THE 1857 KANSAS TERRITORIAL DELEGATE ELECTION CONTEST

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IN NO OTHER case has as much scholarly attention been paid to a territorial election as has been paid the Kansas election of October, 1857. The 12,000 voters who participated shook the United States political machinery violently. Their actions contributed to splitting the Democratic party and rendering impotent a Presidential administration. Thereby civil war was brought immeasurably closer. Yet this long national shadow has tended to obscure the event itself. Historians have tended to treat the election outcome as a foregone conclusion, and focus on subsequent events. The Free-State party victory therein is used to throw into sharp relief the actions of the Lecompton constitutional convention one month later. Ignoring the Free-State party success, the Proslavery delegates to that convention adopted a constitution recognizing slavery and presented the electorate only the question of how many more slaves they wished to have, rather than the anticipated question of whether or not to have slavery. It was the blind acceptance of this minority document that destroyed Pres. James Buchanan’s administration and the National Democratic party. Moreover, like many shadows, when viewed by its aftermath and from the vantage point of national politics, the October territorial election has a distorted image. This distortion highlights the significance of territorial Gov. Robert J. Walker’s action in rejecting certain fraudulent returns in the legislative races, thereby ensuring subsequent Free-State party control of the next territorial legislature. Walker is praised for consistency in honoring his pledges to have honest elections in Kansas. Buchanan’s subsequent refusal to sustain Walker’s action and the latter’s resignation convert the governor into a martyr to principle and consistency, two virtues which Buchanan, who apparently knuckled under to Southern demands for Walker’s removal, supposedly lacked.  


2. Both candidates’ names appear in Nichols, Disruption of the American Democracy and Nichols, Bleeding Kansas, although the latter incorrectly identifies the victor. The former’s name appears in Wilson, Governor Charles Robinson; Nevins, The Emergence of Lincoln; Rawley, Race and Politics; and Shenton, Robert John Walker, note that the delegate race occurred, but identify neither candidate. Potter, The Impending Crisis, 1848-1861 ignores the delegate election while mentioning the legislative elections.
Marcus J. Parrott (1828-1879), a former Ohio Democratic legislator and Leavenworth lawyer, was the Free-State party candidate in the Kansas territorial delegate contest of October, 1857. His internally divided party entered the race with disadvantages, but the youthful Parrott was an able speaker and as a known opponent of the Topeka constitution, he did not have to defend it. Identifying the National Democrats and their candidate with proslaveryism, he sought and won support from Free-State Democrats. His victory margin was a measure of the success of the Free-State party in making the election a referendum on the ideological issue of freedom and slavery.

who supported the territorial government, the process began with the January 12, 1857, territorial political convention. During this meeting the former Law and Order party became the National Democrats. Although denigrated as an effort to change names in order to protect the guilty, the action repudiated an 1855 territorial legislative resolution proclaiming a Democratic party organization to be "fraught with more danger to the interests of [slavery] than any [measure] which has yet been agitated." Slavery, then, was no longer to be the touchstone of political affiliation. Secondly, abandonment of the 1855 position signaled the rise in party ranks of a new class of practical politicians and the loss of power by the radical, Proslavery ideologues who had previously controlled the party. Finally, this name adoption was the first effort by a territorial political organization to align itself with a stateside political party. Such name identification represented an obvious effort both to broaden the issues of territorial politics and widen the popular appeal of the organization.

FOLLOWING this the territorial legislature, on February 19, 1857, passed a bill calling delegate elections in June for a September meeting of the Lecompton constitutional convention. Passage of this bill began the process of producing another document to compete for congressional attention with the Free-State party's extra-legal Topeka constitution, adopted 15 months earlier and ratified by 1,800 Free-State voters. Both territorial political organizations were now committed to the statehood process.

The territorial legislature's action had three consequences. First of all, it greatly increased the importance of the office of territorial delegate. As Kansas' official spokesman, the delegate would be responsible for presenting a state constitution to congress, for advocating one of the documents, and for aiding its passage through the federal house of representatives. Insofar as the Topeka and Lecompton constitutions were party documents, the success of either party's constitution would be


Epaphroditus Ransom (1797-1859), candidate of the National Democrat party for territorial delegate to the U.S. Congress in October, 1857, was federal land office register at Fort Scott and relatively unknown in Kansas politics. Formerly governor of Michigan in 1849-1850, he had denounced slavery at that time, and in the Kansas election was put forward by the party to appeal to Democrat immigrants from the Old Northwest who were in favor of making Kansas a free state. The nomination alienated Proslavery Democrats and to this disadvantage was added the candidate's inconsistency in addressing the issue of constitutional submission. Photograph reproduced from the collections of the Michigan History Division, Michigan Department of State, Lansing.

enhanced by the victory of that party's candidate for territorial delegate, if the candidate were a friend of his party's constitution.

Secondly, the territorial legislature's action put great pressure on the Free-State party and threatened it with destruction. Since Missourians had stuffed Kansas ballot boxes in 1855 to ensure Proslavery control of the territorial legislature, the official position of the territory's Free-State elements had been non-participation in territorial politics. Forming their own Free-State party, drafting their own Topeka state constitution and setting up, but not putting into operation, a state government headed by Charles Robinson of Lawrence, the Free-Staters had held their own elections and refused to accept the honesty, validity, or legitimacy of the contests staged by their Proslavery opponents. But with the end of the territorial period obviously in sight, this non-participation policy clearly needed reexamination. Although initially reaffirming the non-participation policy, the Free-State party quickly factionalized into three parts, roughly along geographical lines. A "south-Osage" group desired to continue the nonparticipa-

tion policy. A "mid-river" group advocated a Machiavellian policy of participating in the territorial elections to gain control of the territorial government, repeal all its legislation, and leave the Topeka state government and constitution as the sole institutions of the territory. A "north-Kaw" group favored full participation in the territorial political process and, thereby, abandonment of further adherence to the Topeka constitution and state government. Resolution of these conflicting views would require a series of party conventions that would terminate in a political revolution in Free-State ranks and have tremendous consequences for territorial and national politics.²

TERRITORIAL Gov. John W. Geary vetoed the Lecompton convention bill on several grounds, the most important of which was the failure to provide for the submission of the

convention's handiwork in some form for popular ratification. Geary's veto, and the legislature's subsequent overriding of his act, raised the third consequence of the territorial government statehood process: the definition of how to ascertain the popular will on the fundamental law of the state of Kansas. On such a significant issue, the advice of Washington authorities would be solicited; with the change of national administrations, Kansas awaited the views of their new territorial officials, fresh from the East and supposedly bringing the latest word on how to proceed. Unfortunately, the signals from Washington were mixed. Frederick P. Stanton, territorial secretary, was the first to arrive on April 13, 1857. In speeches at Leavenworth and Lawrence Stanton advocated a policy of separate submission. That is, he suggested that the convention draft a constitution which was relatively free of matters relating to slavery, and draft a separate clause on slavery, probably recognizing and perpetuating the institution. Both the constitution and the slavery clause would be submitted to the electorate, who could vote for or against the constitution and for or against the slavery clause.

The policy advocated by Stanton had advantages over the two alternative policies then being considered in the territory. The first policy on submission centered on a document silent on slavery to be submitted to the voters. Slavery would be handled in one of two ways. Slavery's status would be explicitly referred to the first state legislature for determination, a course not without precedent in Kansas territorial politics. Or slavery's status could be left to judicial determination, either at the state or federal level. Although favored by some conservative Eastern Democratic presses and Southern politicians, this policy found little territorial support because it postponed an issue that the constitution was supposed to settle. A second policy was to draft a constitution with some statement on slavery and submit the whole package to popular determination. But it would not be clear whether votes were being cast because of or in spite of the slavery statement. If an antislavery constitution contained a number of other controversial points, e.g., banking, oath-taking before officeholding, etc., would votes against the document be cast only by people favoring a slave state of Kansas? Stanton's suggestion had three positive advantages. It offered a clear-cut decision at an acceptable time. It offered, especially to recent immigrants, an opportunity to support both a free state and one developed under Democratic auspices. As an acceptable compliance with 1856 Democratic national platform, it merited acceptance by Democratic majorities in both houses of the national congress and quick admission to the Union.

But when Gov. Robert J. Walker arrived a month after Stanton, he muddied the waters of submission considerably. Apparently assuming that the difference was nonsubmission or total submission, Walker came out in his inaugural for the latter. And, 10 days later, in two addresses to Free-State party audiences, Walker reiterated this position. But, since he devoted more time to telling Free-State auditors what to do to achieve statehood after they rejected the Lecompton constitution's handiwork, his submission policy seemed irrelevant.


7. Kansas Weekly Herald, April 18, May 2, 1857; New York Herald, May 1, 6, 1857; After visiting Kansas in May and June, 1857, Sen. William Bigler of Pennsylvania, a frequent correspondent of Pres. James Buchanan, told a Pennsylvania audience he was convinced that the convention "would submit the constitution and the slavery question as distinct propositions... which would give a full and deliberate expression of the will of the people."

8. Bigler left Washington shortly after Stanton; his remarks in Kansas have not been recorded, but it is unlikely he advocated a policy different from Stanton's or from what he endorsed in his home-state speech, Kansas Weekly Herald, August 15, 1857.

9. "Col. [Peter T.] Abell's Speech on Saturday last [August 29, 1857]," Squatter Sovereign, Atchison, September 5, 1857, speech of former Territorial Delegate John W. Whitfield at the Great Democratic Meeting at Osgood, August 10, 1857, Kansas Weekly Herald, August 29, 1857. Generally, Free-State party presses advocated the "whole package" approach for their opponents, Lawrence Republican, quoted in Kansas News, Emporia, July 15, 1857. Then, the Free-State presses declared, let the Topeka constitution and the Lecompton document be submitted simultaneously to ascertain popular attitudes on freedom or slavery. Obviously, the Free-State editors hoped the Lecompton "package" would be a Proslavery document. Falling into that trap would brand the National Democrats indelibly as the Proslavery party, undoing all the efforts and gains of the early months of 1857, which is probably why little support was given to the concept in National Democratic ranks prior to the October election.
Our position toward Gov. Ransom, has been at all times the position of the Lawrence Journal, of Aug. 22. This action is no game with false personalities, as almost to exclude it from the pale of editorial criticism.

But justice to our position as a humble public journalist, must be our excuse for the passing notice which we shall give it. It is a peculiar misfortune of our protest against Gov. Ransom that is, no doubt, as offensive to the editor. If we had written with more passion, and less of the spirit of truth and firmness, his conceited guilt would not have been so strong to fury. Nor will we now, he deplore a just, yet properly his constant appeals to a half of error and misrepresentation. He shall be brought to the light of facts, that such people as have known his illnature, will see him, as he means to misrepresent all Democracy in the country, and thus deviously every body who dare to differ from him.

Our course in this matter needs no justification. We would not yield to a nomination that was on sound ground for believing, did not come from the people, and did not meet their opposition. The manner in which the preliminary arrangements were made, as well as the result, and the general dissatisfaction that ensued, go to show conclusively that the Convention misrepresented the people. Nor do we intend to use the term "misrepresented" to suit the weak position of the Journal. It is used now, as before, to express a simple misunderstanding and misapprehension of the position and the people. From a large number of the best Democratic counties in the Territory, there were no delegations at all, and from others there were delegations wo spoke in the word, misrepresented their constituents. We do not say any now, nor do we say before, that this was intentional. How hard pushed must be the Journal, when it so plainly tries to make it appear that we charged guiltlessness of the Convention with a willing violation of the trust reposed in them. But that is a false and unjust argument. He does not undertake to meet our position fairly.

But we do not wonder, at all, that the gentleman makes his expressions to apply in a manner in which they were not used by us. To say the least of it, it seems as no wrong that he might be guilty. If he says it, he need not wear it. And we will ever to ourselves his strain in its slyness in the Central Committee, and hence we ask the shameful request was too plain for the "impression" to be corrected. Yes, we have forgotten it. The Journal did not see it, in its issue of the 15th of August, what a telling correction it is on the editor! It is in the same spirit as the "impression" went out, just a week earlier. The latter is in the same large type, the former, so small that it can barely be seen. Besides, it was only a word. Still, the Convention would meet, and would amount to nothing, so far as the result was concerned. What was the Chairman of the Central Committee doing in Leavenworth, in secret concord with a gentleman there about the time this movement was going on? Well, we must confess this looks very suspicious.

The fact is certain at least, to let the convention do what it may, that it was followed by the natural and inevitable result. We will not say what this result was, except as before, there were many and very important counties not represented, and others misrepresented. When the editor of the Journal says, there was some spoke of the Convention as large and full, he simply falsifies his records, as he has done his own. Our paper, nowhere, has such expressions in it. These are terms peculiar to the Journal, and not to the Notebook. The latter speaks of facts, just as they occur, and holds in contempt, gagging and gagging, in the shape of men or newspapers. The opinion expressed by the editor, the 16th June, as to there being ample time for the campaign, might be explained then by the result. His opinion, in direct antagonism to that in his article of Aug. 22, might be explained, now, on the supposition that he does not want another Convention called. But in addition to this, in addition, as we say, against the will of the people, there is another important fact which the Journal most clearly dodges. We allude to Gov. Ransom's record in Michigan, as late as 1849. The extract from his message of that date, circulated throughout the country, places him at that time, precisely on the Black Republican platform of this day. No explanation has been offered for it, when our article appeared. This, then, made two items of account against Gov. Ransom's nomination: the scheme of which the Chairman of the Central Committee had been the tool, and Gov. Ransom's record unexplained. These were the two postures upon which we withdrew our support from Gov. Ransom. They cannot be shaken. But the editor of the Journal says we were a member of the Convention that nominated him, and voted to make the nomination a "unanimous one." Suppose all this had been true, would there be any law of morality or honor, binding one to support a man, who, after being nominated was found to give general dissatisfaction, emerging clearly that the will of the party had been violated, and besides, whose record was a complete inconsistency in the short space of nine years, without any explanation whatever? Who, but the parties of all who love social order, peace, good will, and prosperity in our great country.

The Wakarusa Convention.

The proceedings of the Democratic Convention for this County and District, recently held at Wakarusa City, will be seen in another place. Our limited space forbids a lengthy discussion of the principles or candidates, at this time. But we have nothing whatever to fear as to the result. The Platform is such as to be true and good men all over the country stand upon. The Democrats, North and South have much in common, and the Union will come to exist, even in name. The candidates are highly creditable, law-
Then, in a speech three days later, Walker reelevated the importance of submission and came down squarely on both sides of the issue. At one point he declared in favor of having the Lecompton convention submit “the document framed by them” for voter action, which was total submission. Subsequently, however, he stated that “the people should decide for themselves upon the Constitution, and also upon every clause thereof,” that is, separate submission. And, to make confusion worse confounded, Stanton, following Walker before the same group, “spoke of the policy that would make a constitution silent on slavery as cowardly, but suggested that the best way would be to put in a separate clause and allow the people to vote separately on it.” Clearly, there was no Washington policy to guide territorial action.  


WITHOUT clear guidance from federal authorities, the National Democrats met on July 2, 1857, to select their territorial delegate candidate. The convention labored under other difficulties as well. An erroneous report was spread that the convention had been postponed for one month. Thus certain northeast river county delegations failed to appear, and only 11 of the 21 established counties were represented, nine fewer than in the January organizational convention. Dual delegations appeared from Atchison County, home of John Stringfellow, notorious as a leader of the extreme Proslavery element in the territory and a declared candidate for the delegate post. Resolution of this split was bound to leave bruised feelings. Significantly, only 22 of the 60 delegates to the Lecompton constitutional convention were in the party conclave and might feel bound by its decisions.  

Although constituting just over one third of those in attendance, the 48 July delegates who also had attended the January organizational meeting controlled the convention machinery. With four of the seven members of the platform committee, these “January” Democrats unsurprisingly drafted a statement incorporating intact the January convention platform, despite the irrelevancy of some of the issues. Two new planks, dealing with Indians and public lands, preceded an innocuous final pledge to aid Governor Walker “in preserving the peace and harmony of Kansas, and in executing the laws of the country.” At its best, this document endorsed the 1856 Democratic national platform, at worst it failed to clarify what that platform meant in the context of mid-1857 Kansas politics.  

This perhaps-studied blandness was unacceptable to one of the conventioneers who would also sit in the Lecompton constitutional convention. He proposed an amendment instructing the delegate nominee to support Kansas’ admission under the Lecompton constitution “whether that Constitution be submitted to the people or not.” After what was described as a “warm discussion,” this amendment was tabled by an overwhelming 40

The Tecumseh Note Book, a spokesman for the Proslavery faction of the National Democrat party, declared Epaphroditus Ransom was not the Kansas Democracy’s choice and removed his name from the masthead. Editor Samuel G. Reid cited the confusion over the meeting date in July, the small attendance, Ransom’s obscurity, and his 1849 position on slavery, and called for another convention to choose a standard bearer. Eventually the Note Book editor reversed himself, but not before he was called a “deadhead” by a Leavenworth newspaper. On August 27, 1857, Reid replied to his Leavenworth detractor, denominating him as a “gassbag,” and explained his new position on the National Democrat candidate for territorial delegate. In this editorial, a portion of which is reproduced here, he said he was satisfied that Ransom had changed from his 1849 stand, and now the Note Book would “support him zealously as the best of two evils, if no other nomination be made.”  

11. Leavenworth Weekly Journal, July 9, 1857, Kansas National Democrat, Lecompton, July 30, 1857, and Kansas Constitutionalist, July 15, 1857, give the convention proceedings. Confusion over the meeting date is noted in Tecumseh Note Book, August 13, 1857, reprinted in Kansas Free State, Delaware, August 22, 1857. The difficulties of ensuring constitutional convention adherence for policies adopted at this convention was further complicated by the fact that of the 60 delegates, seven still identified themselves as Whigs, while 12 others gave their political affiliation as “State Rights,” “Nullifier,” or some designation other than Democrat. New York Daily Tribune, November 19, 1857.

12. Kansas Weekly Herald, January 24, 1857, Kansas Constitutionalist, July 15, 1857. The refusal to go beyond the January platform except in platitudes, probably reflects the stiffening resistance of the more radical Proslavery elements who had lost power in the January convention to the “practical” politicians.
to one vote. 13 If nonsubmission was an alternative to some form of submission, Kansas National Democrats had overwhelmingly rejected that alternative. To that extent they had endorsed Governor Walker’s inaugural. But they had also left the issue of what kind of submission up to their delegate nominee and the nomination process.

The National Democrats’ greatest voting strength lay in the northeast counties bordering Missouri. But the Atchison county split and the failure of populous Doniphan county to appear, left this region without a convention candidate. The Douglas county candidate was a former New York congressman, currently federal land office register at Lecompton, Ely Moore. While holding federal office in Kansas since 1854, Moore was not a prominent Proslavery leader. If later statements are accurate, however, Moore was willing to see Kansas a slave state. Apparently without previous discussion of his merits, and without consulting him, the Bourbon county delegation nominated Moore’s counterpart at Fort Scott, Epaphroditus Ransom. Ransom had been governor of Michigan from 1849 to 1850, and chief justice of the state supreme court. He had been a strong advocate of creating the National Democratic party at the January convention. Ransom led Moore for two ballots, by apparently putting together a coalition of the big Leavenworth delegation, three southern counties of Bourbon, McGee, and Dorn, and Marshall and Riley counties in the west. Moore’s votes probably came from east-central counties like Douglas, Shawnee, and Jefferson. Enough votes switched on the third ballot to give Ransom the two-thirds majority needed for nomination. 14

Later events make it clear that the Kansas National Democratic had selected a relatively unknown candidate. But his nomination was based on practical political considerations. It was widely recognized by Kansans from Governor Walker down, that a sizeable portion of the large 1857 migration to Kansas consisted of Democrats from the Old Northwest who were inclined to favor a free Kansas. One week before the National Democratic convention the editorial voice of this group chastised both the National Democracy and the Free-State party and advocated a territorial convention of those “who still adhere to the Democratic faith and are in favor of making Kansas a Free State.” Ransom’s Michigan background, his relatively recent arrival in the territory, and his political exposure suggest that his nomination was an effort to appeal to this group of recent immigrants to put partisan identification above ideological commitment. 15

Ransom’s advantages as a candidate were offset, however, by sins of both omission and commission at the end of the National Democratic convention. Governor Walker, Secretary Stanton, and Ransom addressed the convention in its closing moments. Both Walker and Stanton asserted that the former’s inaugural principle, which Stanton defined as “the right of the people to determine for themselves what their institutions shall be,” had been endorsed. Ransom failed to use the opportunity to define his position on the form of submission, perhaps understandably, in the light both of the convention’s inaction on this issue and Walker and Stanton’s retreat to platitudes. Instead, Ransom, in assuring his auditors of his devotion to Democratic principles, took an inauspicious step. In closing his remarks, Ransom declared

I hold most emphatically that the principles of the decision of the Supreme Court, in the Dred Scott case, were correct . . . and that the true principle is to leave the matter entirely to be settled by the people who are to be affected by it in their particular localities. I believe the people of each State have . . . . an indefeasible right to settle that question according to the dictates of their own judgment and according to what they believe to be conducive to their own interests; and that there is no right and no power residing anywhere to interfere with the exercise of that right by the people. 16

Congressional prohibition of territorial slavery was a major principle of the Republican

13. William A. Jenkins of Marshall county was the Lecompton constitutional convention delegate who introduced the “non-submission” resolution.—Ibid., July 9, 1857.


party. Northern Democrats generally praised the Dred Scott decision for declaring congress lacked power to prohibit slavery in the territories. Ransom's endorsement of the Dred Scott decision was in harmony with that of such prominent stateside Democratic leaders as Illinois Sen. Stephen A. Douglas. But Ransom's gubernatorial term coincided with the beginnings of national controversy over territorial slavery and congressional power. In his 1849 annual message to the Michigan legislature Ransom denounced slavery as "politically, socially, and morally wrong," and defended both the power and obligation of congress to prohibit slavery in the territorial domain. The Free-State party press reprinted the relevant 1849 phraseology, made sardonic comments on the "great alacrity" Ransom displayed in "turning somersets," and wondered whether the chance to feed at the public trough had increased the flexibility of the candidate's principles.17

The revelation of Ransom's changed position produced major impacts within and without his party, most importantly within party ranks. Perhaps disgruntled at their loss of prominence in the "new" National Democratic party, and fearful that too many concessions were being made to free-state Democrats, two spokesmen for the Proslavery group rose in revolt. Citing the confusion over the meeting date of the July convention, the small attendance, Ransom's relative obscurity, and his position in 1849, Samuel G. Reid, editor of the Shawnee county Tecumseh Note Book, declared Ransom not the Kansas Democracy's choice, removed his name from the paper's masthead, and called for another convention to choose a new standardbearer. Reid's action removing Ransom's name was seconded by his fellow Alabamian, editor, and Lecompton constitutional convention delegate, Thomas J. Key of the Kansas Constitutionalist at Doniphan. The two presses eventually reversed themselves and restored Ransom's name to their mastheads. But not before Reid had been denounced as a "dead-head" by a Leavenworth journalist, which Reid reciprocated by denouncing his detractor a "gassbag," not until the campaign was less than a month from its conclusion, and not until the depth of the internal divisions in National Democratic ranks had been revealed to the public.18

Defending himself against charges of political inconsistency the candidate served only to heighten the parallel between his own situation and the Free-State party's charges of inconsistency in the "Pro-Slavery" cum "Law-and-Order" cum "National Democratic" party generally. As important was the fact that the Note Book-Constitutionalist dissatisfaction forced Ransom and sympathetic party leaders into a defensive posture and to spend time restoring party harmony, when they should have been exploring the natural advantages


18. Tecumseh Note Book, August 13, September 4, 1857; Kansas Constitutionalist, September 9, 1857; Leavenworth Weekly Journal, August 22, 1857. Ransom's name was not restored to the Note Book's masthead until September 17, 1857, three weeks prior to election day.
which attended the nomination. Ransom enjoyed several advantages as a nominee. First, the early date of his nomination enabled Ransom to carry out an extensive speaking tour, scheduling 33 major speeches in two months and campaigning in every organized county in the territory. Secondly, until the 26th of August, almost two full months after his own nomination, and only six weeks before the election, Ransom had no opponent, no one to campaign against him. For the first half of his intended speaking tour, then, Ransom should have had an exceptional opportunity to place his platform before the voters without challenge or contradiction.

The reasons for Ransom’s second advantage lay in the internal divisions in Free-State party ranks. Essentially the Free-State party factionalized over two questions. The first was whether the party should participate at all in the territorial political process. The north-Kaw conservative faction was joined in supporting participation by the mid-river proponents of the policy of seizing control of the territorial legislature in order to subvert and destroy it. The south Osage radicals opposed participation, but lost. The second question was the goal to be achieved by participation. This pitted the north-Kaw conservatives, who wanted immediate political power and were willing to sacrifice the whole Topeka movement to secure it, against the mid-river subversionists, who sought the triumph of the Topeka constitution and government. Bruised by their earlier loss, the south-Osage faction preferred the victory of neither group, but would accept the mid-river solution as better than nothing. But under intense pressure from territorial and national financial interests, the mid-river group buckled, and its leading spokesman, Charles Robinson, grudgingly endorsed the north-Kaw philosophy. The north-Kaw triumph was achieved at the August 26 party convention at Grasshopper Falls, and was signalized by the nomination of former Ohio Democratic legislator and Leavenworth lawyer Marcus J. Parrott as candidate for territorial delegate. Parrott’s victory margin was only three votes out of 163 cast, however, and his well-publicized

John W. Geary, governor of Kansas territory, 1856-1857, vetoed the bill passed in February, 1857, by the territorial legislature calling for a September meeting of the Lecompton constitutional convention. He objected because the bill did not provide for submission of the convention’s handiwork in some form for popular ratification, but his veto was overridden. Thus the issue was raised as to how to ascertain the popular will on the fundamental law of the state of Kansas. With the change of national administrations, Kansans had to await the arrival of new territorial officers who would bring Washington’s views on how to proceed.

19. Ransom’s list of speaking appointments is to be found in Leavenworth Weekly Journal, July 16, 1857, and Kansas Weekly Herald, August 1, 1857; Ransom to Cass, March 25, 1856, “Ransom Collection.”
antipathy to the Topeka constitution created rumbles of revolt in the south Osage faction. One delegate from that region took the convention floor to declare that he would campaign against Parrott and any other Free-State party candidate for a seat in the territorial legislature. The leading press spokesman of the south Osage faction threatened the creation of a third party.

Thus, both candidates and their parties were threatened with factional revolt. With his greater political experience and the advantage of a month's head start, Ransom and his supporters should have been able to fan the embers of party revolt in Free-State party ranks into a raging blaze that would have put Parrott on the defensive also. But this they never achieved, partly due to the different potential dangers that revolt threatened to each party. The revolt against Ransom centered in National Democratic power centers, where a close contest could decide not only Ransom's fate but control of the territorial legislature also. Thus National Democratic leaders could not afford to ignore Reid, Key, and the forces they represented. The revolt against Parrott and anti-Topekaism was centered, however, in regions where there was no challenge to Free-State party dominance, and where settlement was so thin that the total vote in the territory-wide race would not be significantly affected. The Free-State party would not win or lose either the delegate contest or legislative control in the south-Osage region. Parrott and friendly Free-State leaders therefore could ignore that region and concentrate on other areas and more crucial groups.

**As a Candidate**, despite his late start, Parrott enjoyed other advantages over his National Democratic opponent as well. While Ransom was 60, Parrott was only 28 and projected the image of youthful vigor. Parrott was by far the more able speaker, his oratorical style being praised by his opponents as smooth and “graceful” and lauded by his friends as “forcible and pointed,” and “far more polished and classic than we are wont to be regaled with in Kansas.” But the greatest advantage which Parrott enjoyed was his relationship to the Topeka constitution. As a known opponent of that document, Parrott did not have to defend it publicly. Thus he could avoid being drawn into a discussion of the merits of the Free-State party method of securing statehood as opposed to a policy which the Lecompton convention might or should adopt. Defending Topeka or its statehood method would alienate many of the free-state Democrats that Parrott’s party needed for victory at the polls. Parrott was thereby free to treat any constitution which the Lecompton convention might produce as certain to be a Proslavery document, regardless of the submission mechanism. Freed from defending Topeka, free to define Lecompton as it suited his purpose, Parrott could keep the campaign focused both on the broad ideological issue of “freedom or slavery,” and on his past political antecedents to attract the crucial bloc of undecided votes. Ransom, by contrast, had constantly to deal with the questions, “what should the Lecompton convention do,” and “what will you, as delegate, do if the Lecompton convention does?”

It was in the handling of these questions that Ransom performed least creditably to himself and his party during the campaign. Deny as he might that the issue of freedom or slavery was a question in the delegate race, Ransom himself made it an issue by introducing the question of the nature of the submission process to be followed by the Lecompton convention. But his advice was inconsistent and contradictory. In early addresses at his home, Fort Scott, and in an unscheduled appearance at Lawrence, Ransom ignored the issue. But at the Shawnee Mission he reportedly declared that, if elected, he would advocate the Lecompton constitution before congress whether that document had been submitted for popular approval or not. Two days later, at Wyandott, a hostile auditor reported that, while the candidate praised Jacksonian democracy, condemned Massachusetts abolitionism, and depicted slavery as an institution approved by God, “he never touched upon affairs in Kanzas.” What Ransom


22. Leavenworth Weekly Journal, September 5, 1857; Lawrence Republican, October 1, 1857; Squatter Sovereign, September 12, 1857.
probably did was to endorse the platform of the Wyandott National Democrats, adopted 10 days before his appearance. Wyandott Democrats had declared flatly that it was the Lecompton convention’s “duty” to submit their constitution “to a full and fair vote of the bona fide residents of Kansas.” The platform also strongly suggested that the submission should contain a separate opportunity to vote “for or against slavery.” Ransom did explicitly endorse the Wyandott platform at the largest rally of his campaign, at Leavenworth on September 1. And he declared his belief that the convention would provide a constitution silent on the subject of slavery, but “with a separate clause, in order that this difficult question be given alone to a vote of the people.” Ransom journeyed upriver to Doniphan, where he again endorsed separate submission of the constitution and the slavery issue. However, at Tecumseh, where his name had been only recently restored to the masthead of the Democratic paper, Ransom asserted that the constitution only should be submitted to the people. And in his final rally at the territorial capital, Lecompton, Ransom, speaking from

Robert J. Walker, appointed governor by President Buchanan, arrived in Kansas in May, 1857. Although he later admitted he was sent to Kansas to make it a conservative Democratic state, he did not support Epaphroditus Ransom, the National Democrat candidate for territorial delegate in the October election. Ignoring warnings of possible voter fraud in Johnson county, he sent U.S. troops to guard polls elsewhere. When the Johnson county fraud occurred as expected, Walker gained national attention by throwing out the fraudulent votes he could have prevented.

23. Ransom's Fort Scott address, Kansas National Democrat, August 20, 1857; unscheduled Lawrence address, Lawrence Republican, September 3, 1857; Shawnee Mission speech, Herald of Freedom, September 12, 1857; Wyandott address, Quindaro Chautauquan, September 2, 1857, and Kansas Weekly Herald, September 19, 1857; the Wyandott platform, Wyandott Citizen, September 26, 1857; Leavenworth rally, Kansas Weekly Herald, September 5, 1857; Doniphan address, Kansas Constitutionalist, September 9, 1857; Tecumseh meeting, Tecumseh Note Book, October 2, 1857; Lecompton addresses, Kansas National Democrat, October 1, 1857.
accept an unsubmitted constitution, undercut efforts to appeal to free-state Democrats. As one of his editorial spokesmen declared, after his Lecompton speech, "we cannot ask Free-State Democrats to vote with us and be a part of our political organization, when we propose to give them no chance to vote upon the vital question of slavery." 24

Capitalizing on the advantage that Ransom had given him, Parrott set out to appeal to the free-state Democrats, within the general limits of the negative campaign philosophy which he espoused. Parrott's appeals to free-state Democrats took four forms. First of all, Parrott stressed his own pre-1854 Democratic affiliation, and proclaimed himself a true friend of the Kansas-Nebraska bill of 1854. Parrott maintained that he believed in the principles of that Democratic legislation, which had been subverted by the Proslavery forces implementing it in Kansas. Only the triumph of the Free-State party, Parrott maintained, would enable the true principles of that Democratic measure to be carried out. 25 Secondly, Parrott and his associates strove mightily to identify National Democracy and Ransom with Proslaveryism. They pointed to the known proslavery proclivities of the editors of the Kansas Constitutionalist and the Tecumseh Note Book and their reendorsement of Ransom, as proof National Democracy and slavery advocacy were one and the same thing. Tellingly, they cited the example of the special Atchison county National Democratic convention called to select a replacement delegate to the Lecompton constitutional convention. John S. Randolph, the nominee, declared he was for "slavery for Kansas, and nothing shorter." Actions like those in Atchison county, Free-State party leaders argued, spoke louder than words in establishing the identity of the misnamed National Democracy as the Proslavery party. 26 Thirdly, Free-State party presses pointed to the actions of Southern state Democratic parties as proof that the Kansas National Democracy was no home for free-state Democrats. Formal censure of Walker by the Demo-

24. Ibid.
25. Kansas Constitutionalist, September 9, 1857; Kansas National Democrat, October 1, 1857. For similar efforts to emphasize their Democratic roots, see speech by W. Y. Roberts, lieutenant governor under the Topeka constitution, at Wyandott, reported in ibid., September 24, 1857.
26. Herald of Freedom, September 19, 1857; Missouri Daily Democrat, St. Louis, August 14, 1857; Wyandott Register and Squatter Sovereign, quoted in Kansas Free State, August 22, 1857.

The NATIONAL Democrats did recognize the difficulties under which their party labored as a result of leadership image, and they did strive to do something about it. In their nominations for the two houses of the legislature, the National Democrats renominated only one of the 13 councilors who sat in the 1857 legislature, and only one of the 34 representatives to that body. At the county and local level, the National Democrats pursued this practice also. Of the 76 men who ran as National Democrats for the county government positions of probate judge, county commissioner, or sheriff, only 23 had held those offices, by appointment of the territorial legislature, prior to the election. 27 And, wherever possible, National Democrats strove to nomi-
leading Democrats, ranging from Governor Walker and the party central committee members down to county chairman for reneging on promises to join the candidate in speaking tours, and doing “literally worse than nothing” to arouse voter interest for the party ticket. Ransom himself complained of one prominent leader in Johnson county who failed to attend the county convention and, when queried, declared that “he forgot . . . the meeting—and was off attending a pic-nic.” One of the party’s territorial council candidates, with a large district to canvass, found that county leaders did not attempt to meet the voters, refused to publicize his speaking engagements, and failed to appear when he made his speeches. “And I just felt that we ought to be beaten,” the candidate concluded, “so I gave it up.”

Both parties suffered from internal divisions that persisted into the election itself, resulting in two tickets with the same party label in some instances. The Free-State party was wracked by disputes over which town should receive the designation of county seat, over nativism, over the domineering attitude displayed by


The Leavenworth poll book at the October, 1857, election illustrates the method of recording votes commonly used in 19th-century elections. The poll book also illustrates Epaphroditus Ransom’s difficulty in gaining the support of leading Democrats. Lucian J. Eastin, editor of the Leavenworth Herald and delegate to the Lecompton constitutional convention, and his fellow National Democratic convention delegate at the July convention which nominated Ransom, D. J. Johnson, failed to vote for their party’s territorial delegate nominee. Eastin’s name is the second one from the top in the list of voters and Johnson follows Eastin on this portion of the poll book page. Votes for Parrott and Ransom (511 and 275) can be compared with totals recorded for their parties’ councilor candidates who are listed just to the right of them. Ransom ran from seven to 46 votes behind the Democratic councilor candidates, while Parrott ran from 19 to 24 votes ahead of the Free-State councilor candidates.
Coz Al Murphrey, 1
L P Eastin
D J Johnson
W Sanders
H James
A F Kemec
A J Williams
J Wilson
J Shobbe
Henry Hatchinson
W D Short
I H Day
John Baker
J C Snott
W J Scum

14 31 20 22 25 28 21 24 5 19 19 8 21

Man tenant of Lots 6
Each land 106
Lawrence politicians toward the rest of the territory, as well as a continuation of the debate over the use to which control of the territorial legislature should be put in the event of party success. But the leadership malaise in National Democratic ranks made that party's internal divisions deadly. The six-county councilor district including Doniphan county was a case in point. Doniphan National Democrats selected seven delegates to attend a district nominating convention and instructed them to support H. S. Creal for the council. But not one of the seven delegates actually attended the convention. Their proxies were cast by a single individual, but for Albert Heed. Heed, together with Frank J. Marshall of Marshall county, was accordingly nominated. These nominations pleased few: Doniphan National Democrats convened and demanded Heed's resignation, while their Pottawatomie and Riley counterparts were nominating W. J. Gilbert to replace Marshall. Just before the election, these differences were supposedly resolved by agreement to support Marshall and Creal. But on election day a report circulated in Doniphan that Marshall had withdrawn, whereupon Gilbert's name was substituted. When the report was discovered to be erroneous, it was too late to reinstruct the voters. As a result of indifference to party duties, candidates' vanity, and bad communications, National Democrats lost two councilors and five representatives. As the Kansas Constitutionalist admitted, with only slight exaggeration, "the late canvass . . . was the most awkwardly and badly managed that we ever witnessed."

FRONTIER politics seems to have contained most of the worst features of 19th-century political life and few, if any, of the redeeming features. Certainly the 1857 campaign in Kansas gave evidence that voters were as frequently intimidated by violence as persuaded by rhetoric in determining how to cast their ballots. In Doniphan, when the National Democrats raised a pole with a party flag at its tip, they stationed armed men to protect it against Free-State party efforts to bring it down. Adherents of both parties exchanged threats, but no violence occurred. Violence was not prevented in Atchison, however, where a mob assaulted the Free-State party candidates for the council and house when they attempted to speak there. Although the house candidate was not "seriously" injured, two shots were fired after him as he left town, and the council candidate was "attacked in a most brutal manner" and the destruction of his home threatened. Nor was the violence the prerogative of a single party. In Leavenworth, Free-State party members made an unsuccessful attempt to break up Ransom's major rally there. On election day one of the Douglas county National Democratic legislative candidates went to Lawrence to challenge prospective voters whom he believed ineligible under territorial law to vote. A Free-State mob assaulted him, threatened his life, frightened him into drawing a knife for protection, and kept him confined in the voting building for several hours. Freed through the intervention of conservative Free-State party leaders, he agreed to leave town immediately and give up challenging more voters. In their first effort at common electoral activity in more than two years, neither party sufficiently trusted their opponent to entrust their own case to voter rationality.

Where voters feared violence, two courses of action were exercised at the October election. Territorial law provided for a two-day balloting period if prospective voters were present at the time the judges decided to close the polls on the first day. One party might keep physically away from the polls on the first day, to avoid precipitating fights, and then cast their votes on the second day. While dampening violence, this tactic sometimes cost the "waiting party" its chance to poll its maximum strength. In Douglas county, for example, where a majority of election judges were Free-State party adherents, National Democrats agreed to keep their adherents from the polls at


33. Kansas Constitutionalist, August 19, September 23, 30, October 7, 1857; Elwood Advertiser, October 1, 1857. Although a systematic vote analysis for all counties is impossible, given incomplete and fraudulent returns, Doniphan county returns for three elections are recorded. In October, 1856, Doniphan cast an average of 293 votes for territorial legislature candidates. In August, 1855, Doniphan cast 219 votes for candidates for the Topeka legislature. These represent the extreme Proslavery and Free-State votes. In October, 1857, the Free-State vote was 574, the National Democratic, 497. In January, 1856, in an election for state officers under the Lecompton constitution, in which elements of both parties boycotted the election, Democrats triumphed over Free-States by 574 to 192. Wilder, Annals of Kansas, pp. 140, 192, 206.

34. Geary City Era, August 29, 1857; Squatter Sovereign, September 12, 1857; Kansas Weekly Herald, September 5, October 24, 1857.
The 12,000 voters who participated in the Kansas territorial election of 1857 shook the United States political machinery violently. Their votes contributed to splitting the Democratic party and rendering impotent a Presidential administration, thereby bringing civil war immeasurably closer. Sen. Stephen A. Douglas, who in 1854 introduced the Kansas-Nebraska act with its doctrine of popular sovereignty, broke with Pres. James Buchanan in 1857 over the latter’s blind acceptance of the fraudulent Lecompton constitution in Kansas.

Lecompton on the first day in return for a pledge to open the polls the second day. But finding no voters waiting to cast their ballots at the end of the first day, the majority of the judges broke their pledge and closed the polls permanently. 35

A second course of action was to appeal to Governor Walker for troops to guard the polls. In Slough creek precinct, Jefferson county, 12 voters asked protection against a Free-State military company leader who intended visiting the polls to prohibit “the Democrats from voting.” Walker might respond favorably to the petition. But the number of available soldiers was limited, and the governor did not comply with all requests. Walker also had his own ideas as to where violence and fraud might occur, and he sent troops to some polling places on his own initiative. 36 Yet he ignored both public and private warnings that Johnson county, bordering on Missouri, was a likely place for fraud to occur. In the absence of troops, Johnson county was the site of the largest vote frauds in the election. 37 Walker

35 Kansas National Democrat, October 8, 1857. The polls were kept open for two days at Lawrence, see George W. Collamore to John A. Andrew, October 6, 1857, “G. W. Collamore Collection,” Massachusetts Historical Society.

36 James T. Darnall, et al, to Robert J. Walker, October, 1857, “Kansas Territory, Executive Department,” correspondence territorial troubles, 1857, archives division, Kansas State Historical Society. Military dispatches governing the use of troops in the October election were printed in “Governor Walker’s Administration,” Kansas Historical Collections, 1859-1896, Topeka, v. 5 (1860), pp. 303-314. The originals of these dispatches, and some unpublished orders, are in “Letters Sent, Troops Serving in Kansas, 1857-1858,” Records of the War Department, record group 90, National Archives. Walker’s initial troop dispositions were made on September 21, 1857.

37 Public warnings are found in Geary City Arg, September 5, 1857, and Herald of Freedom, September 20, 1857. The private warnings, with a specific request to station troops at the Oxford voting precinct, are described in Collamore to John A. Andrew, October 3, 1857, “Collamore Collection.” Walker reportedly remarked that he would “not take the responsibility of the bloodshed that might be caused” by ordering troops to Oxford. Walker’s proclamation, declaring the Oxford return fraudulent, October 19, 1857, is in “Governor Walker’s Administration,” Kansas Historical Collections, v. 5, pp. 403-406.
was to gain national attention for throwing out the same fraudulent votes he probably could have prevented.

These fraudulent votes have tended to obscure the political and constitutional significance of the election results. Excluding fraudulent National Democratic votes, Parrott defeated Ransom by 7,888 to 3,799, a 4,089-vote majority. This victory margin measured the success of the Free-State party in making the election a referendum on the ideological issue of freedom or slavery. Conversely, and more importantly, the margin of defeat measured the failure of National Democrats to persuade voters to put party regularity first. Thus, the 1857 election is an important indication that the Second American party system could not be transported to the territories. 38

WHY DID the National Democrats fail? Compared to their Free-State party counterparts, local party leaders were ineffective, indifferent, or defeatist. The party press squabbled publicly over voter qualification issues on the eve of election. By contrast, Free-State editors, realizing the dangers of too-free discussion of divisive issues, deliberately suppressed potentially controversial items, such as Parrott’s speeches. 39 But most important was the failure to unite proslavery and free-state Democrats into a single organization. Assuming such a union was possible, Ransom and Walker share largely for its failure to occur. Ransom’s positions on congressional power over territorial slavery made him appear unprincipled and hypocritical. His contradictory statements on submission reinforced the image. Ransom could not develop a positive statement of what National Democracy was, that would attract the unaffiliated voter. 40 However, Ransom did not receive the assistance he deserved from territorial officials. In 1860 Robert J. Walker admitted that he was sent to Kansas to make it a conservative Democratic state. Walker’s total indifference to Ransom’s campaign was a remarkable method of achieving that goal. 41

Ransom’s campaign was important constitutionally, however. Despite his inconsistency, Ransom’s sometimes advocacy of the separate submission concept signifies that policy’s importance in territorial debate in 1857. The Lecompton convention’s adoption of a modified version of this policy shows that body was neither totally ignoring public opinion nor putting into effect a “juggle” developed in Washington to serve the interests of the South. Rather, that convention was operating within the broad if imperfectly defined parameters of an ongoing policy debate about the best method of achieving statehood while simultaneously resolving the thorny question of slavery’s future. Ransom’s campaign was an important prelude to the convention’s action, albeit not as useful in clarifying the parameters of debate as it might have been. 42

Parrott’s election marked the end of a revolution in Free-State party ranks. His victory marked the end of the Topeka constitution and government as a statehood device and a party rallying point. This had a significant impact on national politics. Faced with only the Lecompton constitution, congress would have to take a clear position for or against what that document embodied. There would be no other embodiment of Kansas sentiment, affording


39. The election-eve controversy was over payment of a poll tax as a prerequisite for voting. Federal district court Judge Sterling G. Cato and Federal District Attorney William Weer took the position publicly that a poll tax was required. Walker took the position that it was not. No efforts appear to have been made at any polling places to collect the tax or use nonpayment as a means to prevent voting. The division among federal officials was echoed in the National Democratic press, with the Kansas National Democrat, September 24, 1857, denouncing the Leavenworth Weekly Journal for opposing Walker’s position, and the Journal replying in kind, October 1, 1857. An examination of the recent Free-State press fails to reveal a single account of one of Parrott’s speeches. This is most notable in the columns of the Herald of Freedom, Parrott’s most powerful editorial supporter.

40. Almost all Democratic observers agreed with Ransom’s own conclusion that “all my efforts to obtain support from democrats affiliating with the free soil party, availed nothing.” Ransom also admitted the influence of his 1849 message in keeping these voters from supporting him, see Ransom to Cass, March 25, 1858, “Ransom Collection.” See also Kansas National Democrat, October 8, 1857; Richmond (Va.) Examiner, quoted in Kansas National Democrat, November 5, 1857.

41. U. S. House of Representatives Report no. 648, 36th Cong., 1st Sess., pp. 107-108. After an initial appearance with Ransom at Fort Scott, Walker and Stanton virtually shunned him. Stanton made one speech at Wyandott, but on a different date from Ransom’s appearance there. Walker was apparently writing an anonymous pamphlet defending his course of action against Southern attacks, see Thomas J. Marsh to G. L. Stearns, September 7, 1857, “G. L. Stearns Collection,” manuscript division, Kansas State Historical Society.

42. Nebbia, Emergence of Lincoln, v. 1, pp. 234-239; Rawley, Race and Politics, pp. 314-317; Nichols, Disruption of American Democracy, pp. 184, notes the statewide political references and sources of the “separate submission” concept, but he fails to note or explore its role in territorial political affairs.
congress an excuse to put the slavery issue back in territorial hands. \(^{43}\) Try as they might to avoid it, congress had in fact to decide the future of slavery in Kansas. Parrott’s election, then, was the death-knell of the doctrine of popular sovereignty that returned the debate and decision over slavery’s future to its original home.

43. Douglas’s proposal for new congressional legislation authorizing another territorial effort at constitution making received no support. Johannsen, *Stephen A. Douglas*, p. 597. Congress did adopt the English bill, a face-saving device that resubmitted the land grant in the Lecompton constitution, not the slavery issue, to Kansans. But the outcome was never in doubt. By rejecting Lecompton, congress in effect resolved the issue.