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## The Lecompton Constitutional Convention: An Analysis of Its Membership

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DURING the latter years of the decade preceding the Civil War, the town of Lecompton, Kansas territory, received a notoriety that completely belied its humble and dusty existence. Its name became a byword in political controversy. Spread across newspaper columns from coast to coast and hurled forth by countless political speakers, the town's name came to symbolize one of the most significant developments in a growing sectional conflict. An already declining Presidential administration was further weakened, an additional gash was torn in a great national political party and the Union itself was brought closer to the brink of destruction by the events which Lecompton symbolized.

On December 8, 1857, President James Buchanan, in his first message to congress, reviewed in calm and approving tones the recent events in Kansas. A constitutional convention had assembled and had drafted a state constitution that promised to settle all the difficulties for which Kansas had become notorious. That the constitution to which Buchanan referred did not settle these difficulties, but on the contrary, created new and insurmountable ones, has become one of the grim and inescapable facts of the pre-Civil War decade.

On the following day, December 9, Stephen A. Douglas, senator from Illinois and author of the act which created Kansas territory, exploded in a three-hour address to the senate. The action of the convention was, he charged, "a mockery and insult," "a system of trickery and jugglery," and the fight was on. In the resulting melee, the Kansans who had participated in the convention, innocent of the reactions that would greet their efforts, were denounced and maligned. Few groups of frontier politicians and state makers have suffered more at the hands of their contemporaries and later

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historians than the members of the constitutional convention that assembled in Lecompton one hundred years ago.

Lecompton, Kansas territory, was at the height of its prosperity in 1857. Laid out in the spring of 1855 on the south bank of the Kansas river about 50 miles above its confluence with the Missouri river, the town was named for Judge Samuel D. Lecompte, one of the first justices on the territorial supreme court and member of the original town company. In August, 1855, the territorial legislature designated Lecompton the capital of the territory, and for the next few years the town served as the headquarters for the Proslavery element in Kansas. With a population of one thousand or more in 1857, the town boasted a half dozen dry goods stores, a school, four churches, three hotels (described as "roomy" in the local press), and a livery stable, besides the land office, the surveyor-general's office, the capitol, and the United States court. Lots in the center of town were priced from \$500 to \$1,000 each.

The local newspaper editor reported that the town was in the throes of rapid and unrestrained growth; the din and clatter of the hammer, plane, and saw prevented quiet concentration. Lecompton already had direct stage and express connections with all parts of the territory and steamboats plied the Kansas river. A bridge soon to be constructed across the Kansas river would put the town on the shortest route between the Missouri and the High Plains.<sup>1</sup> The correspondent of an Eastern newspaper more realistically observed that Lecompton was "not particularly progressive," owing its trade "more to the fact that it is the seat of Government than to any advantage of location."<sup>2</sup>

In February, 1857, the Kansas territorial legislature passed a bill providing for a convention to frame a state constitution, to meet in Lecompton on the first Monday of the following September. Delegates to the convention were to be apportioned among the counties on the basis of a special census of voters carried out by the sheriffs and supervised by the local county officials. The election of delegates was scheduled for June. The bill was vetoed by Gov. John W. Geary in one of his last acts in office but was promptly passed over his veto.<sup>3</sup>

1. A. T. Andreas and W. G. Cutler, *History of the State of Kansas* (Chicago, 1883), p. 351; *Lecompton Union*, April 11, 1857.

2. *New York Times*, June 6, 1857. One young settler of antislavery proclivities described Lecompton, "The only proslavery town in Kansas that flourishes is Lecompton, and that is built up entirely by the patronage of Uncle Sam. The only business places besides one or two stores are lawyers' shops and grogshops—and the United States Land Office."—John Everett to his father, September 18, 1857, "Letters of John and Sarah Everett, 1854-1864: Miami County Pioneers," *The Kansas Historical Quarterly*, Topeka, v. 8 (August, 1939), p. 285.

3. The bill calling a constitutional convention was passed in response to the decision of the voters at the previous territorial election, when the question of forming a state constitution was approved by a decisive majority. The free-soil element in the territory, however, had boycotted this election and did not vote.

The bill met the immediate hostility of the antislavery group in the territory. Governor Geary reflected this opposition in his veto message. Not only was the statehood movement premature,<sup>4</sup> in his opinion, but the apparatus for taking the census and registering the voters was faulty, being entirely in the hands of county officials appointed by the Proslavery legislature. Finally, he maintained, the failure of the legislature to insist on the submission of the constitution to a popular vote constituted a breach of legislative responsibility. When the secretary of the territory, Frederick P. Stanton, issued a proclamation in May setting forth the apportionment of delegates to the convention, further cries of opposition were heard from the Free-State camp. The census for the apportionment of delegates to the convention was not taken in many of the interior counties, where Free-State sentiment was strong. Out of an estimated 20,000 adult males in Kansas, only slightly more than 9,000 were registered. Since the population of the territory was heaviest in the eastern counties, these areas secured the largest number of delegates. Thirty-seven out of the 60 delegates were to be elected from counties bordering on Missouri, thus assuring, the free-soilers maintained, a thoroughly Proslavery body. T. Dwight Thacher, editor of the *Lawrence Republican*, expressed the point of view of the antislavery group when he wrote,

A corrupt, bogus concern, calling itself the Legislature of Kansas, but in reality a creation of fraud and violence, passes an act over the Governor's veto for taking a census and registry, and holding an election for delegates to a constitutional convention. That act is framed with cunning malignity for the express purpose of defrauding the great mass of people of any voice in making the constitution. . . . Nearly half of the counties of the Territory are left off of the returns. . . . The sixty delegates are all apportioned, and the Missouri River districts, where a pro-slavery victory has been made sure, get thirty-seven out of the sixty.

He urged all Free-State men to ignore this election as they had previous territorial elections, in the hope that "no Congress will dare to admit Kansas with a constitution based upon a representation in which half the Territory had no part."<sup>5</sup> Thacher's advice was endorsed by a convention of Free-State men at Topeka just three days before election day.

4. Much was made of the "prematurity" of this statehood movement in the arguments condemning the action of the legislature. Later historians have reiterated this argument without taking into consideration the fact that statehood movements had been organized in territories with smaller populations and that the free-soil group in Kansas had already written a state constitution and appealed to congress for admission as a state.

5. *Lawrence Republican*, June 11, 1857. The editor of one of the Proslavery journals in the territory, himself a candidate for the convention, admitted that the census was faulty, but maintained that the fault lay with the Free-State men who refused to co-operate with the census takers.—*Kansas Weekly Herald*, Leavenworth, June 13, 1857.

The election for the 60 delegates to the constitutional convention was thus a one-sided affair. The Democratic party organizations on the county level, dominated by Proslavery men, nominated candidates and in most counties these tickets were unopposed. In some of the counties independent slates were presented in opposition to the Proslavery tickets, but these tickets, if they did not fall apart before election day, secured almost no votes. In Leavenworth and Douglas counties, for example, Free-State Democrats attempted without success to oppose the Proslavery leadership in the regular party organizations.<sup>6</sup> Only slightly more than 2,000 voters participated in the election, less than one fourth the total number of voters registered in the census and only one tenth of the estimated adult population; the Proslavery tickets were in all cases successful.<sup>7</sup> The election was denounced as a sham by the Free-State elements in the territory but the men elected to the convention approached the task of constitution-making with seriousness and a great sense of responsibility. The one-sided nature of the election caused some feelings of apprehension among Proslavery men in the territory,<sup>8</sup> but for the most part they were confident of the election's legality.

The members of the constitutional convention gathered in Leecompton during the first week in September, 1857. The town was transformed. Not only delegates, but also newspaper correspondents and interested bystanders taxed the facilities of the community. The correspondent of the *New York Herald*, dispatched to Leecompton just to cover the convention, described the scene:

Although the Constitutional Convention . . . has brought to this miserable little town a large number of people—some of them of the most excitable character—everything goes on quietly and peaceably. There has been so far no disturbance. . . . There are two small inns here, not capable of accommodating properly one-fifth of the number of people that are registered as guests. But the most is made of every apartment in these houses. As many beds and cots as can be got into a room are laid down, and as many persons as they can possibly hold are squeezed into each of them. But still many lie about the bar rooms and even under the trees and it is customary to consign to the barn such as are not otherwise provided for. There is not a private habitation in the town large enough to admit of renting an apartment.<sup>9</sup>

6. Leecompton Union, June 12, 1857; *Kansas Weekly Herald*, Leavenworth, June 13, 1857; *New York Times*, June 25, 1857.

7. The lightness of the vote was explained by one Proslavery editor: "The vote is small but it would have been much larger if our friends had thought there was any show for the opposition ticket. They knew it would be defeated, and hence they made no effort to bring their friends to the polls."—*Kansas Weekly Herald*, June 20, 1857. Sen. William Bigler of Pennsylvania, visiting in Kansas during the election, reported that many voters were indifferent to the election of delegates, confident that they would be able to vote on the ratification or rejection of the constitution that resulted.—*Clearfield (Pa.) Republican*, July 21, 1857, quoted in *Kansas Weekly Herald*, August 15, 1857.

8. The correspondent of the *St. Louis Missouri Democrat* wrote, "The Pro-Slavery residents are greatly disconcerted, and declare that the Free-State men are a 'd—d stubborn set of people,'" quoted in the *New York Times*, June 27, 1857.

9. *New York Herald*, September 19, 1857.

The delegates opened their convention in a simple two-story frame building on September 7 and remained in session for four days. After electing permanent officers and choosing a slate of committees, they adjourned until the 19th of October. One of the delegates, a newspaper editor, explained that the adjournment had been carried to give the committees time to gather and examine information and to save the members money. "No rooms could be obtained at Lecompton," he wrote, "for the sitting of the different committees. With all these disadvantages it could not be expected that members were willing to remain there and pay \$14 per week for board."<sup>10</sup>

The comments of the Free-State press in the territory on the adjournment were probably closer to the truth. An election for territorial delegate to congress and for members of the territorial legislature was scheduled for the first week in October. The newly-arrived territorial governor, Robert J. Walker, had made repeated assurances that this election would be a fair and impartial one. As a result, the Free-State group, meeting in a convention at Grasshopper Falls in late August, pledged their participation in the election. With the prospect that the October election would be the first in the territory in which all parties participated, the hopes of the Proslavery element for continued domination in the territorial government dimmed. The Lecompton convention, it was said, had adjourned until after the results of the election should be known. Its deliberations, particularly with regard to the submission of the constitution to the electorate for ratification, would depend upon the political complexion of the territory after the election.<sup>11</sup>

The election resulted in a Free-State triumph. Marcus J. Parrott, the Free-State candidate for delegate to congress, won over his opponent, former Michigan governor Epaphroditus Ransom, by a decisive majority. After Governor Walker threw out the election returns from two voting areas as being fraudulent, the Free-State group counted majorities in both houses of the territorial legislature. Thus the cause of the Proslavery Lecompton constitutional convention was lost before it got under way. The delegates became aware that no constitution which they could produce would possibly be endorsed by the voters and some feared that congress might reject their constitution if it were not submitted to the electorate for approval. There were rumors that the delegates would resign their positions and abandon the statehood movement.<sup>12</sup> However, the

10. *Kansas Weekly Herald*, Leavenworth, September 26, 1857.

11. *Lawrence Republican*, September 10, 17, 1857; *New York Herald*, September 22, 1857.

12. *Ibid.* A mass meeting of the Free-State supporters was held in Lecompton on October 19 to protest against the reassembling of the convention.

dilemma in which some of the delegates may have found themselves as they reassembled in Lecompton in October did not concern them for long. Many recognized instead a new urgency in their labors; the last hope for establishing slavery in Kansas now resided in the Lecompton movement.

The members of the Lecompton convention were denounced in 1857 by the Free-State supporters, and they have been generally condemned by subsequent generations of historians. To the editor of the *Lawrence Republican*, the convention was a "plug-ugly" or "felon" convention and its members were "lawless malefactors."<sup>13</sup> A meeting of Free-State men at Big Springs in late November denounced the proceedings of the convention as the "sublimated essence of all villainies" and the authors of the new constitution as "traitors and villains, fit only for the association of robbers and outlaws."<sup>14</sup> Preston B. Plumb, editor of the strongly antislavery *Kansas News*, of Emporia, described the convention as a "conclave of broken-down political hacks, demagogues, fire-eaters, perjurers, ruffians, ballot-box stuffers, and loafers." Under the heading "The Roll of Infamy" he listed the members of the convention and for some of them provided brief thumb-nail sketches in the most uncomplimentary language.<sup>15</sup> William Phillips, the correspondent of Horace Greeley's *New York Tribune*, emphasized the "grotesque" appearance and intemperate drinking habits of the delegates.<sup>16</sup> But the peak of invective came from the pen of the correspondent for a New Hampshire newspaper:

A more incongruous mass of heterogeneous materials than this said Convention, it has never been my lot to meet. I do verily believe that if the Messrs. Fowler of New York City were to come out here and take casts of the heads of the delegates, they would make such a splendid addition to their phrenologic museum of "busts of distinguished criminals" as could be procured under no other circumstances. The low, retreating foreheads—the red, inflamed eyes; the bulging development of animalism at the back of the cranium, eclipsed everything I have heretofore seen or ever again hope to see. You might rake the purlieus of the "Five Points" of New York City to their very dregs, but you could find nothing whose characteristics of depravity were more marked than those of the men who have usurped the office of law-makers of the people of Kansas. . . .

Faces so much like snakes you could hear their sibilant hisses.

Faces like trodden worms, beseeching you to let them wriggle to their holes.

Faces like a tormented conscience, livid with rage, and purple with the pains of hell.

13. *Lawrence Republican*, December 3, 10, 1857.

14. *Ibid.*, December 10, 1857.

15. *Kansas News*, Emporia, November 21, 1857.

16. *New York Tribune*, November 6, 19, 1857.

Faces like the concentrated essence of all meanness and all scoundrelism; faces which struck a chill to your heart like death.

Such are the faces of some of those who are to draft a State Constitution for the government of the people of Kansas.<sup>17</sup>

The Proslavery press in both the territory and the South devoted little space to a discussion of the character of the convention membership. To this element, the convention was a regularly constituted body, legally elected, and differing but little from other such bodies in other territories.

Against the great body of denunciation emanating from the Free-State spokesmen, the description of the convention by Samuel G. Reid, editor of the Proslavery *Tecumseh Note Book* and a member of that body, seemed pitiful and ineffectual. "Of one thing we cannot be mistaken," Reid wrote, "rarely have so able, zealous, and commanding a body of men, young and old, presided over the organization of a sovereign State of the American Union." But Reid continued, "The rights of the South can, shall, and must be maintained."<sup>18</sup> John Calhoun, elected president of the convention, reiterated these sentiments in his opening address: "I think that the character of the members of this convention over which I have the honor to preside, ought to give the world assurance that their deliberations will result, not merely in the settlement of difficulties here, but in the settlement of the question as to whether this Union shall continue. . . ."<sup>19</sup>

Some of the venom of the Free-State men fell upon the town of Lecompton. As the center of Proslavery influence in the territory, the community had never enjoyed a high degree of popularity with the antislavery group.<sup>20</sup> As the meeting place of the constitutional convention, the town became the target of additional verbal abuse. The correspondent of the New York *Tribune*, who seldom failed to mention the drinking habits of the Proslavery men in his dispatches, referred to Lecompton as "this celebrated whisky-drinking capital" and reported that on election day "the grog-shops were closed in Lecompton, which well-nigh amounted to a total abolition of the business of the place for the time being."<sup>21</sup> Preston Plumb's *Kansas*

17. Kansas correspondence of the Concord (N. H.) *Independent Democrat*, quoted in *Lawrence Republican*, October 8, 1857.

18. *Tecumseh Note Book*, September 18, 1857.

19. *Kansas Weekly Herald*, Leavenworth, September 19, 1857.

20. The New York *Times* correspondent wrote of Lecompton in May, 1857, "Being recognized throughout the Territory as the rendezvous—the point d'appui of the 'Border Ruffians'—its social reputation in the Free State towns is not peculiarly flattering. So far as I have seen it, however, I feel called upon to say that a more friendly, generous, warm-hearted and intelligent people than that of this same Lecompton I have not met since my entrance into Kansas," June 6, 1857.

21. New York *Tribune*, October 8, 15, 1857.

*News* described the assembling of the convention delegates in Le-compton after the adjournment:

It's the meanest town that ever was manufactured for a speculation. It's one of the towns we read of. In the summer time it is overrun with rattlesnakes, most of the fall and spring by mud, and by loafers and land sharks all seasons of the year. . . . It ought to be good for the *Constitution* to sit and hear them [the delegates], for I declare to patience, Job couldn't keep from laughing. . . . They have been here just ten days since the adjournment, and have done so near nothing that I can't tell the difference. The first four days were spent without a quorum, in swearing against the absentees, making big mouths at all Governors and Secretaries, and drinking all the whisky they could get on credit or in treats from those who wanted to take care of the *constitutions* of the delegates rather than the constitution of the future State.<sup>22</sup>

To the editor of the *Lawrence Republican*, Lecompton was "the citadel of usurpers of the rights and powers of a harrassed and down-trodden people."<sup>23</sup>

Most historians of the pre-Civil War decade have shown a tendency to continue in the tradition of denunciation established by the antislavery press in the 1850's, probably because the most complete, although at the same time the most biased, reports of the convention proceedings were those of the antislavery newspaper correspondents. In 1948 Roy Franklin Nichols, in his Pulitzer Prize winning *Disruption of American Democracy*, dismissed the membership of the Lecompton convention with the comment that it was composed of poor material. Its members were largely ignorant, unstable, frontier adventurers, too often drunk. Though the convention officially numbered sixty, a large part were irregular in attendance and inattentive when present . . . the manner of conducting business was slovenly in the extreme.<sup>24</sup>

Two years later, Allan Nevins, in his study of the controversial 1850's, relied heavily on the *New York Tribune* and Plumb's *Kansas News* for his descriptions of the convention members. "Any critic of democracy," Nevins maintained, "who wished to indict its American workings would have done well to attend the constitutional convention which sat at Lecompton in the fall of 1857." By far the greater majority of delegates, according to Nevins, were "ignorant, semi-illiterate, and prejudiced men."<sup>25</sup> In 1956 Nevins wrote that the convention delegates were "a handful of ignorant, reckless, semi-drunken settlers . . . led by a few desperadoes of politics

22. *Kansas News*, Emporia, November 7, 1857.

23. *Lawrence Republican*, December 10, 1857.

24. Roy Franklin Nichols, *The Disruption of American Democracy* (New York, 1948), p. 121.

25. Allan Nevins, *The Emergence of Lincoln* (2 vols., New York, 1950), v. 1, p. 229.



... the shabbiest conclave of its kind ever held on American soil."<sup>26</sup>

What were these delegates to the Lecompton convention really like? Was the vituperation levelled against the meeting by the antislavery press justified by the character of the members themselves? Was this convention any more "shabby" in its composition than other such frontier political meetings? The answers to these questions are not easily available. Many of the men who sat at Lecompton in the fall of 1857 have slipped into almost complete obscurity. Most of them left Kansas following the convention when it was apparent that their cause had been lost.<sup>27</sup>

One eastern newspaper correspondent who attended the opening of the deliberations in September, 1857, reported that the Lecompton convention differed but little from similar conventions in other parts of the country:

As to the *personnel* of the Convention, I have nothing unfavorable to say. It differed not at all from the usual construction of party conventions in New York and elsewhere. There was the usual supply of bores—men who will talk, though it be nonsense, and will make speeches which no one wants to hear, which few can understand, and which tax the ingenuity of the reporter to shape into correct English. There were also pretentious young lawyers innumerable, and several equally pretentious young editors. And finally, there was a large proportion of farmers and country shopkeepers, (merchants they call themselves) few of whom were talkers, while some of them were practical business men and not unused to the work of political conventions. It was, altogether, a body of ordinary respectability; but it struck me as being one little qualified to frame an organic law or perform a work of such immense responsibility and requiring so much legal, political, and historical knowledge. One of two of the delegates only appeared to me to be so qualified. The rest might do very well for county conventions or even for State Legislature, but were rather out of their sphere in a convention to frame a constitution.<sup>28</sup>

An examination of the membership of the convention bears out this conclusion.

Although the number of delegates actually participating in the proceedings varied from time to time, a total of 55 out of the 60 elected were present at one time or another. Only 45 of these signed the finished constitution. Five of the elected delegates never appeared in Lecompton. Like most frontier political conventions, the Lecompton convention was primarily a gathering of young men.

26. Allan Nevins, "The Needless Conflict," *American Heritage*, New York, v. 7, No. 5 (August, 1950), pp. 6, 88.

27. An examination of the 1860 census schedules for Kansas has revealed that 41 out of the 55 members who attended the deliberations were not residing in Kansas during that year. At least two of these were deceased by 1860; two others were living in the Colorado mining country.

28. *New York Herald*, September 22, 1857. The reports of the *Herald* correspondent, although more objective in their tone, have been ignored by most historians in favor of the very antislavery accounts of the *New York Tribune*.

Thirty-seven members were below 40 years of age and 18 of these were in their 20's; only nine members were over 50. The youngest delegate was Batt. Jones, 21 years of age, representing Johnson county, although residing in Westport, Mo. The eldest was Dr. Blake Little, a Fort Scott physician, 64 years old. The delegates were almost wholly from slave states. Only 12 members had been born in free states and only six had resided in free states before migrating to Kansas. More delegates had been born in Kentucky than in any other state; Virginia, Georgia, and Tennessee followed in that order. A majority of the members originated in the border region, both slave and free, of the Ohio and Mississippi valleys, the area that contributed the most to the peopling of the West and represented a stronghold of conservatism during the sectional conflict.<sup>29</sup> In occupation, there were more farmers in the convention than any other group, followed by lawyers, merchants, newspaper editors, and physicians.<sup>30</sup>

Politically, the Lecompton convention, with some exceptions, was a conservative body. Thirty-four of its members were Democrats and seven still called themselves Whigs, in spite of the fact that the Whig party by 1857 had disappeared as a political force. Twenty had been Whigs before their arrival in Kansas. The remaining members employed such labels as Proslavery, State Rights, Ultra Southern Rights, Nullifier, and Ultra Democrat to describe their political affiliations.<sup>31</sup>

All the members were Proslavery in their sympathies and at least seven of them were, or had been, slave owners.<sup>32</sup> One of these, a Leavenworth county farmer named Jesse Connell, expressed the views of the majority of his colleagues when he argued that since slavery already existed in the territory, the convention should "recognize the institution as it now exists and throw around it the same safeguards that they would any other vested property."

Having been born and raised in Kentucky [he continued], having owned slaves all my life, unfortunately for me perhaps, I have always considered the

29. The places of birth of the convention delegates were as follows: Kentucky, 18, Virginia 7, Georgia 6, Tennessee 5, Pennsylvania 4, Missouri 2, Ohio 2, Alabama 2, North Carolina 2, Indiana 1, Iowa 1, Massachusetts 1, New York 1, South Carolina 1, Illinois 1, and Michigan 1. Not all of the delegates had come to Kansas directly from the states of their births. Thirty-eight of them had resided in Missouri, Kentucky, Ohio, Indiana, and Illinois immediately before their arrival in Kansas.

30. Farmers 21, lawyers 11, merchants 8, newspaper editors 6, physicians 5, and mechanic, surveyor, stone mason, and carpenter, 1 each.

31. The statistical information dealing with the age, birthplace, residence before Kansas, occupation, and political affiliation of each of the members has in large part been drawn from a table in the *New York Tribune*, November 19, 1857. This table was based on written statements from each of the delegates.

32. J. H. Barlow, Jesse Connell, Rush Elmore, Blake Little, William Mathews, John M. Wallace, and William Walker.—*Kansas Historical Collections*, v. 7 (1901-1902), pp. 238-240, v. 10 (1907-1908), p. 184; *Kansas Weekly Herald*, Leavenworth, June 13, 1857; "Kansas Territorial Census, 1855" (manuscript returns in Kansas State Historical Society).

system a good one and that the condition of the slave is preferable to that of the free negro. I should always be opposed to the admission of free negroes into the Territory, as a free negro population is conceded to be worthless by all intelligent and thinking men, both at the North and South.<sup>33</sup>

The antipathy toward the free Negro in Kansas was not limited to the Proslavery group but had been expressed as well by the Free-State men in their earlier Topeka statehood movement. Not only were the Proslavery attitudes of Kansans in 1857 justified by racial arguments but they were also supported by an appeal to economic considerations. The large majority of the Kansas population, wrote one correspondent, was desirous only of "promoting their individual wealth and the general prosperity of the Territory. If they were of opinion that the establishment of slavery in the Territory were more calculated to produce that end, there would be undoubtedly a large majority in favor thereof without any reference to politics; and *vice versa*."<sup>34</sup> This notion that slavery was simply a matter of "dollars and cents" was a typical frontier attitude toward the institution.<sup>35</sup>

Although occupying the same general Proslavery position, the delegates expressed differing opinions regarding the advisability of imposing the institution on Kansas against the will the people, especially after the October elections indicated a Free-State majority in the territory. The conservatism of the convention was ruffled by a small group of Proslavery fanatics. Three Georgia-born delegates, Lucius Boling, a Lecompton attorney described as "the finest looking man of the lot, tall, with dark hair and eyes, and considerable talent";<sup>36</sup> Joshua H. Danforth, correspondent of the *Charleston Mercury*, "a dangerous foe and a devoted partizan";<sup>37</sup> and Batt. Jones, who was in correspondence with Howell Cobb, Buchanan's secretary of the treasury, during the sitting of the convention,<sup>38</sup> together with William H. Jenkins of South Carolina, led those who argued that Kansas must be made a slave state at all hazards. Of this group, the correspondent of the *St. Louis Missouri Republican*, a Democratic newspaper, wrote,

They are as fanatic in their views as the ultra Massachusetts abolitionists, and equally as honest in avowing their purposes and objects, that they would as soon see the Union dissolved as not see Kansas admitted as a slave State.

33. *Kansas Weekly Herald*, Leavenworth, June 13, 1857.

34. *New York Herald*, September 19, 1857.

35. See Robert W. Johannsen, *Frontier Politics and the Sectional Conflict: The Pacific Northwest on the Eve of the Civil War* (Seattle, 1955), ch. 2.

36. *Kansas News*, Emporia, November 21, 1857.

37. *Ibid.*

38. Howell Cobb to Alexander H. Stephens, October 9, 1857, Ulrich B. Phillips, ed., *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, *Annual Report of the American Historical Association* 1911 (Washington, 1913), v. 2, p. 424.

With the exception of Bolling of Douglas (who is young and talented) there is not a leader of the ultra proslavery interest on the floor of the Convention who will come up to mediocrity. They are a burlesque, in my opinion, upon Southern statesmanship.

Of the rest of the delegates, this correspondent reported, "Much the largest portion of the Convention are proslavery in sentiment, but conservative in their political action . . . and, I think, with a single exception, they have all or most of the talent in that body."<sup>39</sup> The New York *Herald* correspondent supported this conclusion. By 1857, he reported, the conviction was growing in Kansas, even among the Proslavery men, that slavery would not enhance the local economy. From an intimate acquaintance with the delegates, he wrote, "you would find that most of them, particularly responsible settlers and property holders, while they had 'slave State' on their lips had 'free State' in their hearts." The few extremists, he continued, "are men who came here on principle, and who stand ready to vacate Kansas so soon as that principle is defeated."<sup>40</sup>

As in many frontier political conventions, the members of the Leecompton meeting had little previous political experience, and for most of them, service in the convention was to be their last excursion into local politics.<sup>41</sup> Seventeen of the delegates had been, or were at the time, either members of the Kansas territorial legislature,<sup>42</sup> or officers in their county governments.<sup>43</sup> A large proportion of them were active in the territorial Democratic party organization.<sup>44</sup>

Three of the most prominent members of the convention were William Walker, John Calhoun, and Rush Elmore. Walker, a member of the Wyandotte Indian nation, had resided in Kansas

39. Correspondence of the St. Louis *Missouri Republican*, quoted in New York *Herald*, November 17, 1857.

40. New York *Herald*, September 22, 1857.

41. There are some exceptions, Jesse Connell, a life-long slave owner, was elected to Kansas' first state legislature; James Adkins later became a member of the Missouri state legislature; Thomas Jefferson Key was elected to the Arkansas state legislature; and Isaac Haswell put his experience in the Leecompton convention to good use as a member of the Nebraska constitutional convention, later becoming a member of the Nebraska legislature.—*Kansas Historical Collections*, v. 10 (1907-1908), p. 238; *Atchison Daily Globe*, July 10, 1909; Wirt Armistead Cate, ed., *Two Soldiers: The Campaign Diaries of Thomas J. Key, C. S. A., and Robert J. Campbell, U. S. A.* (Chapel Hill, 1948), p. 4; "Kansas Biographical Scrapbooks, H," v. 10, pp. 167-172 (Kansas State Historical Society).

42. James Adkins, Harrison Butcher, Cyrus Dolman, Lucian Eastin, William Heiskell, William Jenkins, James Keykendall, Blake Little, David Lykins, John W. Martin, and Hugh M. Moore.—*Kansas Historical Collections*, v. 10 (1907-1908), pp. 170, 208; Daniel Webster Wilder, *The Annals of Kansas, 1541-1885* (Topeka, 1886), pp. 60, 61, 140, 149.

43. James Adkins, Alexander Bayne, Harrison Butcher, Cyrus Dolman, William Heiskell, Samuel Kookagos, James Keykendall, Claiborne R. Mobley, John S. Randolph, M. Pierce Rively and Hero Wilcox. Keykendall had been sheriff of Platte county, Missouri, for four years before moving to Kansas.—*Kansas Historical Collections*, v. 10 (1907-1908), pp. 208, 648; Andreas and Coiler, *op. cit.*, pp. 311, 422, 521, 941, 1071, 1304; George A. Hunt, "Ferries in Kansas," *Kansas Historical Quarterly*, v. 2 (November, 1933), p. 358; "Collected Biography, Clippings," v. 1, p. 38 (Kansas State Historical Society).

44. Nineteen of the members of the Leecompton constitutional convention sat as delegates in a convention of the "National Democratic" party of Kansas territory, held at Leecompton during the summer of 1857.—*Kansas National Democrat*, Leecompton, July 30, 1857.

since 1843 when his tribe was removed from the Ohio valley to a small reservation at the confluence of the Kansas and Missouri rivers. Born in Michigan and educated at Kenyon College in Ohio, Walker had owned slaves since 1847. In 1853 he was elected governor of the provisional government of "Nebraska territory," a nebulous organization promoted by certain members of the emigrant Indian tribes to safeguard their interests west of the Missouri river.<sup>45</sup> Although to the Free-State men, Walker was "completely broken down by intemperance," his election to the convention was a source of gratification to some in the area. One editor wrote,

Aside from his known and acknowledged ability, it is but right that the red men should have one of their own race in the convention which frames the organic law for the State of Kansas. They have a deep interest in the results of this constitutional movement, and need a representative bound to them by blood as well as by friendship . . . it will be the first instance in our history where the Indian participated in enacting the fundamental laws of a civilized State.<sup>46</sup>

John Calhoun was the most controversial of the members of the Lecompton convention. As surveyor-general of Kansas and Nebraska territories, with headquarters at Lecompton, Calhoun had come to be regarded as the real power in the territorial government. Although a New Englander by birth, he had spent his entire life in Illinois where he became a close personal friend of both Abraham Lincoln, to whom he taught surveying, and Stephen A. Douglas, whose cause he served in local Illinois politics. He had been a member of the Illinois state legislature, mayor of Springfield for three terms and an unsuccessful candidate for congress before he was appointed to office in Kansas territory in 1854. Calhoun was elected president of the convention, a wise choice according to one correspondent who described him as "a discreet, conservative man . . . a gentleman of profound talents, and broad, liberal and comprehensive views."<sup>47</sup> To a second correspondent, he was "a clever democratic manager, a shrewd politician, and an astute and energetic laborer in the cause of conservative democracy."<sup>48</sup> He was regarded in the territory as a champion of the Proslavery cause. "Born and raised in the North," wrote one local editor, "his sympathies are all with the South, and he is to-day stronger on the

45. *Kansas Historical Collections*, v. 9 (1905-1906), p. 85. See, also, William E. Connelley, *The Provisional Government of Nebraska Territory, Proceedings and Collections of the Nebraska State Historical Society* (Lincoln, 1899), series 2, v. 3.

46. *Kansas News*, Emporia, November 21, 1857; *Kansas City (Mo.) Enterprise*, June 13, 1857.

47. Correspondence of the St. Louis Missouri Republican, quoted in *New York Herald*, November 17, 1857.

48. *New York Times*, September 17, 1857.

slavery question than one half of those born and raised in the South."<sup>49</sup> For the same reason, the Free-State element looked upon Calhoun with contempt. Preston Plumb described him as "a choice specimen of the *genus homo* known as political demagogue . . . his principal aim has been to advance ruffianism, annoy the Free State men, drink bad liquor and do the smallest amount of work possible."<sup>50</sup> Much of the criticism of the Lecompton convention was heaped on Calhoun and his reputation and career was one of the principal casualties of the Lecompton movement.

Rush Elmore, "a keen party leader, an acute, high-minded, and well-disposed Southern Democrat,"<sup>51</sup> was conceded even by the Free-State press to be a man of outstanding ability. An Alabamian by birth, Elmore had served in the Mexican War and practiced law in Montgomery in partnership with William Lowndes Yancey before being appointed by President Pierce to the supreme court of Kansas territory. He moved to Kansas shortly after his appointment with his family and 14 slaves, becoming one of the original proprietors of the town of Tecumseh in Shawnee county. Removed from office in the fall of 1855 because of alleged speculation in Indian lands, Elmore was reappointed to the supreme court by President Buchanan, and remained in this office until Kansas was admitted to the Union as a state in January, 1861. Even Plumb admitted that he was "decidedly the most talented of his profession ever appointed to office in Kansas," although he hastily added that Elmore was nonetheless "unscrupulous and designing . . . a schemer [whose] physiognomy expresses a mixture of cunning and intellect, vigor and weakness, and animal passions, restrained by a desire to appear decent."<sup>52</sup>

One of the most important positions in the convention was the chairmanship of the committee on slavery. Not only was this committee charged with the responsibility of formulating the slavery provisions of the constitution, but it also was compelled to grapple with the submission issue. This important post fell to Hugh M. Moore, a young native of Georgia and a prominent Leavenworth attorney. Moore, in addition to occupying this key chairmanship,

49. Lecompton Union, November 20, 1856.

50. Kansas News, Emporia, November 21, 1857. Allan Nevins has accepted the Free-State estimate of Calhoun, describing him as a man whose "limited moral stamina had been weakened by whiskey," with "Brid face, swinish eyes, and Bardolph nose" and a "drunk-toggled mind."—*Emergence of Lincoln*, v. 1, pp. 230-233. For a brief biographical sketch of Calhoun, see *Dictionary of American Biography*, v. 3, pp. 410, 411.

51. New York Times, September 17, 1857.

52. Kansas News, Emporia, November 21, 1857. Elmore remained in Kansas, practicing law in Topeka until his death in 1864. Elmore's career is described in John Martin, "Biographical Sketch of Judge Rush Elmore," *Kansas Historical Collections*, v. 8 (1903-1904), pp. 435, 436.

had been elected vice-president of the convention. Calhoun, Elmore, and Moore led the submissionist forces in the convention and were responsible, more than any others, for the final compromise of the submission issue.<sup>53</sup>

John Calhoun and Rush Elmore were not the only federal office holders to have seats in the Lecompton convention. Two men in the Indian service, Harvey Foreman and Daniel Vanderslice, were present at the deliberations. Foreman had been employed as a farmer for the Sac and Fox Indians in northeastern Kansas since 1844.<sup>54</sup> Daniel Vanderslice, a Pennsylvanian by birth and a newspaper editor in Kentucky before he moved to Kansas, had been appointed Indian agent to the Iowa, Sac, and Fox Indians by President Pierce in 1853, an appointment he held until Lincoln became President in 1861.<sup>55</sup>

The number of newspaper editors elected to the Lecompton constitutional convention was indicative of the important role played by the press in frontier politics. Six of the delegates were associated in an editorial capacity with newspapers in the area. Perhaps the best known was Lucian J. Eastin, who, on October 20, 1854, became editor of the *Kansas Weekly Herald* which had been established in Leavenworth on September 15, the first newspaper in Kansas territory. Eastin had a long journalistic career behind him, having edited five different Missouri newspapers between 1834 and 1854. He left his post as editor of the *St. Joseph (Mo.) Gazette* in the fall of 1854 and crossed the river into the newly-opened Kansas territory. He identified himself immediately with his new home, helped to locate the town of Easton and was elected to the first territorial legislature. Although strongly Proslavery in politics, Eastin nevertheless commanded the respect of many Kansans, regardless of their political sympathies. The *Free-State Kansas News* described him as "polite and polished, compared to the majority of his colleagues," but added that Eastin was nevertheless "stout, gross looking and careless in his dress and appearance."<sup>56</sup> In 1859, with his cause lost, Eastin returned to Missouri where he edited a newspaper in Chillicothe. Much less respect was accorded one of Eastin's jour-

53. Of Moore's oratorical style, Flumb wrote, "Moore dealt much in metaphor, saved the Union about fifty times in each speech, and folded the starry flag around him so often that we feel sure that he wore that much abused banner all to pieces."—*Kansas News*, Emporia, November 21, 1857.

54. *Kansas Historical Collections*, v. 16 (1923-1925), p. 729. Foreman's brother, John W. Foreman, was a member of the Free-State Wyandotte constitutional convention in 1859.

55. Martha B. Caldwell, ed., "Records of the Squatter Association of Whitehead District, Doniphan County," *Kansas Historical Quarterly*, v. 13 (February, 1944), p. 21; P. L. Gray, *Gray's Doniphan County History* (Bendena, Kan., 1905), pp. 41-43.

56. *Kansas News*, Emporia, November 21, 1857. For Eastin's biography, see Walter Rickford Davis and Daniel S. Durrie, *An Illustrated History of Missouri* (St. Louis, 1876), pp. 505, 506.

nalistic rivals in Leavenworth, 24-year-old John Dale Henderson, editor of the *Leavenworth Journal*. Little is known of Henderson, other than the fact that he aligned himself with the conservative group in the convention and was later, in December, arrested for falsifying election returns from a Leavenworth county precinct. By 1860 he had moved to Denver to participate in the gold rush there. To hostile Free-State observers, Henderson was a "tall, coarse looking man, [with a] light, freckled face, and features on which devotion to whisky and licentious habits are plainly written."<sup>57</sup>

Alfred W. Jones, editor of the *Lecompton Union* and one of the delegates from Douglas county, had arrived in Kansas in 1855 at the head of a company of colonists from his native Virginia. Only 23 years old, he described himself as a Proslavery conservative. Jones ended his connection with the *Union* before the convention met, perhaps to take up the practice of law, and left Kansas after the defeat of the Lecompton constitution. By 1868 Jones had returned to the East, where he edited a New Jersey newspaper.<sup>58</sup> Samuel Reid, a delegate from Shawnee county, edited the Proslavery *Tecumseh Note Book*. Twenty-four years old and an Alabamian by birth, Reid also mixed the legal profession with his journalistic career. Thomas Jefferson Key had been editor of a newspaper in Tuscumbia, Ala., before he migrated with a group of colonists to Kansas territory. In Kansas he established the *Doniphan Constitutionalist*, a militant Proslavery Democratic paper. Key soon became convinced that the South was fighting a losing battle in Kansas; his own presses were dumped into the Missouri river by angry free-soilers. After the defeat of the Lecompton movement, he moved to Arkansas, where, as a member of the Arkansas state legislature in 1860, he voted for secession. In 1862 he enlisted in the Confederate army.<sup>59</sup> G. W. McKown, the sixth journalist in the convention, was one of two delegates listing Westport, Mo., as a home address. McKown was assistant editor of the Kansas City (Mo.) *Star of Empire*.<sup>60</sup>

The Lecompton constitutional convention was not composed of recent arrivals in Kansas who had no roots in the territory or interest

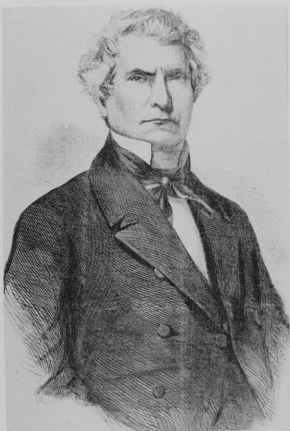
57. *Kansas Historical Collections*, v. 10 (1907-1908), p. 198; *Kansas News*, Emporia, November 21, 1857.

58. Jones was responsible for the preservation of the engrossed draft of the Lecompton constitution. After his return to New Jersey, he presented it to the New Brunswick Historical Club. The club in turn permitted the constitution to become a part of the collections of the Rutgers University Library.—See L. Ethan Ellis, "The Lecompton Constitution," *Journal of the Rutgers University Library*, New Brunswick, N. J., v. 3 (June, 1940), pp. 57-61. In September, 1957, the Lecompton constitution was returned to Kansas where it is now preserved in the archives of the Kansas State Historical Society. (See pp. 244-247.)

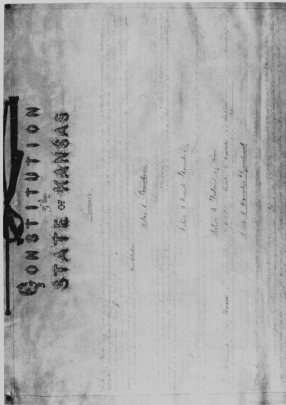
59. See Cate, *op. cit.*, pp. 3, 4.

60. *Kansas News*, Emporia, November 21, 1857. The other resident of Westport in the convention was Balt. Jones.—*Kansas Weekly Herald*, Leavenworth, September 9, 1857.





Gen. John Calhoun (1806-1859), president of the Lecompton constitutional convention, was a nationally-known Democrat who had been state surveyor of Illinois and mayor of Springfield. He came to Kansas in 1854 when President Pierce appointed him surveyor general of Kansas and Nebraska.



#### THE KANSAS CONSTITUTION WHICH INFLAMED THE NATION

The upper portion of the first page of the engrossed copy of the constitution drafted at LeCompton in the fall of 1857. The document, after 100 years, has been returned to the Kansas archives. (See p. 244.)

in its development. The stereotype of the Missouri "border ruffian" invading Kansas for the sole political purpose of making Kansas a slave state cannot be applied with accuracy to the membership in the Lecompton body. Most of the delegates had resided in Kansas since 1855, the year following the organization of the territory.<sup>61</sup> At least seven of the members had settled in Kansas before the territorial government was organized in 1854. David Lykins established a Baptist mission among the Wea Indians in 1840, and two years later Henry Smith, delegate from Brown and Nemaha counties, settled in what became Johnson county, probably being connected in some way with the Indian service. William Walker arrived in 1843 with his tribe, and in the same year, Hiero T. Wilson became sutler at Fort Scott after serving nine years in a similar capacity at Fort Gibson. Harvey Foreman and Daniel Vanderslice settled in Kansas in 1844 and 1853 respectively, each holding appointments in the Indian service. M. Pierce Rively operated a trading post near Fort Leavenworth in 1852.<sup>62</sup>

Many of those who gathered at Lecompton in the fall of 1857 played leading roles in the economic and social development of Kansas territory. Ten delegates had participated in the establishment of towns. Wathena, Richmond (in Nemaha county), Marysville, Palmetto (later absorbed by Marysville), Easton, Tecumseh, Iowa Point, Paola, and Fort Scott were founded either wholly or in part by members of the Lecompton convention.<sup>63</sup> Two of the delegates, Hiero Wilson, one of the founders of Fort Scott, and David Lykins had been honored by the territorial legislature when counties were organized bearing their names. Six members either incorporated or maintained ferries on Kansas streams and three had been appointed road commissioners.<sup>64</sup> When the territorial legislature authorized the organization of the Historical and Philosophical Society of Kansas Territory in 1855, four of the incorporators named in the act were men who later sat in the Lecompton convention.<sup>65</sup> At least two of the delegates, John W. Randolph and William S.

61. The date of settlement in Kansas of the members of the convention has been difficult to ascertain. Of the 55 members who attended the deliberations, at least 31 had settled in Kansas by 1855 and at least 20 of these were living in Kansas in 1854.

62. Wilder, *Annals of Kansas, 1541-1885*, p. 33; George A. Root, "Ferries in Kansas," *loc. cit.*, v. 2 (August, 1933), p. 274; *Kansas Historical Collections*, v. 7 (1901-1902), p. 474; v. 9 (1905-1908), pp. 85, 569; v. 10 (1907-1908), p. 278; v. 16 (1923-1925), p. 729; Andreas and Cutler, *op. cit.*, pp. 459, 1005.

63. *Ibid.*, pp. 461, 494, 533, 881, 917, 942, 1071; Root, "Ferries in Kansas," *loc. cit.*, v. 2 (May, 1933), p. 134.

64. *Ibid.*, v. 2 (February, 1933), pp. 14, 19; (May, 1933), p. 134; (August, 1933), p. 278; (November, 1933), pp. 358, 559; v. 3 (February, 1934), pp. 23, 38.

65. William Walker, David Lykins, James Kuykendall, and Lucian J. Eastin.—See James C. Mallin, "Notes on the Writing of General Histories of Kansas," *Kansas Historical Quarterly*, v. 21 (Spring, 1935), p. 339.

Wells, had been preachers; David Lykins had been a missionary among the emigrant Indians.<sup>66</sup>

Few of the members conformed to the popular conception of a "border ruffian" and some had actually suffered violence at the hands of Free-State individuals. Batt. Jones and G. W. McKown, the two delegates from Johnson county who resided in Missouri, probably came closest to being "border ruffians." Batt. Jones had the additional distinction of being an election judge at the Oxford precinct in Johnson county during the October territorial elections where over a thousand fraudulent votes were cast. The *Kansas News* described the 21-year-old Jones as "the *beau ideal* of a bully . . . Desperate looking, loud voiced and reckless, looks a character that we should not desire to meet on a dark night if our purse was well lined." <sup>67</sup> Two of the members, James Adkins and Jarrett Todd, had participated in the organization of the Platte County (Missouri) Self-Defensive Association in July, 1854, but each of them, unlike some others in the association, settled in Kansas shortly afterward and became identified with their new homes. John W. Martin was captain of the Kickapoo rangers, of which Adkins was also a member, a band of men organized to "protect" Kansas from abolition influences.<sup>68</sup>

An examination of the membership of the Lecompton constitutional convention does not lend credence to the charge of the Lawrence newspaper editor that the meeting was one of "plug-uglies" and "felons" nor does it substantiate the conclusion of Allan Nevins that this was the "shabbiest" group of its kind in all of American history. At the same time, the talent and ability ascribed to the group by the Southern and Proslavery press does not seem justified. The body was, as the New York *Herald* correspondent had noted, one of "ordinary respectability," differing from numerous other frontier political conventions only in the one-sided political alignment represented.<sup>69</sup>

The constitution produced by the convention was not a bad constitution. Like most such documents of the period, particularly

66. *Kansas News*, Emporia, November 21, 1857; Wälder, *op. cit.*, p. 33.

67. *Kansas News*, Emporia, November 21, 1857.

68. *History of Clay and Platte Counties, Missouri* (St. Louis, 1885), p. 633; *Kansas News*, Emporia, November 21, 1857.

69. Three constitutional conventions were meeting in widely separated frontier areas during the fall months of 1857. Besides the Lecompton convention, meetings were in session in Oregon territory and Minnesota territory. In Minnesota the efforts to draft a state constitution were hampered by an extreme amount of partisan rivalry and confusion, the convention itself splitting into two distinct groups. Lucian Eastin, a member of the Lecompton meeting, commented, "From news received from Saint Paul, Minnesota, we learn that they are having a most novel and interesting time up there. It seems that they are taking the wind out of our sails."—*Kansas Weekly Herald*, Leavenworth, August 1, 1857.

those drawn up on the frontier, it was a "paste-pot" constitution, embodying elements from several older frames of government. Only in the manner of submission did the convention deviate from sound practice. In their attempt to extend the protection of the new government to the slave property already in Kansas, the convention delegates denied the populace an opportunity to pass on the constitution as a whole. The *New York Times* commented, at the conclusion of the deliberations, "It seems to be generally conceded that, in the main, and with the exception of the Slavery clause, the new Constitution of Kansas is not obnoxious to any very serious objection. Its provisions are substantially such as are embodied in all the more recent Constitutions of the other States."<sup>70</sup> Even the provision forbidding the amendment of the constitution before the year 1864 had precedent in the action of the Free-State element in Kansas. The Topeka state constitution, drafted by this group in 1855, forbade amendment until after 1865.<sup>71</sup>

The most serious indictment of the Lecompton convention seems to have been its unrepresentative character. The members of the convention, as the October elections so clearly indicated, did not represent the true sentiments of the people of Kansas territory. Yet the fact that the convention was wholly a Proslavery meeting cannot be blamed on the Proslavery members who were elected. The Free-State faction boycotted the election of delegates, thereby insuring a one-sided result. Actually there was no alternative for if the Free-State leaders had agreed to participate in the Lecompton movement, it would have meant giving up their own premature, unrepresentative, and extra-legal statehood movement.

The attitude of historians toward the convention has been molded in large part by the role the Lecompton constitution played in disrupting the pattern of American politics and in heightening sectional tension. At the end of October, 1857, the editor of the *New York Herald* wrote, "We await the issue of this Kansas pro-slavery Convention. It may be, as we expect, a fire-breathing monster, but it may, perhaps, be an innocent mouse."<sup>72</sup> Not many months later when President Buchanan urged the admission of Kansas as a slave state the nation became aware that the Lecompton convention had indeed brought forth a monster.

70. *New York Times*, November 21, 1857.

71. See James C. Malin, "The Topeka Statehood Movement Reconsidered: Origins," *Territorial Kansas: Studies Commemorating the Centennial* (Lawrence, 1954), pp. 64, 65.

72. *New York Herald*, October 30, 1857.