

Ours is a better hope—the hope of an immortality, and that the good deeds of our heroes and martyrs shall so live that their example shall be the best guaranty for the actions of future generations in the perpetuation of free institutions.

It seems but yesterday that a scene occurred around the grave of an humble American, illustrative of the patriotism of our race. His bones had lain for three-quarters of a century in a foreign land. What had he done? Who can tell? He had won no battles; he was not illustrious as a statesman or a philosopher; he was not even one of the recognized American poets. But he had written "Home, Sweet Home," which touched a chord in the American heart; and presidents and cabinets and ministers bowed in homage over his grave.

Fifty years ago President Jackson ordered his secretary to remove the Government deposits; the secretary refused; and he removed him, and selected an officer who obeyed his mandates. A United States Congress passed resolutions of censure. The people, always grateful to their country's defenders, never rested till the censors were out of power, and then their servants in Congress drew black lines around the resolutions of censure, and wrote across their face in deep black the word "Expunged." Why? Not because they approved of his act—many of them did not. But he had stood in the face of the British lion; with a greatly inferior force he had met Pakenham; he had improvised the cotton bales as breastworks; he had ordered the nabobs of New Orleans into their country's army; he had imprisoned a judge who had interfered with a writ, paid his fine, but kept the judge in prison; and he had fought and won the ensanguinary battle of New Orleans, and sustained American valor and American rights. Who knows the judge's name or cares for the deposits? But above all, when nullification, disunion and rebellion threatened, he had faced the arch-traitor in the Senate, and told him if he dared institute rebellion in Congress he would hang him higher than Haman; he had sent General Scott with an army to Charleston, and he had sworn a great oath that "By the Eternal, the Union must and shall be preserved!"

Pigmies who write censures of dead heroes and martyrs may learn lessons from experience. The people know that "to err is human—to forgive divine," and will allow the errors of the past to lie buried, while the good deeds of the dead shall be celebrated and made immortal. Kansas has placed in tablets upon her legislative halls such names as those of John Brown, Lane, and Barber, and has named counties in their honor, and will write in everlasting black, the word "EXPUNGED" over the defamations of the men who made Kansas free.

ADDRESS OF HON. T. DWIGHT THACHER.

Mr. Thacher was introduced as one who had been a member of one of the four Kansas constitutional conventions, and as one of those early citizens who had done much to shape the policy and history of the State. The subject of Mr. Thacher's address was—

THE REJECTED CONSTITUTIONS.

The Constitutions of Kansas were an outgrowth of the struggle between Freedom and Slavery for the control of the inchoate commonwealth. Their genesis was altogether political; they were citadels around which the storm of battle surged, and were occupied or abandoned, as the varying fortunes of the great contest demanded. No study of these constitutions, or indeed of the history of Kansas generally, can be successful, or do the slightest justice to the subject, which does not recognize in the beginning, and at every step of the discussion, the great controlling fact that the master motive of the whole business was the determination on the one side to make Kansas a slave State, and on the other a free State. Any other view degrades the subject, and in effect falsifies the history.

The overthrow of popular sovereignty in the Territory by the Missouri invasion of March 30, 1855, left to the people two courses to take: either to condone the immeasurable outrage by acquiescing in the result and conceding the validity of the bogus Territorial Legislature, or to indignantly repudiate the whole thing. Fortunately the people chose the latter course. It would have been a sorry day for Republican institutions could any considerable number of the American people have been found ready to yield their local sovereignty to insolent invasion and overmastering force without protest and resistance, and the most efficient measures to regain their lost rights. To have conceded the validity of the Missouri-elected Legislature would have been to confirm the robber in the possession of his booty, and to admit that the pirate was the rightful owner of the ship he had captured. Acquiescence would have been surrender in advance, the giving up a campaign because the enemy had captured an outpost. This feeling found expression in the following extracts from a series of resolutions adopted by the first Free-State convention at Big Springs, and written by Governor Reeder:

"Resolved, That the body of men who for the past two months have been making laws for the people of our Territory, moved, counseled and dictated to by the demagogues of Missouri, are to us a foreign body, representing only the lawless invaders who elected them, and not the people of the Territory; . . . that we owe no allegiance or obedience to the tyrannical enactments of this spurious Legislature; . . . that we will resist them primarily by every peaceable and legal means in our power, and will resist them to a bloody issue as soon as we ascertain that peaceable remedies shall fail and forcible resistance shall furnish any reasonable prospect of success."

But there were grave practical difficulties in the way of carrying out the policy of repudiating the bogus Legislature. Infamous as was its origin, it was still recognized as valid by the Government at Washington. It was *de facto* exercising the powers and functions of a Legislature. The necessities of a civil government of some sort were imminent and increasing daily, and unless some more positive policy than that of mere negation were adopted, there was great danger that the people would finally succumb from the very inertia of the situation, and accept the Pro-Slavery government on the theory that any government is better than none. The leaders of the Free-State people saw this danger, and at once inaugurated the movement for a Constitutional Convention. Undoubtedly this scheme originated in the fertile and sagacious brain of Charles Robinson, who at that time was by common consent the chief leader of the Free-State party. He had but recently returned from California, where an independent constitutional movement, without the sanction of an enabling act of Congress, had been successfully carried through to the admission of the State. He was firm and enthusiastic in the conviction that an independent movement in Kansas would meet with similar success. The situation at Washington was not without encouragement. The political revolution of 1854 had sent to the lower house of Congress a majority of "Anti-Nebraska" members thoroughly arrayed against the Pierce administration. They would undoubtedly give to a Free-State constitution from Kansas a hearty reception. There were those, too, who indulged in the delusive hope that there still lingered in the bosom of the Northern Democracy sense enough to make them welcome any measure that promised an honorable and safe exit from the political quagmire into which they had been plunged by the fateful and ill-starred repeal of the Missouri compromise. The movement had in it, therefore, sufficient probabilities of success to make it much more than a forlorn hope in the struggle. And it was at once adopted with great unanimity by the Free-State party. A convention was called to meet at Topeka on the 19th of September, 1855, to take measures to form a State Constitution. At this convention an election was ordered to be held on the 9th of October following, for the choice of delegates to a

constitutional convention. At the election forty-seven members were chosen, and the number of votes cast was 2,710.

The convention met at Topeka, October 23d. The list of members included many of the prominent Free-State men in the Territory: Robinson, Lane, Conway, Parrott, C. K. Holliday, W. Y. Roberts, G. W. Smith, Judge Schuyler, Judge Wakefield, J. S. Emery, J. K. Goodin and others; while among the clerks, reporters, etc., were Redpath, Phillips, the two Speers, C. A. Foster, and S. F. Tappan, all of whom were then or afterward more or less prominent in Kansas affairs. James H. Lane was chosen President of the Convention, his opponents being W. Y. Roberts and J. A. Wakefield. Lane had made his appearance in Kansas only a few months before, but had already gone to the front as a Free-State leader. He had at first endeavored to organize a National Democratic party in the Territory, but, speedily recognizing that there was but the single issue of freedom or slavery involved in Kansas politics, accepted the logic of the situation, heartily embraced the Free-State cause, and never to the end of the struggle failed in his devotion to it. By the 11th of November the convention had finished its labors and submitted a constitution to the people, to be voted upon December 15 following. There was nothing remarkable about the constitution which they had framed. It followed in its main provisions the precedents of other State constitutions at that time. The boundaries of the State as defined in it were those of the Territory, the western limit being the eastern boundary of the Territory of Utah. The bill of rights simply provided that there should be no slavery nor involuntary servitude in the State, except as a punishment for crime. The elective franchise was confined to white males, and civilized Indians who had adopted the habits of white men. A motion was made in the convention to strike out the word "white," but it received only seven votes. The times were not yet ripe for so great a forward step, but the educating process had begun. The names of the seven men who thus anticipated the final fruits of a great movement, and had even then reached a moral and political altitude which the country at large was to reach only after a great war and the destruction of slavery, were Charles Robinson, R. H. Crosby, G. S. Hillyer, Amory Hunting, O. C. Brown, Richard Knight, and Philip C. Schuyler.

Another subject which caused some discussion, was the question of excluding free negroes from the State. This was finally settled by its submission to the people with the constitution as a separate question. Later-day critics have professed to find in this action cause for animadversion. It is easy after a lapse of thirty years — after the abolition of slavery and the enfranchisement of the negro — to find fault with our pioneer politicians and statesmen for not acting up to a higher standard. But it is well to remember that at the time we are speaking of, the negro was not only enslaved at the South, but ostracised over the greater part of the North.

Less than three years before, Anthony Burns had been dragged back to bondage from the shadow of Bunker Hill monument, and within sight of Faneuil Hall, and Boston had to submit to the outrage. Fugitive slaves were hunted with comparative impunity all over the North; free negroes at that time, and for ten years thereafter, were not allowed to ride with white people in the street cars in New York and Philadelphia, while nearly every Western State had laws excluding them from settlement within their bounds. The National Republican party had not yet been organized; the great religious bodies of the country were still wrangling over the question whether slavery were *per se* a sin or not, while the American Tract Society was carefully emasculating its publications lest they should give offense to Southern slaveholders. It was hardly to be expected, therefore, that the handful of pioneers of the first year's settlement in Kansas — recruited largely from the Western States — should at the first bound vault to the moral leadership of the whole coun-

try. Upon the vital, practical question of the hour, namely the making of Kansas a free State, they were eminently sound, and we can afford to look with leniency upon their comparative short-comings, and their failure at the first glance to perceive the full bearings, moral and political, of the great contest on which they had entered. Especially is this so in view of their subsequent growth in grace, which was so rapid and radical that in less than three years thereafter they framed a constitution without the word "white" in it.

The Topeka Constitution was voted upon and adopted by the people December 15, 1855, and State officers under it were elected January 15, 1856. The Legislature met March 4, organized, listened to an able message from Charles Robinson, the Governor-elect, elected James H. Lane and Andrew H. Reeder United States Senators, memorialized Congress for admission to the Union, and adjourned till July 4. The movement had already attracted wide attention, and the slave power was alarmed at it. Although every step had as yet been merely formal, and the necessity of admission to the Union by Congress, to give vital power to the Constitution and State Government, had been continually recognized and avowed, President Pierce, in a special message to Congress, January 24, stigmatized the movement as revolutionary and rebellious, and the Atchison *Squatter Sovereign* expressed the cheerful conviction that the only way to correct the troubles that existed, was "to hang up to the nearest tree the very last traitor who had participated in the Topeka convention."

Notwithstanding all this, the constitution was sent to Congress, and presented to the Senate by Lewis Cass, of Michigan, and to the House of Representatives by Daniel Mace, of Indiana. Meanwhile the Pro-Slavery courts of the Territory began their infamous work of vexation and oppression, by finding indictments for treason against the prominent supporters of the constitution. June 17th the first National Republican convention was held in Philadelphia, and in its trumpet-toned resolutions declared that "Kansas should be immediately admitted as a State of the Union, with her present free constitution, as at once the most effectual way of securing to her citizens the enjoyment of the rights and privileges to which they are entitled, and of ending the civil strife now raging in that Territory." On the 25th of June Galusha A. Grow introduced a bill in the House of Representatives for the admission of Kansas, and the 3d of July the House passed it by a vote of 99 to 97. The next day—July 4th—Colonel Sumner, under special orders from President Pierce, with a force of United States dragoons, dispersed the Free-State Legislature at Topeka; an act of eternal infamy to all who participated in it. On the 8th of July, Senator Stephen A. Douglas reported a substitute for the House bill admitting Kansas into the Union. It authorized the people to frame a new constitution. Douglas's substitute passed the Senate the same day by a vote of 30 to 13, and thus the Topeka Constitution was rejected by Congress.

The movement, however, was not abandoned by the people of Kansas. Their eyes were now turned with the intensest anxiety to the great Presidential campaign which was convulsing the country, and in which the freedom of Kansas was the overshadowing issue. From ten thousand platforms, and by twice ten thousand speakers and writers, all over the land, the Kansas question was now being discussed. The tide of immigration from the free States was already rising. The slave power blockaded the Missouri river, but the living stream of freemen hastening to the relief of their beleaguered brethren west of the great stream, flowed around the State of Missouri to the north, through Iowa and Nebraska, and spread out upon the plains and valleys of Kansas. The mighty North was already beginning to pour forth from her populous loins, not a horde of robbers and vandals to ravage and

destroy some Italy of civilization, but a host of intelligent freemen bound to rescue the garden-spot of the American continent from the blasting and withering curse of human bondage.

It was already beginning to be perceived by those who had eyes to see, that a greater power than that of Presidents and Congresses was about to intervene in the strife, and that go as the Presidential election might, the destiny of Kansas was virtually fixed. The special movement which had taken form in the Topeka Constitution and State Government might run its course and give place to something else, but the great end for which that movement had been inaugurated—the freedom of Kansas—would be achieved. And so it proved. The friends of free Kansas were defeated in the Presidential election of 1856, and one of the most heartless, cold-blooded and treacherous of their enemies was elected President; but the people of the North had been so thoroughly aroused and informed by the campaign, that an emigration to Kansas of phenomenal proportions at once ensued. The Legislature under the Topeka Constitution met in January, 1857, memorialized Congress for the admission of the State, and took a recess to the second Tuesday in June. On the 9th of June it again met, and remained in session until June 13th. At this meeting Governor Robinson read an elaborate message, and laws were passed for taking a census and apportioning the State; for a State election in August to fill vacancies; locating the Capital at Topeka; establishing the State University at Lawrence; and a joint resolution was passed asking Congress to admit the State under the Topeka Constitution. This meeting was held without molestation from any source. At the special election in August for filling vacancies, the constitution itself was again submitted to a popular vote, and received 7,257 votes to 34 against it. In October, 1857, the people for the first time obtained possession of the Territorial Legislature. As Reeder and Geary had done before them, Walker and Stanton now found themselves obliged by the enormities of the Pro-Slavery conspirators to side with the people. Their fidelity to justice was rewarded by dismissal from office; but the people could not be dislodged from the "coign of vantage" which the honorable conduct of these officers had enabled them to occupy. Their grasp upon the Territorial Government was not to be loosened. January 5, 1858, the Legislature under the Topeka Constitution met at Topeka, organized, and listened to a message from Governor Robinson, in which he urged the keeping up of the State organization. On the 7th the Legislature adjourned to Lawrence, where the Territorial Legislature was then in session. There was a proposition at this time for the Territorial Legislature to abdicate and allow the State Government under the Topeka Constitution to go into actual operation, but in view of the hostile attitude of the Government at Washington, and the manifest risk of losing what had already been gained, the Territorial Legislature declined to enter upon the experiment, and the project was abandoned. The State Legislature soon adjourned. This was the end of the Topeka movement.

If the question be asked what useful purpose the Topeka constitutional movement subserved, the obvious answer is that it served as a nucleus, the rallying point, the bond of union of the Free-State party during the most trying and dangerous period of our Territorial history. Without it the Free-State forces must have drifted, been demoralized, and probably beaten. The prospects of success were sufficiently flattering to supplement devotion to the Free-State cause with the personal ambition of a large number of able men who would be called to official position under it. Lane and Reeder would be United States Senators; M. W. Delahay, member of Congress; Robinson, Governor; W. Y. Roberts, Lieutenant Governor; P. C. Schuyler, Secretary of State; J. A. Wakefield, Treasurer; M. F. Conway, S. N. Latta and Morris Hunt, Judges of the Supreme Court; H. Miles Moore, Attorney General, G. A. Cutler, Auditor; John Speer, State Printer; S. B. Floyd, Clerk of the Supreme

Court, and E. M. Thurston, Reporter of the Supreme Court. Among the members and officers of the Legislature were such active and influential men as Henry J. Adams, J. B. Abbott, James Blood, John Hutchinson, Columbus Hornsby, M. C. Dickey, J. M. Arthur, H. H. Williams, John Brown jr., Abram Barry, Thomas J. Addis, A. Jamieson, Wm. Crosby, Adam Fisher, Asaph Allen, J. F. Cummings, T. A. Minard, Joel K. Goodin, Samuel F. Tappan, and C. H. Lovejoy.

These were the strong men of the Territory, representing every shade and phase of the Free-State sentiment, and capable of carrying the people with practical unanimity. During the memorable campaign of 1856 many of them championed the cause of free Kansas upon the stump in the Northern States, and did much to arouse public sentiment, and to send men and money to aid their brethren in the Territory during the fearful trials of that eventful year. Preëminent among these were Governor Reeder and General Lane. Each of them had been reared in the Democratic party, and had risen to eminence in its councils. Each had gone to Kansas a Democrat, and had been forced by the infamies and outrages of the slave power to espouse the cause of the people against their oppressors. Governor Reeder had a very wide and favorable acquaintance in Democratic circles, and his speeches and letters produced a profound impression upon the country. Lane was in his element—a grand and glorious cause to champion; wrongs and outrages to expose and denounce; a suffering and down-trodden people to vindicate; the threatening, bullying, murdering slave power to anathematize and execrate. With such themes as these to talk about, and listening thousands hanging on his lips and cheering his words, Lane was one of the most magnetic, dramatic, imposing, rousing and crowd-swaying orators that this country has ever produced.

The year 1856 was the critical year for Kansas. During its trying months the slave power, wielding the force of the United States Government, was most rampant, proscriptive and murderous. Had not the friends of freedom, both in Kansas and out of it, put forth the most active and sagacious efforts, the cause would have been lost. That critical period past, the magnificent inflowing wave of immigration of 1857 made the preponderance of numbers on the Free-State side so great that the era of violence and bloodshed—except in a few sporadic cases—closed.

The Topeka constitutional movement held the people together through a stormy and trying period. When the occasion of its usefulness had passed, they turned to other plans suggested by the changing phases of the contest. In the eloquent words of a historical writer, who, though a stranger to Kansas, has correctly appreciated the spirit of her people, "It had for three years been the shrine at which the whole Free-State party had worshipped, and the citadel of liberty that had never been surrendered to the foe. No truer nor braver band of freemen ever fought the desperate fight for freedom against such appalling odds as did those who defended it. Their names will go down the ages in imperishable renown as the unconquerable defenders of free institutions, under the ægis of the Topeka Constitution."

The Leavenworth constitutional movement originated with the first Free-State Legislature, elected in October, 1857. There had been no general demand for it on the part of the people, although the hostile attitude of both branches of Congress made the acceptance of the Topeka Constitution hopeless. Indeed, with the seizure of the Territorial Legislature by the Free-State party, it was generally felt that the Topeka constitutional movement had run its course, a feeling which found expression in the refusal, we have just noted, of the Territorial Legislature to abdicate in favor of the Topeka State Government. Probably a large majority of the people, could they have been assured of peace and quiet, would have been quite content to live under the Territorial form of government for an indefinite period, at least until the growth of the community in population and wealth had made it better able to

sustain the burdens of a State Government. But events moved rapidly and ominously in those days. The session of the Territorial Legislature would expire by limitation on the 12th day of February, 1858. Ten days before that date President Buchanan sent the Lecompton Constitution to Congress with a special message urging its acceptance. In that message he bitterly maligned the Free-State people, and announced the monstrous proposition that, by virtue of the United States Constitution, Kansas was at that moment as much a slave State as South Carolina or Georgia. The acceptance of that constitution seemed imminent in both houses of Congress. This was the situation February 2.

It was grave enough to excite the most serious apprehensions of the Legislature. The admission of the State under the Lecompton Constitution would undoubtedly lead to the most disastrous consequences. The temper of the people was such that they would not tolerate the existence of any State Government under that constitution. This would lead to Federal interference and probably open war. Under these circumstances the Free-State people would be at a great disadvantage without a State organization. The most speedy method of improving the situation seemed to be to at once call a new convention, frame a constitution, elect officers under it, and have a State organization around which to rally. Accordingly an act was passed three days before the expiration of the session, providing for the election of delegates to a constitutional convention. The election was to be held March 9, and the convention to assemble March 23 at Minneola, the newly-established capital of the Territory. Governor Denver, whose sympathies were not with the Free-State people or cause, attempted to thwart the movement by the pretense, or claim, that the bill had not been properly passed; but the people of Kansas in those days paid but little attention to the opinions of Federal Governors against any action they had determined on, and went ahead with the movement uninfluenced by Denver's opposition. The election was held March 9; the convention assembled at Minneola March 23, adjourned to Leavenworth March 24, reconvened at Leavenworth March 25, framed a constitution, finished its labors and adjourned April 3. A State convention to nominate officers under the constitution was held at Topeka April 28, and the constitution was adopted and officers elected under it May 18. Before this latter date, however, the great contest in Congress over the admission of the State under the Lecompton Constitution, had come to an end by the passage of the English bill, which referred that constitution back to the people of Kansas to be voted upon the next August, and provided that if the vote should be against the constitution, delegates to a new convention should not be chosen until the Territory had a population equal to the ratio of a Representative in Congress, or 94,560. Thus the great crisis had passed and further prosecution of the Leavenworth movement was unnecessary and soon abandoned. It had come into being suddenly, as a strategic necessity in the great fight which the Free-State people were waging, and when the occasion for it had passed, it, too, passed away.

The Lecompton Constitution has an immortality of infamy. It was the child of fraud, and finally died smitten by the mailed hands of an indignant and outraged people. It is remembered just as any other great crime against humanity lives in the execrating remembrance of mankind. From first to last the movement was tainted with fraud. It began in the old bogus, Missouri-elected Legislature of 1855, which professed to submit the question of calling a convention to an election to be held in October, 1856. No Free-State men voted at that election. The bogus Legislature at its second session, begun in January, 1857, passed an act providing for the taking of a census and the election of delegates to frame a constitution. The delegates were to assemble in Lecompton the first Monday in September, 1857. The law was cunningly framed to exclude the spring immigration from voting, as no person could

vote who arrived later than the 15th of March. All the preliminary proceedings were placed in the hands of Pro-Slavery officials, and no provision was made for submitting the constitution to a vote of the people. Governor Geary protested against these provisions, and especially demanded the submission of the constitution. The leaders refused, and said that to submit it "would defeat the only object of the act, which was to secure, beyond any possibility of failure, the Territory of Kansas to the South as a slave State." Geary then vetoed the bill, and the Legislature promptly passed it over his veto. The pretended census of voters and of population, upon which the apportionment of delegates was to be made, was completed during the month of April. In nineteen of the thirty-four counties of the Territory, no census whatever was taken. From every county bordering on Missouri, and from every Pro-Slavery county, returns were made. The disfranchised counties were mainly occupied by Free-State settlers. The object of this partial and unfair census was apparent. It was to put the convention beyond a peradventure in the hands of the Pro-Slavery men.

A recent writer on Kansas affairs has endeavored to shoulder a portion of the odium of this infamous census upon the Free-State party. After stating that "apportionment of delegates depended on population, but nobody could vote whose name did not appear on the registry lists; and that in only sixteen of the thirty-four organized counties was there any registration," he adds: "For this condition of things the Pro-Slavery party was not wholly responsible. Free-State men perplexed the enumeration by embarrassments of omission and commission, and were not ill-pleased at the starved and skeleton returns." It is difficult to see why the Free-State men should be held responsible for something with which they had absolutely nothing to do. The act calling the convention intrusted the taking of the census to the sheriffs of the various counties, and the returns were to be made to the probate judges for inspection and revision, and the corrected lists returned to the Governor, who was to make the apportionment of the delegates. Every sheriff and probate judge, as well as every other county officer in the Territory, was an appointee of the bogus Legislature and a Pro-Slavery man. There were no Free-State officers. There had been no election of county officers by the people, and would be none until long after the delegates to the Constitutional Convention had been chosen. No Free-State man in the Territory had any authority or legal power to add a single name to the census or the registry. How they could "perplex an enumeration by embarrassments of commission and omission" when there was absolutely nothing for them either to commit or to omit, passes comprehension. The "starved and skeleton returns" were no particular pleasure to them, except as they foreboded, or ought to have foreboded, the downfall of the infamous plot to make Kansas a slave State. Secretary Stanton afterwards avowed that had he known at the time the full extent of the scoundrelism of that census and registry he would have refused to make an apportionment under it, and suffered the whole movement to fail; and the Free-State men, knowing what Stanton did *not* know, may have rejoiced to see the Leecompton conspirators piling up infamy upon infamy in their mad course, and thus making more certain their final failure.

Stanton made the apportionment on the census as returned, assigning, of course, no delegates to the nineteen disfranchised counties. At this point the leading Free-State men of the Territory united in a letter to Stanton, offering to "overlook the past," and go into the election for delegates, provided a new and honest census should be taken, the delegates apportioned on that, and the Free-State men given an equal representation with the Pro-Slavery men on the boards of election judges. Stanton replied that he had no power to do so. The Free-State party thereupon refused to have anything to do with the election. The election took place June 15, and of

course none but the Pro-Slavery delegates were chosen. The total vote cast was only 2,071, which was probably very nearly the actual strength of the Pro-Slavery faction in the Territory. The total population by this time must have exceeded 50,000.

On the 7th of September the convention assembled at Lecompton, and organized on the 8th, choosing as its President, John Calhoun, Surveyor General of the Territory. All eyes were now turned to the election to be held October 5, for members of the Territorial Legislature in which the two parties would, for the first time, measure strength at the polls. The convention therefore adjourned without further action, until the 19th of October. The election of October 5 took place, and resulted in a sweeping triumph of the Free-State party. The exposure of the enormous frauds perpetrated at Oxford and in McGee county, whereby the slave power had made a last desperate venture to hold possession of the Territorial Legislature, followed. These frauds were no more glaring and outrageous, and were less violent, than those of March 30, 1855, by which the first Territorial Legislature had been seized, and which the Administration and the slave power had claimed were the very perfection of squatter sovereignty. They were perpetrated for the same purpose and by the same men. The Administration at Washington evidently expected Governor Walker and Secretary Stanton to wink at the wholesale forgery and keep the Pro-Slavery faction in control of the Legislature. But these officials had come too closely in contact with the people, had made too many promises of a fair and honest election, and were too thoroughly disgusted with the huge sham and imposture of the whole business, to connive at it. They accordingly threw out the forged returns, and gave the Legislature over into the hands of the people. Meanwhile the intelligence of these new Pro-Slavery frauds had spread, and aroused the people to a high pitch of indignation. The Free-State men felt not only strong in the justice of their cause, but in numbers and physical strength. They felt solemnly called upon to clean out the entire Lecompton gang. A Free-State mass meeting was called to meet at Lecompton on the 19th of October, the very day to which the Lecompton Constitutional Convention had adjourned from its session in September. The air was full of rumors, threats and portents. When the day came a great crowd assembled. Philip C. Schuyler was chosen President, and Richard Realf and O. E. Leonard Secretaries. Lane was there in all his glory. Nothing suited him better than an excited crowd and an exciting occasion. His speech was full of a noble enthusiasm for the Free-State cause and of terrific denunciation of the frauds and villainies that had characterized the Pro-Slavery programme. Resolutions were passed denouncing the frauds at the recent election, declaring that the convention about to assemble in no sense whatever represented the people and must adjourn *sine die*. A committee, with Lane at the head, was appointed to call upon the members of the convention, and convey to them the mandate of the people. The result was that for four days the members sneaked around Lecompton in the brush, afraid to assemble, and a quorum could not be obtained. At last Governor Walker sent over to Fort Leavenworth for a body of United States troops with a section of artillery, and with their protection a quorum was got together and the convention went on with its predestined business.

Thus surrounded by United States troops, and protected from the assaults of an indignant and outraged people by United States cannon, the Lecompton convention proceeded to frame the Lecompton Constitution. All the glory had now departed from the Pro-Slavery movement. It existed only in force. Had the United States troops been withdrawn, the Lecompton convention would have fled the Territory within an hour. However, its members, assured of protection, pushed straight ahead with their work. Their inspiration came not from Kansas, but from Washington.

The slave power had determined to make Kansas a slave State at whatever cost, and Mr. Buchanan was its willing and conscious instrument. The fellows at Lecompton were but puppets who danced as their masters pulled the wires. The constitution was soon framed. Its substance deserves notice only as its provisions indicate the high-water mark of Pro-Slavery fanaticism in this country. Its preamble asserts that the State to be created by it is a free, independent and *sovereign* State. A whole article is devoted to slavery. The right of *property* is declared to be before and higher than any constitutional sanction, and the right of the owner of a slave to such slave and its *increase* is the same and as inviolable as the right of the owner of any property whatever. The elective franchise is confined to "male citizens" of the United States, apparently on the theory that colored men could not be citizens of the United States. All civil officers of the State are required to use due diligence to apprehend and deliver up fugitive slaves. The bill of rights asserts that "all *free-men* when they form a social compact are equal in rights;" also that no "freeman" shall be deprived of life, liberty or property but by the judgment of his peers or the law of the land. In the same bill of rights it is provided that "free negroes shall not be permitted to live in this State under any circumstances." In the section providing for revisions of the constitution, the saving clause is inserted that "no alteration shall be made to affect the rights of property in the ownership of slaves."

The constitution framed, the question arose in the minds of the convention: What shall we do with it? The document was intensely Pro-Slavery; the people for whom it was ostensibly made were intensely Anti-Slavery. To submit it to an honest vote was to see the whole movement collapse like a soap bubble in the air. To refuse to submit it was to violate the pledges given before their election by Calhoun and many other members of the convention, to stultify the express promises of the Administration through Governor Walker, and to hazard its rejection by Congress. In this dilemma a scheme for a sort of bogus submission was hit upon, or imported ready made from Washington. Apparently, and on its face, the constitution was submitted to the white male inhabitants "for approval or disapproval," but in reality nothing but the question of Slavery was submitted, and in fact it was doubtful whether even that was meant to be fairly and honestly submitted. The form of vote was, "Constitution with Slavery," and "Constitution with no Slavery." In either form the vote was for the constitution; but the juggle in the pretended submission of the Slavery question was seen, when the provision of the latter part of the section was read, to this effect: That in the event it should appear that a majority of the legal votes had been cast for the "Constitution with no Slavery," "then the article providing for Slavery shall be stricken from the constitution, and Slavery shall no longer exist in the State of Kansas, *except* that the right of property in slaves now in the Territory shall in no manner be interfered with." But what *was* the right of property in the slaves then in the Territory? As defined by the constitution itself, in the words we have already quoted, it was the "right of the owner of a slave to such slave, and its *increase*." This right was "in no manner to be interfered with." The State was therefore to have remained a slave State so long as the slaves then living in Kansas, or any of their descendants ("increase") should exist. It was also provided — apparently with the intention of excluding the Free-State men from voting — that at the election on the constitution each voter should be required to take an oath to support the constitution, under the penalties of perjury under the Territorial laws. The precaution, however, was unnecessary, as the Free-State people with entire unanimity refused to take part in the election. Two elections were provided for by the convention — the one just alluded to, on the 21st of December, and the other on the 4th of January following, for the election of State officers under the constitution.

The convention adjourned on the 7th day of November. In its action it had violated every one of the solemn pledges made in its behalf by Governor Walker, and according to his repeated statement, made, too, on the authority of President Buchanan himself, that the people should have a free and fair vote upon the constitution. It was evident that the crowning outrage of a long course of villainy was about to be attempted. The Territory flamed with excitement. Public meetings were held in every city, village, and hamlet. The pressure to put the State Government under the Topeka Constitution in immediate operation, was immense. A convention was held in Topeka, presided over by Col. C. K. Holliday, at which resolutions were passed, requesting Governor Robinson to at once call together the Free-State Legislature. A vigilance committee was appointed. A few days afterwards a large mass convention was held in Leavenworth, at which Judge Latta presided, and which formally requested Acting Governor Stanton to call the recently-elected Territorial Legislature together in special session, and which, on motion of General Lane, asserted that in case Acting Governor Stanton should decline to do so, no other course would be open to the people but to put the Topeka Government in motion, and pledging themselves to adopt that course, and stand or fall by it. A great delegate convention of the whole Territory had been called, and was about to assemble at Lawrence. Finally, a petition was presented to Mr. Stanton, signed by a majority of the members of the Legislature, and accompanied by a letter signed by Robinson, Lane, and many other prominent Free-State men, requesting him to call the Legislature together as the only means of averting violence and bloodshed. The crisis was imminent. To comply, as Governor Stanton well knew, meant a final break with the malevolent, unscrupulous and vindictive slave power at Washington. To refuse meant tumult, convulsion, irreparable wrong, and the torch-light of civil war at home in Kansas. But emergencies are the occasions which reveal great men, and Frederick P. Stanton was a great man. He called the Legislature. For this brave, manly, and statesman-like act, he was summarily dismissed from office by the President. Before he could be removed, however, he had time to meet the Legislature, give them his reasons for calling them together, and consult with them as to the proper course to pursue. The Legislature remained in session only a few days. Its most important work was to provide by law for the submission of the Lecompton Constitution to a vote of the people on the 4th of January following—the same day that had been fixed by the Lecompton Convention for the election of State officers under the Lecompton Constitution. It was of course known that the constitution would be voted down by an overwhelming majority of the people, and it was hoped, vainly, as the sequel showed, that the Administration at Washington would not have the colossal stupidity and wickedness to champion a constitution which, at a fair and legal election, held by the regular authorized and recognized Territorial authorities, had been demonstrated to be *not* the choice of the people. But the capacity of the Buchanan Administration—that decaying dynasty of the slave power—for pure, unadulterated meanness, and high-handed, outrageous villainy, had at that date been vastly underestimated.

The election of December 21 was a one-sided affair, the Free-State people refusing to take part in it. The total vote was 6,143 for the Constitution with Slavery, and 569 for the Constitution with no Slavery. Of this vote, over 3,000 were subsequently shown to be purely fraudulent. In Kickapoo the Cincinnati directory was boldly copied to the extent of nearly a thousand names. In Oxford the fraud rivaled that of the previous October election, which Walker and Stanton had kicked out. No motive could be assigned for these frauds, except it was to swell the total vote into something like respectable dimensions for effect at Washington.

The elections of January 4, 1858, which followed, presented a curious phase of

complication. First, there was an election for State officers under the Lecompton Constitution, and under officers appointed by the president of the convention; and, secondly, there was on the same day, an election upon the Lecompton Constitution, under the regular Territorial authorities, provided for by the Legislature at its special session. This latter election the Pro-Slavery party ignored. A large vote, however, was cast, resulting in: For the Constitution without Slavery, 23; for the Constitution with Slavery, 138; against the Constitution, 10,226.

The Free-State body, as a party, had resolved not to commit themselves by voting for State officers under the Lecompton Constitution. An independent ticket, however, had been nominated in opposition to the Pro-Slavery ticket, and was supported by a portion of the Free-State people. The total vote on Governor, as returned for this election, and now on record in the Secretary of State's office gives for the Pro-Slavery ticket 4,375, and for the Free-State ticket 3,966. This, however, was only a partial return. The vote as reported to the Legislature by C. W. Babcock and George W. Deitzler was for Smith, Free-State, 6,875; for Marshall, Pro-Slavery, 6,545; a Free-State majority of 330. Of the Pro-Slavery vote they reported as fraudulent from Oxford, Shawnee, Kickapoo and other places 3,000 votes. They also reported the election of a majority of Free-State members in each branch of the Legislature. The returns however of the election were made to Mr. Calhoun, President of the Lecompton Convention, who was authorized to grant certificates of election. It was generally believed that in case the State was admitted under the Lecompton Constitution, Calhoun would give certificates to the Pro-Slavery candidates for State officers and to a majority of Pro-Slavery candidates for the Legislature.

The contest now drifted from Kansas to Washington, where the slave power, with President Buchanan at its head, espoused the Lecompton Constitution and endeavored to force the admission of the State with it. But the incessant protesting of the Free-State men had produced a visible effect. Moderate men in the Democratic party began to halt. The Northern constituencies were muttering with rage. Reeder, Geary, Walker, Stanton—all Democratic appointees—were knifing the infamous fraud at every opportunity. The great Democratic Senator from Illinois, Stephen A. Douglas, who had championed the repeal of the Missouri compromise, and had fought the battle of the South by the light of his own burning effigies, all over his own State, now threw the weight of his magnificent powers into the scale against the Lecompton fraud, and in some small measure atoned for his past career, and the injuries he had done to Kansas, by fighting one splendid and masterly fight in her behalf. Meanwhile the Free-State men in Kansas were not idle. The Legislature fully investigated the frauds of the late elections, took a census of the hamlets like Oxford, that had been returning Pro-Slavery votes by the thousand, and showed that it had less than fifty voters all told; discovered the fraudulent Delaware Crossing returns concealed under a wood-pile in Lecompton; began making arrests of the guilty parties, and in short, made it so hot for the rascals that the most of them fled from the Territory never to return. But blind, obstinate, unreasoning, the slave power in Congress pressed relentlessly onward. They carried the Lecompton Constitution through the Senate by a vote of 33 to 25, and pressed for victory in the House. Here, however, the storm raged in vain. The House defeated the Senate bill, and adopted a substitute sending the constitution back to Kansas to be again voted on. The Senate rejected the substitute, and voted for a committee of conference. The committee of conference reported the English bill. On April 3d it passed both houses, and on the 4th of May, 1858, the President signed it. The essence of this bill was that the State was admitted under the Lecompton Constitution, but not with the ordinance of that constitution, but with a special and exceed-

ingly liberal grant of public lands, made by the bill itself, subject to the condition of a popular vote to be hereafter taken, at which the ballots were to read "For proposition of Congress and admission," and "Against proposition of Congress and admission." This virtually finished the business, for nobody expected the people in their then temper of mind to vote for admission under the Lecompton Constitution, even though the bribe to do it had rivaled the Satanic offer to our Saviour, of all the kingdoms of the earth. The vote took place August 2, 1858, and resulted as follows: For the proposition, 1,788; against the proposition, 11,300; majority against it, 9,512.

Thus the great Lecompton struggle was ended, and thenceforward the Kansas ship of State sailed on comparatively unruffled seas toward the final haven of admission into the Union.

HON. EUGENE F. WARE'S POEM.

Col. Anthony now introduced Hon. E. F. Ware, ("Ironquill,") who in an impressive manner read the following poem, which was received with enthusiastic applause by the audience:

JOHN BROWN.

States are not great
 Except as men may make them.
 Men are not great except they do and dare.
 But States, like men,
 Have destinies that take them—
 That bear them on, not knowing why or where.

The why repels
 The philosophic searcher—
 The why and where all inquiries defy,
 Until we find
 Far back in youthful nurture,
 Prophetic facts that constitute the why.

All merit lies
 In daring the unequal.
 All glory comes from daring to begin.
 Fame loves the State
 That, reckless of the sequel,
 Fights long and well, though it may lose or win.

Than in our State
 No illustration apter
 Is seen or found of faith, and hope, and will.
 Take up her story:
 Every leaf and chapter
 Contains a record that conveys a thrill.

And there is one
 Whose faith, whose fight, whose failing,
 Fame yet shall placard on the walls of Time.
 He dared BEGIN.
 Despite the unavailing,
 He dared begin, when failure was a crime.