Secretary Cameron that the arrival of troops in the city terminated the emergency which called his company into service, and requested authority to disband it and grant honorable discharges to its members.¹⁰ This permission was given the same day in a letter which expressed appreciation for "the very efficient services rendered by it during the time of its existence."¹¹

The contribution made by Lane and his Frontier Guard was, of course, a small one. It marked the beginning of an intimate friendship with the President, however, which gave him a prestige and influence that continued throughout the war.¹² Lane's self-confidence, his infectious enthusiasm, and his ability to get results appealed to an executive who had usually to prod his generals for their inactivity.

There is evidence that Lane stimulated Carl Schurz to military activity. John Hay recorded in his diary, April 29, 1861:

"Going into Nicolay's room this morning, C. Schurz and J. Lane were sitting. Jim was at the window, filling his soul with gall by steady telescopic contemplation of a secession flag impudently flaunting over a roof in Alexandria. 'Let me tell you,' said he to the elegant Teuton, 'we have got to whip these scoundrels like hell, C. Schurz. They did a good thing stoning our men at Baltimore and shooting away the flag at Sumter. It has set the great North a-howling for blood, and they'll have it.'

"I heard,' said Schurz, 'you preached a sermon to your men yesterday.'

"No, sir! this is not time for preaching. When I went to Mexico there were four preachers in my regiment. In less than a week I issued orders for them all to stop preaching and go to playing cards. In a month or so, they were the biggest devils and the best fighters I had.'

"An hour afterwards, C. Schurz told me, he was going home to arm his clansmen for the wars. He has obtained three months' leave of absence from his diplomatic duties, and permission to raise a cavalry regiment."¹³

After disbanding the Frontier Guard Lane returned to Kansas, as the special session would not convene until July. Speaking at Topeka, May 10, he urged aggressive action against Missouri. If that state seceded, he advised armed occupation of Kansas City, Weston, St. Joseph, and Cameron. The address was described as an attempt "to excite the people of Kansas against Missouri by an inflammatory appeal to the passions and fears of the audience."¹⁴ At Lawrence two days later he asserted that any "attempt to

7. The Clay Battalion.

8. War of the Rebellion: Compilation of official records of Union and Confederate Armies (Washington, 1880-1901), ser. I, vol. 51, pt. I, 335. This work will be referred to hereafter as Official Records.

9. *Leavenworth Daily Conservative*, April 30, 1861.

10. The honorable discharge of Sidney Clarke from the Frontier Guard is preserved in the Kansas Historical Society Manuscript Collections. A photographic copy is included in the Kansas Historical Collections, X, 418. The discharge bears the date of May 3, 1861, and includes Lane's letter of April 27 to Cameron, and Cameron's reply.

11. *Ibid.*

12. Annie Heloise Abel: *The American Indian as a Participant in the Civil War* (Cleveland, 1919), 37, 38; Speer: *Life of Gen. James H. Lane*, 236.

13. Thayer, *op. cit.*, I, 102, 103. See, also, Abel, *op. cit.*, 37.

14. *Leavenworth Daily Conservative*, May 12, 1861.

blockade the Missouri river or stop the Hannibal and St. Joe railroad," would justify armed invasion even though the state had not seceded.¹⁵

Although Lane had no military authority, it was rumored soon after his return that he would lead a force through the Indian country to Fort Smith, and recapture that post and others in Arkansas and Missouri.¹⁶ He assured his constituents "that he would serve in any capacity, 'from drill master up.'" Although the "Senate had been the object of his ambition for six years," he would willingly resign his seat to serve his country.¹⁷ Opinion was divided, however, upon the question of advancing his military ambitions. The rivalry and enmity which had existed between Robinson and Lane in the territorial period continued with credit to neither leader. The governor had already recruited two regiments of volunteers, but had ignored Lane and his friends in commissioning officers for them. Many had implicit faith in his military capacity, and demanded him as their leader. The *White Cloud Kansas Chief*, edited by Sol Miller, had consistently opposed him politically, but now that the state seemed in danger, asserted that, as "a soldier, the people would welcome him, for they have great faith in him."¹⁸ The *Lawrence Republican*, Lane's "official" organ, predicted that the people would "rally around him with an enthusiasm which can bear no parallel." It continued:

"The spirit of the people demands a leader in whom they have confidence, and their every utterance, reverberating over the prairies and valleys of Kansas, echoes and reëchoes the talismanic name of James H. Lane as this man; and neither governors, nor lawmakers, nor political hucksters, can evade the force of that call."¹⁹

This assertion was challenged by the *Kansas State Journal*, edited by opponents of Lane.²⁰ In the opinion of that paper he was not regarded as the military leader of the state, and had awakened no enthusiasm thus far. Sorely disappointed, "in view of his extravagant boasting while in Washington as to what he could do," Lane was attempting to destroy the military organization of the state, "so that out of the ruins of the brigade he may be able to steal a regiment."²¹

The "grim chieftain" returned to Washington in June, and on the 20th, after consultation with the Secretary of War, tendered the President two additional regiments for three years' service or the duration of the war.²² Lincoln wrote to Cameron the same day that after reflection he had "concluded that we need the services of such a man out there at once; that we better appoint him a brigadier general of volunteers to-day, and send him off with such authority to raise a force . . . as you think will get him into actual work quickest. Tell him when he starts to put it through. Not be writing or telegraphing back here, but put it through."²³

A few days later Lane notified the public that he had been duly appointed

15. *Lawrence Republican*, May 16, 1861.

16. *Leavenworth Daily Conservative*, May 11, 1861.

17. *Lawrence Republican*, May 30, 1861.

18. *White Cloud Kansas Chief*, May 16, 1861.

19. *Lawrence Republican*, May 30, 1861.

20. Josiah C. Trask and Hovey P. Lowman.

21. *Kansas State Journal*, June 6, 1861. Also, see the issue for June 13, 1861.

22. Official Records, ser. III, vol. I, 282.

23. Ibid., 280, 281; John G. Nicolay and John Hay, *Complete Works of Abraham Lincoln* (New York, 1905), VI, 294; *New York Herald*, in *Topeka Weekly Leader*, July 12, 1866.

a brigadier general of volunteers, and appealed to men of Kansas and adjoining states and territories to join the Kansas brigade, the watchword of which would "be the downfall of treason wherever found, and the upholding of Union men in every state and place."²⁴ As Lane desired to remain in Washington for the special session, he authorized William Weer to receive and organize recruits. He wrote to his agent on June 25 that the government would furnish arms and ammunition, and that the War Department was making an effort to prepare the regiments for service by July 20.²⁵

Lane's brigade consisted of two regiments of mixed arms, the Third and Fourth Kansas volunteers, and the Fifth Kansas cavalry.²⁶ James Montgomery became colonel of the Third, William Weer of the Fourth, and Hampton P. Johnson of the Fifth.²⁷ The staff included four Italians who had served under Garibaldi.²⁸

Lane returned to Kansas about the middle of August, 1861,²⁹ his right to continue in the senate and hold a brigadier generalship already disputed. A throng of people greeted him at the Leavenworth levee, where his arrival was announced by the firing of "Old Kickapoo," which attested "the feeling of joy that 'Jim Lane' was once more in Kansas."³⁰ In the evening he was formally received at the Mansion House, where he made a speech. He urged men to join his brigade for the "hordes of secession" hovered upon the border. He expressed his views upon the institution of slavery, and concluded by saying that "All his political and personal enmity was buried. He offered it a sacrifice to his country."³¹

After dispatching men to Quincy, Ill., for a thousand horses for his cavalry, Lane proceeded with his staff to Fort Scott to assume command of his brigade. That fort was situated in the southeastern part of the state, a few miles from the Missouri border. It is now the county seat of Bourbon county. Its strategic importance was realized by both sides. On June 14 Ben McCulloch wrote to LeRoy P. Walker, Secretary of War in the Davis cabinet, that although

24. *Leavenworth Daily Conservative*, June 26, 1861.

25. *Leavenworth Daily Conservative*, July 11, 1861. Lane wrote to Weer: "The infantry will be armed with either the Minie or Enfield, or U. S. rifles. The cavalry will be armed with one Colt each—one Sharp's carbine and saber. The artillery as in the U. S. service. The cavalry will be furnished by the U. S. with horse accoutrements. Tents and camp equipage will be the same as in the U. S. Army. Commissioned officers will have to furnish their own sabers, or if they obtain them from the government they will have to pay for them at the regulation price. Transportation and subsistence will be obtained from the fort."

M. C. Meigs, the quartermaster general, Washington, wrote to Cameron, August 20, 1861, that a "contract was readily taken to furnish General Lane's Kansas cavalry regiment with 1,000 horses delivered at Quincy, Ill., at \$96 each."—Official Records, ser. III, vol. I, 433. There is some uncertainty, however, as to whether the contract was executed in full.—*Leavenworth Daily Conservative*, August 22, 1861.

Other correspondence relative to the organization of the brigade was published in the *Leavenworth Daily Conservative*, July 11, 12 and 17, 1861.

26. The organization of all the Kansas regiments is discussed briefly in Simeon E. Fox: "The Story of the Seventh Kansas," in *Kansas Historical Collections*, VIII, 14-16.

27. Lane appointed Lieut. Col. John Ritchie colonel of the Fifth upon the death of Johnson at Morristown, September 17, 1861.—J. H. Lane to John Ritchie, September 17, 1861, in *Kansas Historical Society Manuscript Collections*. This letter was published in the *Kansas Historical Collections*, XI, 224.

28. *Leavenworth Daily Conservative*, August 2, 1861. For criticism, see the *Kansas State Journal*, August 22, 1861.

29. *Leavenworth Daily Conservative*, August 15, 1861, said: "General Lane! We expect you will infuse new life into our military affairs. The people will sustain you. There is no man in Kansas on whose power to unite our forces we rely with more confidence than that of yourself."

30. *Leavenworth Daily Conservative*, August 16, 1861.

31. *Leavenworth Daily Conservative*, August 16, 1861.

the Cherokees desired to remain neutral, if a southern army were marched into northeastern Arkansas and Fort Scott were taken, the tribe would be forced into the Confederacy. He continued: "I am satisfied that Lane has no force yet of any importance, and the occupation of Fort Scott would not only place Kansas in my power, but would give heart and countenance to our friends in Missouri, and accomplish the very object for which I was sent here, preventing a force from the North invading the Indian territory. . . . After strengthening myself at Fort Scott I could, by coöperating with Missouri, take such a position on the Kansas river as I might desire."³²

Lane was also aware of the importance of Fort Scott, and on August 15 advised that it and Humboldt, several miles west, should be strongly fortified.³³ "The point to defend Fort Leavenworth," he said, "is in the neighborhood of Fort Scott."³⁴ However, he soon concluded that the fort itself could not be defended, and withdrew "all trains and stores not required for immediate use" twelve miles north to the Little Osage,³⁵ where he hastily constructed Fort Lincoln.³⁶

The organization and equipment of the Lane brigade was completed with difficulty. Munitions promised by the government were not forwarded promptly. Lane informed Frémont on August 16 that his men lacked uniforms, shoes, and blankets, and that his supply of artillery, small arms, and horse accoutrements was inadequate.³⁷ Especially did he need artillery, as he had only two pieces, a six-and a twelve-pounder. He urged Capt. W. E. Prince, adjutant general at Leavenworth, to send more down with "the first troops forwarded," as "the idea of holding artillery to rust" there did not strike him with favor.³⁸

Lane was also hampered by lack of local support. His opponents asserted that Kansas was not threatened, and enrollment proceeded slowly.³⁹ Governor Robinson wrote to Frémont, September 1, that there was "no danger of invasion, provided the government stores at Fort Scott are sent back to Leavenworth and the Lane brigade is removed from the border. It is true small parties of secessionists are to be found in Missouri, but we have good reason to know that they do not intend to molest Kansas in force until Jackson shall be reinstated as governor of Missouri. . . . But what we have to fear, and do fear, is that Lane's brigade will get up a war by going over the line, committing depredations, and then returning into our state. . . . If you will remove the supplies at Fort Scott to the interior, and relieve us of the Lane brigade, I will guarantee Kansas from invasion from Missouri until Jackson shall drive you out of St. Louis."⁴⁰

32. Official Records, ser. I, vol. III, 594, 595. McCulloch stated that the border counties of western Missouri were sympathetic, and would furnish him supplies.

33. *Ibid.*, 446.

34. *Ibid.*, 453. On August 25 Lane wrote to W. E. Prince from the Little Osage: "I assure you that Fort Leavenworth and Kansas should be defended from this point."—*Ibid.*, 455.

35. *Ibid.*, 455; *Lawrence Republican*, August 29, 1861.

36. Charles E. Cory: "The Sixth Kansas Cavalry and Its Commander," in *Kansas Historical Collections*, XI, 229-231. The author contends that Lane determined to abandon and destroy Fort Scott because he hated the proslavery Democrats who lived there; that Fort Scott was "the finest strategic point in southeastern Kansas"; and that the site of Fort Lincoln was "entirely unfitted for a fortification." See, also, "Some of the Lost Towns of Kansas," in *Kansas Historical Collections*, XII, 448.

37. Official Records, ser. I, Vol. III, 446.

38. *Ibid.*, 455.

39. Wiley Britton: *The Civil War on the Border* (New York, 1899), I, 122.

40. Official Records, ser. I, vol. III, 468, 469.

Subsequent events were to prove that Robinson was wrong in believing that Kansas was not in danger, and right in fearing that Lane's depredations would lead to retaliation. But the disastrous defeat of the federals at Wilson's Creek soon brought Lane "sympathy, understanding, and a fair measure of support from people who, not until the eleventh hour, had really comprehended their own danger and it inspired him to redouble his efforts to organize a brigade that should adequately protect Kansas and recover lost ground."⁴¹

After his victory at Wilson's Creek Gen. Sterling Price left Springfield the last week in August and headed toward Lexington, hoping "to break the patrol of the Missouri river which the federals had established after Jackson had been driven from Jefferson City and Boonville."⁴² He turned aside, however, to chastise Lane, then organizing his command at Forts Scott and Lincoln. Lane learned from authentic sources that a force estimated at 6,000 was advancing upon Fort Scott, and sent an urgent appeal to Prince, adjutant general at Leavenworth, for reinforcements and artillery.⁴³ Believing Price's army to be in the vicinity of Drywood, Mo., a few miles across the line, he commanded Col. C. R. Jennison, of the Seventh Kansas cavalry, then stationed at Barnesville, twelve miles north of the Little Osage, to join him.⁴⁴ The next day, September 2, Lane ordered a portion of his command, some 1,200 men under Johnson and Jennison, to reconnoitre the enemy's position. In the afternoon they encountered the advance guard of Price's army at Dry Wood creek, and a skirmish followed which resulted in the loss of a few men on each side.⁴⁵ Being greatly outnumbered, Lane's men retreated toward Fort Scott. The confederates pursued them three miles, halting at Camp Bledsoe on account of darkness. During the night a storm raged, and Lane fell back upon Fort Lincoln leaving his cavalry "to amuse the enemy" while he removed stores and threw up fortifications.⁴⁶ Believing that Price would advance upon Fort Scott the following day, says a contemporary, he ordered the town burned.⁴⁷

The approach of a Confederate force alarmed the people of southeastern Kansas. Realizing his advantage, Lane called out the homeguard of adjacent counties for fourteen days' service, and soon had an irregular force of a thousand men as an auxiliary.⁴⁸ He wrote to Prince from Fort Lincoln, September 3, that he was "compelled to make a stand here, or give up Kansas to disgrace and destruction."⁴⁹ The adjutant general ordered Col. Everett Peabody, in command of the United States reserve corps at Lexington, Mo., "to proceed by forced marches to the aid of General Lane."⁵⁰ He also suggested to the assistant adjutant general at St. Louis the expediency of detaching 3,000 troops from Jefferson City "with orders to unite with Lane on the Osage."⁵¹

41. Abel, *op. cit.*, 49, 50.

42. Eugene M. Violette: *A History of Missouri* (Boston, 1918), 365. Price was major general of the Missouri Confederate state guard.

43. Official Records, ser. I, vol. III, 465.

44. Britton, *op. cit.*, I, 128.

45. Lane reported a loss of 5 killed and 6 wounded; Price 2 killed and 23 wounded.

46. Lane's report of the battle of Drywood was published in Official Records, ser. I, vol. III, 163; Price's report in *idem.*, ser. I, vol. LIII, 435, 436.

47. Cory, *loc. cit.*, 230-232.

48. Britton, *op. cit.*, I, 131; Abel, *op. cit.*, 52.

49. Official Records, ser. I, vol. III, 163.

50. *Ibid.*, 164, 165.

51. *Ibid.*, 162.

But Price did not intend at that time to enter Kansas. He wrote to "Governor" Claiborne Jackson that the retreat of the enemy "northward from Fort Scott, which place they have abandoned, . . . relieves me from any present necessity for pursuing them into Kansas, whose soil I am unwilling to invade, unless her citizens shall provoke me to do so by committing renewed outrages upon the people of this state."⁵²

But Lane still believed that Price was fortifying himself at Drywood. His own strength, he informed Prince, was 800 regulars and irregulars at Fort Scott, 250 irregulars at Barnesville, and 1,200 regulars at Fort Lincoln, in addition to an irregular body of 400 to 600 he was then organizing. He appealed again for men and artillery, and said that with such aid he could defeat the enemy within twelve hours, "give peace to Kansas . . . and advance the cause of the Union."⁵³

When Lane learned that Price had broken camp and was moving toward Lexington, he assumed that the Confederate general would cross to the north side of the Osage and attack Barnesville, Fort Lincoln and Fort Scott.⁵⁴ After deciding that the destination of Price's column was really Lexington, Lane started in pursuit. A confederate attack upon Humboldt⁵⁵ caused him to leave 800 men at Fort Scott, 300 at Fort Lincoln, and 150 at Barnesville. He also ordered "the erection of six stockades on our southern border," and the establishment of a system of signals by which the country could be aroused.⁵⁶ Notwithstanding the protests of Governor Robinson, he entered Missouri, and by September 12 he was "moving north with a smart little army of about 1,500."⁵⁷ He reached West Point two days later, where he found an abundance of forage, and "vegetables for the men to be had for the gathering."⁵⁸

Lane had already "cleared out Butler and Parkville."⁵⁹ While waiting at West Point for knowledge of columns from Kansas City and Lexington,⁶⁰ with which he hoped to unite at Harrisonville,⁶¹ he sent out a mixed cavalry and infantry force under Colonels Montgomery and Johnson against Morris-town, five miles from the Kansas line. The enemy was routed, Lane reported, and tents, wagons, and about one hundred horses were captured. However, an irreparable loss was sustained, for Colonel Johnson, of the Fifth Kansas cavalry, was killed.⁶²

After the skirmish at Drywood creek, Price continued to march toward Lexington and reached its vicinity on September 13. He rested his men a few days, and then attacked Col. James A. Mulligan, who had a force of only 2,000 with which to defend the town. Frémont ordered Samuel D. Sturgis to

52. *Idem.*, ser. I, vol. LIII, 436.

53. *Idem.*, ser. I, vol. III, 163, 164.

54. *Ibid.*, 164.

55. A marauding band of Missourians led by the desperado, John Matthews, sacked and partly burned Humboldt. Lane sent James G. Blunt in pursuit, offering a reward of \$1,000 for his head. Blunt followed him southward toward Arkansas, and Lane later reported that Blunt killed him. See Official Records, ser. I, vol. III, 490; *Leavenworth Daily Conservative*, October 10, 1861.

56. Official Records, ser. I, vol. III, 490.

57. *Ibid.*

58. *Ibid.*, 499.

59. *Ibid.*, 493.

60. *Ibid.*, 492.

61. *Ibid.*, 498, 499.

62. *Ibid.*, 196.

reinforce him, but two Confederate batteries prevented that general from crossing the Missouri river.⁶³ Col. Jefferson C. Davis, commanding at Jefferson City, was sent to the relief;⁶⁴ and Lane was ordered on September 18 to proceed northward to Kansas City via the state line road and coöperate with Sturgis.⁶⁵ Price's army increased in size, estimates varying from 14,000 to 20,000, and Frémont's tardy reinforcements failed to save the post. Mulligan surrendered September 20,⁶⁶ but Price, unable to maintain himself at Lexington, set out a week later for southwestern Missouri.⁶⁷

Although Lane did not move to the relief of Lexington, probably because he did not receive Frémont's order in time, he had not been idle. Leaving West Point, he reached Papinsville September 21, where he captured tents, wagons, and supplies.⁶⁸ He then headed for Osceola, twenty miles east, and arrived early the next morning. The approaches to the town were ambushed, he informed Frémont, and Colonels Montgomery and Weer were dispatched to clear the way. A battery of four pieces shelled the town, "and in doing so the place was burned to ashes, with an immense amount of stores of all descriptions."⁶⁹ The captured goods included "several wagonloads of liquors" of which nearly three hundred of Lane's men partook too freely, it was reported, and "had to be hauled from town in wagons and carriages impressed into the service for that purpose."⁷⁰

Osceola was the county seat of St. Claire county and a town of commercial importance. It stood "at the head of navigation on the Osage."⁷¹ Merchants of southwestern Missouri and Indian territory had their goods shipped from the East by boat and Osceola was the distributing center. It was also a point of collection for lead from mines in the vicinity, whence it was shipped to St. Louis.⁷²

In the destruction of the supply train of Price and Rains, Lane was of course justified and should be credited with a victory.⁷³ But he was not aware that the destruction of the town would lead to retaliation, nor that Union men of St. Claire and other counties of western Missouri were alienated by his failure to distinguish between the property of Secessionists and Unionists.⁷⁴

With some uneasiness for the safety of southern Kansas, Lane formed a junction with Sturgis at Kansas City the last of September.⁷⁵ Frémont, after a

63. *Ibid.*, 179.

65. *Ibid.*, 500.

64. *Ibid.*, 177.

66. *Ibid.*, 184, 185.

67. Violette, *op. cit.*, 367.

68. *Leavenworth Daily Conservative*, September 26, 1861.

69. Lane's report to Fremont, September 24, 1861, in *Official Records*, ser. I, vol. III, 196.

70. H. E. Palmer: "The Black-Flag Character of the War on the Border," in *Kansas Historical Collections*, IX, 457.

71. *Leavenworth Daily Conservative*, October 29, 1861.

72. Britton, *op. cit.*, I, 148.

73. Lane's reasons for destroying the city, as reported to Frémont, were: "It was the depot of the traitors for southwestern Missouri. The movement was intended, first, to destroy the ammunition train; second, as a demonstration for the relief of Peabody; third, hoping to hear of a force moving from Sedalia; and fourth, a covered movement I supposed we would have to make to the north."—*Official Records*, ser. I, vol. III, 506.

74. Britton, *op. cit.*, I, 148. Other material on the burning of Osceola is available in the *Leavenworth Daily Conservative*, September 28, 29, 1861; *Missouri Democrat*, October 22, 1861; John Speer, "The Burning of Osceola, Mo., by Lane, and the Quantrill Massacre Contrasted," in *Kansas Historical Collections*, VI, 305-312; *Official Records*, ser. I, vol. III, 516, 517; *idem*, vol. XXXIV, pt. IV, 343; *idem*, LII, 743.

period of inactivity, became alarmed and began to concentrate his scattered forces in Western Missouri.⁷⁶ But Price leisurely made good his retreat southward. During the first week of October Lane coöperated with other Union forces in attempting to overtake him, but without success.⁷⁷

The danger to Kansas being temporarily allayed, Lane gave attention to the military reorganization of the West. On October 8 he addressed a large audience at Stockton's Hall, Leavenworth. He lauded the achievements of the Kansas brigade and denounced Robinson and Prince, who were conspiring to destroy it. Prince was "a dirty puppy" and Robinson a "still dirtier creature." They had thwarted him at every step and refused to furnish him one piece of artillery with which he "could have whipped Price and Rains at Drywood, and thus have averted the disastrous defeat at Lexington and prevented the shedding of rivers of blood." His soldiers were loyal; they would follow him "right into the middle of hell. And let me tell you that if I wanted to make a sure job of capturing the Old Fellow, I'd take the Kansas brigade and I'd do it though he had Robinson and Prince to help him."

Lane's remedy for the deplorable military situation in Kansas was a separate department with headquarters at Fort Leavenworth. "So difficult is it to convey intelligence across Missouri," he explained, "that it is not safe for us to receive our orders from St. Louis." He admired Frémont, but that general's own correspondence showed that the department was beyond his control.⁷⁸ "If the government will make a separate department here," he said, "I will resign my senatorship and accept it."

At the close of his speech resolutions entirely satisfactory to Lane were adopted. The first requested the immediate creation of a new department embracing Kansas, Arkansas, and the Indian country, with headquarters at Fort Leavenworth; the second recommended that ten thousand troops be placed at the disposal of the commander; the third requested the appointment of Lane as major general of the division, "an expression" of "the wish of seven-eighths of the people of Kansas;" and the fourth urged Lane to visit Washington and lay the situation before the administration.⁷⁹

Lane, finding it impossible to leave his brigade at that time,⁸⁰ resorted to his pen. He wrote at once to Lincoln, reviewing the "gallant and effective" activities of his brigade, and the efforts of Robinson and Prince to impede his work. The governor, he said, had "exerted his utmost endeavor to prevent the enlistment of men. Since its organization he has constantly, in season and out of season, villified myself, and abused the men under my command as marauders and thieves. For the purpose of gratifying his malice against me, he has conspired with Captain Prince, the commandment at Fort Leavenworth, to dissolve the brigade, and Captain Prince has apparently heartily espoused the

75. *Idem*, vol. III, 505, 506.

76. Nicolay and Hay: Abraham Lincoln, IV, 428, 429.

77. Official Records, ser. I, vol. III, 520, 522, 526, 527, 531.

78. There is evidence that this was true. Frémont ordered the evacuation of Kansas City, September 29, and withdrawal to Fort Leavenworth, where there was no danger of an attack. Lane wrote to Sturgis, October, that he was confident Frémont's order was founded upon misconception. He believed that if the order were obeyed "we will present the singular spectacle of retreating from an army that is itself retreating. Can we be mistaken in our information or is General Frémont?"—Official Records, ser. I, vol. III, 520, 521. See, also, the *Leavenworth Daily Conservative*, October 8, 1861.

79. *Leavenworth Daily Conservative*, October 10, 1861.

80. *Leavenworth Daily Conservative*, October 11, 1861.

cause in that direction." With no improvement of the situation in sight, Lane recommended the establishment of a separate department. "If this can be done, and I can have the command . . . I will cheerfully accept it, resign my seat in the senate, and devote all my thoughts and energies to the prosecution of the war. But if nothing can be done to remedy the evil complained of, I will . . . be compelled to leave my command, quit the field, and most reluctantly become an idle spectator of the great struggle, and witness, I have no doubt, the devastation of my adopted state and the destruction of its people."⁸¹

An identic letter⁸² was sent to Salmon P. Chase⁸³ the same day, and perhaps others to the Secretary of War and various influential men in Washington. Robinson replied to Lane's charges, and attributed the latter's failure to obtain more men for his brigade "to his own unpopularity as a general."⁸⁴

Lincoln considered the matter for a month, and on November 12 created the new department, but appointed David Hunter commander.⁸⁵ The President had received information from various sources that Lane's men had committed depredations in Missouri, and feared his appointment would have an unwholesome effect in that state. Governor Hamilton R. Gamble, who advised Lincoln not to assign Lane to the department, welcomed Hunter's appointment, for it was believed he would keep Kansas "robbers and thieves" out of Missouri.⁸⁶

Hunter's assignment was a disappointment to Lane's supporters. The *Conservative*, however, asserted that, had Lane been asked to name the department head, he would have designated Hunter. The personal and political friendship of the two was emphasized, and their defense of the capital in April was recalled.⁸⁷ It is clear that all of this was to save Lane's face.

After his speech at Leavenworth Lane proceeded southward to Fort Scott with his brigade, planting Union flags in the Missouri towns through which he passed.⁸⁸ Meanwhile Frémont was assembling a considerable force at Springfield, and rumors of a proposed Confederate attack caused a further concentration of federal troops at that place. On October 30 Hunter, Lane, Sturgis, Pope and McKinstry were ordered to Springfield,⁸⁹ and a day later a second dispatch urged "the imperative necessity of moving with the

81. Official Records, ser. I, vol. III, 529, 530.

82. J. H. Lane to Salmon P. Chase, October 9, 1861, in Chase Papers, Library of Congress.

83. For Chase's influence in military affairs, see Fred A. Shannon: *The Organization and Administration of the Union Army, 1861-1865* (Cleveland, 1928), I, 26, 27.

84. *Kansas State Journal*, October 17, 1861. This renewal of the Lane-Robinson feud caused a great deal of discussion in Kansas. *The White Cloud Kansas Chief*, Lane's political opponent and military advocate, espoused Lane's side of the controversy (October 10, 1861), as did also the *Conservative* (October 15, 17, 1861). Fifty-four officers of the Kansas brigade from lieutenant colonels to second lieutenants, signed a statement branding "the said Charles Robinson as a base slanderer, a traitor, and a coward."—*Leavenworth Daily Conservative*, October 18, 1861.

85. *Leavenworth Daily Conservative*, November 13, 1861.

86. *Official Records*, ser. I, vol. XVII, pt. II, 92.

87. *Leavenworth Daily Conservative*, November 13, 1861.

88. William P. Chandler, of Lane's quartermaster department, reported that Lane made a speech at Pleasant Hill in which he said: "I am here once more and this time I raise the Stars and Stripes. So long as that flag waves here your citizens shall receive protection. But let it be torn down by Secession hands and Pleasant Hill comes down as sure as hell."—*Leavenworth Daily Conservative*, October 29, 1861.

89. *Official Records*, ser. I, vol. III, 557.

greatest celerity."⁹⁰ The Confederates did not attack, and early in November Frémont was replaced by Hunter, with a consequent change of policy.⁹¹ Price and McCulloch having retired to Arkansas, Lane returned to Fort Scott,⁹² and "distributed his troops along the border to protect the people of Kansas from incursions from the Missouri secessionists."⁹³

The concentration of federal forces at Springfield averted an attack on Fort Scott and Fort Lincoln. McCulloch was collecting troops on the Kansas border for that purpose when Price informed him of Frémont's presence in Springfield. McCulloch was compelled to withdraw to his line of communication between Springfield and Fayetteville to protect his supplies.⁹⁴ After the federals abandoned Springfield Price invited McCulloch to join him in pursuing Lane toward Fort Scott, who, it was reported, had "carried off some 600 negroes belonging to the people of Missouri." The invitation was declined, however, for Lane had seven days start, and McCulloch did not believe he could be overtaken.⁹⁵

The lawless and predatory character of Lane's brigade has already been indicated. His regiments "contained much of that free and reckless fighting material of the frontier, which had been educated by the Missouri border ruffians to guerrilla methods."⁹⁶ Robinson's fears that Lane's depredations would lead to retaliation have already been recorded.⁹⁷ Prince wrote to Lane on September 9, urging him to "adopt early and active measures to crush out this marauding which is being enacted in Captain Jennison's name, as also yours, by a band of men representing themselves as belonging to your command. . . . Please have a formal examination into the plundering of private and public buildings which has recently taken place, as I am informed, at Fort Scott."⁹⁸

When General Hunter assumed command of the newly created department he found Lane's brigade in a state of demoralization. "The regimental and company commanders knew nothing of their duties and apparently had never made returns or reports of any kind. The regiments appeared in worse condition than they could possibly have been in during the first week of their enlistment,⁹⁹ their camps being little better than vast pig-pens, officers and men sleeping and messing together; furloughs in immense numbers being granted, or, where not granted, taken; drill having been abandoned almost wholly, and the men constituting a mere ragged, half-armed, diseased, and mutinous rabble, taking votes as to whether any troublesome or distasteful order should be obeyed or defied.

"Vast amounts of public property had been taken from the depots at Fort Scott and Fort Lincoln without requisition or any form of responsibility,

90. Ibid., 558. It was intended that Lane should march from Fort Scott to Springfield via Lamar and Greenfield.—Ibid., 551, 552.

91. For Lincoln's suggestions to Hunter, see *ibid.*, 553, 554; for Hunter's concurrence, *ibid.*, 569.

92. Ibid., 748.

93. Britton, *op. cit.*, I, 160.

94. Official Records, ser. I, vol. III, 747.

95. Ibid., 748.

96. Nicolay and Hay: Abraham Lincoln, V, 83.

97. Official Records, ser. I, vol. III, 468, 469.

98. Ibid., 482.

99. For a description of Lane's men in August, see Weston Platte Argus, in *Leavenworth Daily Conservative*, August 17, 1861.

and horses in great numbers and at extravagant prices had been purchased under irregular orders and paid for by the United States; these horses being turned over to men and officers who were then drawing 40 cents extra per day for them as private property."¹⁰⁰

Halleck, commander of the Missouri department, was continually complaining of the evil influence of Lane's brigade. He wrote to McClellan, December 10, 1861, that "the course pursued by those [troops] under Lane and Jennison, has turned against us many thousands who were formerly Union men."¹⁰¹ A month later he informed the President:

"I am satisfied that the authorities at Washington do not appreciate the difficulties with which we have to contend here. The operations of Lane, Jennison, and others have so enraged the people of Missouri, that it is estimated that there is a majority of 80,000 against the government. We are virtually in an enemy's country."¹⁰²

In a letter to Secretary Stanton, March 25, 1862, Halleck asserted that "Kansas jayhawkers, or robbers, who were organized under the auspices of Senator Lane," had committed depredations in Jackson county, Missouri. "Their principal occupation for the last six months," he said, "seems to have been the stealing of negroes, the robbing of houses, and the burning of barns, grain and forage. The evidence of their crimes is unquestionable. They have not heretofore been under my orders. I will now keep them out of Missouri or have them shot."¹⁰³

Gen. Sterling Price added the weight of his observations to the testimony of Union commanders. He informed McCulloch, December 6, 1861: "Predatory bands of the enemy, under such men as Lane, Montgomery, and Jennison, supported by the United States forces, are not only desolating the country, but are committing the most barbarous outrages upon the people of that region [about the Missouri river]."¹⁰⁴

Lincoln realized that "a substratum of personal prejudice" accompanied these severe condemnations,¹⁰⁵ and regretted that Halleck was "so unfavorably impressed with General Lane."¹⁰⁶ Nevertheless, the main facts were true. Lane was a radical, an enthusiast, a direct-actionist, who tolerated no halfway measures. Secessionists and the lukewarm should taste the grim realities of war, and he would bring it to their doors. It was hardly to be expected that Lane would exercise a restraining influence upon men who had been reared in the "border ruffian" school of military tactics, and who believed that there were scores to avenge, dating from the days of "bleeding Kansas."¹⁰⁷

100. Official Records, ser. I, vol. VIII, 615, 616.

101. *Ibid.*, 819.

102. *Idem*, ser. I, vol. VII, 532.

103. *Idem*, ser. I, vol. VIII, 641, 642.

104. *Ibid.*, 702.

105. Nicolay and Hay: Abraham Lincoln, V, 84.

106. Such was his indorsement of Halleck's letter to McClellan, December 19, 1861, in Official Records, ser. I, vol. VIII, 450.

107. The border warfare reached a climax in Quantrill's raid upon Lawrence, August 21, 1863. Under the assumed name of "Charley Hart," an abolitionist, he had resided there in 1860. Actually, he was "a kidnapper of free Negroes whom he sold into bondage in Missouri." He was eventually indicted for arson and treason, and fled to Missouri, where he soon became "chief of the border guerrillas." On August 18 they rendezvoused in Johnson county, and a band of 448 marched to Lawrence during the night of August 20. They arrived at daybreak, looted and burned the town, and massacred from 150 to 200 male residents. Lane escaped half clad through a cornfield, assembled a dozen men, and started in

Eventually the predatory habits of Lane's men became so pronounced and criticism so widespread that he was forced to give special attention to the evil. On September 1 he issued "General Order, No. 4," announcing that "the rights, persons and property of Kansans" and "the loyal citizens of other states must be sacredly observed." Property of the disloyal useful to the army might be seized, but must be turned over to the quartermaster.¹⁰⁸ These regulations were not enforced, and therefore not obeyed. Lane drew up another set of rules September 17, addressed "*To commandants of regiment [s], battalions, companies and squads*."¹⁰⁹

"The taking and destroying of private property by this army," Lane declared, "has become an intolerable nuisance; it is demoralizing us and impairing our reputation.

"It must and shall be checked, and to this end hereafter you will be held responsible for the conduct of the men of your command.

"No member thereof should be permitted to leave the camp except in charge of an officer and he instructed on the subject."

Two days after issuing this order, Lane addressed his men. The thieves in his command had "had their day," he said, and this was the last appeal he would make to them. He alluded to their depredations in a "style and manner" expressive "of the most withering satire and scorn." It was observed that his "long forefinger and scowl of contempt possessed unusual significance. The guilty culprits were in the ranks, and if their knees did not smite together, it was because they were without shame or conscience, or human feeling. 'You sneaking thieves,' said he, 'what did you think of yourselves when you were invading the premises of that widow in the north part of town, and stealing her nightdress, her skillets, and her chickens? Were you acting the part of soldiers then? Did you think we were at war with widows? Did you think we were at war with chickens and skillets? That widow had a safeguard from me, which should have been an ample protection against all intruders. . . . The injury you have done the widow has been repaired as far as possible, but not even your blood could wash out the stain you have brought upon the army.

"And, sir, did *you* think that your duty as a soldier required that you go out east there to that old man's house—and he a good loyal citizen—and break his clocks to pieces, stealing the wheels? The wretches who perpetrated that

pursuit. The number soon increased to thirty-five, but neither these nor troops under Maj. Preston B. Plumb succeeded in preventing their escape.

On September 27 Lane addressed a large meeting at Leavenworth, where he held the conservative policy of General J. M. Schofield, commander of the Missouri department, responsible for the "massacre at Lawrence," and demanded "the devastation of the border for a distance of thirty-five miles into Missouri." A resolution was adopted which demanded "the immediate removal of General Schofield and the appointment in his stead of a general who has both the ability and will to exterminate the guerillas now swarming upon our border." To recover lost property "loyal men" were "requested to assemble at Paola on the 8th day of September, with such arms and ammunition as they can procure, organized and supplied as follows: Each twenty men to select a captain, and bring with them a wagon and one blanket each, and fifteen days' subsistence." Lane addressed the Paola meeting and advocated "Extermination for vengeance, devastation for safety." The plan did not materialize, however, because General Schofield and conservative Kansans opposed it.

For accounts of the Lawrence massacre and the pursuit of Quantrill, see: William E. Connelley: *Quantrill and the Border Wars* (Cedar Rapids, Iowa, 1910), passim; Connelley, *The Life of Preston B. Plumb*, chs. 26, 27; Speer: *Life of Gen. James H. Lane*, ch. 21; Wilder, op. cit., 347-349; Violette, op. cit., 382-385. For Lane's Leavenworth speech, see the *Leavenworth Daily Conservative*, August 28, 1863; for his Paola speech, the *Leavenworth Daily Conservative*, September 11, 1863.

108. *Leavenworth Daily Conservative*, September 21, 1861.

109. *Leavenworth Daily Conservative*, October 5, 1861.

crime deserve to die, and, so help me God, if the like occurs again, the guilty party, if found, shall suffer the extreme penalty of the law.'"¹¹⁰

A week later a member of the Third regiment, who says his special duty was "to observe the effects which our late efforts to suppress stealing and plundering, which some call jayhawking, had produced," reported that as they passed "orchards of peaches and apples, not a soldier left his ranks, and that all seemed to submit cheerfully to the new discipline."¹¹¹

On the same day that Lane addressed his brigade on matters of discipline he issued a proclamation "To the People of Western Missouri, now occupied by the Kansas Brigade." I have "learned with deep regret that unwarrantable excesses have been committed upon your property," he said, "by persons professing to belong to the United States army, and that a portion of you have gathered in armed bands ostensibly for the simple purpose of protecting yourselves against unwarranted depredations." If this was their real object an "immediate understanding" was possible. He was in their state in the interest of peace. His men were "Soldiers, not thieves, or plunderers, or jayhawkers." When rebellion had been put down, their purpose would be accomplished, and they would depart "for fresh scenes." He advised that "every man now in arms return to his home, and resume his business. Let your scattered and terrified population return. Reopen your courts, your schools, your churches. Restore the arts of peace." As evidence that they were "loyal, peace-loving American citizens," the American flag should float from their homes. Then would he protect them "against lawless plunderers and marauders from . . . [their] own state, from Kansas, from anywhere." They should hold meetings and consider his propositions. The old men should restrain the young. Committees of influential citizens should be sent to confer with him; wrongs would be redressed. But should they disregard his advice, "the stern visitations of war will be meted out to the rebels and their allies. I shall then be convinced that your arming for protection is a sham, and rest assured that the traitor where caught shall receive a traitor's doom."¹¹²

In spite of an immense amount of criticism, Lane's military system had its defenders. The *Lawrence Republican*, the *Leavenworth Conservative*, and the *Cincinnati Gazette*, attempted to prove that his methods were not an unmitigated evil. The *Gazette* said: "We have no doubt that in some instances General Lane has held the rebels to the just penalties of rebellion, and has retaliated upon them to some extent their own practices. *He is a practical man, and perhaps not of sufficiently sublimated mental culture to appreciate the policy of trying to suppress a rebellion by philosophy and protection.*"¹¹³ A short time later the same paper said:

"There is no mistake about it, Lane has done more, and is doing more, to put down this rebellion, in a way that it will *stay* down, than all the other armies together in this state [Missouri]. He conquers as he goes."¹¹⁴

Returning to Washington late in November¹¹⁵ for the opening of congress,

110. A report of Lane's speech of September 19, 1861, was published in the *Leavenworth Daily Conservative*, October 5, 1861.

111. *Lawrence Republican*, October 3, 1861. The writer, "M.," was probably H. H. Moore, corresponding editor of the *Republican*, and chaplain of the Third regiment.

112. *Leavenworth Daily Conservative*, September 26, 1861.

113. *Cincinnati Gazette*, in *Leavenworth Daily Conservative*, October 31, 1861.

114. *Cincinnati Gazette*, in *Leavenworth Daily Conservative*, November 6, 1861.

115. *Leavenworth Daily Conservative*, November 28, 1861.

Lane demanded an aggressive winter campaign.¹¹⁶ A "decisive stroke" should be made at once to prevent English intervention.¹¹⁷ He himself was willing to head such a movement. How early he conceived the idea of a "southern expedition"¹¹⁸ is uncertain, but there are intimations that in April, 1861,¹¹⁹ and again in July,¹²⁰ he was contemplating a campaign of large proportions into the heart of the Confederacy.

Telegrams intimating that Lane had been appointed major general and would command Kansas troops were received at Leavenworth December 18.¹²¹ It was reported that he had superseded Hunter in the department, but there was no mention of a special southern expedition for two weeks. The *Conservative* explained that Hunter had accepted the command reluctantly, desired "active service in a larger field," and had used his influence to secure Lane's appointment.¹²² Plans for the campaign were veiled in mystery, information leaked out gradually, and each succeeding account increased the size and importance of the expedition until a "sober column of 10,000 to 15,000" expanded into an army of 34,000 with an auxiliary of as many negroes.

Notwithstanding reports of depredations and lawless acts committed by his brigade, Lane continued to exercise considerable influence with the president. Without consulting either Secretary Cameron or General Hunter, Lincoln appointed him brigadier general, with a view to sending an expedition into Arkansas and the Indian country. Cameron was absent from Washington when the appointment was made, and did not confer with Lane until January 2, 1862. The Secretary of War labored under the impression that Hunter originated the idea of a southern expedition, and Lane assured him that he was in perfect agreement with the departmental commander. The War Department immediately prepared to provide Lane with 30,000 troops, in addition to 4,000 Indians which he was to raise in the West.¹²³ "The need for sending relief to the southern Indians," says Abel, "which, correctly interpreted meant, of course, reasserting authority over them and thus removing a menacing and impending danger from the Kansas border, had been one of Lane's strongest arguments in gaining his way with the administration. The larger aspect of his purpose was, however, the one that appealed to Commissioner Dole, who, as head of the Indian Bureau, seems fully to have appreciated the responsibility that assuredly rested in all honor upon the government, whether conscious of it or not, to protect its wards in their lives and property." Dole was willing to coöperate with Lane "in getting together the Indian contingent that was to form a part of the 'southern expedition.'" ¹²⁴

Before leaving Washington to assume command, Lane introduced a joint resolution which would give him larger authority. Its avowed purpose was

116. *Congressional Globe*, 37 cong., 2 sess., pt. I, 110, 111.

117. *Ibid.*, 113.

118. The expedition was variously alluded to as "the southern expedition," "the great jayhawking expedition," "the Cherokee expedition," etc. See Abel, *op. cit.*, 73, note 154.

119. *Lawrence Republican*, April 18, 1861.

120. Stearns, *op. cit.*, 251. This account states that Lane's destination was to be New Orleans, and that he intended to be there by December.

121. *Leavenworth Daily Conservative*, December 18, 1861. Also, see the *Smoky Hill and Republican Union*, December 26, 1861; *White Cloud Kansas Chief*, January 2, 1862.

122. *Leavenworth Daily Conservative*, December 19, 1861.

123. *Official Records*, ser. I, vol. LIII, 512, 513.

124. Abel, *op. cit.*, 72, 73.

"to promote the efficiency of troops serving in the Department of Kansas." It empowered the commander of the expedition, while marching through Indian or surrounding territory, to muster into the United States service such persons as presented themselves for that purpose.¹²⁵ From Lane's explanation, it appeared that Hunter would lead the expedition. "The object," said he, "is to give to Major General Hunter, when separated from his base and from the government, the power of receiving and subsisting the loyal white citizens of the loyal states; it gives him the power, if he believes it is good policy, to fill up his ranks with Indians; it gives him the power to feed such slaves as may go into his lines; but it does not give him the power to arm slaves, or Indians, or loyal white citizens." Believing that the slave population fed and clothed the rebellion, Lane would experiment and permit one general to invite slaves to start feeding and clothing Union men. Every white soldier could then "be a knight-errant," with his own cook and hostler. "Instead of shipping your flour to the army," he advised, "send them corn mills to grind their own corn, and let the slaves who seek the lines do that business."¹²⁶ In his column of 34,000 men Hunter could profitably use a like number of negroes.¹²⁷

Lane's resolution, involving a vital problem, brought debate. It was opposed by Saulsbury, of Delaware, for it invited into the army free negroes, absconding slaves, and western savages to suppress the rebellion. This, he believed, would decimate friends of the Union in the border states.¹²⁸ Harlan, of Iowa, however, would permit negroes to perform all the duties of soldiers; he would not confine their "energies to currying horses and performing the drudgery of camp life."¹²⁹ In reply Lane insisted that he did not intend to commit the government "to the policy of arming the slaves." But if he were in command he "would say to every slave: 'I have not arms for you, but if it is in your power to obtain arms from rebels, take them, and I will use you as soldiers against traitors.'" The galleries applauded.¹³⁰

It was reported that Lane had important interviews with Lincoln, McClellan, and Stanton on January 17, "who heartily unite[d] in giving him authority to conduct the campaign on his own principles."¹³¹ McClellan, it was said, asked him what he would do if he found "no Union sentiment whatever." Lane's alleged reply was: "'Then . . . I will take good care to leave no rebel sentiment behind me. If Missouri, Arkansas and the Indian country will not come peaceably under the laws of the government, my plan is to make them a wilderness. I would give the traitors twenty-four hours to choose between exile and death. Sir, if I can't do better I will kill off the white traitors and give their lands to the loyal black men.'" ¹³²

125. *Congressional Globe*, 37 cong., 2 sess., pt. I, 334. For discussion, see the *New York Daily Tribune*, January 15, 1862.

126. M. C. Meigs, quartermaster general, in his annual report to the Secretary of War, says: "When General Lane projected an expedition through the country west of the Missouri state line he called for a supply of portable mills for grinding corn. Two hundred were provided and sent to Fort Leavenworth. The expedition was abandoned and fifty of these mills have been sent to the army of the frontier in southwestern Missouri."—Official Records, ser. III, vol. II, 801.

127. *Congressional Globe*, 37 cong., 2 sess., pt. I, 335.

128. *Ibid.*, 334, 335.

129. *Ibid.*, 335.

130. *Ibid.*

131. *New York Daily Tribune*, January 18, 1862.

132. *New York Tribune*, quoted in *White Cloud Kansas Chief*, January 30, 1862.

Lane's proposed expedition was highly approved by various newspapers. The *National Republican*, predicting that the "*Administration will coöperate with General Lane fully and heartily*," believed it to be "*the beginning of the end of this war.*"¹³³ The *Kansas State Journal*, whose editors consistently opposed and denounced Lane, assured "everybody, and Lane in particular . . . that we distinctly and most emphatically approbate the plan, and the objects of this expedition. . . . General Lane acting vigorously, earnestly and consistently . . . is entitled to and will, no doubt, receive the aid, influence and best wishes of the people of the whole country. The honor and the character of the people of Kansas are peculiarly involved in its success."¹³⁴

Lane arrived in Leavenworth on January 26,¹³⁵ anxious to complete local arrangements for the "cherished hope" of his life. But his grandiose scheme that might have been fruitful was destined to fail, partly because of his own duplicity. Although he had given every assurance that Hunter concurred, actually the departmental commander had not been consulted. There was, therefore, much confusion and speculation when Hunter announced the next day after Lane's arrival, and before the two had communicated, that he would command in person "the expedition about to go south from this department, called in the newspapers General Lane's expedition . . . unless otherwise expressly ordered by the government."¹³⁶ Undoubtedly Hunter favored such a campaign, for he "had previously shown much interest for the Indians in their distress, and also a realization of the strategic importance of Indian Territory."¹³⁷ But it was only natural that he should resent Lane's attitude. The "Kansas senator," said Hunter, "would seem to have effectually 'jayhawked' out of the minds of the War Department any knowledge or remembrance of the general commanding this department." In despair he wrote to General Halleck for information, believing that the "veil of mystery" had been lifted in his case: "I find that 'Lane's great southern expedition' was entertained and sanctioned by the President under misrepresentations made by somebody to the effect that said 'expedition' was the joint design and wish of Senator Lane and myself. Mr. Lincoln doubtless thought he was obliging me and aimed to oblige me in the matter, but so little was I personally consulted, that to this hour I am in ignorance what were the terms or striking points of Senator Lane's program. Never to this hour has Senator Lane consulted me on the subject directly or indirectly, while the authorities at Washington have preserved a similar indiscreet reticence, thinking no doubt . . . that as the plan was of my own concoction in joint committee of two with Senator Lane, there could be no use . . . in . . . trying to explain the general drift and details to one of the original patentees."

It was indeed humiliating, Hunter continued, to be "daily receiving letters from majors, colonels, and lieutenant-colonels announcing that they have been appointed additional aides-de-camp on the staff of General McClellan,"¹³⁸

133. *National Republican*, quoted in *Lawrence Republican*, January 9, 1862.

134. *Kansas State Journal*, January 16, 1862.

135. Lane left Washington on January 20, 1862, but stopped in Chicago to make a speech.

136. Official Records, ser. I, vol. VIII, 529.

137. Abel, op. cit., 74, 75. This authority cites as one reason for Hunter's opposition that "it was to be feared that Indians under Lane would inevitably revert to savagery."

138. The *Lawrence Republican*, January 23, 1862, says: "Lane's staff will be that of a major-general, comprising 17 officers, of whom several will be taken from the Army of the Potomac." See, also, *Leavenworth Daily Conservative*, December 29, 1861.

with orders to report to me in person, that I may again order them to report on the staff of 'Brig. Gen. J. H. Lane.'"¹³⁹

Halleck replied that he had no "information, official or unofficial, from Washington about the 'great jayhawking expedition.'" In fact, orders had been sent directly to regiments in his department, to "repair to Fort Leavenworth and report to General Hunter as a part of General Lane's expedition."¹⁴⁰ He had protested against such irregularities, but had received no reply.¹⁴¹

Lane was unwilling that his cherished dream should fail without a struggle. He immediately telegraphed Hunter's order to John Covode, a member of congress from Pennsylvania, requesting that he "See the President, Secretary of War, and General McClellan, and answer what I shall do."¹⁴² The next day he conferred with chiefs of the Creeks and Seminoles,¹⁴³ who wrote "*To our Great Father, the President of the United States,*" pleading that Lane command the expedition to their territory.

"General Lane," they said, "is our friend. His heart is big for the Indian. He will do more for us than anyone else. The hearts of our people will be sad if he does not come. They will follow him wherever he directs. They will sweep the rebels before them like a terrible fire on the dry prairie."¹⁴⁴

Lane also secured indorsements from both houses of the state legislature. Each sent resolutions to the President recommending that he be appointed major general and assigned to command the southern expedition.¹⁴⁵ In his letter to Halleck, Hunter stated that he had reliable information that Lane "jayhawked" the recommendation from a reluctant legislature by promising that he would resign his seat in the senate. "This made all Lane's legislative enemies his most active friends, on the principle of 'anything to get rid of him,' and all the aspirants for his seat at once impressed their friends into voting anything that would create a vacancy."¹⁴⁶

President Lincoln was eventually forced to settle the controversy. He wrote to the Secretary of War, January 31, 1862: "General Lane has been told by me many times that he is under the command of General Hunter, and assented to it as often as told."¹⁴⁷ On February 10 he addressed a joint letter to Hunter and Lane:

"My wish has been and is to avail the government of the services of both

139. D. Hunter to H. W. Halleck, February 8, 1862, in *Official Records*, ser. I, vol. VIII, 829-831.

140. H. W. Halleck to D. Hunter, February 13, 1862, in *ibid.*, 554, 555. Halleck continued: "I am satisfied that there have been many of such orders issued directly by the President and Secretary Cameron without consulting General McClellan, and for that reason no reply could be given without exposing the plans of the great jayhawker and the imposition of himself and Cameron on the President. Perhaps this is the key to the silence of the authorities at Washington. I know nothing of the subject except what I see in the newspapers."

141. Halleck wrote to McClellan, February 13, 1862: "Lane has been giving orders right and left in my department. This must be stopped."—*Idem*, vol. LIII, 513. For McClellan's reply, see *idem*, vol. VIII, 555.

142. *Ibid.*, 530.

143. The conference took place in Leavenworth, where the Indians were awaiting the arrival of Commissioner Dole.—*Leavenworth Daily Conservative*, January 28, 1862.

144. The chiefs, Ho-po-eith-le-yo-ho-la, of the Creeks, and A-luk-tus-te-nu-ke, of the Seminoles, signed with their marks. The letter was attested by George A. Cutler, United States agent for the Creek Indians.—*Official Records*, ser. I, vol. VIII, 534.

145. Senate Journal, 2 sess., 1862, 69-71; House Journal, 2 sess., 1862, 171-173. The resolution passed the senate, 12 to 7; it passed the house, 60 to 7. Also, see *Leavenworth Daily Conservative*, February 8, 11, 1862.

146. *Official Records*, ser. I, vol. VIII, 831.

147. *Ibid.*, 538.

General Hunter and General Lane, and, so far as possible, to personally oblige both. General Hunter is the senior officer and must command when they serve together; though in so far as he can, consistently with the public service and his own honor, oblige General Lane, he will also oblige me. If they cannot come to an amicable understanding, General Lane must report to General Hunter for duty, according to the rules, or decline the service."¹⁴⁸

Not being able to command the expedition himself, Lane was determined that it should not go forward. "He is bestirring himself in a thousand little irritating processes," Hunter wrote to Halleck, "trying to make a quarrel or 'disagreement' with me his pretext for backing out of an employment which he never intended to accept."¹⁴⁹ More conclusive evidence of Lane's intention is reflected in a telegram from John Covode:

"I have been with the man you name. Hunter will not get the money or men he requires. His command cannot go forward. Hold on. Don't resign your seat."¹⁵⁰

On February 16 Lane informed Lincoln: "All efforts to harmonize with Major General Hunter have failed. I am compelled to decline the brigadier-ship."¹⁵¹ Ten days later he notified the legislature that he had failed in "every effort which self-respect would permit" to adjust differences with the commander of the department. His plans having been thwarted, the "sad yet simple duty . . . remains to announce to you, and through you to the people of Kansas, my purpose to return to my seat in the United States senate."¹⁵²

148. *Ibid.*, 551; Nicolay and Hay; Complete Works of Abraham Lincoln, VII, 99.

149. Official Records, ser. I, vol. VIII, 831.

150. *Ibid.*

151. *Leavenworth Daily Conservative*, February 28, 1862.

152. *Leavenworth Daily Conservative*, February 28, 1862. See, also, Senate Journal, 2 sess., 1862, 164-166.

CHAPTER XII.

RECRUITING OF NEGROES IN KANSAS.

IT will be recalled that early in 1856 Lane accepted the Republican doctrine of limiting slavery to the states where it already existed. No evidence has been discovered that he favored abolition before 1861. During the first two years of the Civil War, however, he became a pioneer in advocating emancipation and enlistment of blacks.

Entering the senate at its special session which began July 4, 1861, Lane supported the Crittenden-Johnson resolution.¹ An amendment to the army organization bill which would prevent its use in subjugating a state or in destroying slavery,² proposed by Senator Powell, of Kentucky, on July 18, immediately brought the impulsive Kansan to his feet. In his usual evocatory manner he sought to modify it by adding, "except to crush out rebellion and hang traitors,"³ but he soon substituted the more parliamentary phraseology: "'Unless it shall be necessary in enforcing the laws, or maintaining the constitution of the Union.'"⁴ In reply to Powell, who asserted that Lane was "for emancipating slavery now," he took the position that "slavery would not survive the march of the Union army . . . ; but while I say that, I disavow any intent upon the part of the government or its army to war against the institution of slavery. I said that the effect of marching an army on the soil of any slave state will be to instill into the slaves a determined purpose to free themselves; and, in my opinion, they will crush out everything that stands in the way of acquiring that freedom. I said to the senator from Virginia [Carlile] that, in my opinion, there would be a colored army marching out of the slave states while the army of freedom was marching in. . . I do not propose to make myself a slave catcher for traitors and return them to their masters."⁵

This prophecy constituted the thesis of many of Lane's speeches, in and out of congress, during the next year. In his ebullient tirade at Leavenworth on October 8, he could speak with more authority, having had opportunity in the meantime to put his prediction into practice in western Missouri. "We march to crush out treason," he said, "and let slavery take care of itself. If they don't want slavery to perish let them lay down their arms—or do the other thing—keep Lane's brigade out of Missouri."⁶

Addressing the Twenty-fourth Indiana regiment at Springfield, November 8, Lane explained that he differed from some generals as to the proper method of

1. *Congressional Globe and Appendix*, 37 cong., 1 sess., 265. This resolution declared that the object of the war was to preserve the Union and not to subjugate a state or destroy slavery.

2. *Ibid.*, 186.

3. *Ibid.*

4. *Ibid.*, 187.

5. *Ibid.*, 190. The vote on Lane's amendment to Powell's amendment was 11 to 24 against.—*Ibid.*, 192.

6. *Leavenworth Daily Conservative*, October 10, 1861.

terminating "this wretched contest. . . . The point of difference refers, of course, to slavery—the cause of all our differences—the Pandora's box from which has issued all our national troubles." Then with an eloquence seldom attained by Lane, he declared: "My creed is, *let slavery take care of itself*. If it can survive the shock of war, let it live, but if between an upper and nether millstone it be ground to powder, and the winds drive it away, it is not for me to gather up the dust again."⁷ The *Conservative* carried this quotation at the head of its editorial columns from November 21 to December 4, 1861.⁸ The *New York Times* declared it to be "the simplest solution of the whole problem."⁹ The *Lawrence Republican* professed to believe that "The country is quietly but surely advancing to the position assumed by General Lane on the slavery question."¹⁰ His creed, it suggested, "has given its author a popularity possessed by few public men."¹¹

If such a policy were not adopted, he told the Indiana regiment, "Jim Lane . . . breaks his sword and quits the field." When congress met in December it should "adopt a law directing the President of the United States, by proclamation, to order the rebel states, within thirty or sixty days, to lay down their arms and return to their allegiance, or, in default thereof, declare every slave free throughout their domains." Provision should be made, however, for compensating loyal slaveholders out of the national treasury, and for colonizing the freedmen.¹²

Prior to the opening of congress Lane made speeches at Weston, St. Joseph, Syracuse, New York, Boston, and Washington.¹³ In his Tremont Temple speech, November 31, he thanked the people of Boston for their assistance in making Kansas a free state. Asserting that the war was "waged for slavery," he advocated emancipation and enlistment. With "freedom" on their banners, he declared, "the spirit of the old Crusaders will animate your armies, firmness and steadiness will be imparted to your purpose, victory will be gained, and a permanent peace secured."¹⁴

Arriving at Washington, Lane responded to a serenade in his honor, December 2. The "warrior senator" was introduced by Owen Lovejoy, a radical abolitionist member of the house from Illinois, who said he had seen Lane in action in Missouri, and had found no braver or better disciplined soldiers than the Kansas brigade. Lane made a rambling, incoherent speech, and was so often interrupted by cheers and witticisms that he was forced to admit he was addressing "the smartest audience . . . [he] ever saw outside of Kansas." He declared that the northern attitude toward slavery had changed, and he himself, reared a Democrat, had lost all "reverence for the institution." He compared his own Missouri policy with that of the late Gen. Nathaniel Lyon, who paid for provisions and thereby helped to clothe

7. Collected Speeches and Pamphlets of Kansas Senators and Congressmen, IX (Kansas Historical Society Library).

8. *Leavenworth Daily Conservative*, November 21—December 4, 1861.

9. *New York Times*, November 9, 1861, in *Leavenworth Daily Conservative*, November 15, 1861.

10. *Lawrence Republican*, November 28, 1861.

11. *Lawrence Republican*, December 19, 1861.

12. Collected Speeches and Pamphlets of Kansas Senators and Congressmen, IX (Kansas State Historical Society Library).

13. *Leavenworth Daily Conservative*, December 10, 1861.

14. Extracts from Lane's Tremont Temple speech, November 31, 1861, in Kansas Collected Speeches and Pamphlets, XV (Kansas Historical Society Library).

and feed the "rebel" army. Lane, on the other hand, "took the traitor's corn (cheers), and his beef cattle (cheers), and his horses." Missouri slaves flocked to his standard, informed him of the enemy's movements, and not one was "willing to return to slavery."¹⁵ The *National Republican* said of his speech: "It was a most triumphant vindication of his progressive and aggressive war policy, and the 'responses' showed how rapidly popular opinion is coming up to the level of his ideas."¹⁶

In his speech in the senate December 17, advocating an aggressive winter campaign, Lane observed that slavery possessed an element of weakness as well as strength. Although slaves fed and clothed "their oppressors," built fortifications in their defense, and in limited cases bore arms for them, if the institution were destroyed, "this rebellion falls of its own weight. . . . In my opinion," he said, "the obtaining possession of those slaves by the government would be more effective in crushing out the rebellion than the seizure . . . of every ounce of ammunition they possess."¹⁷ He therefore protested against the use of Union soldiers "as slave catchers for traitors."¹⁸

The failure of Union arms to accomplish anything decisive in 1861 caused Lane's radicalism to verge upon fanaticism. He became more outspoken in his hatred of "rebellion," and more summary in the method he advocated for ending it. At Chicago, where he stopped on his way to command the "southern expedition," he attacked the policy of prosecuting the "war so as to hurt nobody." It was "time some one was hurt," he said, and the system was now to be changed.¹⁹ If negroes attached to his army secured guns, he informed the Leavenworth Mercantile Library Association, he did not intend to punish them for killing "traitors." Treason was a crime which should be punished, and he cared not whether judgment was "inflicted on the battle field, on the gallows or from the brush by a Negro."²⁰

On June 5, 1862, Lane addressed the Emancipation League of New York City at Cooper Institute. He had been "taught . . . by a fond parent," he said, that "slavery was far in advance of the ordinances of God himself, and that its sacredness was of such a character that it was not to be discussed either in or out of congress," but he had advanced to the belief that not a vestige of the institution should remain. Delaware was just as much a slave state with 1,200 black chattels as though she had 100,000. Bayard and Saulsbury "would sink a thousand Unions like this rather than peril their institution and their political party. . . . Emancipation is now a necessity. You may as well come square to it, because the slaves have snuffed freedom, and they are worthless after that as slaves." Perhaps Lane's extravagance reached a climax when he declared: "I would like to see every traitor who has to die, die by the hand of his own slave. Let the slave whom he has oppressed do the job. . . . The devotee of slavery is a human fiend! There is no crime he will not commit for slavery."²¹

It will be recalled that Lane told the senate in July, 1861, that "slavery

15. Lane's Washington speech, December 2, 1861, in *Kansas Collected Speeches and Pamphlets*, XV (Kansas Historical Society Library).

16. *National Republican*, December 5, 1861, in *Lawrence Republican*, January 2, 1862.

17. *Congressional Globe*, 37 cong., 2 sess., pt. I, 111.

18. *Ibid.*, 114.

19. *Chicago Tribune*, January 23, 1862, in *Daily Missouri Democrat*, January 28, 1862.

20. *Leavenworth Daily Conservative*, January 29, 1862.

21. *New York Times*, in the *Leavenworth Daily Conservative*, June 12, 1862.

would not survive the march of the Union army."²² During his invasion of western Missouri in the fall of 1861 he demonstrated the truth of this assertion. For as Lane's "Kansas brigade" marched through Missouri a "black brigade" marched into Kansas. H. H. Moore, chaplain of the Third regiment and a special correspondent of the *Lawrence Republican*, wrote a long letter to John Speer, November 19, 1861, in which he explained how slaves were obtained:

"Most of them come of their own accord into camp. For instance, 'George,' a boy of about twelve years, was sent into the woods with a fine mule, that neither might fall into the hands of the army. The boy had learned from conversation he had heard, among his master's family, that many slaves were escaping into the army, and that they were protected. After a ride of about fifteen miles, he came into camp. 'Wilson' came among us at Fort Scott from Springfield, last September, with two others, and were with the army as cooks and waiters till our late march to that place. He then went to his old master, took two spans of mules and a wagon, and brought away a brother and sister with all their little traps and plunder. Our colored teamsters and servants²³ act as so many missionaries among their brethren, and induce a great many to come into camp. It cannot be denied that some of our officers and soldiers take great delight in this work, and that by personal effort and otherwise, they do much towards carrying it on. None but such as are decided in their wishes to obtain freedom, are brought into camp."²⁴

Loyal men were permitted to reclaim their property. If a unionist failed to recover his fugitives—which probably means that his negroes refused to go with him—Lane issued a certificate "as a voucher to the government—that such a man lost such a slave by the march of the Kansas brigade."²⁵ Moore informs us that southern sympathizers were "permitted to come freely into camp" to reclaim fugitives,²⁶ but Lane states that "Secessionists get no slaves from the Kansas brigade."²⁷

It was reported that over one hundred and fifty blacks arrived in Kansas October 25, "well-mounted" and with "a good supply train."²⁸ When Lane's brigade arrived at Lamar, forty miles southeast of Fort Scott, "it was seriously cumbered with refugees from slavery; and especially so if any fighting was to be done." Lane therefore directed his three chaplains, Moore, Fisher, and Fish, "to take charge of the train of refugees and escort them to Fort Scott. . . . You will superintend the entire business of seeing them located, and their property secured to their possession before leaving them."²⁹

A vivid description of the march to Kansas is pictured by Moore. There were two hundred and eighteen fugitives, including several children, forming

22. *Congressional Globe and Appendix*, 37 cong., 1 sess., 187, 190.

23. See the *Leavenworth Daily Conservative*, October 8, 1861.

24. *Lawrence Republican*, November 21, 1861.

25. See Lane's Leavenworth speech, October 8, 1861, in *Leavenworth Daily Conservative*, October 10, 1861; *ibid.*, October 29, 1861; his Tremont Temple speech, November 31, 1861, in *Kansas Collected Speeches and Pamphlets*, XV (Kansas Historical Society Library).

26. *Lawrence Republican*, November 21, 1861.

27. *Leavenworth Daily Conservative*, October 10, 1861.

28. *Leavenworth Daily Conservative*, October 29, 1861.

29. J. H. Lane to Chaplains Moore, Fisher, and Fish, November 12, 1861, in *Lawrence Republican*, November 21, 1861.

a train a mile long.³⁰ They had no military escort, although every man carried a gun but no ammunition. Most of the refugees were cheerful, but the more intelligent remained silent, fearing recapture. The train camped at Drywood for the night, stole grain from a "traitor's" cornfield, and "killed one of his cattle for beef." The sight of "the distant hills and bluffs of Kansas . . . [next day] created much enthusiasm," and when across the line they "gave three hearty cheers for General Lane, the liberator." Nearly all of them desired to settle at Lawrence or in its vicinity, but this was discouraged.³¹

The presence of a large number of Negroes in Kansas with winter approaching was a serious problem.³² It was reported on November 28, however, that all were located, and agents advertised "comfortable quarters for several hundred more."³³ This was an accomplishment among a people who had only recently begun to lose their aversion for the Negro. Perhaps Sol Miller, editor of the *White Cloud Kansas Chief*, expressed the prevailing attitude when he said: "We never fancied the idea of having free Negroes colonized among us; but wherever our armies march, we trust they will leave the traitors niggerless."³⁴

The number of blacks entering Kansas during the first year of the war is uncertain. Lane told the senate in May, 1862, that 4,000 fugitives from Arkansas and Missouri were then being fed in Kansas,³⁵ and two months later he said the number had increased to 6,400.³⁶ He himself had "aided 2,500 slaves to emigrate" during the year, he informed the New York Emancipation League in June, and it had "not been a very good year for Negroes either."³⁷ These statements should perhaps be discounted, however, for Lane often exaggerated.

In July, 1862, President Lincoln called for 300,000 volunteers, and appointed Lane recruiting commissioner for the Department of Kansas.³⁸ On August 4 Lane issued a proclamation "*To the loyal men of Kansas, Nebraska, Colorado and Dacotah*,"³⁹ urging them to "join the host marshaling for the conflict." It was expected, he said, "that every loyal heart" would "swell with a chivalric patriotism in the holy cause." The government was fully convinced that "real earnest war" should be substituted for "the lenient policy pursued" thus far. The forces raised in Kansas would be used solely for the protection of that department.⁴⁰

The Kansas quota under the July requisition was three regiments, and Lane

30. The *Leavenworth Daily Conservative*, November 19, 1861, says: "Lane's Black Brigade, which reached Fort Scott a few days ago, numbered two hundred and fifty-six contrabands. . . . They were on horses, in wagons and all varieties of vehicles."

31. *Lawrence Republican*, November 21, 1861.

32. *Leavenworth Daily Conservative*, November 19, 1861.

33. *White Cloud Kansas Chief*, November 28, 1861.

34. *White Cloud Kansas Chief*, November 28, 1861.

35. *Congressional Globe*, 37 cong., 2 sess., pt. III, 2149.

36. *Idem*, pt. IV, 3337.

37. *Leavenworth Daily Conservative*, June 12, 1862. Lane stated in the senate in July, 1862, that at one time he had 1,200 blacks in his brigade.—*Congressional Globe*, 37 cong., 2 sess., pt. IV, 3235. Also, see *Official Records*, ser. I, vol. III, 742, 743.

38. *Idem*, ser. III, vol. II, 959.

39. Lane was informed by Stanton, August 23, 1862, that he could not recruit soldiers outside of Kansas.—*ibid.*, 444. A. Saunders, governor of Nebraska, wrote to Stanton, August 25, 1862, that one of Lane's recruiting officers had asked him to assist in raising a regiment.—*ibid.*, 457.

40. The proclamation was published in the *White Cloud Kansas Chief*, August 4, 1862; *Leavenworth Daily Conservative*, August 6, 1862; *Lawrence Republican*, August 7, 1862.

authorized Thomas Ewing, Jr., Charles W. Adams, and Cyrus Leland to enlist men for the Eleventh, Twelfth, and Thirteenth.⁴¹ From August to October Lane stumped the state, urging men to respond.⁴² It was "the darkest hour for Kansas," he said in his Leavenworth speech of August 4, for the state was in imminent danger. But it was "the brightest hour for the country," for the government had "determined to turn the tiger loose. . . . Terrible, devastating war" he said, was "now to be prosecuted by the Union arms."⁴³

The commissioning of officers for the new regiments reopened the Lane-Robinson feud. On August 18 Lane informed the War Department that although the recruits understood they should choose field and company officers,⁴⁴ the governor had intimated that he would appoint them.⁴⁵ Stanton directed Lane a few days later "to report the names of the officers selected to the department. The governor will be requested by the department to commission them. Upon his refusal the President will issue commissions."⁴⁶

Rosters of officers for the Eleventh and Thirteenth were presented to Robinson on October 4, but he refused to recognize them. He explained that it was his custom to appoint company officers selected by the men composing them, but he reserved the right to designate field and staff officers, "having due regard for the wishes of the regiments." Furthermore, he had "good reason to believe," he said, "that many of the officers on your list were never elected at all, while the election of others was a mere sham, and procured by the basest practices." Not all of the persons so selected were qualified. Finally, the state executive had the power to officer state volunteers, a right guaranteed by the constitution, the laws, and the orders of the War Department, "and neither the President, Secretary of War, nor a United States senator has a right to dictate in the matter."⁴⁷

So far as authorities at Washington were concerned, however, Lane represented Kansas in military affairs, and officers recommended by him were commissioned.⁴⁸ In reply to a letter which Robinson addressed to the Secretary of War, Stanton wrote that he "deeply regretted" the discord in Kansas, "and if any way appeared by which the department could establish harmony and unity of action it would be promptly pursued."⁴⁹

Although Lane was a pioneer in advocating enlistment of blacks, he was not the first to test the expediency of the project. In May, 1862, David Hunter began to recruit his "First Regiment of South Carolina volunteers,"⁵⁰ but failing to receive authority to muster them into the service, he was compelled by August 10 to disband them.⁵¹ As a recent writer expresses it, "The develop-

41. Brief facts about each regiment, including lists of field and staff officers, are available in Connelley, *Kansas and Kansans*, II, 888-892. See, also, Harrison Hannahs: "General Thomas Ewing, Jr.," in *Kansas Historical Collections*, XII, 276, 277.

42. He spoke at Leavenworth, Atchison, Wyandotte, Osawatomie, Olathe, and countless other places.—See *Leavenworth Daily Conservative*, August 19, October 29, November 1, 1862; *Kansas State Journal*, October 17, 1862; *Lawrence Republican*, October 17, 1862.

43. *Leavenworth Daily Conservative*, August 6, 1862.

44. Lane announced in his proclamation of August 4: "Those who join this army will designate the men who will command them."

45. Official Records, ser. III, vol. II, 444.

46. Ibid., This letter was quoted by the *Kansas State Journal*, October 9, 1862.

47. *Kansas State Journal*, October 9, 1862.

48. See a statement by Lane in the *Congressional Globe*, 38 cong., 1 sess., pt. I, 872, 873.

49. Official Records, ser. III, vol. II, 479.

50. Ibid., 29-30.

51. Ibid., 346.

ment of a policy concerning the employment of . . . fugitives in the army was . . . tardy and vacillating."⁵²

In the meanwhile congress passed two acts which affected emancipation and enlistment of blacks. One of these, the second confiscation act of July 17, 1862, declared that slaves of all persons supporting the Confederacy should be forever free.⁵³ The other, a militia act of the same date, provided that slaves of southern sympathizers should become free upon rendering military service, and the same status should be accorded to the wife, mother, and children, unless they belonged to loyal masters.⁵⁴ Both acts "gave to the President complete discretion in the employment of Negroes for any purpose whatever."⁵⁵

Lane supported the two measures⁵⁶ and soon had an opportunity as recruiting commissioner to test the seriousness of the government's intentions. On August 5 he informed the Secretary of War that the state would furnish two regiments of blacks.⁵⁷ The next day he telegraphed Stanton:

"I am receiving Negroes under the late act of congress. Is there any objection? Answer by telegraph. Soon have an army."⁵⁸

There is no record of a reply, and Nicolay and Hay are of the opinion that Stanton made none. Recalling "that the inquiry came from a region of border ruffian memories and methods," they surmise, the War Department "left Lane to his own devices and responsibilities."⁵⁹

Acting without specific authority, Lane proceeded to recruit two colored regiments. Capt. James H. Williams, of the Fifth Kansas cavalry, was appointed to enlist blacks north of the Kansas river, and Capt. H. C. Seaman south of that line.⁶⁰ Recruiting officers were instructed on August 6 to read sections twelve and thirteen of the militia act of July 17 to all Negroes who desired to enroll, that they should "understand the terms and conditions" under which they were received.⁶¹ Within a short time five hundred had been enlisted⁶² and instructed to rendezvous by September 10 at Camp Jim Lane, near Wyandotte bridge.⁶³ "On account of the prejudice of the public against the colored regiment," Lane told the senate in 1864, he "was compelled to keep . . . [it] out of sight, and drilled it in a retired place."⁶⁴

52. Shannon, op. cit., II, 149. This work contains an excellent section upon the "Recruiting of Negroes," 145-169.

53. United States Statutes at Large, XII, 589-592. Also, see James G. Randall: Constitutional Problems Under Lincoln (New York, 1926), 357-363.

54. United States Statutes at Large, XII, 599. Randall, op. cit., 363, 364, says: "It would seem that this act really added nothing to the emancipating clause of the confiscation act, which declared all such slaves free on the ground of 'rebel' ownership, except that an additional reason for this freedom was now found in military service; and, as military service is a matter of record, it would be a useful basis of establishing freedom in the legal sense, in case the war should close without any more comprehensive measure of liberation."

55. Shannon, op. cit., II, 158.

56. For Lane's discussion of the confiscation bill, see *Congressional Globe*, 37 cong., 2 sess., pt. IV, 2995, 2996, 3379.

57. Official Records, ser. III, vol. II, 294.

58. Ibid., 311.

59. Nicolay and Hay: Abraham Lincoln, VI, 445.

60. Joseph T. Wilson: *The Black Phalanx* (Hartford, 1888), 227, 228.

61. *Leavenworth Daily Conservative*, August 7, 1862.

62. Andreas, op. cit., 200.

63. General Order, No. 7, August 30, 1862, quoted in *Leavenworth Daily Conservative*, August 31, 1862.

64. *Congressional Globe*, 38 cong., 1 sess., pt. I, 873.

There is evidence that not all of the blacks recruited by Lane entered the service voluntarily.⁶⁵ Edward M. Samuel, of Liberty, Mo., wrote to Lincoln, September 8, 1862:

"About 15 days ago some 15 persons from the state of Kansas—white men . . . came into the county of Clay . . . to 'recruit Negroes for General Lane's Negro brigade.' They took forcible possession of some 25 Negro men and about 40 horses from persons indiscriminately, and started to cross the Missouri river with them over into Kansas. Hearing of it Captain Johns, one of the Missouri state militia, then in command at Liberty, sent out about 50 men to capture or shoot the men and retake the Negroes and horses. His company of militia succeeded in capturing 8 of the Jayhawkers and recovered all the Negroes and horses."

Citing as character references Attorney-general Bates, General Sturgis, and Major Prince, the writer informed the President that Missourians desired to live peaceably with Kansans, but "the career of 'Negro stealers'" must be stopped by the government.⁶⁶

On the same day a half dozen residents of Clay and Jackson counties wrote to Lincoln that "an armed band of Negroes" on the border threatened invasion, and requested that he disband them and confiscate their arms. "We are loyal Union men," they said, "and can assure you that were it not for the threats of Lane, Jennison, and others to invade us . . . and run off our Negroes, we would be comparatively at peace. . . . We greatly fear, Mr. President, that unless these Negro brigades and regiments are disbanded and disarmed, and those men who have been instrumental in organizing them are severely dealt with by the government, the most serious difficulties will take place between Missouri and Kansas. . . . We are aware that it is contrary to your orders, as we believe it is against your wishes, to arm Negroes and have them clothed in the uniform of soldiers, and we beg to assure you that whilst our people are fast returning to their loyalty such irritating causes as we have alluded to are a terrible burden upon the loyal men."⁶⁷

General Curtis, then commander of the Department of Missouri, looked with favor upon Lane's methods. He wrote to Gen. Benjamin Loan at Jefferson City, September 29, 1862:

"Lane's movements are often much exaggerated, and for that reason the rebels are very much afraid of him. So far as they are concerned a reign of terror is the proper check to them . . . we have got to fight the devil with fire. We are not likely to use one Negro where the rebels have used a thousand. When I left Arkansas they were still enrolling Negroes to fortify the rebellion. You think Lane and Jennison should be sent to a 'safe place.' I think it will be safe to send them against the rebels and Indians that are now collected and invading McDonald, Barry, and Stone counties. But let terror reign among the rebels. It will be better to have them under such power than loose, to carry on this guerrilla warfare, which drives good people out of Jackson and Lafayette [counties]."⁶⁸

The government was not yet ready, however, to accept Lane's colored recruits. In reply to an inquiry of August 18, Stanton informed him that Negro regiments could "only be raised upon express and special authority of

65. Nicolay and Hay; Abraham Lincoln, VI, 445.

66. Official Records, ser. I, vol. XIII, 619.

67. Ibid., 618.

68. Ibid., 688.

the President."⁶⁹ The *Kansas State Journal* made political capital out of the situation by charging that Lane was supplying blacks with "arms, clothing and transportation . . . in manifest defiance of the expressed wishes of the President."⁷⁰

Not until January, 1863, was the "First Kansas Colored"⁷¹ mustered into the service. It was said that Lane authorized Colonel Williams, commander of the regiment, "to draw upon him for their support until the government accepted them."⁷² Even in the antislavery state of Kansas, Lane explained, it took four months to prepare the public to support enlistment of Negroes.⁷³

Kansas was frequently given credit for raising the first regiment of colored volunteers. Lane furthered this impression by stating in the senate, January 12, 1864, that he "had the honor of organizing the first regiment of Negro troops in this war."⁷⁴ Senator Henry Wilson, of Massachusetts, was evidently convinced, for a few days later he asserted that "Kansas commenced the work."⁷⁵ It has been explained already, however, that Hunter began to recruit Negroes in May, 1862. The first blacks to be mustered into the service belonged to "Saxton's reorganization of Hunter's regiment," commanded by Thomas W. Higginson, of Massachusetts (November 7, 1862). Lane's Kansas regiment, mustered January 13, 1863, was perhaps the second to be officially received into the service.⁷⁶

69. Idem, ser. III, vol. II, 445. Two days later, however, Saxton was given permission to recruit colored troops in South Carolina, with full pay as volunteers guaranteed.—See Henry Greenleaf Pearson: *The Life of John A. Andrew, Governor of Massachusetts, 1861-1865* (Boston, 1904), II, 71.

70. *Kansas State Journal*, September 4, 1862. Also, see the issues for August 14 and September 11, 1862.

The opposite view was taken by the *Lawrence Republican*, August 14, 1862. That paper said: "General Lane is just the man for the times, . . . and many papers which have hitherto opposed General Lane are now openly for him, or if not for him personally, openly espouse his policy as the only one that can save the country. The *Kansas City Journal of Commerce* has come out in a leader . . . favoring his policy as the only one that can properly meet guerilla bands, and like a true patriot, is willing that Missouri shall lose a few of her slaves, to the end that the Union may be preserved."

71. The two regiments originally contemplated had been combined. Lane stated to the senate in 1864 that he raised 800 blacks in 40 days.—*Congressional Globe*, 38 cong., 1 sess., pt. I, 873.

72. Idem, 39 cong., 1 sess., pt. V, 3904.

73. Idem, 38 cong., 1 sess., pt. I, 163.

74. Ibid.

75. Ibid., 246.

76. Thomas W. Higginson, *Army Life in a Black Regiment* (Boston, 1882), appendix B, 272-277. This is perhaps the most complete study of priority of claims.

George W. Williams: *A History of the Negro Troops in the War of the Rebellion, 1861-1865* (New York, 1888), 101, states that Kansas "took the initiative of raising [colored] troops in the North." The author, a Negro volunteer in the Union army, discusses the activities of Kansas Negro volunteers, 228-230.

Wilson, op. cit., 226, says: "Kansas has undoubtedly the honor of being the first state in the Union to begin the organization of Negroes as soldiers for the federal army."

"Rural" wrote to the *Leavenworth Daily Conservative*, July 24, 1866: "He [Lane] was the first to organize colored troops when that measure was all but popular even in radical Kansas."

S. S. Prouty: "Kansas as a Factor," in *Kansas Historical Collections*, I-II, 134, says: "During the late war for the Union he originated the policy of arming the slaves for the Union army, and the first company of colored men mustered into the service of the United States was organized in Kansas."

R. G. Elliott, loc. cit., 373, says:

"The champion of Negro exclusion [Lane in 1855], in an address at Topeka, offered his body as a tie for an underground railroad, and on the first clap of the rebellion, with the applause of his constituents, acclaimed the policy of the liberation and enlistment of the slaves as a logical method of saving the Union. But for the contumacy of the governor in refusing supplies for Fort Lincoln, which had been established for the enlistment of Negroes, and hindering enlistments by writs of habeas corpus, Kansas would be to-day wearing the jewel, proudly treasured by Massachusetts, of the first commission issued to a regiment of colored troops."

See, also, Shannon, op. cit., 158, 159.

Although Lane's commission was not annulled until the middle of 1863,⁷⁷ actually his activities as recruiting officer ended six months earlier. He continued always to support the enlistment of Negroes, and in December, 1862, advocated raising two hundred such regiments.⁷⁸ By the middle of 1864 he "would call out a million Negro troops that the white troops may be relieved of the dangers and the fatigues of the army."⁷⁹ He argued "that a Negro could stop a bullet as well as a white man."⁸⁰ He was "not so devoted to . . . the Negro race," he said, that he "would permit them to remain at home enjoying its luxuries while white men are called upon to defend them."⁸¹

Yet in other respects Lane revealed sympathy for colored soldiers. He often paid tribute to their fighting ability.⁸² Especially did he insist that inequalities in pay and bounties be removed.⁸³ He supported the equalization bill of 1864, and urged that its provisions be made retroactive.⁸⁴ He introduced a bill "donating public lands to the several states which may provide agricultural colleges for the education of persons of African descent."⁸⁵ He opposed immediate suffrage for the blacks, however, believing they should be prepared in advance "to exercise this great right."⁸⁶

Lane contended that Negroes should be colonized, and as early as 1861 advocated deportation to Haiti, Central, or South America.⁸⁷ "Our prejudices against them," he said, "are unconquerable. I, myself, certainly entertain these prejudices, in common with other."⁸⁸ A year later he proposed to settle them on the Gulf coast under government protection, "send superintendents and governors among them and pay them wages for their labor."⁸⁹ Removal should be postponed, however, until white labor could be substituted. In the meanwhile the two races should adapt themselves to each other as they had in Kansas.⁹⁰ In a speech before the Union League in 1863, he said: "I have made nine miles of fence this spring, and done all my work, including cotton

77. The commission was annulled at Lane's request.—Official Records, ser. III, vol. III, 322; E. D. Townsend to the Governor of Kansas, June 8, 1863, in Kansas Historical Society Manuscript Collections.

78. *Congressional Globe*, 37 cong., 3 sess., pt. I, 171.

79. *Idem*, 38 cong., 1 sess., pt. IV, 3487.

80. *Leavenworth Times*, December 23, 1864, in *Leavenworth Daily Conservative*, December 30, 1864.

81. *Congressional Globe*, 38 cong., 1 sess., pt. IV, 3487.

82. *Idem*, 37 cong., 3 sess., pt. II, 1442; *idem*, 38 cong., 1 sess., pt. I, 640. On the latter occasion, Lane said: "The Negro soldier has now proved his capacity for endurance equal to the white soldier. He has shown his fighting qualities to be, if not equal to those of the white soldier, valuable to the country."

83. Shannon, *op. cit.*, II, 165, says: "For a section which had for so long denounced the treatment of Negroes as inferior beings, the North acted in a strange manner when it began to deal with the same persons as soldiers in its armies."

84. *Congressional Globe*, 38 cong., 1 sess., pt. I, 481-484, 640, 868-873; pt. II, 1030.

85. *Idem*, 39 cong., 1 sess., pt. III, 2866.

86. *Idem*, 38 cong., 1 sess., pt. III, 2244.

87. Springfield, Mo., speech, November 8, 1861, in *Collected Speeches and Pamphlets of Kansas Senators and Congressmen*, IX (Kansas Historical Society Library).

88. Washington speech of December 2, 1861, in *Kansas Collected Speeches and Pamphlets*, XV (Kansas Historical Society Library).

89. *Chicago Tribune*, January 23, 1862, in *Daily Missouri Democrat*, January 28, 1862.

90. *New York Times*, in *Leavenworth Daily Conservative*, June 12, 1862.

planting,⁹¹ with them and they were slaves in Missouri but a short time since." ⁹² *

In 1864 Lane worked out a definite plan for colonizing freedmen in western Texas.⁹³ The longest speech which he made in the senate, and in many respects the best balanced, was in support of his bill "to set apart a portion of the state of Texas for the use of persons of African descent."⁹⁴ That part of the state bounded by the Gulf, the Rio Grande, the Colorado river of Texas, and the Llano Estacado, he said, was accessible and admirably adapted to the needs of the blacks. He emphasized "the necessity of founding a community where the men of color will be the majority race, possessing undisputed sovereignty over their affairs, and all the rights which spring from eminent domain." Sympathy for the black created by the war would disappear "when human passions return to their former course." They would be oppressed and defrauded; the "caprice and cupidity of the capitalists of the ruling race" would equal the heartlessness of slave masters. "Give them a country of their own," he said, "give them homes, actual title to the soil; give them the rights and franchises springing from the actual dominion of the country where they reside. Exercise over them for the time being a territorial government. . . . Thrown upon their own resources . . . they, in my opinion, would soon demonstrate to the world capacity for self-improvement and self-government."

Although emigration would be voluntary, freedmen should be encouraged to remove with their families and effects. Colonization should begin by replacing white troops in western Texas with black regiments, transportation of the families of Negro soldiers being furnished by the government. The six hundred thousand freedmen from Texas, Missouri, Arkansas, Louisiana, and Mississippi then concentrated in eastern Texas would "at once, with but little expense to themselves or trouble to us, seek the new Jerusalem."

Although Lane's bill was favorably reported, it did not become law. Commendable in many respects as a solution of the race problem, it was after all impracticable.

91. Lane said in the senate, February 2, 1863: "We are engaged in Kansas now in endeavoring to make that state a cotton-growing free state. We have wrenched it from the iron heel of slavery, and our people are ambitious to prove that this commodity, heretofore grown exclusively by slave labor, can more successfully and more profitably be raised by free labor. My colleague and myself are coöperating with the Agricultural Department in accomplishing that object by distributing seeds for that purpose."

Lane offered an amendment to the appropriation bill providing \$20,000 for the encouragement of cotton culture north of 36° 30', which was rejected. However, an amendment to set aside \$3,000 of the \$80,000 appropriated for agricultural purposes, "for encouraging the culture of cotton and tobacco," was adopted.—*Congressional Globe*, 37 cong., 3 sess., pt. I, 669-678.

92. *Leavenworth Daily Conservative*, May 27, 1863.

* This movement encouraged cotton planting in Kansas. Lane secured cotton seed and distributed it to Kansas farmers. A considerable amount of cotton was raised. A cotton gin purchased in Maine was installed in a mill at Grasshopper Falls, now Valley Falls, in Jefferson county. People hauled cotton two hundred miles to this gin. Most of the cotton raised in Kansas was manufactured into cloth in Kansas homes, but some was sold in Leavenworth at one dollar a pound for ginned cotton. The gin used at Grasshopper Falls is now in the Museum of the Kansas State Historical Society.—W. E. CONNELLEY.

93. For a discussion of the whole problem, including Lane's plan, see Walter L. Fleming: "Deportation and Colonization," in *Studies in Southern History and Politics* (New York, 1914), 27, 28.

94. *Congressional Globe*, 38 cong., 1 sess., pt. I, 672-675.

CHAPTER XIII.

THE ELECTION OF 1864.

IN the territorial period Lane had become a potent factor in local politics, but his leadership was continually challenged by Robinson. His control of the patronage after 1861, however, gave him the ascendancy over his rival. So complete was his domination that "in politics, he was the king."¹

But the irrepressible conflict with Robinson continued. On June 20, 1861, two weeks before Lane took his seat in the senate, Lincoln appointed him brigadier general. Believing that Lane "could not hold both offices under the constitution," Robinson immediately appointed Frederick P. Stanton to serve as senator until the legislature chose a successor.² Lane had no intention of relinquishing his seat at that time, explaining that he did "not consider himself a brigadier until confirmed by the senate,"³ and that he would not resign until his brigade was formed.⁴ In reply to the constitutional objection that "no person holding any office under the United States shall be a member of either house during his continuance in office,"⁵ Lane's friends explained that he had been commissioned by Gov. Oliver P. Morton, of Indiana, and assigned by General Frémont to command Kansas troops.⁶ The Indiana archives have been searched in vain for a record of such an appointment.⁷

On July 12 Senator Solomon Foot, of Vermont, presented Stanton's credentials, which were referred to the committee on the judiciary.⁸ Lane observed that this looked "like an attempt to bury a man before he is dead."⁹ He was so indignant at what he "deemed an unauthorized and malignant attempt to oust" him from a seat he had occupied only a few days, that he refused to appear before the committee.¹⁰ A report in favor of the contestant was submitted on August 2,¹¹ but the senate refused to consider it until all the facts were presented.¹²

On December 17 of the next regular session the committee again reported in favor of Stanton's claims, but consideration was postponed to permit Lane to present a statement then being printed.¹³ This was an application for re-

1. Wilder, op. cit., 440.

2. Blackmar, op. cit., 272.

3. *Leavenworth Daily Conservative*, June 30, 1861.

4. *Congressional Globe*, 37 cong., 1 sess. 82. See, also, the *Chicago Tribune*, in *Leavenworth Daily Conservative*, July 21, 1861.

5. Constitution, art. I, sec. 6.

6. *Leavenworth Daily Conservative*, August 14, 1861.

7. This alleged appointment caused considerable discussion by the press. The idea of an Indiana governor appointing a commander for Kansas troops was ridiculed. Some said Morton had appointed Lane colonel, others, brigadier general. See the *Kansas State Journal*, August 1, 1861; *Leavenworth Daily Conservative*, July 28, 1861; Abel, op. cit., 43.

8. *Congressional Globe*, 37 cong., 1 sess., 82.

9. Ibid.

10. Idem, 2 sess., pt. I, 361.

11. Idem, 1 sess., 406.

12. Ibid., 441.

13. Idem, 2 sess., pt. I, 113, 115.

commitment of the report with evidence not presented the preceding July.¹⁴ In it Lane reviewed the facts and law involved. The facts, he said, were these: "Upon representation being made to me, by many prominent citizens of Kansas, that there were thousands of our people, actuated by the purest patriotism, who were anxious to take up arms and sacrifice their lives if need be, in resisting the march of rebellion and in maintaining the integrity and unity of our nation, and that many of these people were desirous that I should form a brigade and march with them wherever our country needed their services, I was willing to accept the position, provided the brigade was organized, and that those composing it desired me to lead them, with the express condition, however, that if the position conflicted with my seat in the senate, I would not accept it; and the understanding with all with whom I consulted was, that the position, drawing the pay but for one, were not incompatible! After the appointment was delivered to me, with directions to wait upon General Scott in person, I did so, and in conversation with him, he distinctly stated he could not recognize me in the capacity of brigadier general without I resigned my position in the senate, which I most positively declined to do. I never formally accepted the position of brigadier general, nor performed the duties thereof, or received one cent of pay, directly or indirectly, for such service." Although Lane certainly performed the duties of a brigadier general in commanding the Kansas brigade, his assertion that he "never formally accepted the position" is undoubtedly correct.¹⁵

On December 18 the senate voted to recommit the report,¹⁶ although several members of the judiciary committee declared that Lane's statement contained no new significant evidence.¹⁷ Three weeks later the committee divided four

14. Statement of James H. Lane in support of his application to the senate of the United States, for the recommitment of the report of the committee on the judiciary, December 16, 1861, 7 pp.

Lane thus explains why he did not present complete evidence in July: "Owing to the excitement of mind into which I was thrown upon receiving notice that my seat in this body had been declared vacant by the governor of my state, and that he had appointed my successor without the slightest notice to me or my friends that such act was contemplated, and when knowing he was actuated by personal hostility towards me in taking such step, without the slightest legal right for the assumption of such authority, my indignation was greater than I can express; and feeling that I was fully sustained by the law in the position I occupied, and there was nothing connected with my brief senatorial career militating against my right to a seat in this honorable body, I was not disposed to present in detail rebutting testimony to sustain my legal rights before the committee, believing that a general statement of facts would prove amply sufficient to satisfy the committee that the act of the governor of Kansas in his summary attempt to depose me was without the warrant of law, and an act of gross injustice to myself, and the people whom I represent.

"The report of the committee, I freely acknowledge, surprised me beyond measure; and whilst I attach no blame to them, they acting upon the evidence before them, I only regret that my confidence in the result deterred me from presenting in detail the facts and the law of the case, which I confidently believed would have induced on the part of the committee a unanimous decision in my favor. I, therefore, respectfully ask that the report may be re-committed, to enable me, in justice to myself and my people, to present such evidence as will fully vindicate the legality of my position as a senator of the United States."

15. Lorenzo Thomas, adjutant general, reminded Lane on July 26 that his acceptance had not been received, and therefore he could "not be nominated to the senate."—*Congressional Globe*, 37 cong., 1 sess., 440.

The proclamations which appeared in the press over the title of brigadier general, Lane explained, had been written by him, but Colonel Weer had affixed the title without authority. He "was in fact a brigadier general," he said in his application for recommitment, but held "title from another authority."

In reviewing the law involved in the case, Lane said there were three requirements of a valid appointment: nomination by the president; formal acceptance; confirmation by the senate. The second and third had not been executed, he said. Supreme court cases cited to prove his case: *United States v. Kirkpatrick*, 9 Wheaton, 734; *Marbury v. Madison*, 1 Cranch, 153, 156; *United States v. Bradley*, 10 Peters, 365; *United States v. Lynn*, 15 Peters, 313.

16. *Congressional Globe*, 37 cong., 2 sess., pt. I, 130.

17. *Ibid.*, 128, 129.

to three, and reported again in favor of Stanton.¹⁸ The contestant was admitted to the floor¹⁹ and addressed the senate on January 15.²⁰ The following day it was decided by a vote of twenty-four to sixteen that Lane should retain his seat.²¹

The state election of 1862 occurred while Lane was recruiting commissioner for Kansas. The Republican party held its convention at Topeka, September 17, and nominated Thomas Carney for governor, Thomas A. Osborn for lieutenant governor, and Abel C. Wilder for congress.²² Carney was a native of Ohio who emigrated to Kansas in 1858, settled at Leavenworth, and acquired considerable wealth. He had Lane's support in the convention, but Lane's candidates for lieutenant governor and congress, John J. Ingalls and Martin F. Conway, were defeated.²³ Nevertheless, Lane made a vigorous campaign for the entire ticket. In a speech at Atchison, September 20, he praised Carney as a financier and business man of talent who would redeem "the credit of the state, which had been so seriously injured by the present officers."²⁴

Dissatisfied Republicans—opponents of Lane—bolted the ticket and met in convention at Lawrence, September 29. W. R. Wagstaff, of Miami, was nominated for governor, Ingalls for lieutenant governor, and Parrott for congress. The platform recited that "Federal patronage imprudently intrusted to dishonest politicians [Lane]; open pecuniary bribery [Carney], and every species of corruption, have notoriously controlled the action of a recent political convention in this state, and placed in nomination candidates for office tainted with the disgrace of the assembly which presented them. To defeat this scheme, devised to control the destinies of the state by bribery, we pledge ourselves to use our most earnest and determined efforts."²⁵

Two days later the Democratic convention assembled at Topeka and resolved to support the candidates of the "bolters," or "Union" ticket,²⁶ whom the regular Republicans dubbed "mongrels."²⁷

Lane became the chief issue in the campaign. A mongrel paper said of the Republican ticket: "*Lane* nominated it, *Lane* owns nearly all the nominees, and *Lane* says that the people of Kansas shall vote no other ticket. It is a *Lane* ticket."²⁸ The regular Republican candidates were elected, November 4, by a majority of two to one.²⁹ The result was regarded as a "*Lane* triumph."³⁰

18. Senator Harris, of New York, was called to order for divulging a committee division.—*Ibid.*, 227.

19. *Ibid.*, 291. The vote stood 32 to 4.

20. *Ibid.*, 336-339.

21. *Ibid.*, 363. The trend of the debate, which consumed a large part of January 8, 13, 15, 16, 1862, forecasted the result. Foster and Bayard were the chief supporters of Stanton's claims, and Harris, Sumner, Cowan, Doolittle, and Harlan spoke for Lane.

22. Wilder, *op. cit.*, 321-323.

23. *Freedom's Champion*, September 27, 1862.

24. *Freedom's Champion*, September 27, 1862. See, also, the *Leavenworth Daily Conservative*, September 23, 1862, for the report of a ratification meeting at Leavenworth addressed by Lane.

25. Wilder, *op. cit.*, 323-324.

26. *Ibid.*, 324-325.

27. The Kansas press was thus divided, says Wilder. "The Republican state ticket is supported by eighteen papers; the Union ticket by four, viz., *Leavenworth Times*, *Lawrence State Journal*, *Atchison Champion* and *Manhattan Express*. The *Leavenworth Inquirer*, *Atchison Union* and *Fort Scott Bulletin* are straight Democratic or neutral."—*Ibid.*, 325.

28. *Kansas State Journal*, October 16, 1862.

29. Wilder, *op. cit.*, 326.

30. *White Cloud Kansas Chief*, November 13, 1862.

The political alliance between Lane and Carney did not long survive the election, for the new governor had ambitions of his own, and Lane was more determined than ever to control Kansas politics. Two months after Carney's inauguration, he went to Washington to protest against the "military interference of General Blunt" in the civil affairs of the state, to demand the removal of Col. J. M. Williams,³¹ of the First Kansas Colored, and to request "that the governor of Kansas . . . be treated with the consideration that is extended to governors of other states."³² Lincoln addressed a letter to Lane asking that the matters be adjusted, but it was "Not sent because Governor Carney thought it best not be."³³

While at Washington Carney wrote to James L. McDowell:

"I met Lane here & he promises Every thing—Expressed a willingness to do something for me—Says that Blunt shall not attempt any more to give Trouble, but shall be my friend & all that sort of thing—All of which You & I understand. . . . I have had a long interview with the secty of War & President—and it was highly satisfactory.—They both say that no more irregular work shall be done in Kansas—That Kansas shall be treated as Ohio Penn. or N. Y. . . .

"I don't think Lane will run [for senator] next winter. He is humble as a child—Promised to take Williams out of the way or do anything I might say. Sidney Clark Lane had appointed as Prost Marshall—and I got Jas Kellogg or will get him on the board and Dr. Tallman, of Lyon Co. The two latter are my own, and I got Lane on paper for them & the Secty of War told me they should be appointed."³⁴

To Lincoln there was no "more foolish or demoralizing way of conducting a political rivalry than these fierce and bitter struggles for patronage." One of Carney's letters, he said, was "obviously intended as a page for a political record."³⁵ On July 17, 1863, he wrote Lane that the governor should "be allowed to commission officers for troops raised in Kansas, as other governors of loyal states do."³⁶ A few days later, however, he wrote Carney that Stanton had informed him that the governor of Kansas had always been treated fairly.³⁷

Although Lane's term as senator would not expire until March 4, 1865, an attempt was made to choose a successor during the legislative session of 1864. The patronage controversy furnished ample occasion for a "Carney party."³⁸ It comprised perennial enemies of Lane, including those who opposed Carney's election in 1862.³⁹ The attitude of this group is represented by an article which appeared in the *Kansas State Journal* while the contest over appointments raged. It concluded:

"It is well . . . that the Secretary [of War] should be notified now, that nine-tenths of the people of this state are ready and waiting very impatiently for a chance to lay their hands on that infamous demagogue and hurl him from the place he has dishonored and disgraced."⁴⁰

31. Both Blunt and Williams had been commissioned upon Lane's recommendation.

32. Nicolay and Hay: *Complete Works of Abraham Lincoln*, VIII, 256.

33. Such was Lincoln's indorsement of his letter to Lane, April 27, 1863.—*Ibid.*

34. T. Carney to James L. McDowell, March 27, 1863, in *Kansas Historical Society Manuscript Collections*.

35. Nicolay and Hay: *Complete Works of Abraham Lincoln*, X, 100, 101.

36. A. Lincoln to J. H. Lane, July 17, 1863, in *idem*, IX, 34, 35.

37. A. Lincoln to T. Carney, July 17, 1863, in *ibid.*, 37, 38.

38. *Kansas Daily Tribune*, February 4, 1864.

39. *Burlington Register*, in *Kansas Daily Tribune*, February 18, 1864.

40. *Kansas State Journal*, March 26, 1863.

The success of a scheme to destroy Lane's prestige a year before the expiration of his term seemed assured, for a majority in the legislature, the lower house of which was chosen in November, 1863, was hostile to him. During that campaign Lane declared that the election of a senator in 1864 would be a "fraud upon the people." Such a resolution was adopted during the first week in September by a mass meeting at Leavenworth, and a similar one by the Union League of that town on November 23.⁴¹ An opposition paper asserted that should Lane "muster a majority in the approaching legislature, he will force an election for United States senator; if he can't count a majority, an election will be unlawful and an outrage."⁴²

The competency of the legislature to elect a senator in 1864 was investigated. The secretary of the senate forwarded evidence at Lane's request, "showing that these elections took place at the regular session of the respective legislatures, next preceding the expiration of the senatorial term."⁴³ S. N. Wood, editor of the *Council Grove Press* and a member of the state senate, asserted that the legislature had a right to choose a senator that session, and believed it would have a wholesome effect upon the country. "It would kill what little influence Lane has in Washington for evil," he said, "and it would inaugurate a radical change for the better, in the policy pursued in Kansas. The repudiation of Lane would at once give us character abroad as a law-abiding people, instead of lawless Jayhawkers or Red Legs. We therefore hope that the legislature will not hesitate but proceed at once to elect Thomas Carney to the U. S. Senate."⁴⁴

This advice was followed. The legislature met in joint session on February 9 and cast sixty-eight votes for Carney. Twenty-seven members were excused from voting, one voted "against a fraud," and two ballots were blank.⁴⁵

But if the disaffected desired to end Lane's political career by the premature election of a successor, they were to be disappointed. Indignation meetings⁴⁶ were held in all parts of the state, and Lane papers⁴⁷ denounced Carney's election as a fraud comparable to the "Lecompton swindle."⁴⁸ The *Kansas Daily Tribune*, edited by John Speer, predicted that "the stigma attaching to all who participate in this act of corruption . . . will ruin any man having a hand in it."⁴⁹ Its readers were presented with denunciatory excerpts

41. *Leavenworth Daily Conservative*, February 7, 1864. See, also, the issue for December 17, 1863, and the *Kansas Daily Tribune*, December 22, 1863.

42. *White Cloud Kansas Chief*, December 31, 1863. The *Manhattan Independent*, March 21, 1864, says: "General Lane himself advocated such an election up to the time of his brilliant military campaign at Paola."

43. W. Hickey to Jas. H. Lane, January 13, 1864, in *Kansas Daily Tribune*, January 31, 1864.

44. *Council Grove Press*, February 8, 1864.

45. Senate Journal, 1864, 195-202; House Journal, 1864, 289-296.

46. For announcements and reports of such meetings, and discussion of the fraud, see *Leavenworth Daily Conservative*, February 11, March 4, 1864; *Smoky Hill and Republican Union*, February 13, 1864; *Kansas Daily Tribune*, February 9, 11, 14, 16, 18, 21, March 8, 11, 1864; *Manhattan Independent*, April 4, 1864.

47. The *White Cloud Kansas Chief*, March 3, 17, 1864, stated that the following papers supported Carney: *Leavenworth Times*, *Leavenworth Bulletin and Zeitung*, *Atchison Champion*, *Troy Investigator*, *Grasshopper Falls Jeffersonian*, *Oskaloosa Independent*, *Topeka Tribune*, *Lawrence Journal*, *Council Grove Press*, *Paola Crusader*, *White Cloud Kansas Chief*.

The following opposed the "fraud," having received remunerative offices at Lane's hands: *Leavenworth Conservative*, *Lawrence Tribune*, *Big Blue Union*, *Junction City Union*, *Topeka Record*, *Nemaha Courier*, *Wyandotte Gazette*, *Manhattan Independent*, *Osage Chronicle*, *Neosho Valley Register*, *Paola Herald*, *Fort Scott Monitor*.

48. See, for example, the *Kansas Daily Tribune*, February 11, 1864.

49. *Kansas Daily Tribune*, February 11, 1864.

from a wide range of papers in an effort to bring the Carney faction into disrepute. The *National Republican* pronounced the election "a snap judgment" and "a direct violation of long-established practice."⁵⁰ The *Washington Morning Chronicle* called it "a manifest usurpation of power."⁵¹ The *Utica Morning Herald* thought it improbable that the senate would accept Carney's commission.⁵² The *Charleston (Mass.) Advertiser* characterized the Carney faction as "a combination of the weaklings, the disaffected and ambitious men, for the purpose of crushing the 'one-man power.'"⁵³ The *Central Christian Advocate* called the proceedings a piece of "political chicanery" to prevent the reelection of "a patriot and . . . an antislavery man."⁵⁴ The *Beardstown Illinoisan* chided the people of Kansas, "degenerate and recreant children" that they were, for deserting "the man who has made her what she is—free and patriotic."⁵⁵ The *Burlington Register* believed that the voters would seek retribution upon "Thomas Carney and his fellow conspirators" at the next election.⁵⁶ The *St. Joseph Tribune* disapproved because the "precedent will only work mischief."⁵⁷

Members of the legislature who supported Carney "pointed with pride," however, to the great service they had rendered the state and nation. Thomas H. Barker, a state senator, defended his course as a rebuke to Lane for opposing the governor in appointing officers of state regiments. He would "humble the man who claimed to carry the state of Kansas in his breeches pockets, and hold the destinies of the people in the hollow of his hand."⁵⁸ S. N. Wood was "proud" that he had voted for Carney, and accepted responsibility for engineering the whole affair.⁵⁹ A few days after the election he said:

"The anti-Lane men met in council, and after a full, free consultation, agreed upon a course of action. Prominent members of congress, and even cabinet officers were begging us to redeem Kansas from the disgrace of being represented in the United States senate by Jim Lane. Your member [Wood] faithfully supported the policy agreed upon. Carney's election plainly shows to the country that the honest pride, the self-respect of Kansas rebels against the rule of an unprincipled demagogue."⁶⁰

Perhaps the *Topeka Tribune* attacked Lane most bitterly. After the lower house decided by a vote of two to one to go into joint session to elect a senator, that paper said:

"If ever the people of Kansas have had cause for rejoicing it is now. If ever a constituency have had cause to be grateful for the action of their representatives it is now. . . . They will be sustained. They will be honored, and ever have cause to refer to their record on this question with proud satisfaction."⁶¹

50. *National Republican*, March 15, 1864, in *Kansas Daily Tribune*, March 25, 1864.

51. *Washington Morning Chronicle*, in *Kansas Daily Tribune*, April 12, 1864.

52. *Utica Morning Herald*, in *Kansas Daily Tribune*, April 13, 1864.

53. *Charlestown (Mass.) Advertiser*, in *Kansas Daily Tribune*, April 15, 1864.

54. *Central Christian Advocate*, in *Kansas Daily Tribune*, April 12, 1864.

55. *Beardstown Illinoisan*, in *Kansas Daily Tribune*, March 4, 1864.

56. *Burlington Register*, in *Kansas Daily Tribune*, February 18, 1864.

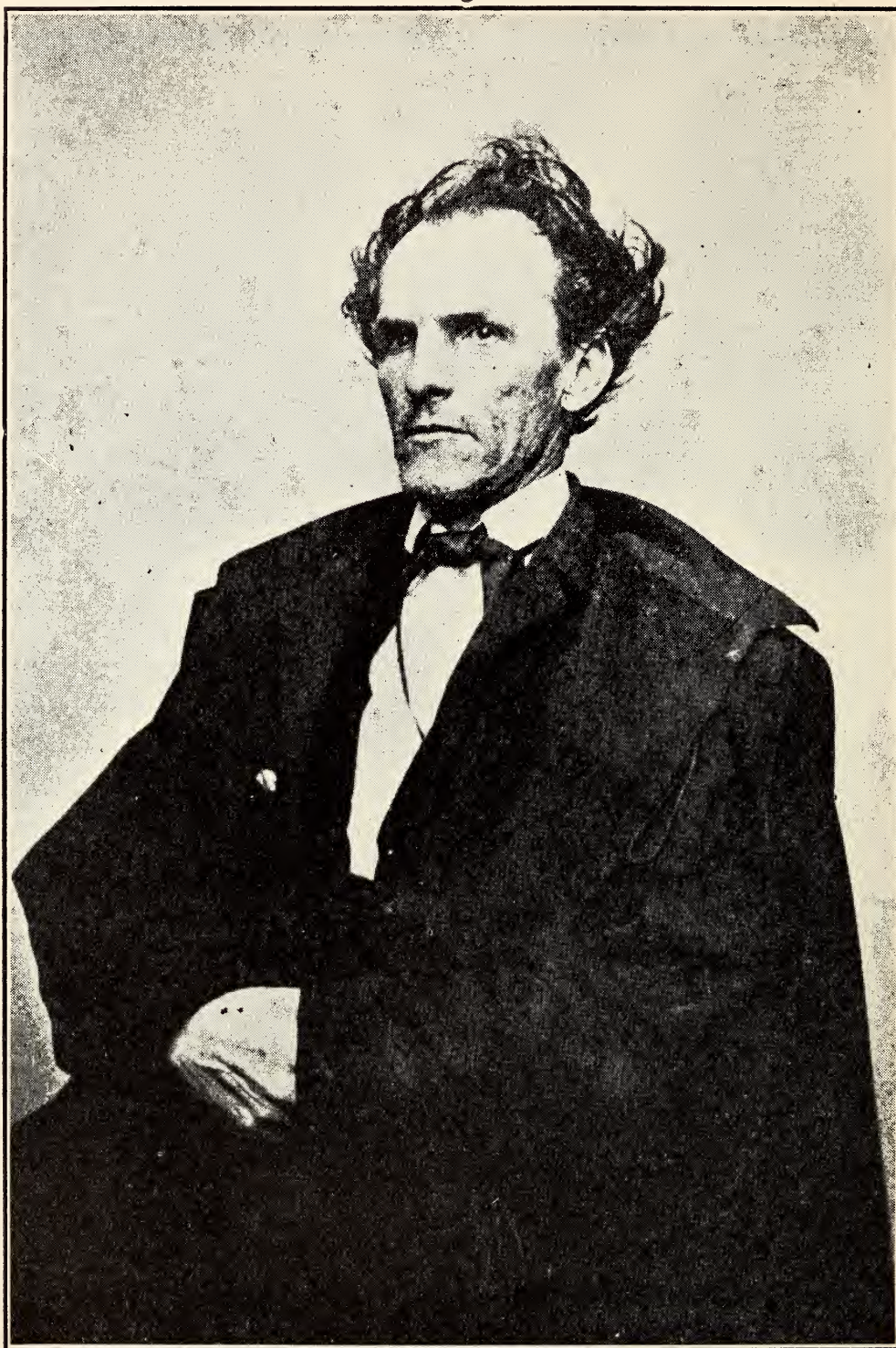
57. *St. Joseph Tribune*, in *Kansas Daily Tribune*, March 16, 1864.

58. *Manhattan Independent*, March 21, 1864.

59. *Manhattan Independent*, April 18, 1864.

60. *Council Grove Press*, February 15, 1864.

61. *Daily Topeka Tribune*, February 6, 1864. Also, see the issue for February 7, 1864.



James H. Lane as he appeared as senator of the United States, about 1863.

But the majority of Kansas people were convinced by "indig" papers, led by the *Kansas Tribune*, that they had been defrauded. Governor Carney saw the handwriting on the wall and bowed to the inevitable. He penned a letter to the Republican state convention which assembled at Topeka, April 21, "resigning all claims to the office of United States senator."⁶² It was resolved "That the letter of Governor Carney to this convention, declining to consider himself a senator, is another evidence of the weakness of any policy to obtain power under a Republican government without the consent of the people."⁶³

In the campaign of 1864 the Union League of America was an important factor. According to William O. Stoddard, one of Lincoln's secretaries, the plan for such an organization emanated from a small group of men meeting in a room of the Interior Department in 1862. They sought to consolidate and centralize various local societies⁶⁴ formed in the north when the morale of that section was severely shaken by military reverses and the disaffection of an increasing number of Copperheads. Several "councils" soon appeared in Washington, and agents were dispatched over the North to establish other local associations. J. M. Edmunds, commissioner of the general land office, became president of a grand council of twelve which remained in "perpetual session" at the capital.⁶⁵

How early Lane became affiliated with the movement cannot be determined. In March, 1863, he addressed a meeting of the league in Washington, and urged the city to clear itself of Confederate sympathizers.⁶⁶ Returning to Kansas, he spoke to the Union League of Leavenworth, April 2. "The Kansan who lisps a word about peace," he said, "is an enemy to his state as well as a traitor to his country." Not all Democrats were Copperheads, he admitted, but all the Copperheads he knew "claimed to be Democrats."⁶⁷

The first national convention of the Union League met at Cleveland, May 20, 1863. Speeches were made by Lane, Montgomery Blair, John A. Bingham, James M. Ashley, John Hutchins, David Paul Brown, and others. Lane denounced as traitors those who sought peace, and urged summary treatment for Copperheads.⁶⁸

In the campaign of 1864 Lane gave his undivided support to the nomination and election of Abraham Lincoln. Nicolay and Hay inform us that he had openly criticized the administration until he saw the advantage of being "known as a friend of the President," when he "instantly trimmed his sails to catch the favoring breeze."⁶⁹ Evidently the secretaries had access to information not now extant, for although Lane differed with the President, his numerous speeches reveal a consistent support of the administration. However that may be, Lane spoke at Waterbury, Conn., in December, 1863, and

62. Wilder, op. cit., 374.

63. Ibid., 375.

64. Walter Lynwood Fleming: *The Sequel of Appomattox* (Chronicles of America, XXXII, New Haven, 1921), 176, 177. The author says that the first local organization appeared at Cleveland in November, 1862, followed by others at Philadelphia and New York in December and January.

65. William O. Stoddard: "The Story of a Nomination," in *North American Review*, CXXXVIII, 266, 267.

66. A portion of Lane's speech was quoted in the *Leavenworth Daily Conservative*, March 29, 1863.

67. *Leavenworth Daily Conservative*, April 3, 1863.

68. *Cincinnati Gazette*, in the *Leavenworth Daily Conservative*, May 27, 1863.

69. Nicolay and Hay: *Abraham Lincoln*, IX, 61, 62.

named Abraham Lincoln as the next president of the United States.⁷⁰ John Speer stands authority for the statement that "Lincoln selected him to open the campaign of 1864 in New York city, at Cooper Institute."⁷¹ This address before the Union League Campaign Club was a timely review of Lincoln's administration, and lacked the indiscretions which characterized so many of Lane's public utterances. The "Emancipation Proclamation," he said, "was issued at the earliest possible moment that prudence would justify. And he who criticizes Mr. Lincoln for not acting earlier upon this important question betrays his ignorance of the situation and the danger that would have resulted from the premature issue of those papers, inasmuch as the northern mind moved slowly up to the point of preparation." Further, on the question of arming the Negroes, "I assert, fearlessly assert, that he moved at the earliest moment public sentiment would permit." The "movement to renominate him comes," he said, "not from the politicians of the country, but from the people." He warned "assumed leaders" who constituted "secondary organizations within our political party" that they could not thwart the popular will.⁷²

Lane's expression, "assumed leaders," alluded to his colleague, Samuel C. Pomeroy, and other members of the so-called "national executive committee." The two Kansas senators "hated each other intensely, and so long as they were in office together wrangled persistently over the patronage of their state."⁷³ Such pettiness was disgusting to Lincoln, who wrote to Pomeroy, May 12, 1864, after refusing an interview: "I wish you and Lane would make a sincere effort to get out of the mood you are in. It does neither of you any good. It gives you the means of tormenting my life out of me, and nothing else."⁷⁴ The "Pomeroy Circular" had already revealed its author's "mood of sullen animosity towards the President." He explained to the senate⁷⁵ on March 10 that he issued it "as chairman of the national executive committee," chosen in January at a meeting of various "members of congress and citizens from nearly every loyal state in the Union." "The object of the committee," he said, "is to unite the sentiment of the country in support of men and measures suited to the times." They had, without consulting Chase in advance, literally drafted him into the service as a candidate for president.

The "executive committee," Pomeroy asserted, had "now become almost a 'military necessity.' Through it we hope to stimulate, encourage, and combine the loyal men of the country for a more vigorous and successful prosecution of the war." That conflict had destroyed former political alignments,⁷⁶ and

70. Kansas Collected Speeches and Pamphlets, XIV (Kansas Historical Society Library). The *Leavenworth Daily Conservative*, January 19, 1864, says that the *Waterbury American* published Lane's speech in full.

71. John Speer to Harper Brothers, January 18, 1894, in Kansas Historical Society Manuscript Collections.

72. Collected Speeches and Pamphlets of Kansas Senators and Congressmen, IX (Kansas Historical Society Library).

73. Nicolay and Hay: Abraham Lincoln, VIII, 318.

74. Nicolay and Hay: Complete Works of Abraham Lincoln, X, 98.

75. *Congressional Globe*, 38 cong., 1 sess., pt. II, 1025-1027.

76. The two factions of the Democratic party, Pomeroy said, were destroyed in 1860. "The mission of the Republican party was ended when its work was accomplished. That work was to stay the progress of slavery and preserve the public domain to freedom. It never pretended to aim at more. But it made two splendid campaigns and died in its last triumph! It struck one telling blow for freedom and against slavery; so the reminiscences of its short and eventful career shall forever remain tender and interesting."—*Ibid.*, 1026.

the time was therefore propitious for the creation of a new "party with a well-defined platform and policy."⁷⁷

Lane was irritated because his colleague "presented himself . . . before the country as the peculiar advocate and leader of radicalism." He himself was "a member of the original radical Union party," he had consistently advocated "original radical Union sentiments," and he deemed it his duty to expose the effort of "a political clique in the city of Washington" to divide loyal people against Abraham Lincoln, the "consistent, stern, and proper leader of that party."⁷⁸

As a test of orthodox radicalism Lane compared his own attitude toward the removal of Gen. J. M. Schofield from the Missouri department with that of Pomeroy. He himself demanded it, and thus "had the sympathy of the entire radical party of the Union." His colleague's opposition, he said, proved him to be a conservative. Pomeroy explained, however, that he advised retaining Schofield because he enjoyed the confidence of the Missouri conservatives, and could therefore carry out a radical policy.⁷⁹

That Lane was a radical there can be no doubt. The Civil War, like the Wakarusa, presented opportunity for radical leadership. He spared no occasion to announce himself a member of the "unconditional" party, and to insist that Lincoln was a radical and his administration a success.⁸⁰ He was, however, in advance of the administration in advocating methods and measures characterized as radical. In July, 1862, he clearly defined his position to the senate:

"If to oppose the using of American volunteers for protection of rebel property; if to favor the confiscation of rebel property constitutes radicalism, then, Mr. President, I am a radical. If opposing the use of American soldiers for the return of fugitive slaves to rebel masters; if opposition to the policy of driving from our lines the loyal men of the rebellious states because of their color renders me an abolitionist, then, Mr. President, I am one. Radical and abolitionist, Mr. President, I say crush out this rebellion, even if human slavery should perish in the land."⁸¹

Lane was a delegate to the Baltimore national convention,⁸² and also to

77. The platform proposed immediate suppression of the "rebellion," an amendment prohibiting slavery, confiscation of property of leading Confederates, state subordination to central control without sacrificing state rights, protection of individual liberty, a sound system of national currency, more adequate aid in constructing a transcontinental railroad, maintenance of the Monroe Doctrine, encouragement of foreign immigration, and adherence to the principle followed for thirty years of a single term for the executive.—*Ibid.*, 1026, 1027.

78. *Ibid.*, 1028.

79. *Ibid.* Lane blamed Schofield's policy for the Lawrence raid of 1863. Shortly after that raid Lane called all available armed men to meet at Paola, September 8, to pursue Quantrill and recover lost property, but Schofield's attitude prevented the project from materializing. Missouri radicals also demanded Schofield's removal, and a committee of one from each county was authorized by the legislature to present their grievances to the President. They were joined by a number of Kansas delegates. "On the 30th of September, Senator Lane of Kansas brought 'his little army,' as he styled it, to the executive mansion, and ranged it along three sides of the east room—an assemblage of representative men from two frontier states; remarkable, however, more for sincere earnestness, and a bearing evincing stubborn determination to get what they considered their rights, than for either high average intelligence or adroitness. It was a compact phalanx of devoted political soldiers, officered by a few leaders of great ability."—Nicolay and Hay, *Abraham Lincoln*, VIII, 214, 215.

80. See the *Smoky Hill and Republican Union*, November 28, 1863; *Washington Chronicle*, in *Kansas Daily Tribune*, December 25, 1863; *White Cloud Kansas Chief*, November 26, 1863.

81. *Congressional Globe*, 37 cong., 2 sess., pt. IV, 3151.

82. The state convention met at Topeka, April 21, 1864, and elected the following delegates: James H. Lane, A. C. Wilder, Thomas M. Bowen, W. W. H. Lawrence, M. H. Insley, and F. W. Potter.—*Kansas Daily Tribune*, April 23, 1864.

the grand council of the Union League which assembled in the same city the day before the convention met. John Speer says that he returned to Kansas at Lincoln's request to secure Lane's election to the national convention.⁸³

William O. Stoddard, secretary to the President, has made much of Lane's contribution to Lincoln's second nomination. In March, 1884, he published an article in the *North American Review*, entitled "The Story of a Nomination," in which he reviewed the proceedings of the grand council. Elsewhere he implies that he occupied a seat on the platform beside the presiding officer, J. H. Edmunds.⁸⁴ Speer, who says he was present, attests the accuracy of Stoddard's account.⁸⁵ The secretary asserts that a few days before the council met, Lane interviewed the President, the conference being "somewhat protracted." The meeting of the Union League was significant, he says, because two-thirds of the delegates were also members of the national convention. Although Judge Edmonds was an intimate friend of Lincoln, he recognized the President's opponents, who assailed the administration in severe language. No one defended it, and "it seemed as if a rising tide were sweeping all before it." Stoddard continues:

"Then came a lull in the storm, and 'Jim' Lane, of Kansas, arose, near the front, in the middle aisle of the hall. He was instantly recognized by the chairman; but he stood in silence for a moment, until he had deliberately turned around and looked all over the room. The substance of his remarks was nearly as follows:

"Mr. President, Gentlemen of the Grand Council:

"For a man to take such a crowd as this now is, so sore and sick at heart, and now so stung and aroused to passionate folly; now so infused with a delusive hope for the future as well as with false and unjust thoughts concerning the past; for a man to address himself to such an assembly and turn the tide of its passion and its excitement in the opposite direction; that were a task worthy of the highest, greatest effort of human oratory. I am no orator at all, but precisely to that task have I now set myself, with absolute certainty of success. All that is needful is that the truth should be set forth plainly, now that the false has done its worst.

"I am speaking individually to each man here. Do you, sir, know, in this broad land, and can you name to me, one man whom you could or would trust, before God, that he would have done better in this matter than Abraham Lincoln has done, and to whom you would be more willing to intrust the unforeseen emergency or peril which is next to come? That unforeseen peril, that perplexing emergency, that step in the dark, is right before us, and we are here to decide by whom it shall be made for the nation. Name your other man!"

"Very little time was wasted upon the general list of charges, for they had spent themselves in the making; but a masterly picture of Mr. Lincoln's long suffering, patience, faithful toil, utter unselfishness, and of the great advances already gained under his leadership, was followed by a sudden transfer of the thoughts of all to the scene in the great wigwam on the morrow.

"We shall come together to be watched, in breathless listening, by all this country—by all the civilized world—and if we shall seem to waver as to our set purpose, we destroy hope; and if we permit private feeling, as to-night, to break forth into discussion, we discuss defeat; and if we nominate any other man than Abraham Lincoln we nominate ruin!"

83. Speer: *Life of Gen. James H. Lane*, 279, 280; John Speer to Harper Brothers, January 18, 1894, in *Kansas Historical Society Manuscript Collections*.

84. William O. Stoddard: *Inside the White House in War Times* (New York, 1890), 239.

85. Speer: *Life of Gen. James H. Lane*, 279, 280.

The speech, Stoddard says, accomplished its purpose. No reply was made, and resolutions were adopted approving the administration and indorsing Lincoln's renomination.⁸⁶

Although it is possible that Stoddard's story is accurate in large part, he has attached too much significance to Lane's speech. Lincoln's nomination was assured before the delegates left their homes, a fact which Lane himself admitted later in the campaign.⁸⁷

Lane headed the Kansas delegation—instructed for Lincoln⁸⁸—to the national Union convention. "One of the most interesting features," said the *Washington Chronicle*, "was the characteristic perseverance and pluck of Gen. Jim Lane, senator in congress from the state of Kansas, in demanding the recognition by the convention of the gallant Unionists of such States as Louisiana, Tennessee and Arkansas, and such territories as Nebraska, Colorado, Nevada and Idaho."⁸⁹ Delegates from Arkansas, Louisiana and Tennessee, and from the territories of Nebraska, Colorado and Nevada were seated; those from Virginia, Florida and other territories were admitted to the floor without the right to vote, but South Carolina delegates were not recognized.⁹⁰

Lincoln and Johnson, the nominees of the Baltimore convention, had no more energetic supporter than Lane. As the Kansas member of the national Union committee,⁹¹ he assumed responsibility for success in the West. At a meeting of the committee, June 10, he proposed the creation of an advisory group with headquarters at St. Louis.⁹² Such a "national Union committee for the West" was established, and Lane was made chairman and treasurer and William L. Avery secretary. Other members of the western branch were J. K. Dubois, of Illinois; S. H. Boyd, of Missouri; Thomas Simpson, of Minnesota; D. P. Stubbs, of Iowa; and John N. Stein, of Indiana.⁹³

Lane opened the campaign in the West at St. Louis, July 25. He regretted, he said, that the Missouri radicals were divided. Had Frémont been nominated by the Union party he would have given him his undivided support. He believed, however, that loyal men of Missouri would vote for Lincoln, for the proposition was this: ". . . if John C. Frémont stands no chance of an election, and Abraham Lincoln does, . . . he who casts a vote for John C. Frémont, under the circumstances, casts half a vote for Jefferson Davis, the nominee of the Chicago convention."⁹⁴

Although Lane made a few speeches in Indiana,⁹⁵ he devoted the most of

86. Stoddard, loc. cit., 270-273.

87. Lane said in a ratification meeting held at St. Louis, July 25, 1864: "The people of this government and country decided upon their candidate for the presidency. The assembling of their delegates at Baltimore was a mere matter of form. Every state in this Union, except one, had decided in favor of that nominee before that convention met."—*Kansas Daily Tribune*, July 31, 1864.

88. Wilder, op. cit., 375.

89. *Washington Chronicle*, in *Kansas Daily Tribune*, June 26, 1864.

90. Nicolay and Hay: Abraham Lincoln, IX, 68, 69.

91. *Leavenworth Daily Conservative*, June 14, 1864.

92. Proceedings of the meeting were reported in *Kansas Daily Tribune*, June 19, 1864.

93. William L. Avery to James H. Lane, November 12, 1864, in Lane Papers. This is a financial statement written upon official stationery of the western branch.

94. *Kansas Daily Tribune*, July 31, 1864. The Democratic convention was scheduled for Chicago, but had not met when Lane made this impeachment of the loyalty of the Democrats.

95. *Indianapolis Daily Journal*, September 20, 1864.

his time to Kansas and Missouri.⁹⁶ The *Chicago Journal* reported that during August "he stumped southern Kansas, rode fifty miles a day for eighteen days, and made three speeches per day—never missing an appointment."⁹⁷

While Lane was campaigning for Lincoln and Johnson, he was also building political fences for himself. For if he would retain his seat in the senate a friendly legislature must be chosen, and if he would continue to dominate Kansas politics a Lane state ticket must be elected.

The situation was much like that of 1862. The "Republican state convention" met at Topeka, September 8, and indorsed the nomination of Lincoln and Johnson. Samuel J. Crawford was nominated for governor, and Sidney Clarke, formerly Lane's secretary, for congress.⁹⁸ The weakness of the ticket was realized by both its supporters and opponents.⁹⁹ Particularly was Lane opposed to Clarke's selection.¹⁰⁰

Five days later the "Republican Union state convention" assembled at Topeka and nominated Solon O. Thacher for governor and Gen. Albert L. Lee for congress. Resolutions were adopted favoring "a vigorous prosecution of the war," indorsing the platform and nominees of the Baltimore convention, and urging "all good men, irrespective of party, to unite in putting down the 'one-man power' in Kansas, the corrupt and tyrannical exercise of which has brought disgrace and untold evil upon the state."¹⁰¹ This was an appeal for the coöperation of Democrats, who met the same day at Topeka in state convention. They ratified the Chicago nominations, but agreed to support the anti-Lane Republican state ticket.¹⁰²

In the contest which followed Lane again became the chief issue. The *Kansas Tribune* accused the "hybrid party" of being not only anti-Lane, but also "quasi disloyal."¹⁰³ The motto of that party, it was suggested, was "Any other man."¹⁰⁴ The *Leavenworth Times*, an anti-Lane paper, lamented the division within the Republican party for which Lane was held responsible.¹⁰⁵ "Dividing the party," said the *White Cloud Kansas Chief*, "is the cry of the Laneites against all who oppose their corrupt master. Lane, in their estimation, is the Republican party of Kansas, and all who refuse to follow in his train are disorganizers. . . . Wherever Lane's influence extends, it is corrupting. He has debauched the politics of the state, . . . Men who aspire to office, no longer keep in view honesty or capacity, but straightway unite themselves to the fortune of Lane, and study how they may best promote their own interests by doing dirty work for their leader. The most responsible offices and vital interests of the state are peddled out

96. For announcements and reports of Lane's speeches, and discussion of the issues, see *Council Grove Press*, July 2, 1864; *White Cloud Kansas Chief*, August 4, September 8, 1864; *Smoky Hill and Republican Union*, August 13, September 3, 1864; *Manhattan Independent*, August 15, 1864; *Leavenworth Daily Conservative*, August 16, October 11, 1864; *Kansas Daily Tribune*, September 1, 1864.

97. *Chicago Journal*, in *Kansas Daily Tribune*, October 20, 1864.

98. Wilder, op cit., 378, 379; *Kansas Daily Tribune*, September 10, 1864.

99. Solon O. Thacher to James L. McDowell, September 9, 1864, in *Kansas Historical Society Manuscript Collections*; Speer, *Life of Gen. James H. Lane*, 300.

100. *Ibid.*

101. Wilder, op. cit., 379; *Kansas Daily Tribune*, September 18, 1864.

102. Wilder, op. cit., 379, 380; *Kansas Daily Tribune*, September 18, 21, 1864.

103. *Kansas Daily Tribune*, November 5, 1864.

104. *Kansas Daily Tribune*, November 3, 1864.

105. *Leavenworth Times*, in *Kansas Daily Tribune*, September 9, 1864.

as so much trading capital for Lane; but the people must grin and bear it, lest they should divide the party."¹⁰⁶

The *Manhattan Independent* observed that Lane's popularity had waned during the past two years. Not only were politicians opposing him, there "being many more applicants than offices," but also there was developing "a growing dissatisfaction among the honest, reading, thinking and observing masses of the people. They have seen with regret and sorrow the manifestation of an inordinate ambition, a thirst for power, an insatiate desire to rule, a determination to bend every interest of the state . . . to his will. No monarch was ever more greedy of power or more jealous of the influence of others."¹⁰⁷

Lane's political future was again greatly affected by opportune military events. In the fall of 1864 Gen. Sterling Price collected a cavalry force of some 12,000 men for another invasion of Missouri. He entered the southeastern corner of the state and marched northward to capture St. Louis. Failing in this, he turned westward, threatened Jefferson City, and advanced to the Kansas line. Lane arrived in St. Louis from Washington in time to detect danger to Kansas, and hastened to Fort Leavenworth to arouse Kansans to action. Pomeroy and Lane offered their services to Gen. S. R. Curtis, who appointed them aids-de-camp. Curtis reported that he "found both of these men of great service in giving correct intelligence to the wavering public mind, and in suppressing false impressions. . . . Senator Lane's experience in former campaigns in Mexico and upon the Kansas border enabled him to be of much service in the field everywhere."¹⁰⁸

With the arrival of reinforcements under General Pleasanton, the raiders were turned southward along the Missouri-Kansas line, and retreated into Arkansas. Lane kept the public well informed of his own exploits, and the bold headline,¹⁰⁹ "General Lane at the Front," often appeared in the *Conservative*. Speer and Wilder agree that the military crisis in Kansas¹¹⁰ gave him political success in 1864.¹¹¹ The Lane state ticket was elected by a majority of three to two and Lincoln carried Kansas by a 17,000 to 4,000.¹¹²

The result of the election was a mandate to the legislature to return Lane to the senate. Speer predicted soon after the returns were in that he would receive eighty-five out of a possible hundred votes.¹¹³ The legislature met, January 10, 1865, and three days later cast eighty-two votes for Lane,¹¹⁴ the

106. *White Cloud Kansas Chief*, May 19, 1864.

107. *Manhattan Independent*, September 26, 1864.

108. Official Records, ser. I, vol. XLI, pt. I, 471, 473, 484.

109. See the *Leavenworth Daily Conservative*, October 21, 28, 1864.

110. Lane's report of his participation is preserved in the Lane Papers. It was published in Official Records, ser. I, vol. XLI, pt. I, 567-570. Speer, in his *Life of Gen. James H. Lane*, devotes chapter 24 to the Price raid and the election of 1864. See, also, Official Records, ser. I, vol. XLI, pt. IV, 302, 319; *Kansas Daily Tribune*, October 22, 28, 29, 1864; *Leavenworth Daily Conservative*, November 3, 4, 27, 1864.

111. Wilder, op. cit., 391; Speer: *Life of Gen. James H. Lane*, 285.

112. Wilder, op. cit., 383-391.

113. *Kansas Daily Tribune*, November 22, 1864.

114. Some of Lane's friends advised that he remain at Washington until the legislature voted upon a senator, but he returned to Kansas for the election.—See a letter from G. A. Colton to Lane, November 28, 1864, and another bearing the date, November 21, 1864, writer unknown, both in Lane Papers.

others being scattered among five men.¹¹⁵ It was said that "even the opponents of Lane" participated in "the most vociferous applause," as a hundred guns announced his election.¹¹⁶

On the following evening Lane celebrated with a supper at which "No wines or liquors of any kind were used." Three hundred guests were invited, "but the hall could not accommodate the vast throng." Carney and other opponents of Lane were present "and mingled freely in the general good feeling."¹¹⁷

Well might the friends of Lane rejoice. Said the *Missouri Democrat*, one of his staunchest supporters: "This is a personal victory of no ordinary character, and as the representative of the intense radical loyalty of Kansas, General Lane has hosts of friends in Missouri, who will hail his reelection with great joy. This vindication . . . against the slanders of his disloyal and personal enemies is the most convincing proof of the esteem and popularity in which he is held in Kansas."¹¹⁸

It was only natural that the *Kansas Tribune* should exult:

"Thanks to the incorruptibility of the people, this last great struggle has culminated in a victory having scarcely a parallel in the history of politics. It is an indorsement of which any man may well feel proud. He goes back to his labors with an almost unanimous vote of the people's representatives, even his opponents yielding to public opinion, and awarding him the merit of great statesmanship and unparalleled industry and usefulness."¹¹⁹

115. House Journal, 1865, 42-45; Senate Journal, 1865, 31-34. Edwin C. Manning, a member of the state senate, said that there was an attempt the night before balloting to unite the opposition upon Thomas Ewing, and that lukewarm followers of Lane were offered \$1,000 for their votes.—Edwin C. Manning: "The Kansas State Senate of 1865 and 1866," in *Kansas Historical Collections*, IX, 364.

116. *Leavenworth Daily Conservative*, January 14, 1865.

117. *Kansas Daily Tribune*, January 15, 1865; *Leavenworth Daily Conservative*, January 17, 1865.

118. *Missouri Democrat*, in *Kansas Daily Tribune*, January 21, 1865.

119. *Kansas Daily Tribune*, January 15, 1865.

CHAPTER XIV.

RAILROADS AND RECONSTRUCTION.

THE year 1862 was an important one in the development of the trans-Mississippi West. The Pacific railroad and homestead acts supplemented each other in inaugurating an era of unprecedented expansion. Kansas was vitally interested in both measures, and Lane gave them his undivided support.¹ In March, 1862, he presented resolutions from the legislature favoring the construction of a transcontinental line and requesting a grant of five million acres to aid railroad building in Kansas.² In locating the Pacific route he was willing that "national interests" should determine whether it lay through Kansas or farther north.³

The charter of the Union Pacific provided that it should be built westward from Omaha, although various branch roads were to connect the main line with other points. The Leavenworth, Pawnee & Western, chartered by the territorial legislature in 1855, now received a grant of land from the government. Its stock was acquired by the Union Pacific, but funds were soon exhausted and the branch was sold to John C. Frémont⁴ and Samuel Hallett. The name was changed to Union Pacific, Eastern Division,⁵ and John D. Perry, a St. Louis banker, invested capital in the enterprise. The road was surveyed and a part of the grading was done before it was realized that the line missed Lawrence and Topeka two or three miles.⁶ Lane and other Kansans professed to see in this location an attempt to ruin those promising towns that others might grow up on land belonging to the company.⁷ Hallett asserted that Lawrence and Topeka were not on a direct line, and congress would refuse subsidies promised in the charter if the route deviated so much. Lane and Hallett finally agreed, it was reported, that the course should be changed if a majority of senators would recommend it, the actual additional cost to be borne by the two cities.⁸ Lane secured the signatures of thirty-four senators and the approval of President Lincoln.⁹

Still Hallett refused, but promised to make the change if Lawrence contributed \$300,000 and Topeka \$200,000. After "these sharpers" had assured him five times in letters and telegrams that they would run the road to Lawrence and Topeka, Lane presented the matter to the senate. It was unjust, he said, to force them to pay a half million dollars, when the state had sus-

1. The Homestead bill passed the senate, May 6, 1862, by a vote of 33 to 7.—*Congressional Globe*, 37 cong., 2 sess., pt. III, 1951. The Pacific Railroad bill passed the senate, June 20, 1862, by a vote of 35 to 5.—*Ibid.*, 2840.

2. *Idem*, pt. II, 1331.

3. *Idem*, pt. III, 2752.

4. Allan Nevins: *Frémont, the West's Greatest Adventurer* (New York, 1928), II, 673, 676.

5. Robert E. Riegel: *The Story of the Western Railroads* (New York, 1926) 112, 113. In 1869 the name was changed to Kansas Pacific.—*ibid.*, 114.

6. Speer: *Life of Gen. James H. Lane*, 272.

7. *Congressional Globe*, 38 cong., 1 sess., pt. III, 2417.

8. Speer: *Life of Gen. James H. Lane*, 272, 273.

9. *Kansas Daily Tribune*, January 28, 1864.

tained enormous depredations and contributed so many men to the Union army.¹⁰ Congress authorized the company to build the road to the north bank of the Kansas river opposite the two towns.¹¹ Hallett wrote Lane, June 13, 1864, that he had been induced to make the change,¹² and Lane replied that "all obstacles" were now removed to his "hearty and earnest coöperation . . . in obtaining such legislation as is desired."¹³

In December, 1862, Lane introduced a bill "to promote the construction of railroads and telegraphs in the state of Kansas."¹⁴ With amendments proposed by Pomeroy, it passed the senate in February, 1863,¹⁵ and became a law in March.¹⁶ Alternate sections of land in a twenty-mile strip were granted to the state to aid in constructing the Leavenworth, Lawrence & Fort Gibson to the southern line in the direction of Galveston bay, and the Atchison, Topeka & Santa Fe to the western line. A branch of the first would connect Lawrence via the Wakarusa valley with the intersection of the second and the Neosho river. A branch of the second would begin at the Neosho and follow its valley to the entrance of the first main line.¹⁷ This grant was exceptional, for the government had already abandoned the "policy of making lavish gifts to each state in order to foster a complete transportation system for each one."¹⁸

With the return of peace in 1865, Lane divided his time between reconstruction and the development of railroads in Kansas and neighboring states and territories. He was particularly interested in the Leavenworth, Lawrence & Fort Gibson.¹⁹ The stockholders of that company met at Lawrence, June 5, elected a board of directors, and they chose Lane president. An executive committee was also appointed, consisting of the president, H. J. Canniff, secretary, John Speer, treasurer, W. W. H. Lawrence, J. C. Burnett, and George W. Deitzler.²⁰

During the summer and fall of 1865 Lane traveled the entire length of the proposed road and its Emporia branch to induce the people²¹ to vote county bond subscriptions to the capital stock.²² This method, he explained, would tax

10. Speer: *Life of Gen. James H. Lane*, 274, 275. Also, see *Congressional Globe*, 38 cong., 1 sess., pt. III, 2417, 2418.

11. *Ibid.*, 2418, 2424.

12. Samuel Hallett to J. H. Lane, June 13, 1864, in *Kansas Daily Tribune*, June 22, 1864.

13. J. H. Lane to Samuel Hallett, June 13, 1864, in *Kansas Daily Tribune*, June 22, 1864.

14. *Congressional Globe*, 37 cong., 3 sess., pt. I, 138.

15. *Idem*, pt. II, 1045, 1157, 1158.

16. *United States Statutes at Large*, XII, 772-774. Criticism of the bill for providing "a network of roads around three or four Kansas towns," was published in the *Smoky Hill and Republican Union*, January 17, 1863.

17. The act of 1863 was supplemented by another the following year. It provided an additional grant of land to aid in building a line from Emporia via Council Grove to Fort Riley on the Union Pacific, Eastern Division. The branch of the Leavenworth, Lawrence & Fort Gibson was changed to run to Emporia, and the main line itself was to touch Baldwin City.—*Congressional Globe*, 38 cong., 1 sess., pt. II, 1683, 1684, 1744.

18. Reigel, *op. cit.*, 40, 41.

19. The legislature of 1866 changed the name to Leavenworth, Lawrence and Galveston.—Wilder, *op. cit.*, 437.

20. Reports of the meeting were published in the *Kansas Daily Tribune*, June 7, 1865; *Leavenworth Daily Conservative*, June 13, 1865.

21. For announcements and reports of Lane's speeches, see *Kansas Daily Tribune*, June 21, 28, July 4, 14, September 10, November 9, 17, 1865; *Emporia News*, in *Atchison Daily Free Press*, July 8, 1865; *Leavenworth Daily Conservative*, July 18, November 12, 14, 15, 1865; *Atchison Daily Free Press*, July 19, 1865; *Ottawa Western Home Journal*, January 18, 1866.

22. At the Ottawa meeting of July 12, 1865, the amount of bonds to be voted by each county was announced: Douglas, \$250,000; Franklin, \$125,000; Anderson, \$125,000; Allen, \$125,000; Osage, \$150,000; Lyon, \$125,000.—*Kansas Daily Tribune*, July 14, 1865. Also, see Wilder, *op. cit.*, 427.

the nonresident landholder, whose property would be benefited by the railroad.²³

The larger aspect of Lane's plan was to extend the Leavenworth, Lawrence and Fort Gibson to Galveston.²⁴ Such a road, he said, would "tap the fertile valleys of the Kansas, the Wakarusa, the Marais des Cygnes, the Neosho, the Arkansas and the Red river, a distance of about 380 miles, traversing . . . the most fertile portion of the fertile West."²⁵ At a railroad meeting in January, 1865, "he proved to the satisfaction of everyone present that Lawrence, by her position, has the power to become the metropolis of Kansas only providing she improves the opportunities within her grasp."²⁶ He pictured the future of Leavenworth as the Missouri river terminus of the road in a speech at that town on November 13. Not only would cotton from the Shreveport depot be drawn there, but also rich coal fields, forests, and salines could be exploited. "You . . . bring to your very door," he said, "the Gulf of Mexico, at one of the best harbors—Galveston—on that coast." Furthermore, the Emporia branch would continue to bring to Leavenworth the Santa Fe trade.²⁷

But in railroad building, as in many other activities, Lane was all things to all men. Later in November he addressed a large meeting at St. Louis and urged the extension of the Missouri Pacific from Pleasant Hill to Lawrence. This would enable St. Louis to draw trade from the proposed road which would otherwise continue to Leavenworth and Chicago.²⁸

Lane was successful in his campaign for county bond subscriptions,²⁹ but he did not live to see his pioneer work bear fruit. The road was completed to Coffeyville, in southeastern Kansas, under the management of James F. Joy, of Detroit, but "was soon absorbed by the Santa Fe."³⁰

Lane's attitude toward the admission of new states and the reconstruction of old ones was the result of his own experience as an advocate of the Topeka movement, his consistent support of the executive in order to control patronage, and Kansas railroad interests. Of these factors perhaps the third was controlling. In spite of his liberal declaration of 1862 that "national interests" should determine the eastern terminus of the Pacific railroad, he soon reverted to provincialism. Because of the withdrawal of southern members from congress, he said in 1865, Chicago triumphed over St. Louis, and the road was forced northward one hundred and eighty miles from a route adequately supplied with water, coal, and wood, to a less favorable one. "It is proposed to make an effort this winter before congress," he said, "to correct the legislation, and it is hoped by the early admission of Arkansas, Tennessee, Louisiana and Colorado to succeed."³¹ Furthermore, the organization of Indian

23. *Atchison Daily Free Press*, August 12, 1865.

24. That city was already connected by rail with Houston, and eighty miles of the Houston and Texas Central had been completed by 1861.—Riegel, *op. cit.*, 108.

25. *Kansas Daily Tribune*, November 17, 1865; *Leavenworth Daily Conservative*, November 15, 1865.

26. *Kansas Daily Tribune*, January 18, 1865.

27. *Kansas Daily Tribune*, November 17, 1865; *Leavenworth Daily Conservative*, November 15, 1865.

28. Lane's St. Louis speech of November 29, 1865, in *Kansas Daily Tribune*, December 3, 1865.

29. *Kansas Daily Tribune*, September 13, 16, 1865.

30. Riegel, *op. cit.*, 104, 105.

31. Railroad speech at St. Louis, November 29, 1865, in *Kansas Daily Tribune*, December 3, 1865.

territory and the immediate reconstruction of southwestern states would facilitate and render profitable the building of a railroad between Kansas and the Gulf.

On the problem of reconstruction Lane deserted the radicals in congress and reverted to conservatism. Perhaps no man in public life had been more severe and uncompromising in his attitude toward "rebels" and "traitors." One would therefore not expect "the radical of the radicals" to say in 1865, "Let us deal kindly with the people of the South."³² This sudden development of sympathy for a people he had denounced in such caustic terms was accompanied by a no less remarkable change in attitude toward the status of seceded states. In 1862 he would "laugh to scorn the idea of extending constitutional rights over a state and people who trample under foot that constitution. . . . The idea of those states being in the Union is, to me, ridiculous," he said. "The fact is, they are not only out of this Union, but in another government."³³ Later he accepted Lincoln's perdurance theory,³⁴ and although he voted for the Wade-Davis bill,³⁵ he said in April, 1866, that his "proudest recollection" was his advice to the President "to withhold his signature to that bill."³⁶

Two weeks before Lane sponsored admission of southern delegates to the Baltimore convention,³⁷ he presented the credentials of William Fishback, of Arkansas, to the senate.³⁸ A few days later he reviewed the organization of a loyal government in that state, for which he found ample defense in Lincoln's proclamation of December 8, 1863.³⁹ Senator Howard, of Michigan, denied the right of the executive to reconstruct, and the matter was postponed.⁴⁰

The problem of seating the Arkansas "senators," Fishback and Elisha Baxter, was closely associated with that of approving or rejecting presidential reconstruction. On June 10 Lane introduced a joint resolution "for the recognition of the free state government . . . of Arkansas."⁴¹ A debate followed on the 13th in which Sumner asserted that the movement lacked "legality of origin," for "the power to readmit" was "vested in congress"⁴² Reverdy Johnson, of Maryland, and William A. Richardson, of Illinois, replied that, in their opinion, Southern states were still in the Union.⁴³

Objection to seating Fishback was now raised because he had voted for

32. *Atchison Daily Free Press*, August 12, 1865.

33. *Congressional Globe*, 37 cong., 2 sess., pt. IV, 3236.

34. See his Leavenworth speech of January 5, 1866, in *Leavenworth Daily Conservative*, January 7, 1866.

35. *Congressional Globe*, 38 cong., 1 sess., pt. IV, 3491.

36. *Idem*, 39 cong., 1 sess., pt. II, 1802.

37. The two Arkansas "senators-elect," William Fishback and Elisha Baxter, presented Lane with a gold-headed cane "in token of regard for services in behalf of loyal Arkansas."—*Kansas Daily Tribune*, July 15, 1864.

38. *Congressional Globe*, 38 cong., 1 sess., pt. III, 2392.

39. Lane explained that a primary convention had been held in the state, composed of delegates from forty-two out of fifty-four counties. This body amended the constitution to prohibit slavery. The amended constitution was almost unanimously approved at an election in which over 12,000 loyal voters participated. This was more than 20 per cent of the voters of 1860. On the same day the constitution was approved a legislature was chosen, which subsequently elected William Fishback and Elisha Baxter to the senate.—*Ibid.*, 2458, 2459.

40. Howard said: "I do not concede to the President of the United States, as commander in chief of the army and navy . . . the power to reconstruct and reestablish this Union. . . . I insist that that power belongs, and belongs exclusively, to the congress of the United States."—*Ibid.*, 2459.

41. *Ibid.*, 2842.

42. *Ibid.*, 2897.

43. *Ibid.*, 2899-2902.

secession, and "the legality of his election by the so-called legislature was questioned.⁴⁴ Lane defended his protégé's record, explaining that he voted for the ordinance "to save his life." As soon as possible he escaped from Arkansas and raised two thousand Union soldiers. He "was known throughout the western states as a radical abolitionist."⁴⁵

It would seem that Lane was incorrect in several of his statements. The Arkansas convention, which he said represented forty-two of fifty-four counties, really included delegates from only twenty-three, and six of them were still occupied by Confederate troops.⁴⁶ A reliable authority says that Fishback was "an original secessionist and an ex-Confederate, who . . . [soon] began to show his unusual capacity for detecting the course and strength of the political winds and placing himself to advantage."⁴⁷ It was rumored, too, that certain members of the "legislature," pledged to support him for the senate, were fraudulently elected.⁴⁸

Eventually the joint resolution and the credentials of Fishback and Baxter were referred to the committee on the judiciary.⁴⁹ It reported on June 29 against seating the "senators-elect."⁵⁰ Lane moved to postpone consideration of the report until next session, believing it inexpedient to discourage Arkansas Unionists.⁵¹ Hale favored settling the question without delay, for if the approaching presidential election hinged on the votes of Arkansas and Louisiana the result might be disastrous.⁵² Wade opposed debating isolated cases and moved to take up the house bill providing a general plan of reconstruction.⁵³ Lane acquiesced, for he was anxious to settle the whole question, he said, and favored the bill. He continued: "I am one of those who believe that the state government belongs to the loyal people of a state without reference to their number. . . ."

"It is enough that we are fighting with people for seceding, without fighting with them for trying to get back into the Union. I want to extend to them the helping hand, believing, as I do, that the only way the loyal people of any of the seceded states can successfully fight secessions is by organized state governments." It was by this means "that Kansas was saved to the Union."⁵⁴ Wade's proposal was defeated,⁵⁵ and the senate voted twenty-seven to six that Fishback and Baxter were not entitled to seats.⁵⁶

At the next session Lane declared that recognition of Arkansas, Louisiana and Tennessee would demoralize the Confederacy more than military victories.⁵⁷ In March, 1865, he presented the credentials of William D. Snow, elected to succeed Fishback, whose term had expired.⁵⁸ Howard objected to their reception because the state of Arkansas was still in rebellion. The claim to representation, he said, was "an insult to the faithful states."⁵⁹ Con-

44. See speeches by Richardson and Wilson, in *ibid.*, 2901-2904.

45. *Ibid.*, 2904.

46. Thomas S. Staples: *Reconstruction in Arkansas* (Columbia University Studies in History, Economics and Public Law, CIX, New York, 1923), 24.

47. *Ibid.*, 13. David Y. Thomas: *Arkansas in War and Reconstruction, 1861-1874* (Little Rock, 1926), 391, says that Fishback's "ear was a regular weathervane that always caught the slightest veering in the wind of political opinion."

48. *Ibid.*, 398. The "legislature" elected Baxter on the fourth ballot, Fishback on the twenty-first.

49. *Congressional Globe*, 38 cong., 1 sess., pt. III, 2906.

50. *Idem*, pt. IV, 3360.

51. *Ibid.*, 3361.

52. *Ibid.*

53. *Ibid.*, 3362.

54. *Ibid.*

55. *Ibid.*, 3365.

56. *Ibid.*, 3368.

57. *Idem*, 2 sess., pt. I, 594.

58. *Idem*, pt. II, 1427.

59. *Ibid.*

ness, of California, saw no objection in receiving them, but he believed the Kansas senator presented such "applications more persistently than may be done with propriety or regard to the oft-expressed wishes of the senate."⁶⁰ After denying the right of Conness to lecture him, Lane recalled an analogy in the events of 1856: "I was an applicant here as a senator-elect nine years ago under just such circumstances as Mr. Snow, Mr. Fishback, and Mr. Baxter present themselves. I came here as the representative of a state organization of the free-state men of Kansas against the slave oligarchy of the Union backed by the administration. I heard on that occasion from the lips of Bayard and Hunter and Mason, and that class of men, now traitors, just such speeches against that organization as are now made against the loyal people of Arkansas; and just such denunciations against me fell from the lips of those men as have fallen from the lips of the senator from California against Mr. Fishback. I say to the senator from Massachusetts [Mr. Sumner], to the senator from Ohio [Mr. Wade] and the senator from Michigan [Mr. Howard] that they can find exact copies of their speeches against Louisiana, against Arkansas, and against Tennessee, by looking into the *Congressional Globe*, delivered in my presence by Bayard, Mason, Hunter, and Butler of South Carolina, against the free-state organization of Topeka—a free-state organization that saved Kansas to freedom. I take this opportunity to say to the senator from Massachusetts and to the senator from Ohio that those speeches in denunciation of that state organization were answered by those two senators who are now here repeating the very speeches that they then answered."⁶¹

Lane made another attempt in February, 1866, to persuade the senate to seat the Arkansas "senators." He explained that Baxter fled from the state soon after secession and returned with a Union army. He was taken prisoner, but after four months of confinement he escaped and raised a regiment which he commanded until his election as judge of the supreme court. Snow edited the *Rochester* (N. Y.) *Tribune* at one time, and was "an antislavery man of fourteen years' standing." Both men subscribed to a rigorous test oath. The new loyal government, he said, was a continuation of the state organization which existed prior to 1861. The ordinance of secession and subsequent legislation had been declared null and void, the Confederate debt had been repudiated, slavery had been abolished, and freedom had been granted civil rights.⁶²

Lane warned the senate that there were "dark clouds in the horizon of the great Union party of this country." They were making a great mistake in refusing to "admit the loyal representatives of the seceded states," and hereafter he would oppose every measure calculated to postpone their reception.⁶³ But the credentials of the Arkansas "senators" were tabled by a vote of twenty-nine to seventeen.⁶⁴

Although Lane had selfish motives in persistently supporting speedy reorganization of southwestern states, an element of sincerity is also clearly perceptible. "The strong sympathy I feel in behalf of the heroic loyalists of the seceded states," he said, "is because I have been an actor under similar circumstances." He therefore advocated a sort of Topeka movement for Arkan-

60. Ibid.

61. Ibid., 1428.

62. Idem., 39 cong., 1 sess., pt. II, 1025, 1026.

63. Ibid., 1026.

64. Ibid., 1027.

sas, Louisiana and Tennessee. "Their people must meet the issue just as we did if they do it successfully—they must combat the bogus authority of the rebels with a genuine free-state government."⁶⁵

It was not certain that Lane's support of the executive would continue after Johnson succeeded Lincoln. In October, 1865, he severely criticized "the conservative policy of the President" in issuing too many pardons to ex-Confederates. Lane advocated as a prerequisite reduction of landed estates in the South to the "squatter's claim" of one hundred and sixty acres.⁶⁶

But by January, 1866, he was intrenched with the administration, for his own reconstruction policy harmonized in essentials with Johnson's. Perhaps minor differences were shelved to prevent Pomeroy and Clarke from supplanting him in controlling Kansas patronage.⁶⁷ He informed his constituents that the "Union party of Kansas . . . discovered this man, Andy Johnson. The legislature of Kansas," he said, "was the first body which, in an official way brought Andy Johnson forward as the candidate of the Republican party for vice president of the United States. We are entitled to him by right of discovery."⁶⁸

Lane made two reconstruction speeches in Kansas, one at Leavenworth on January 5, 1866,⁶⁹ and the other at Topeka a week later.⁷⁰ He presented resolutions at both places approving Lincoln's perdurance theory, the freedmen's bureau bill, and Johnson's work "both before and since the meeting of congress." Especially did he commend "the efforts of the President to perfect a reconciliation and harmony that shall remove the animosities and distrusts produced by years of excitement and terrible war." Discussion followed the Topeka speech, and William A. Phillips and D. R. Anthony attacked the resolutions because they were not sufficiently radical.⁷¹ Phillips presented a substitute which declared it inexpedient to "embarrass congress by suggestions, pending the report of the conference committee." Lane was loudly called for "and made a most masterly as well as a most eloquent and telling vindication of President Johnson's reconstruction policy." The substitute was defeated and Lane's resolutions were adopted "amid great enthusiasm."⁷² Sol Miller, usually a severe critic of Lane, characterized his Topeka speech as "most moderate" and "devoid of the blood and thunder" and "appeals to public passion" so common to his addresses. The object of the resolutions, Miller said, was to strengthen Lane with the administration.⁷³

Lane returned to Washington confident that Kansas would support the President, but the veto of the freedmen's bureau bill placed him in an embarrassing situation. After the reading of the veto message on February 19, he moved to defer action until next day. He was "very anxious," he said, "to preserve the unanimity . . . of the loyal party of the United States,

65. Notes for a speech, in Lane Papers.

66. See report of speech before Soldiers' League, Washington, in *Atchison Daily Free Press*, October 30, 1865.

67. *White Cloud Kansas Chief*, November 16, 1865, January 18, 1866.

68. *Leavenworth Daily Conservative*, January 7, 1866.

69. *Leavenworth Daily Conservative*, January 7, 1866; *Topeka Weekly Leader*, January 11, 1866; *Emporia News*, January 27, 1866.

70. *Kansas Daily Tribune*, January 13, 1866.

71. *Topeka Weekly Leader*, January 18, 1866.

72. *Kansas Daily Tribune*, January 13, 1866.

73. *White Cloud Kansas Chief*, January 25, 1866.

the Republican Union party." An effort was made to decide the issue at once, but Lane started a filibuster and the senate adjourned.⁷⁴ On the 20th the senate failed to override the veto by two votes, both Kansas senators acting with the majority.⁷⁵ It was rumored, however, that Lane would have sustained the veto had his vote been necessary.⁷⁶

In the discussions of the Civil Rights bill, Lane was concerned only with that portion affecting Indians.⁷⁷ He voted for the measure,⁷⁸ and later concurred in amendments added by the lower house.⁷⁹ The President's veto placed his future course in doubt. While Reverdy Johnson defended the veto message and Trumbull replied, Lane became the center of interest, for it was believed his vote would determine the result. "Radical," the Washington correspondent of the *Atchison Daily Free Press*, wrote: "From my place in the gallery, I could watch the radical senators, one after another, laboring with Lane. Towards the evening, we considered it certain from the pleased faces of Wilson, Sumner and others, after their last talk with him, that his backbone had been strengthened, and so it was.⁸⁰ I have the authority of Senator Henry Wilson, of Massachusetts, for saying that on Thursday afternoon *General Lane promised to vote for the bill.*⁸¹

Hendricks, of Indiana, desired to postpone the decision until next day. Trumbull acquiesced, but Wade opposed further delay and characterized the President as a despot.⁸² The senate adjourned without voting.

The day following Lane obtained the floor immediately after the reading of the journal and offered a joint resolution embracing a basis of reconstruction. By it congress would admit delegations from Southern states when they had annulled the ordinances of secession, ratified the thirteenth amendment, repudiated the Confederate debt, recognized Union obligations, and granted partial Negro suffrage. It was evident that the resolution embodied the President's views as stated in his messages, correspondence with state conventions, and particularly his letter of August 15, 1865, to Gov. William L. Sharkey, of Mississippi.⁸³ Because it was believed that Lane enjoyed Johnson's confidence, the senate desired "to learn if the measure was held out as an olive branch by the President."⁸⁴ He admitted that he had no assurance that Johnson would accept the plan if passed.⁸⁵

It was clear, however, that Lane had been generating heat during the past eighteen hours. Returning to the reporters' gallery on Friday, "Radical" "heard well-known and stentorian tones filling the chamber and overflowing into the corridors beyond. Something was up, and when I got a peep, I

74. *Congressional Globe*, 39 cong., 1 sess., pt. I, 917, 918.

75. *Ibid.*, 943.

76. *Atchison Champion*, in the *White Cloud Kansas Chief*, March 8, 1866.

77. *Congressional Globe*, 39 cong., 1 sess., pt. I, 498, 499, 504, 506, 522, 523, 572.

78. *Ibid.*, 606, 607.

79. *Idem*, pt. II, 1413, 1414.

80. The *Daily Missouri Democrat*, April 7, 1866, said: "The fact that Mr. Lane said to two or three senators yesterday that he should vote for the civil rights bill and against the veto message gave additional interest to the debate."

81. *Atchison Daily Free Press*, April 17, 1866.

82. *Congressional Globe*, 39 cong., 1 sess., pt. II, 1786.

83. The letter is quoted in *ibid.*, 1803.

84. *Missouri Democrat*, April 7, 1866, in *Leavenworth Daily Conservative*, April 10, 1866.

85. *Congressional Globe*, 39 cong., 1 sess., pt. II, 1799.

found it was Jim Lane, uncaged, fierce, angered, and raging, indulging in oratory most characteristically."⁸⁶

Lane asserted that he was laboring to restore harmony between President and congress. The Republican party was crumbling, and its destruction was assured unless representatives of Southern states were received. The President, he believed, was "as anxious to harmonize the difficulties in the Union party as any senator upon this floor. If he was met in the same spirit, that party would be reunited and this Union would be restored. His advances are met by insult . . . from the leader of the Republican party upon this senate floor in language without a parallel. Mr. President, so far as I am concerned, I propose to-day and hereafter to take my position alongside the President of the Republican party and stand there unflinchingly so long as he remains faithful to the principles of that party, defending him against the senator from Ohio as I defended his predecessor against the same senator."⁸⁷

Wade, another "heavy fighter" of the senate who knew not the meaning of logic but relied "for effect entirely upon a redundancy of adjectives, and a profusion of vituperations,"⁸⁸ replied in kind. Although he might be willing to accept Lane's solution, he said, he would stand by his speech of yesterday. He had measured the President and knew his ability. Posing as a Moses leading three millions of slaves to liberty, he was in reality "their inveterate and relentless foe, making violent war upon any member of congress who dares raise his voice or give his vote in favor of any measure having for its object the amelioration of the condition of these poor people." Wade believed that Lane's constituents would disapprove his new rôle of wearing "any man's collar."⁸⁹

The "'grim chieftain' again rushed to the fray with the impetuosity of the warhorse,"⁹⁰ and hurled "the suggestion in the teeth of the senator from Ohio. . . . I wear a collar! The proslavery party of the United States, backed by a Democratic administration, sustained and supported by the army of the United States, could not fasten a collar upon the handful of Kansas squatters of whom I had the honor to be the leader. . . . I wear a collar! Indicted for treason by a proslavery grand jury, hunted from state to state by a writ founded upon that indictment for treason, and \$100,000 offered for my head! Jim Lane wear a collar! Wherever he is known that charge will be denounced as false by both friends and enemies."⁹¹

The debate lasted two hours, and Lane's "surly negative" did not prevent the senate from overriding the President's veto. Friends warned him by telegram that failure to vote for the bill "would be the mistake of his life. The telegram reached him after the roll had been called. He said excitedly, 'The mistake has been made. I would give all I possess if it were undone.'"⁹²

Two months before his courageous but fatal vote on the civil rights bill, the *Chicago Tribune*, a supporter from "border ruffian" days, depicted the

86. *Atchison Daily Free Press*, April 17, 1866.

87. *Congressional Globe*, 39 cong., 1 sess., pt. II, 1799.

88. Correspondence from "W. B.," Washington, to the *Topeka Weekly Leader*, April 19, 1866.

89. *Congressional Globe*, 39 cong., 1 sess., pt. II, 1799.

90. Correspondence from "W. B.," Washington, to the *Topeka Weekly Leader*, April 19, 1866.

91. *Congressional Globe*, 39 cong., 1 sess., pt. II, 1802.

92. James G. Blaine: *Twenty Years in Congress* (Norwich, Conn., 1886), II, 185. See, also, the *Leavenworth Daily Conservative*, July 12, 1866.

ridiculous rôle he was assuming: "For Jim Lane, of Kansas, to play 'conservative,' would appear as absurd as for the great American tragedian, Edwin Forrest, to appear in the character of Jack Falstaff. Lane is nothing, if not radical, and when he ceases to act with the radicals he will play out and disappear from the political stage forever. Kansas is the most radical of the states. A man of a thousand times Senator Lane's influence could not carry the 'backbone' state into the Doolittle-Cowan faction."⁹³

Condemnation of Lane "for misrepresenting a radical constituency" was almost unanimous in Kansas. Even his friend Speer could not disguise the resentment, but recommended "an impartial hearing" before censuring his motives.⁹⁴ The *Tribune* and the *Leader* asserted that he had no intention of deserting the Republican party or its principles, and expressed the hope that he would "right up."⁹⁵ But these were only exceptions to the general wave of indignation. The *Conservative* listed nineteen Kansas papers which supported congress, nine which stood by Lane and the President.⁹⁶ The *Ottawa Western Home Journal* insisted that Lane's picture did not look well in a conservative frame. He had been honored in Kansas because he was "par excellence, the embodiment and exponent of Kansas radicalism. . . . For him to act the conservative leaves Hamlet out of the play."⁹⁷ To the *Emporia News* Lane's course was no surprise. When he voted with Copperheads in the senate, he found his own level.⁹⁸ Perhaps the most stinging rebuke came from a public meeting in his own town of Lawrence, which passed resolutions denouncing his support of the President.⁹⁹

Lane would not admit defeat without an effort to retrieve himself. He wrote to Speer, April 11, 1866:

"I expect to submit to the people of Kansas the course I have adopted and will pursue as a Republican at the next election and should they decide against me I will cheerfully surrender to the legislature the position I hold. It seems to me I am entitled to be heard before condemnation. I think I can show that the civil rights bill is mischievous and injurious to the best interests of the black man, but if I cannot the legislature shall fill my place."¹⁰⁰

During the remainder of his senatorial career, however, Lane acted with the majority. When Johnson showed no inclination to harmonize with congress, it was said he "expressed his determination to denounce him from one end of the state to the other."¹⁰¹ Carney, Crawford, McDowell, Speer, and others were summoned to Washington, it was rumored, to counsel with Lane as to the best method of "righting him up."¹⁰² Ward Burlingame, who became

93. *Chicago Tribune*, in *White Cloud Kansas Chief*, February 8, 1866.

94. *Kansas Daily Tribune*, April 11, 1866.

95. *Topeka Weekly Leader*, April 19, 1866; *Kansas Daily Tribune*, May 12, 1866.

96. *Leavenworth Daily Conservative*, April 20, 1866.

97. *Ottawa Western Home Journal*, April 19, 1866.

98. *Emporia News*, April 14, 1866.

99. *Leavenworth Daily Conservative*, April 17, 1866. One resolution read: "Resolved, That, occupying as has the state of Kansas, a position of intense, radical loyalty, during the terrible contest of arms that has just closed, we feel humiliated by the recent vote in the United States senate, of our senator, James H. Lane, in opposition to the civil rights bill, and in indorsement of pernicious doctrines with which the President returned and endeavored to defeat that eminently just and proper measure."

100. J. H. Lane to J. Speer, April 11, 1866, in *Kansas Historical Society Manuscript Collections*.

101. *Leavenworth Daily Conservative*, July 12, 1866. Also, see the issue for June 20, 1866.

102. *Olathe Mirror*, June 14, 1866.

editor of the *Conservative* in May, gave Lane his loyal support but warned him that he "must run in the radical groove."¹⁰³

It was decided that Lane should keep in the background during the Kansas campaign of 1866. He would take no part in the canvass, it was announced, "further than to vote the ticket which will be selected by the Republican party."¹⁰⁴ He was determined, however, that Sidney Clarke should not be renominated for congress. The member of the house was becoming too popular, and Burlingame advised laying "him out in a regular Republican convention."¹⁰⁵ Both men returned to Kansas in June, and Clarke addressed a large audience at Lawrence, where he was "enthusiastically received." After reporting the meeting, the *Emporia News* continued:

"General Lane also spent a few days at his home in Lawrence. No demonstration was made over him, and he made no speech. Many of his old friends did not even call upon him."¹⁰⁶

Lane set out for Washington broken in health and spirit, but stopped at St. Louis to confer with Carney and Insley on political matters. Too weak to write, he dictated a letter to James L. McDowell, postmaster at Leavenworth which concluded: "*Put Carney squarely on the track against Clark for the nomination.*"¹⁰⁷

This letter terminated Lane's political career. Hearing of his illness, Mrs. Lane hurried to St. Louis and brought her husband to Leavenworth, where they stopped with Lane's brother-in-law on the government farm. Overworked, mentally deranged,¹⁰⁸ depressed by his cold reception in Kansas, he took his own life on July 1 by discharging a pistol in his mouth. The bullet passed through his brain, but he lingered until July 11.

To add to the distraction of Lane's closing days, he was charged with financial irregularities. Articles appeared in the *Boston Commonwealth* and the *Chicago Tribune*, insinuating that he had received \$20,000 from Fuller and McDonald, contractors "for supplying the Indians in the southern superintendency."¹⁰⁹ The charge was traced through William A. Phillips to George W. Deitzler, who admitted he had "no personal knowledge."¹¹⁰ Lane read a statement to the senate, May 28, pronouncing the "imputation, conveyed by innuendo and indirection, in the *Boston Commonwealth* . . . a baseless calumny."¹¹¹ On the same day Perry Fuller attested Lane's innocence.¹¹² Prof. L. W. Spring asserts in his "Kansas" that Trumbull had possession of "the copartnership papers of the Indian traders, Fuller & Co., in which Lane's name appeared, and a canceled check on E. H. Gruber & Co., of Leavenworth, which proved that he had received twenty thousand dollars from the concern."¹¹³ The two Indiana senators, however, after examining papers which Lane secured for his defense, "thought his vindication complete."¹¹⁴

103. Ward Burlingame to J. H. Lane, May 18, 1866, in Lane Papers.

104. *Leavenworth Daily Conservative*, June 20, 1866.

105. Ward Burlingame to J. H. Lane, May 18, 1866, in Lane Papers.

106. *Emporia News*, June 30, 1866.

107. J. H. Lane to Jas. L. McDowell, by hand of John Williams, June 24, 1866, in Kansas Historical Society Manuscript Collections.

108. *Congressional Globe*, 39 cong., 1 sess., pt. V, 3905; *Missouri Democrat*, in *Junction City Union*, July 14, 1866.

109. *Leavenworth Daily Conservative*, June 5, 1866.

110. Speer: *Life of Gen. James H. Lane*, 313, 314.

111. *Congressional Globe*, 39 cong., 1 sess., pt. III, 2865.

112. Perry Fuller to James H. Lane, May 28, 1866, in *Leavenworth Daily Conservative*, June 5, 1866.

113. Spring, *op. cit.*, 302.

114. *Congressional Globe*, 39 cong., 1 sess., pt. V, 3905.

CHAPTER XV.

CHARACTER AND LEADERSHIP.

THE twelve years which Lane spent in Kansas were formative, and the imprint which he left was considerable. In laying the foundations of the new commonwealth his name was inseparably associated with that of Charles Robinson. These two pioneers stood in sharp contrast. Lane was rash, hot-headed, daring, persistent, subtle, provocative, warm-hearted, magnetic.¹ Robinson was cool, cautious, calculative, judicious, logical, shrewd, business-like.² In method one was the antipode of the other, "for where Robinson would throw on cold water, Lane would apply the firebrand."³ Lane was an extremist, a radical, revolutionary spirit, the motive power of the free-state movement. Robinson was a conservative, the brake and balance wheel, the ballast which gave the movement equilibrium. Each possessed an insatiable ambition, and each recognized in the other a political rival. It would be useless to speculate upon the relative contributions of the two men. Indeed it was fortunate for the free-state cause that the party contained diversity of leadership.

In personal appearance⁴ Lane was "tall, slightly built, but wiry and muscular in an unusual degree." His complexion was dark, his "sinister face . . . plain to ugliness," his black eyes deep set and demonstrative. "A lean, haggard, and sinewy figure . . . his movements were alert and restless, like one at bay and apprehensive of detection." With an iron constitution and unlimited endurance he was capable of great exertion. His fixed mode of attire was really a part of him. His usual habiliment comprised an old straw hat, cowhide boots, calfskin vest, woolen shirt, grey or butternut brown, "an apology for pantaloons," and a bearskin overcoat. He was the most unmilitary man in his brigade, and would readily appropriate the cast-off clothing of a private. Whether in pursuit of border ruffians or public office his attire was the same. His beard was variegated but not luxurious; his hair, like his beard, was usually unkempt. If he wished to disguise himself he had only to acquire a shave and a haircut, and don a regular uniform or a respectable suit, and few recognized him. After his election to the senate he improved his dress, but when engaged in a political canvass, he invariably reverted to his "demoralized wardrobe," for a white vest and a shaven visage would have been fatal.

1. For characteristics of Lane, see Stearns, op. cit., 103, 104, 291, 292; Phillips, op. cit., 138; Richardson, op. cit., 44-47; Hinton, op. cit., 698, 699; T. H. Gladstone: *The Englishman in Kansas* (New York, 1859), 131, 132; James Ford Rhodes: *History of the United States, 1850-1877* (New York, 1907), II, 216, 217; *New York Herald*, January 21, 1856, in Webb Scrap Book, VIII, 168; *Herald of Freedom*, April 12, 1856; *Freedom's Champion*, January 26, 1861; *Smoky Hill and Republican Union*, November 21, 1861; *Nebraska Republican*, in *Kansas Daily Tribune*, January 4, 1866; *Indianapolis Daily Journal*, July 3, 1866; *White Cloud Kansas Chief*, July 5, 1866; *Leavenworth Daily Conservative*, July 12, 1866; *Emporia News*, July 14, 1866; *Topeka Weekly Tribune*, July 20, 1866.

2. For contemporaries' estimates of Robinson, see Blackmar, op. cit., 356-379.

3. Brewerton, op. cit., 341.

4. For descriptions of Lane, see Richardson, op. cit., 44; Ingalls, loc. cit., 701, 702; *Leavenworth Daily Conservative*, October 3, 4, 1861, July 3, August 5, 1863, July 12, 1866; *Lowell Daily Journal and Courier*, March 24, 1856, in Webb Scrap Book, X, 173.

Lane's style of oratory was an inheritance from his father, accentuated by his Kansas environment. Like Amos Lane, he was a master in the use of sarcasm and invective. His harsh and raspy voice would change from a "shrill tenor" to a "tragic bass" in the same sentence.⁵ His gestures were crude, but his long, bony forefinger seldom failed to make an impression. His greatest speeches were extemporaneous, for "his mind would not travel on paper."⁶

Lane's appointments had only to be announced a few hours ahead of time for a large crowd to assemble. When he stood before a frontier audience with a cause to proclaim or an opponent to denounce, he was at his best. In discussing his address before the Mercantile Library Association of Leavenworth, the *Conservative* said:

"When Lane touches this soil which his own courage, his own strategy, his own unconquerable perseverance saved for freedom, a glorious halo surrounds his head, a sublime inspiration fills his eye, a splendid glow lights up his countenance, and here he can speak. He don't need any preparation."⁷

That Lane was an effective orator cannot be doubted. When free-state men assembled at Lawrence during the Wakarusa crisis grew weary and threatened to go home to their families, he leaped upon a parapet and transformed would-be deserters into frenzied enthusiasts anxious to be led against the "ruffians."⁸ His ability to humbug a crowd approached hypnotism. When Kansas had scarcely a mile of railroad he painted such a glowing picture of the future that "every one of his auditors felt an uncommon glory and triumph like that of riding in a car at the rate of forty miles an hour, and grave men imagined themselves going, that moment, to all parts of Kansas on railroads built by Jim Lane!"⁹

Albert D. Richardson, who heard him upon Kansas soil, said: "With but narrow education, very little reading, and utterly uncouth manners, he was as truly a born orator as Clay, or Prentiss, or Wendell Phillips. No other American has lived in our generation who could sway masses and legislatures as Lane swayed these men of the prairies. . . . Defying every recognized rule of rhetoric and oratory, at will he made men roar with laughter, or melt into tears, or clench their teeth in passion."¹⁰

Lane often adapted his speech to suit the audience. In Washington he was a radical, in St. Louis a conservative, in Waterbury the son of a Connecticut school teacher, in the North a Hoosier, in the South a Kentuckian. The *Waterbury American* said of his speech at that city: "Great was the surprise of some present to find before them a man of fair proportions, of genteel appearance, of unobtrusive manners, instead of the rough and savage animal

5. *Leavenworth Daily Conservative*, July 3, 1863.

6. "Stringfellow" [Smith], loc. cit., 270, 271.

7. *Leavenworth Daily Conservative*, January 28, 1862.

8. Dickson, loc. cit., 83, 84. The author, who witnessed the scene said: "He [Lane] became afire with eloquence. Off went his large, circular military cloak, next his hat, soon his coat, as he saw his appeal was telling; then his vest followed . . . and his necktie was soon lying with his other clothing on the ground, his shirt was unbuttoned down the front, while shouts of cheers and applause went up from the men.

"Next his shirt sleeves were unbuttoned and rolled above his elbows, as he paced, like some wild animal, rapidly back and forth on the embankment, with the perspiration standing in great beads upon his face, notwithstanding it was a sharp December day."

9. *Leavenworth Daily Conservative*, July 3, 1863.

10. Richardson, op. cit., 44, 45.

which the antiwar papers have seen fit to represent him. . . . The speech had no leading towards radicalism, was well received throughout, and elicited hearty applause."¹¹

A contemporary, Nicholas Verres Smith, believed Lane degraded western oratory because he "vulgarized his speech," and "mispronounced his words to curry favor with an illiterate mob."¹² He attributed to him the introduction "into the newspaper literature and stump eloquence of Kansas all those phrases which denote bloodthirstiness, and a rampant spirit of murder and riot abroad."¹³ The expressions which he used to denounce the members of the Lecompton convention would seem to prove the truth of this assertion.

Undoubtedly Lane consciously exaggerated. He often advocated extreme measures and methods to assure tangible results. Although he and his men actually committed many depredations in western Missouri, he accepted the responsibility for others to intimidate the enemy. "His name has become a terror to a certain class," said a Kansas newspaper in 1861, "and for the most part without ground. He is death on the enemies of Kansas, but he is not the cannibal that some people imagine him to be, pouncing down upon innocent and unoffending citizens, and swallowing them whole."¹⁴ John H. Gihon, Governor Geary's private secretary, wrote: "The very name of Lane was a terror, and it was only necessary to get up a rumor that he was within a hundred miles, to produce a universal consternation. And when it was reported that he was actually approaching a proslavery town, a general panic and stampede was the result. Vaporizing generals, colonels, captains and privates, suddenly stopped in their stories of valiant deeds, and remembering that they had forgotten their needed arms or ammunition, or that the women and children must be carried to a place of safety, off they ran for shelter in the woods or elsewhere, creeks and rivers furnishing no obstacle to their flight. When the dreaded danger was over, or they had discovered the alarm to be unfounded, they would reassemble, each ready to boast over his bad whisky, what terrible deeds he would have accomplished had the cowardly abolitionist made his appearance."¹⁵

It was said that Lane haunted "the dreams of the Missourians." They "are firm in the belief," said the *Kansas Chief* in 1861, that he "is lurking somewhere near the river, waiting for the corn to sprout, when he means to go over and plow it up!"¹⁶ His "extravagant military reputation," Richardson recorded, "extended to the remotest cabins of Missouri and Arkansas. Again and again, through those inaccessible regions, two hundred miles from railway and telegraph, have I been asked by settlers before the evening fire:

"Do you know that man Lane, up in Kansas? I reckon he must be a powerful fighter!"¹⁷

During the Civil War "hallooing for Jim Lane" became a test of loyalty in western Missouri. There were reports that Union men were imprisoned for

11. *Kansas Collected Speeches and Pamphlets*, XIV (Kansas Historical Society Library).

12. "Stringfellow" [Smith], loc. cit., 271.

13. *Leavenworth Daily Conservative*, July 3, 1863.

14. *White Cloud Kansas Chief*, May 16, 1861.

15. Gihon, op. cit., 116.

16. *White Cloud Kansas Chief*, June 13, 1861.

17. Richardson, op. cit., 45.

hurrahing for him;¹⁸ others that a proslavery resident of Pleasant Plains was shot for refusing to do so.¹⁹

Lane stories are numerous, but only a few will be included here. Albert D. Richardson stands authority for the following:

"Repeatedly the United States marshal from Lecompton with an armed posse at his heels galloped into Lawrence with a warrant for Lane's arrest. But the Lawrence people were miracles of heroic reticence. The first person asked would perhaps reply that he 'never heard of any such man.' Another would report him 'gone down south.' A third saw him an hour ago, but thought he was now over upon the reservation. Then a young man with revolver at his side would step up and demand gravely:

"'Hallo, marshal, looking for Jim Lane?'

"'Yes, where is he?'

"'Just left town. I saw him start for Iowa ten minutes ago with a twelve-pounder under his arm.'

"Amid the derisive laughter which followed, the angry officer and his posse would ride homeward. Before they were fairly out of sight, Lane would come strolling leisurely up Massachusetts street, wearing the old black bearskin overcoat, which enveloped him winter and summer, and asking if anybody had heard a gentleman from Lecompton inquiring for him!"²⁰

Perhaps the story which Kansans appreciate most is Lane's defense of some hog thieves at Oskaloosa. Speer relates the anecdote upon authority of Walter N. Allen, the prosecuting attorney in the case. When the court assembled the defendants requested postponement until evening. Although it was believed the accused would plead guilty, as any defense seemed impossible, the delay was permitted. Lane appeared in the afternoon, having walked the twenty miles from Lawrence. It was soon rumored that he would defend the hog thieves against their proslavery accusers, and a full house greeted the court when it reassembled. The prosecutor "produced his witnesses, and the evidence was clear and indisputable." Lane asked no questions, but "said the court was bound to take judicial notice of two facts: 'One, that I hold in my hand a copy of the poll list, showing that these men [the accusers] voted at Lawrence, and now swear they lived in Missouri, and emigrated to Kansas afterward. Men that would thus stuff the ballot boxes, overrun elections, and drive voters from the polls, ought to be thankful that they are not hung. Another point of which the court must take judicial notice, is, that this pretended offense was committed on an Indian reserve, which is no part of the territory of Kansas, and over which the court has no jurisdiction.' He then turned his face from the court, and denounced these men as ballot stuffers, murderers, who had no rights in Kansas, nor any place else outside of the penitentiary; and he so exasperated that audience, that the attorney retired in good order, but the court jumped out of the window, and the prosecutors fled in all directions; and then Lane turned to the arrested men and said: 'Where, oh where are thine accusers?' Attorney, court, jurors, accusers, were all gone."

Lane followed Attorney Allen to his hotel and obtained an interview after much persuasion. He explained: "'Walter, you know, if I could have borrowed or hired a horse on credit for the trip, I would not have walked

18. *Congressional Globe*, 38 cong., 2 sess., pt. I, 641.

19. *Official Records*, ser. I, vol. XLI, pt. II, 669.

20. Richardson, *op. cit.*, 46. Although Lane had his peculiarities, it is hard to accept Richardson's statement that he wore a bear-skin overcoat during the summer on the hot prairies of Kansas.

here and back, over forty miles. These men deposited a twenty-dollar gold piece in Ed Thompson's bank at Lawrence, which I am to have when I get there. . . . I had not a dollar, and I have been refused credit for a loaf of bread in Lawrence, and my family have not even the necessaries of life. Let us be friends. . . . My clients are cleared, and yours have cleared out for Platte county.'"²¹

The story is a fair example of Lane's indigence. He cared nothing for money, for he dreamed of power, not of wealth. He would give away his last dollar, but if he paid a hotel bill it was the occasion for special comment.²²

With an ambition that knew no bounds, Lane aspired to a position of influence. He was a politician of the first order, though it is doubtful if he ever achieved statemanship. He often alluded to himself as a politician, never as a statesman. He knew the art of manipulation. As a state political boss he has had few rivals. Perhaps no one was ever more skillful in the use of patronage than he, and certainly no senator was ever more beset by hungry office seekers. His recommendation was indispensable to anyone who sought an appointment.²³ In advocating Carney's nomination in 1862, he boasted: "Of the fifty-six men in the legislature who voted for Jim Lane [for the senate], five and forty now wear shoulder straps. Doesn't Jim Lane look out for his friends?"²⁴

As a legislator Lane was too partisan and uncompromising to secure the adoption of many of his proposals. As a persistent agitator, however, he saw several of his policies materialize under more conservative leadership.²⁵ "The President at one time told us," said the *Leavenworth Daily Conservative* in 1865, "that while he was compelled to dissent from General Lane's radical views, he had the highest respect for them, and that circumstances had more than once compelled him to adopt and follow them."²⁶ There is an element

21. Speer: Life of Gen. James H. Lane, 93-95.

22. Richardson, op. cit., 44, says: "In pecuniary matters, his unscrupulousness was proverbial. Again and again I have heard tales like this: One day Lane said to a Lawrence merchant: 'I want five hundred dollars this morning. I have the money on deposit in the Ohio Life and Trust Company bank; but it will consume two weeks to write and get a remittance. Will you cash my sight draft?'"

"There was no telegraph in those days, and eastern exchange was always in demand. The trader cashed the draft; and in due time it came back from the Cincinnati bank, indorsed—'Don't know the man; he never had any funds with us.' Lane declared it a mistake, but years after, he had never repaid the merchant."

23. *Leavenworth Daily Conservative*, July 3, 1863. A special article in this issue contributed by Nicholas Verres Smith says that Lane "sometimes plays shrewd tricks on bores by giving his indorsement and then personally visiting the department to which the application was addressed, and by some excuse, as 'a mistake in the name,' or 'facts subsequently ascertained,' withdraw the approval, and forever squelch the hopes of the aspirant; which is by him attributed . . . to any other reason but Lane's faithlessness. And at the next convention he will roll up his sleeves and fight till he is tired, and hurrah until he is hoarse, for Jim Lane."

24. *Leavenworth Daily Conservative*, July 3, 1863. See, also, *White Cloud Kansas Chief*, December 10, 1863.

25. For example, in December, 1863, Lane introduced a bill designed to prevent speculation in gold, silver, and foreign exchange. He was ridiculed by New York newspapers, and the opposition press of Kansas made political capital of the situation. The bill died in committee. But in April, 1864, upon the recommendation of Secretary Chase, such a measure was incorporated in another bill before the senate sponsored by Sherman of Ohio. Fessenden, chairman of the finance committee, assured Lane "that no possible discourtesy was intended to him." Sherman admitted that "the original idea, the invention, undoubtedly rests with the senator from Kansas . . . and whatever good effects it may produce we will all give the senator from Kansas the credit." Lane, who had protested against the tactics of the finance committee, now considered that justice had been done him by the senate.—*Congressional Globe*, 38 cong., 1 sess., pt. II, 1669-1671. For discussion of Lane's bill, see the *Kansas Daily Tribune*, December 19, 27, 30, 1863; *Washington Chronicle*, December 16, 1863, in *Kansas Daily Tribune*, December 27, 1863.

26. *Leavenworth Daily Conservative*, April 23, 1865.

of truth in Robinson's statement that Lincoln "belives nothing from Kansas unless it is first indorsed by General Lane."²⁷

In spite of his contentious spirit and uncouth manners, Lane possessed a magnetism which surprised many. A contemporary said "that scholarly men . . . would pronounce him the most pleasing person they ever met, though there was not a common thought between them." It was this quality which caused George L. Stearns to say after a conversation, "'What a captivating man Senator Lane is!'"²⁸

In a certain sense, Lane was very provincial. His "whole exertions are for Kansas," said the Washington correspondent of the *Conservative*, "he does nothing, thinks of nothing, or ever speaks of anything unless *Kansas* is attached."²⁹ The *Junction City Union* said in characterizing him:

"Aside from his self-aggrandizing spirit, it must be conceded that he took a peculiar pride in lavishing his influence in behalf of the material interests of the state. Kansas was to him a source of pride, and her advancement an object of pleasure."³⁰

With the passing of Lane, a new era in Kansas politics began. During the five-year period that he served in the senate there were two parties, Lane and anti-Lane. So successfully could he "make and unmake men" that he became "the Warwick of Kansas."³¹ He "was the central figure around which all the others revolved. The prestige of his favor, and the moral power of his support, almost inevitably insured success, and it seemed to be his special province to put men up or put them down as best subserved his purpose."³² Friendly and hostile newspapers agreed that thenceforth anyone who aspired to political office would 'have to stand upon his own merits instead of Lane's.'³³

27. *Kansas State Journal*, October 17, 1861.

28. "Stringfellow" [Smith], loc. cit., 267.

29. *Leavenworth Daily Conservative*, February 18, 1862.

30. *Junction City Union*, July 14, 1866.

31. *Leavenworth Daily Conservative*, July 24, 1866.

32. *Leavenworth Daily Conservative*, July 14, 1866.

33. *White Cloud Kansas Chief*, July 12, 1866; *Leavenworth Daily Conservative*, July 14, 1866.

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ERRATA.

Page 53, line 6 from bottom, read "Burson" instead of "Bunson."
Page 57, line 16 from top, read "Woodson" instead of "Wordson."

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