

ADDRESS OF EX-GOVERNOR FREDERICK P. STANTON.

DELIVERED AT THE OLD SETTLERS' MEETING, BISMARCK GROVE, LAWRENCE, SEPTEMBER 2, 1884.

[In 1870, an "Old Settlers' Association" was organized in Lawrence. Though in a measure local in its character, it has sometimes in its meetings embraced attendance from a considerable portion of Kansas outside of Douglas county, and its proceedings have included addresses not only made by prominent persons residing in distant parts of Kansas, but of those residing in the East, who have by invitation attended and taken part in the proceedings. In 1884, ex-Governors Frederick P. Stanton* and James W. Denver, having been invited, attended and delivered addresses. By vote of the Board of Directors of the State Historical Society, these two addresses were ordered to be embraced in this volume of the collections of the Society.]

Governor Stanton, having been introduced by ex-Governor Charles Robinson, President of the Association, proceeded as follows:

Friends and Fellow-Countrymen, Old Settlers of Kansas:

You see that I have come in pursuance of your kind invitation; and I am grateful for this opportunity to participate in your interesting celebration, for I feel that it is good to be here. I am particularly mindful of your injunction to make "a short address." Your suggestion of brevity is very reasonable, and to me very acceptable; but I must confess that I am embarrassed by the necessity of condensing the substance of many great events into the compass of a few brief words.

You advised me that you had invited "each one of the ex-Governors of the State as well as the Territory to be present" on this occasion, from which I infer that your purpose is to review the past, as well as to observe the wonderful prosperity of the present—an exhibition of progress most interesting and remarkable, inasmuch as it has emanated from and grown out of those stormy beginnings of your history which we now commemorate.

It is not without the highest admiration and sympathetic delight that I now witness the great work you have accomplished, in all the departments of human affairs, since the days when you first pitched your tents on these beautiful prairies, then a wilderness, inhabited only by Indians and the wild beasts they pursued. I see around me all the indications of those

* Frederick P. Stanton, having been appointed Secretary of the Territory, succeeded Daniel Woodson in that office, April 16, 1857; and in the absence of the Governor immediately became acting Governor, and served in that capacity until May 27, 1857, when Governor Robert J. Walker arrived and assumed the duties of his office. In the absence of Governor Walker from the Territory, Mr. Stanton became acting Governor again, from November 16, 1857, to December 21, 1857, when he was succeeded by James W. Denver as Secretary and acting Governor.

grand social and political achievements, and those mighty material creations of yours, which the maps of the country and the statistics of the last national census verify, and which all the world has learned with gratification and astonishment. I remember that in February, 1858, the eminent historian of our country, George Bancroft, presiding over an anti-Lecompton meeting in New York, made this remark about you, the people of Kansas: "What they have accomplished under unexampled difficulties and trials is the miracle of the age. A commonwealth in all its fair proportions has grown up, as it were in the night-time."

If at that early day, in the midst of all its dangers, troubles, and wrongs, the growth and achievements of this community were miraculous, what shall be said of them now, after the lapse of a quarter of a century, during which the greater desolation of our dreadful civil war did not avail to stop this marvelous progress? And what will the future historian have to say, a quarter of a century hence, when another generation shall have expended here its labor and enterprise, not in the midst of war and desolation, but almost certainly in the confidence of assured peace and permanent tranquility? A new language will be required to characterize these coming events, which, in the light of the past, our sober judgment assures us, will prove to be the creation of new marvels even in your miraculous career.

Only some score of years ago, your young city of Lawrence, dripping with the blood of her citizens, rose up from the ashes of a second conflagration, undismayed, to pursue her destiny; and now she stands a proud monument to the indomitable energy and intelligence of her citizens, an ornament to the great and growing State, and a mighty landmark in its history. She is but a type of the whole State; always extreme in opinion, foremost in the strife and deepest in disaster, never disheartened, but possessing that noble fortitude and recuperative power which insures success and eventual prosperity. The high moral and intellectual qualities and physical energies which have brought the young State to its present remarkable condition, even through all the disasters of sanguinary war, will not fail, in time of profound peace, to carry that progress onward to a destiny of unexampled greatness.

But let us look back and recall some of the struggles and difficulties, as well as the triumphs of the past. Other gentlemen, better informed than I am, by personal knowledge and participation in the events themselves, have told, or will tell you, what they did or saw in the Territory before I came; and if they do not, you know it all better than I can tell you. Therefore, if in my present brief remarks I confine myself to the transactions in which I was officially concerned, you will not ascribe it to egotism, but will no doubt allow that I am only observing the proprieties and just requirements of the occasion.

It was in April, 1857, that I made my first appearance here as acting Governor of the Territory. I did not know the people, nor they me. Of

course I could then have had no personal knowledge of the preceding events in your history. What information I had was derived from the partisan reports of one side or the other, necessarily sifted through my own prejudices, with no claim to infallible insight, but certainly with an honest purpose to form an impartial judgment and to act upon that, fairly and honorably. My comprehension of the existing conditions of affairs I soon ascertained was exceedingly imperfect; and if when I first addressed the people here I was betrayed into some rash and indiscreet expressions, you will acknowledge that I was naturally exasperated by the violent demonstrations of the audience, who treated me with all the suspicion and distrust which perhaps they had the right to feel towards the administration which sent me. It was a case of mutual provocation and misunderstanding, arousing a storm of excitement which speedily subsided.

But the long lapse of intervening years has mellowed the memory of those events; and I look back upon them through the mists of time—through the dust, and smoke, and confusion of the stormiest period of our history, with softened feelings towards all, whether friend or foe, with what I hope is a just appreciation of the causes which produced and excused, if they did not justify, the distrust and opposition with which the people greeted me.

When I made my advent here as the forerunner of Governor Walker, and in some sense the exponent of the principles on which his administration was to be conducted, the very crisis of your political destiny was at hand. The era of violence, of strife and battle, had mostly passed away; though a large military force of the United States was stationed in the Territory and placed at the command of the Governor for the purpose of aiding in enforcing the laws and maintaining the public peace. But at no time during either of the periods when I had full authority as Governor, did I have occasion to call upon the military for any service whatever.

When I say the crisis was upon you, I mean to speak of the impending change from a Territorial to a State Government. That was to be the inevitable outcome and consummation of all the struggles and trials and sufferings of the people. It would bring them to that starting-point of political maturity at which they would be absolutely free to govern themselves as a sovereign and coequal member of the Union, subject only to the provisions of the Federal Constitution. The conditions under which you would enter the Union, the peculiar institutions you would adopt for the new State, and the individual citizens to be intrusted with the administration of its affairs, these naturally were all matters of momentous interest to you.

Looking back now at this distance of time upon the troubled experience of those eventful days, how different everything appears in the light of those tremendous changes which were destined soon to ensue! Some events that seemed to us trivial, and others that appeared to be of the greatest importance, have very different proportions to our present view from what they

had when we were in the midst of them. What is slavery now but a memory—the mere memory of a painful dream? The establishment of the Topeka Government on the one hand and of the Lecompton Constitution on the other, were each held to be the all-important ends to be attained by their respective partisans, whereas the real vital question involved proved at last to be whether the majority of the people should have the right, in a regular and legal way, to form a State government for themselves, or whether a partisan administration, leagued with an unscrupulous minority in the Territory, could compel the people, on the mere hollow pretense of legality and regularity, to submit to the imposition of institutions which they had had no part in forming, and which, in fact, they abhorred and had rejected by an overwhelming vote. This was the issue finally evolved out of your long struggle, and upon which your great victory was achieved.

Both these schemes—the Topeka and Lecompton schemes—had originated and were more or less matured, before I came to the Territory. The constitutional convention which afterwards met at Lecompton had been provided for by the Territorial Legislature before my appointment as Secretary. The census of the people required to be taken in the several counties had been taken, or was being taken, when I arrived. As acting Governor it became my duty to make the apportionment of delegates to the several counties based on the returns of the census. This duty I performed to the best of my knowledge and ability; perhaps if I had known all the facts which came to my knowledge afterwards, I would have acted differently. In about one-half the counties no census had been taken. I was ignorant of the circumstances, and greatly perplexed; but being compelled by law to act within a brief period, I thought there was no alternative but to apportion the delegates to the several counties on the returns which had been made. This left the question of regularity and legality to the convention itself, and ultimately to Congress, which of course had the final decision of the whole subject.*

*The delegates to the Lecompton Constitutional Convention were elected June 15, 1857. The convention met at Lecompton on the 7th of September, and soon adjourned until October 19th. The election for members of the Territorial Legislature took place on the 5th of October. At this election the Oxford and other frauds were committed.

The Lecompton Convention provided for an election on the 21st of December on the adoption of the slavery clause, in these words: "The ballots cast at such election shall be indorsed, 'Constitution with Slavery,' and 'Constitution with no Slavery.'" The Convention also provided for an election on the 4th of January following, for State officers and members of the Legislature under the constitution.

The time for the regular meeting of the Territorial Legislature was January 4, 1858. Governor Stanton called an extra session, which met on the 7th of December preceding, and passed an act submitting the Lecompton Constitution entire to a vote of the people.

The vote on the Lecompton Constitution, December 21, as submitted by the convention, was, as announced by General Calhoun, for the "Constitution with Slavery," 6,266; "Constitution with no Slavery," 569. The vote at the election on the constitution, as provided by the Legislature at the extra session, was, "Against the Constitution," 10,226; "For the Constitution with Slavery," 138; "For the Constitution without Slavery," 23.

Congress finally, under the English bill, provided for the submission of the constitution to a vote of the people. This election took place August 2, 1858, and resulted in a vote of 1,788 for the constitution, and 11,300 against it. Majority against the constitution, 9,512. And this was the end of the Lecompton Constitution.

We all know that the great majority of the people were not registered in that census, and could not vote for delegates to the convention. Only a very small minority of the people participated in the election which followed.

On the one hand, it was said that the Free-State men refused to be registered, or in any way to participate in the proceedings and thus acknowledge their validity; on the other hand, it was replied, that it was the duty of the census-takers to register the names of all citizens, and that the names of many prominent Free-State men, well known to the officers, were purposely omitted from the lists, whereby these citizens, without their fault, were unjustly deprived of the opportunity to vote if they had desired to do so.

No one, I presume, will deny that the Free-State party voluntarily withheld their votes and refused to participate in the organization of the Le-compton Convention. But in the light of subsequent events, this becomes a matter of no importance. It is too late now to inquire what justification the mass of the people had for refusing to recognize the laws of the Territory. The fact that they did so refuse, and that the convention represented but an inconsiderable part of the actual citizens of the Territory, was universally known and admitted. But the Government at Washington—the President and Congress, recognized the validity of the Territorial laws. Therefore, aside from the irregularities and imperfections of the census, the legality of the election and organization of the convention could not fairly be disputed; for we all know that the Federal Government has supreme control over the Territories so long as they remain such, and the recognition of their laws by the political authorities at Washington, viz., the President and Congress, makes them valid to all intents and purposes; and so the courts have always held, and will always hold in all such cases. Therefore, if the people of this Territory chose to neglect their opportunity to vote on these important matters, assuming that they had such an opportunity, it was their own choice, and they would have no just right to complain. But the safety-valve if the worst should come, which remained ready always for the relief of the people even from their own errors or omissions, was their unquestionable right to enjoy a fair opportunity to vote on any constitution which might be made for them, and to accept or reject it according to their own sovereign will. Both Gov. Walker and myself assured you in the most solemn manner that the President was fully committed to this principle. We did not belie Mr. Buchanan, but he betrayed us and you.

Now this, in brief, was the political situation when I came to the Territory, charged with the commands and under the absolute control of the Executive Government at Washington; by which, I mean simply that a certain policy, in which I fully concurred, had been prescribed by the President, and I was subject at any moment to be dismissed at his pleasure. I was honorably bound to carry out the instructions to which I had agreed, and I would have had no right to complain of my removal if I had disobeyed them. It is true the organic act, alike binding on the President and myself, gave certain

powers and imposed certain responsibilities on the Governor, which were independent of the President and rested solely on the conscience of the Governor so long as he held that position. In such cases, involving the interests and welfare of the people, I was bound to do what I considered right, regardless of censure from any quarter.

It was indeed a momentous crisis, fraught with results of incalculable importance, and likely at any moment to bring about contingencies demanding prompt action, without time or opportunity for consultation. A very embarrassing problem was presented for solution to the Territorial administration, the elements of which were what I have already stated.

The very highest act of sovereignty—that of forming a State constitution for admission into the Union, was about to be done *for* the people, if not *by* them. The great mass of the citizens had refused to coöperate in the preliminary proceedings; so far from it, they had actually projected an antagonistic State government which they were threatening to put into practical operation. The Government of the United States, then controlled by the administration of Mr. Buchanan and a Congress Democratic in both branches, recognized the legitimacy of the Territorial authorities and the validity of the laws by virtue of which the Lecompton Constitutional Convention was to be organized, and held a portion of the army stationed in the Territory, subject to the command of the Governor, for the purpose of enforcing the laws and maintaining order. The Governor and Secretary were in a certain sense only the agents of the Washington government, inasmuch, as you well know, they were wholly at the mercy of the President, to be dismissed at any moment at his own whim and caprice, or at the suggestion of such heated partisans as might at any moment reach his ear and command his confidence. We, Governor Walker and myself, had done all that was possible or necessary, as we thought, when in advance of our coming to the Territory we had secured the pledge of the President and his Cabinet to sustain us in urging the people to take charge of their own affairs by going into the elections, assuring them in the most solemn manner that the voice of the majority should prevail, and that no fraud or violence that we could prevent should be allowed to defeat a full and fair expression of the public will.

I repeat that we had a most difficult problem to solve. We were placed between two fires. We had to meet the distrust of the people here, and were liable to be deserted by the administration at Washington. There was a perpetual effort to undermine us with the President by the extreme men of the South who held his confidence, and probably prevailed over his better judgment by their threats of disunion. Then in aid of this, there was a perpetual stream of misrepresentation pouring in upon the members of the administration from the Territory. Long before the final break between us and the President, that result was known and predicted here by the leading

Pro-Slavery men, who were in constant correspondence with their coadjutors in Washington and the South.

You do not need to be reminded of the earnest efforts made by Governor Walker in many public speeches to induce the people of the Territory to confide in our pledges, and go forward and exert their supreme authority at the polls. I have a vivid recollection of the objections with which my own humble efforts in the same line were met. On every hand among the Free-State men I was greeted with the violent assertion that it was not in our power to provide a fair election; that we, ourselves, would be deceived and cheated; and that they would be outnumbered and overpowered by the votes of invaders under the very bayonets of the army. But I was most of all surprised when some of these men said: "If you undertake to deal fairly with us the Government will desert you; and you will yourselves be removed from office." I laughed at this prediction when it was made, but I found afterwards it was something more than a mere jest. Your sad experience had made your apprehensions of evil prophetic.

It was too late then for the people to participate in the election of delegates to the convention. They had not been registered, and could not vote. They had either shut themselves out by refusing to register their own names, or they had been excluded by the partisan officers who had purposely omitted them from the lists. Whichever of these statements was true, the Lecompton Convention was elected by an inconsiderable number of the people, and in no sense represented the prevailing public opinion. Yet this body assembled at the appointed time and organized itself for action; but as the October elections were approaching, it adjourned without doing anything important, postponing its work until after the result of the election should be known. It was then understood that the counsels of the wiser and cooler heads of the Free-State party had prevailed, and that they would very generally take part in the approaching election.

The action of the convention in suspending its sessions was somewhat remarkable and significant. The members of this body claiming to represent the people were about to prepare for a change from a Territorial to a State government, which change, if effectual, would necessarily make the pending election of no importance whatever. If they had felt themselves to be the true representatives of the people, fairly elected, or if they had entertained the purpose of honestly expressing the wish and will of the majority and of fairly submitting their conclusions to the vote of the people whose servants they were, or ought to have been, they would have had no motives for suspending their proceedings and awaiting the result of an election so soon to be entirely superseded and rendered absolutely of no avail. But extraordinary events immediately occurring at the election shed a new light on their proceedings, and created a profound sensation throughout the country.

The astounding frauds perpetrated at Oxford, in Johnson county, and

several precincts in McGee, soon became known. They were intended, and, indeed, would have been effectual, to give the control of the new Territorial Legislature to the Pro-Slavery party, which was also supreme in the convention. It would be fatal, these men perceived, to let the Territorial Legislature, even in its expiring days, pass into the hands of the people, especially since the result would serve to show too plainly the insignificance of the support which they actually had in the popular vote.

The returns in the case of these election precincts were nothing less than flagrant forgeries. They contained thousands of names of persons not present at the election. They were not returns of votes illegally offered and received, but they were immense lists of fictitious names, fraudulently entered and falsely returned, as those of actual voters.

If we had been disposed to forget our solemn pledges and those of the administration, if we had an unmanly fear of losing our positions, or if for any cause we had wished to evade responsibility in this emergency, we might have said, these are questions for the Legislature itself, which is the sole judge of the election and qualifications of its own members. But this would have given the control to the authors of the fraud, and there would have been little hope of maintaining the rights of the majority. Yet if the returns, however false and fraudulent, had been formal and regular, attended with all the legal requisites, it might not have been within the power of the Governor and Secretary to have prevented the consummation of this great wrong. But we had pledged ourselves to the extent of our authority to secure fair play to the people. Good faith and personal honor required us to fulfill this obligation to the very letter. It became our duty to look closely into the whole case, both as to its intrinsic merits and the technical questions involved in it. The fraud was notorious. Governor Walker and myself made a visit to Oxford and ascertained beyond all doubt that the result embodied in the returns was a monstrous exaggeration, fraudulently manufactured out of an insignificant number of actual votes. The facts were not and could not be disputed. Having settled this question to our entire satisfaction, our duty was plain. We found certain technical defects in the papers which enabled us to reject them without assuming to go behind the returns. In a case where there was no suspicion of wrong we might have overlooked these defects; probably we should have done so. But here they gave us the opportunity to do what we knew to be right, and we did not hesitate to do it. We were, by our personal pledges, bound in honor not to betray the people. We thought the administration was equally bound with us, and would certainly approve our acts. But above and beyond all this, common honesty and a just regard for the people whose servants we were, imposed this obligation upon us more strongly than any mere personal pledges of our own. I have never claimed any merit for doing what was a matter of plain, simple duty; but I did feel aggrieved when I received no word of approval from Washington, but was greeted, in-

stead, with volleys of unmeasured abuse from Democrats in all quarters of the country.

The Lecompton Convention resumed its sessions after the election; but this disclosure and defeat of these great frauds effected something more than the mere reversal of the majority in the Territorial Legislature, and the transfer of power in that body from the Pro-Slavery minority to the real majority of the people. It was a revelation of preceding methods by which the Territory had been governed, and went far to confirm the charges of the Free-State men, and to justify them in their refusal to participate in elections controlled by such foul means as were now for the first time fully exposed.

Some of the delegates in the convention had been candidates in this election, and claimed to be successful by virtue of these gross frauds. They demanded their certificates with threats and loud denunciations; but not succeeding in this attempt to defraud the people and to usurp control of the new Legislature, they proceeded to counteract this result, so disastrous to them, by a provision in the State constitution to the effect that the laws should not be altered except by the Legislature of the State when established and recognized by Congress. They also attempted to make the constitution itself unalterable for a long period after its adoption. In due time they finished their abortive constitution—a monstrous malformation—disfigured by the adoption of the Oxford frauds, which were made the basis of representation, thus giving the counties bordering on Missouri an unjust preponderance in the proposed State government. This was the bold and bare-faced act of bad men made desperate; but the device for submitting this instrument to the people was altogether of a different order. It was the artful and cunning invention of tricksters who were bent on compassing their ends, *per fas aut nefas*. Everybody knows that, while the pretended alternative was, “For the constitution with slavery,” or “For the constitution without slavery,” no matter which vote should have prevailed, the State would still have been left as completely slaveholding as many of the Southern States which prohibited the introduction of more slaves within their borders. This was trifling with the public conscience and insulting to the common sense of the people. But this was not all, nor even the worst.

John Calhoun had been made president of the convention. He was the Surveyor General of the Territory, with more patronage than the Governor, and, it seems, with more influence at Washington, for he had power there to command the support of the administration for fraud and wrong, while the Governor was powerless to bring the President and his cabinet to protect and defend the suffering rights of the people.

To this man, Calhoun, the Lecompton Convention confided the entire machinery of the elections under their proposed constitution. He was to appoint all the commissioners of election, receive all the returns, and pronounce the result. All the machinery of the Territorial Government was

set aside, and this extraordinary scheme of one-man power, uncontrolled and irresponsible, substituted in its place.

The people had no confidence in the impartiality or political integrity of General Calhoun. With that sort of inspiration which sometimes enlightens a community in great emergencies, they saw through the whole fraudulent scheme to its end. Their insight was more than verified by the result which soon followed with the pretended elections of the 21st of December and January 4th.

In the meantime there was intense excitement throughout the Territory. The people were justly indignant at what they felt to be an artful scheme to deprive them of all voice in their own government, and to impose upon them a constitution which they abhorred, and which, with a fair opportunity to vote, they would overwhelmingly reject. In some quarters there were threats of violence, and preparations for desperate action, which perhaps had not yet assumed any definite form or been directed to any more distinct purpose than that of resisting a great impending wrong. In the midst of all this profound agitation, there was one loud call on the Governor to convene an extra session of the Legislature. This seemed to be the voice of reason, calmly issuing out of the mighty tumult of passion. The people demanded an opportunity to give legal expression to their opinions and will with respect to the Lecompton Constitution—a just purpose which they could not effect under that instrument, even if they had believed their vote would be fairly counted and honestly returned.

It happened just at this time that Governor Walker had received some intimation that he had been undermined at Washington and was about to be abandoned by the administration. He left the Territory, in pursuance of leave of absence previously obtained, and went directly to the Federal city, leaving me once more with all the power and responsibility of the Governorship in my hands. But before his departure I earnestly entreated him to call an extra session of the Legislature in response to the demands of the people, and I said to him: "If you will not, I now inform you that in all probability you will see my proclamation convening the Legislature before you reach Washington." I could elicit from him no opinion or advice; he went away, and I was left in this great emergency to act on my own unaided judgment.

What was I to do? There were the military forces of the United States at my command, and there was no reason to fear the result of any threatened violence. It happened that on the 30th of November, the day before I issued my proclamation, General Cass, Secretary of State, wrote me his official letter of that date, reminding me of the fact that the army was here to support me, and repeating to me the instructions previously given to Governor Walker. Of course that letter was not received for some days afterwards, although I knew very well all about the army and my authority to call on it for aid in certain contingencies. But what could the army have done in the emergency of that day? General Cass assumed in his letter to

me that the Lecompton Constitution fairly submitted the slavery question to the people, and gave them an opportunity "to determine whether Kansas shall be a slave State or a free State, in the very manner contemplated by its organic law." You know how far this was from the facts of the case; but evidently General Cass expected me to employ the army for the purpose of maintaining order and fair play at the Calhoun elections. How utterly inadequate would this have been to the demands of the occasion! Imagine a battery of artillery pursuing Jack Henderson to Delaware Crossing to prevent the forgery committed there; or a company of dragoons fighting the notorious frauds at Oxford, Kickapoo, and elsewhere!

"The power of armies is a visible thing,

Formed and circumscribed in time and space;"

but the devices of wicked men, bent on maintaining ill-gotten power by means of false oaths and forged papers, are too subtle to be met and thwarted by military forces. These are wholly inappropriate and inefficient. The only adequate remedies are the felon's manacles and the cell of the penitentiary.

But my own reasoning on this subject was very simple, and, to my mind, satisfactory and conclusive. I said to myself, "The constitution is, or ought to be, for the people's government. They have the right to adopt it or reject it; and they are entitled to a fair opportunity to express their will explicitly in a formal and legal manner. If the people show in any satisfactory way that they do not want this constitution, Congress will not so far disregard all the principles of free government as to force it upon them." Such were my thoughts at the time, and they seem to me to be just and reasonable now, as they did then. In the simplicity of my heart, I did not dream that a Democratic administration which had been fully committed to the policy of submitting the constitution to the vote of the people, would find fault with me for calling the Legislature in order to give them a fair opportunity to declare their will in a regular and legal way. What harm could it do, except to expose the villainy of those who had already too long enjoyed the fruits of that fraud and violence, by which they had usurped the power they unjustly held?

In my message to the Legislature I recommended the passage of a law providing the means for holding a fair election, in which the citizens could vote for or against the constitution in an effective and conclusive manner; and I advised that the legislative action should be confined to this subject alone, with a view to make it more influential with Congress. It was plain to me that any other acts, especially such extreme partisan measures as the natural resentment of the members might incite them to adopt, would tend to prevent the accomplishment of the single object I had in view, which was to defeat the Lecompton Constitution. By rejecting the Oxford and McGee frauds, I had given the majority in the Legislature to the Free-State party, to which it rightfully belonged; and now I had called this opposition Legislature—I mean opposition to the administration at Washington

—and given it power in advance of the regular meeting to do a great service to the cause of right and truth. It was very certain that, if by this act of mine I had let loose the violent elements that were uppermost, to adopt all those wild and extravagant schemes which they were well known to contemplate, I should have been myself overwhelmed and disgraced. Therefore I asked that they should do only what was necessary at the time, and leave all other things to their regular meeting, which, by law, was to take place only a few weeks later. To this policy the members of the Legislature pledged themselves. They did not quite keep this pledge; but they passed the law which I had suggested, and this law was carried out by my successor, Governor Denver, and was the means of notifying Congress, and all the world, that the people of Kansas were overwhelmingly opposed to the Lecompton Constitution.

Everybody except myself anticipated what followed. I was, in reality, so unsophisticated, as to believe that a politician might do justice, even against his own party, and not suffer in its esteem.

Notwithstanding my prompt removal by the President, no question was made as to the legality and validity of my acts. General Cass, the Secretary of State, in his letter of the 11th of December, 1857, instructed Governor Denver, in reference to the extra session of the Legislature which I had called, in these words: "Its members are entitled to be secure and free in their deliberations. Its rightful action must also be respected. Should it authorize an election by the people, for any purpose, this election should be held without interruption, no less than those authorized by the convention." This was a recognition that I had done nothing unlawful, but had only exercised a power which the organic act confided to my discretion, and which the President found himself compelled to uphold and defend, even while he censured and removed me for the act.

In that same letter of instructions to General Denver, General Cass instructed the new Governor as to the elections under the control of Calhoun, as president of the Lecompton Convention, in these words: "From these views you will readily understand what the President regards as the chief duty which devolves upon you as Mr. Stanton's successor. This duty is to preserve the peace in Kansas. Every person entitled to vote under the constitution ought to have safe access to the polls and to be free from any restraint whatever in the exercise of the elective franchise. If the civil power is found insufficient for this purpose, the troops of the United States should be employed in aid of it, and it may be a wise precaution to have them stationed in advance within reach of those places where, in your judgment, their services are likely to be required."

In an address of my own on the 29th January, 1858, I used this language in reference to my act of calling an extra session of the Legislature:

"The people were intensely excited, and it was the opinion of the coolest men in the Territory that, without a call of the Legislature, the elections under the constitu-

tion could not have taken place without collision and bloodshed. The meeting of the Legislature diverted the attention of the people from the schemes of violence upon which they were brooding, substituted the excitement of debate and investigation for that of fierce and warlike hatred, and enabled their representatives to devise means for counteracting the wrongs which they justly apprehended."

I firmly believe I had done more to preserve the peace of the Territory by calling that extra session of the Legislature, than all the army of the United States could have accomplished; and the exposure of the frauds in the October election had an equal efficiency also to point out, establish and verify the similar frauds which were foreshadowed and anticipated in the Calhoun-Lecompton elections of the 21st December and 4th of January. The army of the Nation was wholly incompetent to deal with these transactions, or in any way to prevent them, as I have already shown. The idea of meeting the perpetrators of these famous frauds with military force is supremely ludicrous. John Calhoun had a company of dragoons to protect him as he carried these forged returns, or their fraudulent results, out of this Territory. With my own eyes I saw him escorted in this way from Lecompton. I do not mean to charge that General Cass or President Buchanan intended this use of the army, but I do say that such was the perversion of its functions, in spite of the better purposes proclaimed in the instructions.

Now it was evident that the President and his cabinet were fully committed to the Lecompton Constitution, and would recommend the admission of the State under it, in case a favorable vote should be reported by General Calhoun. It was not doubted, indeed it was well known, that he would certainly make that report, because the people could not vote effectively, and therefore would not vote at all, in the election on the adoption of the constitution. But the people did very generally vote in the election of State officers on the 4th of January, and still more generally in the election provided on the same day by the extra session of the Legislature, for and against the adoption of the Lecompton Constitution. The constitution was overwhelmingly rejected by the people. The election was held under the supervision of the Governor of the Territory, and so far as I know, its fairness has never been impugned. A subsequent investigation established the fact that even in Calhoun's election for State officers, the Free-State candidates were elected by the legitimate votes of the people, rejecting only those frauds which were notorious and incontestable. But I believe Calhoun kept the result within his own breast, intending to make it known only in the event the State should be admitted under the Lecompton Constitution. That he intended to adopt the frauds and report in favor of the candidates elected by them, is rendered only too certain by the famous candle-box discovery which exploded the whole scheme.

He had taken the false result out of the forged papers, and like some murderer trying to conceal his crime, he had buried the foul carcass and left it

to rot in the candle-box under the wood-pile in his office yard at Lecompton.

After these exciting events, when I was no longer in office, but relieved of all official responsibility, I started for Washington with a view to use all my personal influence to prevent the success of the Lecompton scheme in Congress. On the way, at several places, I addressed large assemblages of the people, giving them an impartial account of things in the Territory. At Columbus, Ohio, there was a very large and enthusiastic meeting, including Governor S. P. Chase and other prominent men, who loudly condemned and denounced the frauds and wrongs attempted and perpetrated in Kansas. At Albany, the capital of New York, I was allowed to occupy the hall of the House of Representatives of the State, in which I spoke to the people, and the story of your wrongs was received and heard with profound interest and attention. Again, in the cities of Philadelphia and New York I addressed immense audiences, in which the citizens loudly proclaimed their sympathy with the struggling people of this Territory, and their indignation at the wrongs threatened by the administration in approving and supporting the Lecompton fraud. George Bancroft, whom I first knew as Secretary of the Navy under President Polk's administration, presided at the meeting in New York; and at all the meetings were read letters of sympathy from eminent Democrats—from such men as Governor Robert J. Walker, Stephen A. Douglas, Governor Henry A. Wise of Virginia, Thomas L. Harris of Illinois, John Hickman of Pennsylvania, and others of equal prominence. Everywhere the masses of the people seemed to be thoroughly aroused to the enormity of the outrages against which I had raised my feeble voice.

At Washington the Democratic administration, with blind infatuation, was moving steadily on to the consummation of its fatal purpose. The President, in a special message, had submitted the Lecompton Constitution and recommended the admission of the State under it. With hollow and sophistical arguments, ignoring the well-established facts of the case, which were well known to the whole world, Mr. Buchanan insisted that this Lecompton instrument was framed for and by the people of Kansas, and embodied their will. He urged Congress to accept it and force the people of Kansas to live under it. The Territorial Legislature had protested against it; the people of the Territory by a solemn vote had overwhelmingly rejected it; and more than half the people of the whole nation had given the plainest indications of their sympathy with the people of Kansas, and their condemnation of the administration's stubborn policy of oppression.*

* Gov. Denver, in his speech subsequently made at this meeting, stated the interesting fact that at the beginning of the Lecompton struggle he had sent Judge Elmore to Washington with a long letter to Mr. Buchanan, urging him to advise Congress to set aside the Lecompton Constitution, and to pass an enabling act instead. Mr. Buchanan's reply to Judge Elmore was, that he had already prepared his message to Congress on the subject, and had shown it to some parties. He regretted that he did not feel at liberty to alter it.

These facts, so creditable to Gov. Denver and to Judge Elmore, only serve to make Mr. Buchanan's

The Democrats in Congress were somewhat divided; but the administration, now in the first year of its existence, and in the plenitude of its strength with the still predominant Democratic party, used all its power and patronage to secure the passage of this favorite measure.

On the 8th of February, 1858, on motion of Mr. Thomas L. Harris, of Illinois, the House of Representatives referred the President's message on the Lecompton Constitution to a select committee of fifteen, and "instructed this committee to inquire into all the facts connected with the formation of said constitution, and the laws under which the same was originated, and into all such facts and proceedings as have transpired since the formation of said constitution having relation to the question or propriety of the admission of the said Territory into the Union under the said constitution, and whether the same is acceptable and satisfactory to a majority of the legal voters of Kansas; and that said committee have power to send for persons and papers." As a matter of course, in pursuance of parliamentary usage, Mr. Harris was made the chairman of this committee; and by the same usage a majority of the committee ought to have been constituted of members favorable to the object of the resolution. But this usage was wholly disregarded, and the majority of those appointed were partisans of the administration, favorable to the Lecompton scheme, and opposed to any investigation whatever, even of those very questions named in the resolution. The committee divided in the proportion of eight to seven, and thus became the prototype and precedent for another famous commission, organized nineteen years afterwards, in which the same fatal proportion of eight to seven was developed. The majority of this committee, under the lead of the eminent Southern statesman Alexander H. Stephens, refused to go behind the Lecompton Constitution and the vote reported by Gen. John Calhoun. They held these to be absolutely conclusive, and so reported to the House of Representatives. It was in vain that Chairman Harris, at the head of the minority of seven, referred to notorious facts which proved to the satisfaction of the world outside of the administration party, that the people of Kansas abhorred the instrument and all the bad devices by which it had been accompanied, and that in a legal vote they had actually rejected it by an overwhelming majority. The memorable eight of the committee refused to go behind the returns of John Calhoun, or to consider any evidence *aliunde*, or outside of the Lecompton Convention and the vote authorized under it. See report No. 377 of the House of Representatives, 1st session 35th Congress, page 314. It there appears that on the 3d of

treachery to principle more plain and indisputable. He had evidently been taking counsel with the secessionists, and had shown them his message in favor of the Lecompton Constitution; and when Gov. Denver assured him that this instrument was not acceptable to the people, and this assurance was no doubt enforced by Judge Elmore, himself a member of the Lecompton Convention, and a Southern man of the most decided character, the President felt himself so far committed that, against his own regrets, he persisted in sending in his message in favor of what he must have known to be a fraud and a wrong

March, 1858, Mr. Stephens submitted his report to the committee, and the following resolutions:

"Resolved, That the law of the Territory of Kansas providing for taking the sense of the people of that Territory upon the propriety of their applying for admission as a State into the Union, and the vote of the people under said law; also the law of said Territory providing for the call of a convention in pursuance of the popular will thus expressed, together with the registration of voters and the apportionment of delegates to said convention under said act, and the election of said delegates as officially certified to, the constitution as framed by said convention, and the vote on its submission under its own schedule and provision, as officially adjudged and announced, embrace all the laws and facts essential to the investigation of the questions submitted to this committee in the resolution of their appointment.

"Resolved, That while we do not consider the vote of the 4th of January last on the submission of the said constitution by the late Territorial Legislature as having any material bearing on the events of this inquiry, yet we admit, receive and allow to be filed with the other matters collected by this committee the vote at that election, as proclaimed and published by the officers of the Legislature."

These resolutions, and the accompanying report of Mr. Stephens, were adopted by the vote of eight to seven. They were a mere cob-web of sophistry, behind which were concealed all the frauds and villainies attempted and perpetrated against the people of Kansas. These were to be absolutely suppressed by the purblind supporters of Lecompton, though all the world beside knew them to be fully established by the most conclusive proofs.

In the early career of Mohammed, the great prophet of Islam, he was once pursued by his enemies, who sought to slay him as a false prophet; and one evening being very closely pressed, he took refuge in a cave, to which the entrance was very small. The next morning, the enemy, still pursuing him, traced him to the cave; but seeing the mouth of it covered with cob-webs, which glittered in the morning light, they concluded it had not been entered, and passed on. The spiders had done the work in one night; the intended victim escaped, and lived to control half the civilized world for generations afterwards.

A. H. Stephens of Georgia, Gov. Letcher of Virginia, Gen. Quitman of Mississippi, Gov. Stephenson of Kentucky, and four other members of the committee, all highly respectable and even eminent men in their party, were the spiders that spun the web of sophistry to conceal the truth and to maintain the Lecompton fraud. They did it, quite as unconscious of the great results impending, as did their prototypes, the insects at the mouth of Mohammed's cave. But the device failed. The flimsy fabric was brushed away, the truth came out before the whole world, and the course of history in this country was irresistibly directed by the far-reaching results of these apparently trifling events then so contemptuously disregarded.

The report of this committee opened the long and bitter contest in Congress over the Lecompton question; and, in spite of all the power and patronage of the administration, unscrupulously used in this struggle, in spite

of the report of the committee and the attempt to suppress all the facts, the measure was finally defeated. The English bill, as it was called, was passed in its stead. This was not such a measure as ought to have been adopted; but it was the best that could be obtained under the circumstances, and was accepted by the friends of Kansas, inasmuch as it enabled the people here to rid themselves forever from the Lecompton iniquity and its authors. You then proceeded to form your own institutions, and in due time were admitted into the Union without any further trouble.

To you, the old settlers of Kansas, this was a happy issue out of the troubles of that day; it was not less fortunate, I believe, for the whole country. Yet it was attended with disaster to those who opposed the right, and, through their agency, brought incalculable evil in its train. At the inception of this great struggle in Congress on the 29th of January, 1858, from Washington I issued an address to the people of the United States, in which I attempted to defend my own acts, in these words:

"The measure for which I have been unjustly condemned has enabled the people of Kansas to make known their real will in regard to the Lecompton Constitution. This affords the Democratic party an opportunity to defend the true principles of constitutional liberty, and to save itself from disastrous division and overthrow. If Congress will heed the voice of the people and not force upon them a government which they have rejected by a vote of four to one, the whole country will be satisfied, and Kansas will quietly settle her own affairs without the least difficulty and without any danger to the confederacy. The Southern States, which are supposed to have a deep interest in the matter, will be saved from the supreme folly of standing up in defense of so wicked and dishonest a contrivance as the Lecompton Constitution. The moral power of their position will not be weakened by a vain and useless defense of wrong, when it is perfectly certain they will gain nothing, even by success, in the present attempt.

"The extra session of the Kansas Legislature has done good, also, by giving means to expose and punish the monstrous frauds which have been perpetrated, and doubtless, also, by preventing others which would have been attempted. It has driven the guilty miscreants engaged in them to become fugitives from justice, and has rendered it impossible for the people of the Territory hereafter to be endangered by similar occurrences.

"In view of these facts and results, I willingly accept the rebuke conveyed in my peremptory dismissal from office, but I appeal to the deliberate judgment of the people to determine whether I have not chosen the only honorable course which the circumstances allowed me to pursue."

I was not a prophet nor the son of a prophet, but the events which soon followed fully vindicated the wisdom of the premonition, when I warned the Democratic party against "disastrous division and overthrow," as a consequence of disregarding "the true principles of constitutional liberty," and the Southern States against "the supreme folly of standing up in defense of so wicked and dishonest a contrivance as the Lecompton Constitution." The Democratic party came out of the Lecompton struggle divided and hopelessly broken to pieces; and in the next Presidential election, like a disordered army divided and whipped in detail, it was utterly and finally

overthrown. Though in a minority of nearly a million of the popular vote, Mr. Lincoln was legally made President by the vote of the electoral colleges; and then the Southern States, hurried on to their destiny by "supreme folly" in the preceding crisis, were soon involved in that dreadful civil war which entailed the destruction and loss of billions of money and property, and countless thousands of precious lives. Slavery, which was the miserable bone of controversy in this Territory, and the pretext for the tremendous excitement in Congress over the Lecompton question, was engulfed in perdition by the convulsions of the civil war, and is now obliterated forever from every part of our happy country. This, ye old settlers of Kansas, is the outcome and the result of all your sufferings and sacrifices, your steadfastness and prudence, and your heroic fortitude in the old days of your history.

I say the Democratic party was broken to pieces and utterly overthrown; but I must not do injustice to that considerable number of Anti-Lecompton Democrats, many of them distinguished members of the party, who upheld the true principles of constitutional liberty in this great crisis, and manfully opposed and denounced the errors and wrongs of their own administration. They held the balance of power, and are entitled to the credit of having turned the scale in favor of the right. Many of these afterwards became Republicans, and all of them, I believe, sustained the policy of President Lincoln in resisting the attempt of the Southern States to break up the Union, and in endeavoring to maintain the constitutional supremacy of the Federal Government. But as a party the Democratic organization was crushed, and it has now been doing penance during a quarter of a century for the sins of that period. As always happens in such cases, the innocent have suffered with the guilty. But now the party has been purified by long suffering, as if by fire; it stands regenerated, and, to all appearance, is about to be reinstated in the confidence of the nation.

How easily the whole course of these momentous events might have been completely changed! In the summer of 1857, some of your old settlers were disposed to put in operation the Topeka Government, which you had already formed, with a constitution adopted, and all the official machinery prepared for a State of your own. This was, as we all know, antagonistic to the Territorial Government, in defiance of its laws, and not recognized, but expressly repudiated by the Federal authorities at Washington; that is to say, by both the President and the two houses of Congress. We may speak of these things calmly now—I mean neither to flatter nor to offend you. Those who proposed merely to present the Topeka Constitution and Government to Congress in the character of a petition for the admission of the State under it, were pursuing a vain shadow which was only calculated to keep up the agitation and prevent the coöperation of the whole people in establishing a State government by the regular vote of the majority in a fair election; while those who insisted upon its immediate establishment,

putting it in actual operation as the government of the people, and thereby superseding the Territorial Government, were proposing a movement not only irregular, but revolutionary. They were prompting the people to rush into collision with the Federal Government, which had already proclaimed its determination to support the existing laws, and the regular proceedings under them for the preparation of a State government. This determination was certain to be maintained for four years—during the whole of Mr. Buchanan's administration—supported as it was on these points by the undivided Democrats, holding and likely to hold a majority in both houses of Congress. The Topeka movement undoubtedly enlisted the sympathies of the people throughout the Territory. At Lawrence, and perhaps other places, there were attempts impatiently to anticipate the establishment of this revolutionary government, and to get up independent local organizations in defiance of the Territorial laws. In a fair election, and with a full trial of the strength of both parties, everybody knew the Topeka organization would have prevailed; but the Lecompton movement was in progress, and it was indispensable to get that out of the way. The great problem was, how to get the people to recognize this state of things, and to act upon it wisely.

Very soon after he came to the Territory, Governor Walker went out among the people and made addresses in several places, in which he urged the abandonment of the Topeka movement, and earnestly solicited them to go to the polls in the October elections and assert their supremacy in the Territory, which would enable them to control the important question of the State Constitution. President Buchanan was pledged to the policy of submitting the constitution to the vote of the people for ratification or rejection. Governor Walker did not hesitate to promise all his influence in favor of the same policy, and solemnly pledged himself to oppose any constitution not so submitted. At the Free-State Convention at Topeka, on the 9th of June, 1857, being called out by the people at his lodgings there, he gave these assurances in the most solemn and explicit manner, at the same time repeating his declaration that the Territorial Government, with the aid of the army of the United States, if necessary, would maintain peace at the polls, secure a full opportunity for every citizen to vote, and prevent and repudiate every fraud or wrong which it was possible to resist or remedy by the executive authority.

I was not in the counsels of the Free-State party, and knew their designs only through their public avowals. It was well understood, I believe, that they were divided in opinion. One party in the convention, under the lead of General J. H. Lane, was in favor of extreme and violent measures, and proposed to put the Topeka Government into immediate operation; the other was understood to be headed by Governor Charles Robinson, and to advise a more moderate and rational line of policy, being willing so far to confide in our pledges as to try their strength at the polls in the October

elections. There was a bitter contest between these two sections of the Free-State party, and, according to our information, there was imminent danger that the Lane party would prevail. Such at least were the intimations given out to the public, and I had no doubt at the time that they were substantially true; but if they were not, then it remains for those who were inside the Free-State movement to show that these public outgivings were not sincere, and to explain the real intentions of the parties concerned.

But, at any rate, eventually the counsels of the moderate men prevailed. The extremists were withheld from the execution of their dangerous designs, and the masses of the Free-State party were induced to participate in the October elections, and thus to get legal control of the Territorial Government, instead of embarking in a rebellion against the United States. What was the result of this policy of wisdom and moderation, I have already shown. By the rejection of the Oxford frauds, the majority of the people were installed in their rightful supremacy in the Territory. By the election of the 4th of January, authorized by the law passed at the extra session of the Legislature, you demonstrated that the Lecompton Constitution was not the creation of the people. You passed laws to punish frauds and false returns at the elections, and thereby drove from the Territory John Calhoun and his dishonest coadjutors, who had sought to pollute the sources of political power and to maintain the usurpations of a corrupt minority. You placed Mr. Buchanan and his administration, and all those Democrats who supported them, in the wrong. And thus placing them in the wrong before the eyes of the whole world, you were enabled to defeat them and break them up. And finally, you had the great triumph of establishing your own Topeka Constitution, substantially, according to your own will.

Now suppose that different counsels had prevailed at Topeka in the summer of 1857—suppose the extreme men had succeeded in persuading the majority to set up the Topeka State Government in rebellion against the Government of the United States. Instead of placing Mr. Buchanan in the wrong, you would have been in the wrong yourselves. Instead of dividing the Democratic party on the Lecompton question and finally breaking them to pieces, you would have consolidated them on the question of sustaining the Federal Government, in support of the laws against its rebellious citizens. In the midst of conflict and civil war, there would probably have been no frauds at Oxford and no exposure of the methods adopted by your opponents, because violence would have taken the place of fraud, and that violence justified by your own fatal example. It is impossible to conjecture exactly what would have been the course of events. But the whole history of the Territory would have been altered and its destiny materially modified. The Lecompton Constitution would probably have been adopted, and Mr. Buchanan succeeded by another Democratic President. In the course of time, you would no doubt have moulded the constitution to the will of the majority; but the obstacles would have been great and your progress would have been

slow and with feeble paces, compared to those rapid strides by which you have reached your present magnificent position. I do not for a moment suppose that slavery could have been very long continued under any circumstances; but the process of destroying it might have been much more prolonged and difficult, and your implication in it might have been much more disastrous and destructive to all your interests.

Allow me to say here, that in my judgment Governor Walker has never received the full measure of applause which he deserved for his efforts to conciliate the people, and his success in bringing them to a trial of their strength in the Territorial elections. This was the true exodus out of the wilderness of your troubles. It was the policy of true wisdom and exalted patriotism. You met him half way, and notwithstanding his forced resignation as Governor, this policy which he had inaugurated was carried out successfully, and triumphed in the end.

Mr. Blaine, in his recent history of twenty years in Congress, sums up the result of Gov. Walker's administration in Kansas with the simple but emphatic declaration that he "failed." But I must insist, it was no failure. Mr. Buchanan deserted him, and left him the alternative of coming back here to be dismissed, as I was, or of resigning the position which he could no longer hold with honor. But, in spite of all this, by your coöperation and the wise course of moderation which you pursued, he had prepared the way for that result which brought merited rebuke to Mr. Buchanan and defeat to the bad schemes he sought to promote. The failure was Buchanan's, and not Walker's. The triumph was yours; but you will not fail to do liberal justice to the memory of the man who was the author of the policy which finally prevailed, but who was not permitted to enjoy the fruits of his patriotic exertions. It was his fortune, as it was mine, to stand on the eminence of truth and right from which he could see the promised land; but that was all.

You alone, ye men of iron, worthy fathers of this great State, pioneers and heroes in the times that tried men's souls, you alone had the privilege of crossing the Jordan that intervened and entering this goodly land of liberty. May it continue forever to blossom like the rose, and may it never cease to flow with milk and honey.