The University of Kansas and the Years of Frustration, 1854-1864

C. S. Griffin

When the University of Kansas opened on September 12, 1866, the only things it had in common with an actual university were a name, a charter, and a large measure of faculty factionalism. In every other way, the University of Kansas was merely a preparatory school for an institution of higher learning that did not yet exist, and an undernourished preparatory school at that. The last section of the charter of 1864 had absolved the legislature of all fiscal responsibility for the university's organization; the charter made no promise at all of financial support in the years to come. In 1865 and 1866 the board of regents had only some $20,000 at its disposal. Three weeks before the opening, moreover, the regents had run out of funds. The university did possess 72 sections of land granted by the national government, the sales receipts from which were to be a permanent endowment, but none of the land had been sold. Just as money was in short supply, so were students prepared for university work. The state's facilities for secondary education were as underdeveloped as its economy. Of the 55 students who matriculated early in the first semester, not one, in the faculty's opinion, was ready for college.

To teach them the necessary high-school subjects, the university had a part-time lecturer and three full-time professors, whose abilities as teachers and scholars were as yet uncertain. Small though the faculty was, it was already cliquish: two of the professors thought the third, who was also the acting president, to be personally uncongenial and intellectually incompetent. To house the professoriate and the student body, the university had one three-story building, 50 feet square, located high on a treeless hill in Lawrence.

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once known as Hogback ridge, but now named more elegantly Mount Oread. There were a few books but no library, some scientific equipment but not nearly enough. The university’s future was entirely uncertain, and even its present condition was worrisome.

Amid the liabilities, however, the University of Kansas had one great asset: it existed. Its existence was its most striking characteristic. Under the most favorable of circumstances, the appearance of a public university in Kansas would have been a significant event. Under the distressing conditions that prevailed in the territory and state of Kansas in the 1850’s and the 1860’s, the university’s existence was surprising indeed. After the organization of the territory in 1854, it had taken Kansans 12 years to create the institution. During those years, Kansans had suffered from practically every affliction known to man: from violence, murder, and territorial civil war, from a bloody and costly national civil war, from drought and famine and disease and poverty, from senseless and unscrupulous political conniving complete with lies, deceit, and wholesale knavery. In such an environment, the cause of higher education had to suffer, and the citizens who were sincerely dedicated to the cause must be disappointed time and again. The creation of the university was not exactly a miracle—miracles were rare in Kansas—but it was still an awesome event.

Curiously enough, the University of Kansas in its fetal years suffered most from a general enthusiasm for it in the territorial and early statehood periods. In a later day, many of the university’s supporters would be fond of believing that the school was the peculiar product of a noble idealism monopolized by a minority of high-souled citizens. According to this legend, it was the men and women who came to Kansas in the mid-1850’s to keep the territory free from human slavery who created the state university. They knew, the legend ran, that freedom required the diffusion of education among the people, and therefore they built the school. Naturally enough, they located it in Lawrence, the center of Free-State activity. Kansas in the 1850’s, rhapsodized an elderly lady faculty member half a century after her graduation from the university in 1874, was settled by the pure of heart. Its early settlers had emigrated from their former homes not “in quest of gold, or adventure, as men have peopled many other states, but with the unconquerable purpose to keep this soil free from the curse of human slavery. . . . It was these freedom-loving men and women who, with small resources and in a scantily-populated
territory, built a complete school system, which they crowned with the State University.” “K. U. is a University set on a hilltop,” ran a pamphlet of 1922 describing the school to adolescent freshmen. If they gazed off to the eastward from Mount Oread, they could see the “open valley through which came, half a century ago, those New Englanders who brought with them to the outpost of Lawrence the Harvard idea of education, and early set up here the beginnings of a great University.”

Like many another legend, this one was at once charming and childish. Both before and after the admission of Kansas as a state in 1861, no group or faction was alone in its desire for a state-supported university. The Free Staters wanted one, of course, but so did their opponents—whom the Free Staters constantly vilified as Proslavery barbarians—and so did large numbers of Kansans who took no sides in the political and moral conflict. The university’s general popularity was chiefly responsible for the delay in its founding. During much of the territorial period, the war between the Free Staters and the Proslaveryites prevented the political union necessary to create public institutions of higher education. In 1861 and 1862 Kansans in various communities were so enamored of the state university that they fought bitterly over its location, and thus delayed its appearance for another two years. And then in 1863 and 1864, the University of Kansas suffered from its very location in Lawrence.

By the summer of 1855, the idea of the state university had come to Kansas. No man in truth could say who brought it; no faction could claim it as its own. It appeared naturally, as part of the inevitable effort of Kansans to reproduce in a new environment institutions which had proved valuable in the older states. When Gov. Andrew H. Reeder addressed the members of the first territorial legislature on July 3, 1855, he assumed that they would provide a public educational system for the territory as a matter of course. Every American knew the importance of education, Reeder said, and he would not waste time by describing it. “To enlarge upon the necessity of general education for producing good government,” he told the lawmakers, “would be at this day a work

1. For these and similar expressions of the Free-State legend, see Hannah Oliver, speech on September 30, 1926, “Annual Freshman Induction Ceremony. Speeches on the History of Kansas University by Hannah Oliver, Graduate of the Class of 1874, Professor Emeritus of Latin,” M.A., Watson Library, University of Kansas, When You Come to K-U. Bulletin of the University of Kansas, Lawrence, v. 23 (May 15, 1922), p. 11; Scott Hopkins, “Address on Behalf of the Board of Regents by Hon. Scott Hopkins,” The Graduate Magazine of the University of Kansas, Lawrence, v. 1 (November, 1902), p. 56; Franklin D. Murphy, Statement by Franklin D. Murphy on the Occasion of His Inauguration as the Ninth Chancellor of the University of Kansas, September 17, 1931 (Lawrence, University of Kansas, 1951), pp. 3, 4.
of supererogation, and I leave the matter in your hands, confident it will receive the attention it deserves.” 2 If the emphasis of many Americans who saw a relation between education and democracy was on state-supported common schools, state-supported higher education had its own share of enthusiasts. By the mid-1850’s state universities had become commonplace in the South and West, though not in the Northeast. Missouri had one, chartered in 1839, and so did Wisconsin, Michigan, Iowa, Ohio, Indiana, Georgia, Alabama, South Carolina, and a number of other states. 3

The territorial legislature responded as Reeder knew it would. During the session in July and August, 1855, the lawmakers established a system of common schools for the territory, and also approved a charter for the University of the Territory of Kansas. It was to be located in the town of Douglas, several miles up the Kansas river from Lawrence, providing that the town fathers would give ten acres of land for the site. Although the legislators anticipated private donations, the main source of support was to be a fund derived from the sale of land that the national government would presumably bestow. Under the control of 20 curators chosen by the joint vote of both houses of the legislature, the University of the Territory of Kansas had as its purpose the “promotion of literature and of the arts and sciences.” The curators might confer all such degrees as were “known to and usually granted by any college or university.” 4

Unfortunately, the institution never appeared. Political turmoil surrounded the legislature and its acts; amid the confusion the University of the Territory of Kansas had to remain a dream. According to Free-State partisans, the legislature was the “bogus legislature,” elected illegally by Proslavery Missourians who had crossed the border on election day the previous March to make sure that the representatives had the right ideas about Negro bondage. Free Staters denied the legislature’s legitimacy, and refused obedience to its laws.

In light of what the bogus legislature had done, it was surprising that when Free-State leaders spoke out in favor of a university, they spoke with a comparatively weak voice. In September, 1855,

many Free Staters gathered in Topeka under the leadership of Charles Robinson and his allies to begin the so-called “Topeka Statehood Movement.” Among their accomplishments was a constitution under which they hoped that congress would admit Kansas to the Union. The Topeka constitution made the creation of a system of public schools mandatory upon the state legislature. On the subject of the university, however, the document was only permissive. If the legislature wished to do so, it could establish a university “with such branches as the public convenience may hereafter demand, for the promotion of literature, the arts, sciences, medical and agricultural instruction.”

Nothing tangible ever came of that contemplated university, either, for congress never admitted Kansas to the Union under the Topeka constitution. Its significance was only to show that no matter which side won the territorial battle, whether Kansas entered the Union as a slave state or a free state, the commonwealth would almost certainly have a state university. Through the months of struggle that lay ahead—through the territorial civil war of 1856, the contest over the Lecompton constitution of 1857, the continuing efforts to capture control of the territorial legislature—the contentious Kansans kept the idea of the state university alive. In 1859, with opponents of slavery now vastly outnumbering their opponents, Kansans wrote provisions for a state university into the Wyandotte constitution, under which Kansas became a state in 1861. The idea of the state university transcended the Kansas conflict.

The practice, however, was something else again. Both the Free Staters and their enemies wished to control the university themselves. There was not the slightest chance that a territorial legislature boycotted by Free Staters would select curators from among their number. Late in 1856, by contrast, when a number of Lawrence men started a territorial university movement of their own, it was a strictly Free-State institution that they had in mind. The scheme of the Lawrence promoters represented a change in the original hopes of the town’s leaders. Back in 1854, when the vanguard of the New England Emigrant Aid Company’s agents and settlers established the Free-State community, the hope had been to establish a private college at an early day. According to the original petition of the New England Emigrant Aid Company to the Massachusetts legislature in 1854, one of the organization’s

5. Kansas Free State, Lawrence, November 26, 1855.
purposes was to furnish the emigrants with the “advantages of education.” The company’s propaganda assured prospective settlers that schools would appear in the territory right along with all the other institutions of 19th century civilization, such as mills, churches, and hotels. In the fall of 1854, Charles Robinson, one of the company’s Kansas agents, told treasurer Amos A. Lawrence that the citizens of the Lawrence settlement would start a college just as soon as they could. A plat of the town made about the same time showed Mount Oread as set aside for the location of a college and churches.  

But if the spirit were willing, the purse was weak. Even if the proposed college was no better than the nation’s least distinguished institutions of higher education, it would still require a building, a faculty, and several hundred dollars a year. The Emigrant Aid Company never had enough money for the purpose, and the Free-State leaders in Lawrence could not raise it among themselves. In January, 1855, they began a school of sorts, its teacher paid by the parents of the 20 or so students in attendance, and the settlers continued a school with changing locations and changing teachers right along. Although the school was a token of an honest desire for education, it was not a college, and it never became one.  

By December, 1856, the Lawrence promoters had abandoned their scheme of a private college and were hunting for larger game. A committee of the town’s leading citizens had laid plans which came to a climax in a mass meeting on Christmas day. In the university movement appeared a number of traditional American ideas. The welfare of any community, said a planning group, depended in great measure upon institutions of education. The educational system most conducive to the public good was one which provided for the education of the whole people “on an equal basis and at the public expense. The child of the honest and humblest parent,” the committee said grandly, “ought in the eye of the State, to stand on a par with the most favored child of fortune. A system of Free Public Schools, in which the child can be received at the start, and carried forward, if he demands it, to the university with all its opportunities for preparation to fill the highest positions in society, is the greatest boon that can be con-


ferred upon any community.” On December 8 William F. M. Arny made the same point in a letter to Gov. John W. Geary. Arny was an agent of the National Kansas Committee, an organization supporting the Free-State cause, and he was also at the time a member of the Illinois State Board of Education. Seeking Geary’s support for the plans of the Lawrence promoters, Arny said that no argument was required to demonstrate the advantages of public education. “Our people are generally what their early instruction has made them: morally, intellectually and physically a blessing to their age; or, wicked, debased and destructive to the general welfare.” Therefore every state should have the best educational system that its government could provide. Among other things, the system should include a completely modern university, with normal, agricultural, and mechanical schools as well as schools of law and medicine and every other subject that seemed desirable.8

The meeting on December 25 was under the control of Arny, Charles Robinson, George W. Deitzler, Erastus D. Ladd, and several other prominent citizens. With comparatively little discussion, the gathering adopted a resolution from a business committee stating that the time had come to establish a college in Kansas, more specifically in Lawrence. To govern the institution, the meeting approved the appointment of 15 trustees, of whom 10 were to be residents of Kansas. They included Governor Geary and a number of men of unquestioned loyalty to the Free-State cause, such as Charles Robinson, Samuel C. Pomeroy, and the Rev. Ephraim Nute of Lawrence, William F. M. Arny of Illinois, Amos A. Lawrence of Massachusetts, a wealthy merchant and the treasurer of the New England Emigrant Aid Company, and ex-Gov. William Slade of Vermont, long a leading abolitionist.

The college contemplated by the Lawrence men was to be a private one at first, paid for by private subscriptions. Charles Robinson estimated that $100,000 would be necessary to get the institution off to a good start, which meant that much of the money would have to come from outside the territory. Robinson and his cohorts believed that the friends of the Free-State cause would be generous. Ephraim Nute, indeed, had been corresponding with Amos A. Lawrence, and Lawrence stood ready to aid the project with a gift of over $10,000. But the great hope of the Lawrencians was to create a private college so that when Kansas received an anticipated land grant from congress for a state university, they

8. Herald of Freedom, Lawrence, December 13, 1856; William F. M. Arny to John W. Geary, December 8, 1856, ibid., December 20, 1856.
would have a school actually standing on the ground as a worthy beneficiary. Robinson told the mass meeting that if $100,000 could be secured at once, it would be a strong inducement to congress to approve the land grant for which the Lawrence leaders intended to ask.

This was persuasive reasoning. Having voted to establish a college, the citizens at once appointed a committee to petition congress for land. It consisted of men who were adept at concealing their real purpose: Robinson, Arny, Philip P. Fowler, F. A. Hunt, and George W. Brown. The members said nothing about the fact that they were working in behalf of Lawrence alone. Instead, they professed to be a committee appointed by a “Mass Convention of the citizens of Kansas Territory.” With no false modesty, they asked congress for the stupendous grant of 650,000 acres of land. Of the amount, 400,000 would be divided equally among four seminaries to be established in four equal divisions of Kansas, and the other 250,000 would go to the state university. The committee reminded congress that since 1803 every new state had received a gift of land for such a purpose; they neglected to mention, however, that the standard land grant for a state university was only 72 sections, or 46,080 acres. The land was to be selected at once, before the Kansas lands were put on the market, and held in trust until the territory became a state. At that time the state legislature—the Free Staters hoped that they would control it, but they did not say so—would dispose of the land as its wisdom dictated.9

If the Lawrence men had one eye on the Proslaveryites, they had the other on Free Staters elsewhere who were also angling for the university. Institutions of higher learning might be a main bulwark of democracy, but they could also be fountains of economic prosperity for the towns that got them. The Lawrence men were looking forward to a second meeting of the Free-State legislature, which was the Free Staters’ answer to the territorial bogus legislature. Claiming authority under the Topeka constitution of 1855, Free-State representatives were preparing to gather in January, 1857. To a group of indignant Free Staters in Manhattan, who had their own plans for the legislature, the Lawrence scheme was transparent trickery. On January 12, 1857, Manhattanites held a mass meeting in support of a public university, and charged the Lawrence boosters with underhanded conniving.

The call for the general meeting in Lawrence on Christmas day, several of them pointed out, had appeared only on December 20. According to Albert A. Griffin of Manhattan, news of the meeting had not reached his town until after the Lawrencians had met, acted, and adjourned. The meeting, Griffin argued, was a "disreputable attempt to obtain by trickery" what the Lawrence men feared "they might not be able to obtain by fair means." Kansas needed a public university, he said, but it ought to be established in a central and accessible location—he meant Manhattan—rather than in Lawrence. Griffin claimed that he had no objection to locating a university in Lawrence if after full discussion the people of Kansas thought it advantageous. But the Lawrence maneuvering was likely to injure the Free-State party, and thereby the university cause, he said, when its supporters in the East discovered that "those who have been extolled as martyrs are playing a 'grab game' for the building up of the places they are peculiarly interested in." Griffin had begun to fear, so he said, that the charge of corruption "so long urged against certain leaders, is founded in truth." For all the spleen and all the plans of the Manhattanites, however, the Free-State legislature decided in favor of Lawrence. On June 13 "Gov." Charles Robinson signed a bill establishing a university in his community.10

While the Lawrence and Manhattan rivals were arguing about the location of the university, still other Kansans continued to be interested in it. In January, 1857, the second territorial legislature met in Lecompton, with the Free Staters once more boycotting it and calling it bogus. Governor Geary suggested that the lawmakers create a territorial university. The governor did not care which of the political factions established a university as long as it appeared. Replying to William F. M. Arny's invitation to be present at the mass meeting in Lawrence on December 25, Geary had heartily approved the university scheme. Possibly not knowing exactly what the Lawrence men had in mind, or perhaps trying to avert it, Geary said that he would rejoice to see the "citizens of the Territory, without distinction of party," petition congress for university lands. Now he urged the territorial legislature to ask for acreage to support a university which when completed should include normal, agricultural, and mechanical schools. A university endowed by congress, Geary said, "would be a blessing to our people; disseminate useful and scientific intelligence; provide com-

petent teachers for our primary schools; and furnish a complete system of education adequate to our wants in all the departments of life.” 11

The legislature accepted Geary’s suggestion without debate, with the bill coming from the house committee on education whose chairman was Joseph P. Carr of Atchison. On February 19 the governor signed an act creating the Kansas Territorial University. Its purpose was to “promote and encourage the diffusion of knowledge in all the branches of learning, including the literary, law, medical and theological departments of instruction.” The site of the university was to be Kickapoo, in Leavenworth county. A body corporate and politic of 22 men, named in the act, was to govern the school. They and their successors in office were to have all the powers and privileges granted in the act of 1855, including the power to receive and use the receipts from the sale of government lands. 12

Throughout 1857 and 1858 Kansans remained divided politically, but united in support of a territorial and state university. In May, 1857, Gov. Robert J. Walker, who had replaced Geary, reminded Kansans that they did not yet have a public university, urged its importance on them, and repeated the old idea that the success of democracy itself depended on the people’s enlightenment through education. 13 The following October the men who wrote the Pro-slavery Lecompton constitution demonstrated perfectly orthodox concepts about higher learning. “A general diffusion of knowledge being essential to the preservation of the rights and liberties of the people,” ran the document, “schools and the means of education shall be forever encouraged in this State.” A university was not mentioned specifically, but the “means of education” certainly embraced it. The “Ordinance” which the Lecompton convention adopted, moreover, and which the delegates hoped that congress would approve when it admitted Kansas to the Union, envisioned either a state university or a state college. According to the ordinance, the President of the United States was to designate 72 sections of land which Kansas was to reserve for the use of a

"seminary of learning." While both congress and Kansans wrangled over the admission of the territory under the Lecompton constitution in the spring of 1858, Free Staters attempted a flanking movement to put a constitution of their own design before the people. The Leavenworth constitution, drafted in March, called for education at all levels. Above the common schools, there were to be four district colleges supported by the proceeds of the sales of the 72 sections of land which congress would grant to Kansas when it became a state. As soon as the Kansas economy permitted, the legislature was to establish "educational institutions of a higher grade." With the common schools and the colleges, then, Kansas was to have a "complete system of public instruction, embracing the primary, normal, preparatory, collegiate and university departments."

Kansans rejected the Lecompton constitution, however, and although they approved the Leavenworth constitution, the vote was so small and public interest so slight that the request that congress admit Kansas to the Union under it came to nothing.

A year later the fortunes of state-supported higher education in Kansas started to improve, along with the political fortunes of the territory itself. At the call of the territorial legislature in 1859, the voters chose representatives to still another constitutional convention. Its members met July 5-29, 1859, to produce the Wyandotte constitution. The document required the legislature to create a state university.

As one of its regular committees, the Wyandotte convention appointed a committee on education and public institutions. It included seven members: William R. Griffith, the chairman, of Bourbon county, Samuel D. Houston of Riley county, C. B. McClellan of Jefferson county, Edward Stokes of Douglas county, John A. Middleton of Marshall county, Samuel Hipple of Leavenworth county, and Caleb May of Atchison county. On July 14 the group reported its proposals for inclusion in the constitution. The legislature was to encourage the "promotion of intellectual, moral, scientific, and agricultural improvement" by establishing a uniform system of common schools, and other institutions of a "higher grade." Those higher grade institutions were to embrace normal, preparatory, collegiate, and university departments. More specifically, the legislature was to create a state university, which would include both normal and agricultural "departments," or schools,
and which would promote literature, the arts, and the sciences. Rather than locate the university at random, the legislature was to place it at some "eligible and central point." Its financial support was to come from the returns on an investment fund made up of receipts from government land sales, grants from the legislature, and private gifts. No religious sect was to have any right to, or control of, the fund. Both the common schools and the institutions of higher grade were to be open to pupils of both sexes.16

The debate in the committee of the whole revealed almost complete accord among the delegates that the constitution should at least refer to a state university. After adopting without debate the proposal relating to educational institutions in general, the delegates considered an objection to the university offered by John P. Greer of Shawnee county. Greer moved to strike out the section directing the legislature to establish the institution. In support of his motion, he argued that higher education should be left to individual or private enterprise. In a shrewd prediction of what was to come, Greer said that state universities were often the subjects of "acrimonious controversy" between the several parts of their states. All in all, he contended, state universities resulted in "no particular good." William R. Griffith contemptuously dismissed Greer's objections. He would refuse even to debate with Greer the value of a state university to Kansas, he said, and he presumed that there was no significant difference of opinion on the subject among the representatives. He seemed to be correct. The convention voted Greer's motion down without debate.17

There was a decided difference of opinion, however, about whether the constitution should require the legislature to create a university or merely allow it to do so. After Greer and Griffith had finished, John W. Forman of Doniphan county moved to change the key word "shall" to "may." The most vigorous advocate of Forman's amendment was James G. Blunt of Anderson county. Blunt explained that he had no intention of starting a debate about the utility of a state university. But he thought that the legislature ought to have the power to discuss and decide the question of its existence when it met. Merely giving the legislature power to create the university would properly leave the question open.

17. Ibid., pp. 172, 173.
In spite of the fact that William R. Griffith was chairman of the committee making the report, he said that he had no strong feelings either way. But Samuel D. Houston of Manhattan, another of the committee's members, was adamantly opposed to Forman and Blunt. Houston admitted, somewhat vaguely, that he was not especially anxious to have a state university in Kansas if it were to be conducted in the same manner as state universities elsewhere. But he was anxious indeed that the convention require the legislature to act to improve the economy of Kansas. For this purpose an agricultural branch of the university or a separate agricultural college was essential. The western parts of Kansas, Houston said, were extremely dry. The soil had properties which had never been adequately tested. Houston was certain from his own experience that the land had considerable value when properly treated, but obviously a great deal of experimentation would be necessary to produce a maximum yield. An agricultural branch of the university would assist the "highest possible development of that soil." Its work would give value to the land, and that in turn would promote both the settlement and sale of a vast acreage that otherwise would remain comparatively worthless for a hundred years. "I hope, gentlemen," Houston pleaded, "you will consider the importance of taking some step that will thus enhance the value of one-half the land in Kansas." By the narrowest possible margin, a vote of 17 to 16, the committee of the whole let the original proposal stand. After making a few minor alterations in wording, it then approved the report and sent it to the convention itself. 18

With only one change, the convention approved what the delegates had just done in committee. That change had to do with the vexing question of whether pupils of both sexes should be admitted to the university. On July 15 John T. Burris of Johnson county moved to strike out the provision for sexual equality. In doing so, he raised a question which the delegates had haggled over two days before. On July 13 the convention had considered a proposal by Solon O. Thacher of Lawrence that when the legislature provided for the formation and regulation of common schools, it should make no distinction between the rights and privileges of males and females. William Hutchinson of Lawrence then moved to make Thacher's resolution apply to the university as well. Burris immediately jumped up to ask if Thacher's motion with Hutchinson's amendment would apply to the government of educational institutions in addition to the admission of pupils—if it

would entitle women to hold office and disburse money. Thacher said his proposal would allow them such privileges, whereupon Burris heatedly objected. He was certainly willing to admit male and female students alike, he said, but he did not want women to be able to vote and hold office in the university. There was no greater necessity, as he put it, for "inviting" them to hold such positions than there was for inviting them to "any other official capacity." James G. Blunt added his support.

Whatever their opinions on the structure of the common-school system, neither Hutchinson nor Thacher would argue that there should be female as well as male professors in the university. Hutchinson was merely supporting an equal admissions policy. He stated that in other states in the Middle West there were no distinctions between boys and girls in the common schools. At the higher levels of education, however, there were distinctions, and they were unjust. To make sure that such evil practices did not enter Kansas, Hutchinson said that the "hand of the law must be thrust in" as soon as students rose above the elementary grades. "It is well known that some of the most flourishing colleges in the Union have adopted this system," he said, adding that there was none "more justly prosperous than Antioch College, in the State of Ohio, where both sexes are admitted upon an equality." Yet sensing a sizeable opposition in the convention, and learning that the report of the committee on education and public institutions would provide for sexual equality at all educational levels, Hutchinson withdrew his amendment. The delegates then passed Thacher's motion by a vote of 22 to 19.19

John T. Burris was playing a strange game. Either that, or he changed his mind on the proper admissions policy of the university in two days. Formerly he had supported equal admission. On the 15th, however, he sought and found majority support for his motion to strike out the reference in the report of the committee on education and public institutions. James G. Blunt, who had stood with Burris against the suggestion that women should have equal rights with men in teaching and executive positions, claimed that Burris' motion had to do with racial matters. If the provision for the "admission of pupils of both sexes" were stricken, Blunt said, there would be no chance for the Democratic delegates who were opposed to equal educational opportunities for Negroes to insert the word "white" before the word "pupils." Burris did not explain, however, and his amendment passed.20

19. Ibid., pp. 135-137.
20. Ibid., pp. 192, 193.
The convention's committee on phraseology and arrangements made a few changes in wording, none of which affected the meaning of the sections on education. The relevant parts of the Wyandotte constitution were sections 2, 7, and 8 of Article VI:

Sec. 2. The legislature shall encourage the promotion of intellectual, moral, scientific and agricultural improvement, by establishing a uniform system of common schools, and schools of a higher grade, embracing normal, preparatory, collegiate and university departments. . . .

Sec. 7. Provision shall be made by law for the establishment, at some eligible and central point, of a State University, for the promotion of literature, and the arts and sciences, including a Normal and an Agricultural department. All funds arising from the sale or rents of lands granted by the United States to the State for the support of a State University, and all other grants, donations or bequests, either by the State or by individuals, for such purpose, shall remain a perpetual fund, to be called the "University Fund," the interest of which shall be appropriated to the support of the State University.

Sec. 8. No religious sect or sects shall ever control any part of the common school or University funds of the State.

Section 9 of Article VI provided that a board of commissioners was to have charge of the management and sale of the school and university lands. The board was to consist of the state superintendent of public instruction, the secretary of state, and the attorney general. Whatever the grandiose hopes of men of earlier days, the convention looked forward only to the standard congressional land grant. In the "Ordinance" that it adopted, the convention proposed that the national government give 72 sections of land to Kansas for the university's erection and maintenance.21

It was one thing to write a provision for a state university into the constitution, however, and another thing to write it into law. On January 29, 1861, congress admitted Kansas as a state under the Wyandotte constitution. In 1861 and 1862 the legislature and Gov. Charles Robinson wrestled twice with the problem of the university's location without solving it. The battle juxtaposed certain amounts of wisdom with large quantities of political scheming. Although the participants were honestly eager to create a university, a number of local and personal interests snared the university bill, frustrated the university movement, and prepared the way for measures which directly violated the spirit, if not the letter, of the state constitution.

One of the more difficult questions that the legislature of 1861 had to decide was how to parcel out among the chief towns of Kansas the various state institutions which the lawmakers had to

21. Ibid., pp. 583, 584.
bestow. Chief among them was the state capital itself, but not far behind came the state university and the state penitentiary. Unhappily for the university cause, there were four towns whose supporters could command enough votes to give them reasonable hopes of capturing one institution—Lawrence and Leavenworth in the eastern part of the state, and Topeka and Manhattan farther west. All the men involved understood that no community could expect to get more than one state agency. At the start Manhattan had the best chance of securing the university, for both Lawrencians and Topekans were far more interested in the capital, and the Leavenworth backers proved willing to settle for the penitentiary. On April 17, 1861, with supporters of Lawrence and Topeka arguing over the capital, the house committee on public institutions recommended for passage a bill to locate the penitentiary in Leavenworth, which Rep. Charles Starns of that town had introduced on April 12. In May both houses would approve it. At the same time the committee on public institutions recommended for the approval of the house a concurrent resolution about the university’s location. A week before Rep. William H. Smyth of Manhattan had brought in a bill to put the university there. The committee’s resolution said that the Manhattan proposal should receive careful consideration. In that town, the members noted, there was a Methodist institution called Bluemont Central College. Its trustees had offered to donate their building and grounds to the state in return for the university’s location in and on them. A joint legislative committee of two should investigate the condition of the college and the terms of the donation, and report to the legislature.22

Both the house and the senate approved the resolution. The investigating committee consisted of Rep. William H. Grimes of Atchison and Sen. Otis B. Gunn of Topeka. On April 29, they made their report. They thought the college almost perfect. Its building was a “substantial and commodious” three-story structure of gray limestone, measuring 44 by 60 feet. It had eight office, class, and laboratory rooms on the first two floors, and an “elegant hall” furnished in a “tasty manner” on the third. The rooms were spacious, airy, well lighted, and well adapted to their purposes. Although the scientific apparatus was not very extensive, it was of the highest quality. In the library were between 1,200 and 1,500 volumes. Just as attractive as the building was its site. Resting on a high piece of land overlooking the countryside for

Charles Robinson, governor of Kansas (1861-1863), and resident of Lawrence, could never bring himself to sign a university bill unless it favored Lawrence as the place of establishment. So Manhattan lost out in 1861.

The first page of House bill 122 in 1863 which shows Emporia in the act of being scratched. Passed by the Kansas legislature, the act authorized Gov. Thomas Carney to appoint a three-man commission to locate the state university “in or adjacent to the City of Lawrence,” if the citizens could raise a $15,000 endowment fund.
An act to locate the State University.

Be it enacted by the Legislature of the State of Indiana,

Sec. 1. There shall be appointed by the Governor, three Commissioners whose duty it shall be to permanently locate the State University.

Sec. 2. The Commissioners thus appointed shall within thirty days next after their appointment, and take the oath of Office. Should there be a vacancy for any cause, those present shall notify the Governor that such vacancy exists, stating the cause thereof. On presenting which notice to the Governor, shall fill such vacancy or vacancies as may exist, or soon as the board of Commissioners shall be qualified by taking the oath of office. They shall immediately proceed to permanently locate the State University at some eligible point or points adjacent to the City of Lawrence. The location shall be made upon a tract of not less than forty acres of land. The Commissioners shall then again, in good and sufficient title to the same, with warranty thereof. Provided, however, that the title to said
The University shall be located by the legislature of the state of Kansas.

Section 1. There shall be established in this State, at or near the city of Lawrence in the county of Douglas, on the grounds set apart for that purpose, pursuant to the Act entitled "An Act to locate the State University," passed July 20, 1863, an institution of learning under the name of the University of Kansas.

Section 2. The object of the University shall be to provide the inhabitants of this State with the means of acquiring a thorough knowledge of the various branches of literature, science, and the arts.

Section 3. The government of the University shall be vested in a board of agents, to consist of a president and twelve members, who shall be appointed as vacancies occur, and the State Superintendent of Public Instruction and Secretary of State, shall also, during their respective terms of office be ex-officio members of said board. A majority of the board shall constitute a quorum for the transaction of business.
After the endowment was raised the University of Kansas was formally chartered on March 1, 1864. Located in Lawrence, it was to have two branches, for male and female students, and provision was made for six departments. Page one of the legislative charter enactment is reproduced on preceding page.

An Alexander Gardner photo of 1867 showing the University of Kansas after it had been operating a year. The building is Old North College.
miles, the college presented a "landscape to the eye not surpassed in beauty and variety of scenery by any other locality in Kansas." The site was also a healthy one, for there were no ponds or stagnant water nearby. Not only that, but the college grounds included 120 acres of the "very best quality of arable lands," with a fine quarry which would supply stone in abundance for future buildings. Adjoining the college lands were large amounts of unoccupied farmland of the same high quality. The title to the college land was perfectly valid and there were no incumbrances of any kind. All this the trustees would give to the state of Kansas; their only condition was that Bluemont College become the state university.23

What Grimes and Gunn did not say was that the offer of the Bluemont College trustees was a shrewd move to relieve themselves of an unbearable burden. Chartered by the territorial legislature of 1858 and opened in 1860, Bluemont had proved a failure. It was never a college, for it had only primary and preparatory students. It was never prosperous, for the Kansas drought of 1859 and 1860 had made money scarce, and funds from the outside proved impossible to find. With Kansas Methodists having several other schools to support, with the uncertain fortunes of civil war lying ahead, with the treasury empty, the trustees' fondest hope was to unload the school upon the state. Doing so would tie in very nicely with the long-standing desire of Manhattanites to get the state university for themselves.24

Still, the college did have a building and some equipment. If the legislature accepted the offer, the taxpayers would be saved several thousand dollars. On the same day that the investigating committee made its report, Representative Grimes offered a substitute bill for William H. Smyth's original proposal. According to it, the legislature would accept the offer of the Bluemont trustees and the condition they imposed. On May 9 the house passed Grimes' bill by a vote of 43 to 19 and sent it to the senate.25

In both houses debate over the bill to locate the university in Manhattan was joined with the discussions on bills to locate the state capital and the state penitentiary. Closely watching the whole struggle was Gov. Charles Robinson. Along with the Law-

23. Ibid., 1861, pp. 271-273.
rence legislators and their supporters, Robinson wanted the capital for his town far more than he wanted the university, but if he could not get the one, he was determined to have the other. The Wyandotte constitution prescribed that a popular vote should determine the site of the capital. Both the Lawrence and the Topeka backers were seeking a law that would help their chances. Topekans were supporting a bill, already passed by the house, that called for elections on November 5, 1861, and annually thereafter, until some place received a majority of all votes cast. Lawrencians wanted a bill which would confine the second and subsequent elections to a runoff contest between the two places receiving the most ballots in the first vote; they were afraid that a scattering of ballots would hurt their chances. On May 23, as the result of a deal among the supporters of the various towns, the senate passed with a few minor amendments the house bill to locate the university at Manhattan, and approved the location of the penitentiary at Leavenworth. At the same time the senate amended the house bill to locate the capital to conform with the desires of the Lawrence men.26

When the capital bill got back to the house, and then went to a joint conference committee, there was a fierce debate over the senate amendments. It lasted until May 31, when the senate finally agreed to withdraw the changes and accept the original version. Meanwhile, the house had approved the slight amendments in the university bill and sent it to Governor Robinson. With the capital issue in doubt, with Robinson uncertain whether Lawrence would get any state institution at all, he saw no choice but to veto the measure. On May 28 he returned the bill with a message that was both brief and shrewd. The location of the university, he said, purported to be made because of the donation of Bluemont College. But if the University of Kansas was to be located for such a reason, “all portions” of the state should have notice and be allowed to make proposals. In addition, Robinson objected that the state had no money available for the university, and claimed that its location was therefore premature. “It will be time enough to locate this Institution,” he told the legislators, “when the endowment can be made available, and the question can have been fully canvassed before the people.” The constitution required a two-thirds majority to override, but in spite of frantic efforts, the

Manhattan men in the house could muster only 38 of the 58 votes cast, two less than they needed.27

Between the meetings of the legislatures of 1861 and 1862, two events occurred which affected the university’s location. On November 5, 1861, Kansans went to the polls to choose Topeka as the state capital. The decision meant that the Lawrence legislators and their allies would have to make a greater effort than before to capture the university, lest they get no state institution at all, and to post double guard to prevent Manhattan from winning the prize.28

The second event, which proved even more important, originally had nothing to do with the university. In 1862 James H. Lane of Lawrence and his faction within the state Republican party tried to oust Gov. Charles Robinson and several other elected state officials from office. In a climax to a long-continuing struggle for power between the two men, Lane accused Robinson and his cohorts of conspiring to defraud the state of thousands of dollars worth of state bonds. In February the house of representatives voted to impeach Robinson and the others, and the trials before the senate were fixed for June. At once Lane began scheming to get a satisfactory majority in the senate.29

Meanwhile, the house was once again trying to decide which of the contending towns ought to get the state university. The chief competitors were now Manhattan, Lawrence, and Emporia. The Manhattan supporters had renewed their offer of a year before to donate the Blumont College building and grounds to the state as the university site. In an effort to outbid them, a group of Lawrence men offered on behalf of the citizens $15,000 in cash—the money was a fund which Amos A. Lawrence had earlier donated to the Lawrence college project—20 acres of land for the campus, and $10,000 worth of real estate besides. Emporia’s offer was merely 40 acres of land. After debate the house committee of the whole rejected the Lawrence and Emporia measures on February 17, and recommended the Manhattan bill. A day later the house approved it by the comfortable majority of 45 to 16.30

When the measure reached the senate, James H. Lane and his cronies were trying not only to round up enough votes to convict

29. Ibid., pp. 178, 179.
Robinson and the other officers, but to expel four pro-Robinson senators and replace them with Lane men. Lane’s charge against the four was that they held Kansas elective office at the same time that they held federal military office, which violated the constitution. Because the senate was closely divided between the Lane and Robinson supporters, Lane had to proceed carefully. He and his faction managed to delay a vote on the university bill while they negotiated with the Manhattan backers. On February 21 one of the men charged with dual officeholding resigned, leaving three for Lane to vote out if he could. On the same day the senate committee on public institutions sent the university bill to the floor. As it happened, the three men whom Lane wanted expelled from the senate were also supporters of Manhattan, and so was the man who held the balance of power between the Lane and Robinson groups, Sen. M. L. Essick of Manhattan. Until Lane approached him with the obvious deal, Essick had been voting to keep the Robinson men in the senate. Lane told Essick that if he would change his vote, Lane could supply the votes of four or five senators for the Manhattan bill, or enough to secure passage. Essick at first rejected the proposal, then changed his mind. As an added payment for his anti-Robinson vote, however, he asked Lane’s assurance that the four new men who appeared would also support the Manhattan bill. Lane apparently promised this, too, and Essick switched his vote.31

Unfortunately for the Manhattan men, Lane’s promises were worthless. On February 27, before the expulsion of the Robinson men, the senate had defeated the Manhattan bill by a vote of 13 to 10. Four days later, however, with the new Lane men now present, the senate approved Essick’s motion to reconsider. At that point the hopes of the Manhattan supporters were high, for the vote to reconsider had been 18 to 4, and three of the four new senators had voted with the majority. But immediately afterward, when the bill came up for a final vote, only one of them voted in favor, and the other three—John M. Rankin, C. S. Lambdin, and Thomas Roberts—voted against. The Manhattan bill lost, 12 to 11, in a stunning disappointment to Essick and his friends.32

For all that any man could tell in the spring of 1862, the Kansas legislators might go on arguing forever about which town should get the university. Because the state constitution and its framers contemplated only one university, to be located at some "eligible

31. Gaeddert, Birth of Kansas, pp. 120, 121, 179-182.
and central point," and because the Bluemont College trustees were willing to donate a building and land to the state free and clear, Manhattan was the logical place for the school. But the Kansas legislature was not operating according to the rules of logic. In 1863, moreover, when the legislature finally reached a decision on the university's site, it was apparent that the lawmakers cared little for the constitution's spirit. To end the competition and the squabbling, to placate the citizens of Manhattan, Lawrence, and Emporia alike, they divided the university into three parts and distributed them to the three towns.

Securing the University of Kansas for Lawrence required the kinds of political acumen and sheer good luck that the town's would-be college builders had lacked in the past. For all the hopes of the early settlers, by 1863, the cause of higher education in Lawrence had come to nothing more than the foundation of an uncompleted college building on a few acres of ground atop Mount Oread and a large number of thwarted hopes. There was no superstructure on the foundation, no equipment, no faculty, no students, no cash. In December, 1856, when the Lawrence leaders had organized their mass meeting in behalf of a private college which they hoped would become the state university, Amos A. Lawrence in Boston had stood ready to give well over $10,000 to the institution. It grieved him that he could not give enough money to construct a building, he said, but the amount could pay for regular expenses later on. The contribution that Lawrence proposed to make was in the form of two promissory notes for $10,000 and interest which he held on Lawrence University of Appleton, Wis., to which he had earlier loaned the sum. The college that Amos Lawrence had in mind, he told the Rev. Ephraim Nute, had two purposes. On the one hand, it would be a "center of learning." On the other, it would be a "monument to perpetuate the memory of those martyrs of Liberty who fell during the recent struggles. Beneath it their dust shall rest. In it shall burn the light of Liberty which shall never be extinguished until it illuminates the whole continent. It shall be called the 'Free State College' & all the friends of Freedom shall be invited to lend it a helping hand." Five days later, Lawrence assured Nute that the trustees of the Appleton school were sound men who would pay off the notes within two years. But he cautioned the minister and his friends not to do anything rash. They ought to have $100,000 in hand, Lawrence thought, before they started the college.33

33. Amos A., Lawrence to Ephraim Nute, December 6, 21, 1856 (copies), "Charles Robinson Papers," Watson library, University of Kansas.
Unfortunately, the other friends of freedom, when invited to extend a helping hand, proved unresponsive. Charles Robinson and other Lawrence men had hoped to divert to their college some of the funds raised in the East to relieve the suffering Free Staters, but they had no luck. Amos Lawrence tried to induce John Carter Brown of Providence, R. I., to put up money for another Brown University in Kansas, but failed. In January, 1857, Robinson himself went east to attempt to separate Free-State sympathizers from their money, but came away emptyhanded. With no college in prospect, in February, 1857, Amos Lawrence withdrew his offer. Believing now that a system of common schools in Kansas was more desirable than a college or a university "at this early day," he wished to see his money used for them. If at some later time the government should provide for a university, he said, no private funds would be necessary anyway. Lawrence transferred the notes against Lawrence University to Charles Robinson and Samuel C. Pomeroy as trustees, and he added an additional $1,000 in the stock of the New England Emigrant Aid Company. The whole sum amounted to $12,696.14. Only the interest on the sum could be used. Half of it was to go to support common schools in Kansas settlements; the other half was to go to the support of Sunday schools and to supplying them with books. Only if Lawrence died without giving further orders could the money go to the Free-State college. And if Kansas entered the Union as a slave state, Robinson and Pomeroy were to return the money to Lawrence or his heirs.

Throughout the rest of 1857 and during most of 1858, the cause of higher education in the town of Lawrence languished. A national financial panic in 1857 and a subsequent depression made private money scarce, and congress granted no land. In addition, the trustees of Lawrence University in Wisconsin found it impossible to pay their debts, and the cause of common and Sunday schools in Kansas therefore suffered as well. Six years later, the notes were still unpaid, in spite of the trustees' earnest efforts to find the money.

By the fall of 1858, however, the Lawrence promoters had hit upon a new scheme. If their projected college was a denomi-
national institution, perhaps they could get money from churchmen and church-governing bodies. To create a denominational college in Lawrence would be to follow the example of men elsewhere. The territorial legislatures of 1858 and 1859 had granted charters for a number of sectarian institutions—for Methodist schools in Palmyra and Atchison and Manhattan and Doniphan, for a Presbyterian university in Highland, for a Protestant Episcopal university in Wyandotte, and several more. After some discussion, the Lawrence boosters decided to throw in their lot with the Presbyterian Church in the United States of America, which was the so-called “Old School,” or conservative wing of Presbyterianism. There was irony in the choice, for the Old School Presbyterians had great support in the South because of the long-standing refusal of their general assembly to condemn slavery.  

But various reports had reached Lawrence that money from the general assembly’s board of education might be available. After routine passage by the legislature of 1859, on January 19, Gov. Samuel Medary signed a bill to charter the Lawrence University. Of its 21 trustees, 12 were to be appointed by the governing body of the Old School Presbyterian Church in Kansas. Its purpose was to educate youth in the “various branches of literature and science.” To that end, the trustees could offer instruction in the liberal arts and sciences, and they might also train their students in theology, medicine, and law. The trustees could award any degrees that they thought proper. Among the original trustees, named in the act, were Charles Robinson, Samuel C. Pomeroy, Charles H. Branscomb, Timothy Dwight Thacher, and several other leaders of the Lawrence community.

Within a few months, however, the trustees had become disenchanted with Old School Presbyterianism, and had conceived another plan. In the spring of 1859 the Kansas General Association of the Congregational Church met in Lawrence. Congregationalists had long desired a college of their own. In 1858 the association had chosen Topeka as its location, providing that Topekans would provide enough land and money to subsidize it. But churchmen in Topeka had defaulted on their pledges and now the association put the college up for grabs. Lawrence men grabbed with a will. College enthusiasts promised $15,000 in cash—most of

38. Private Laws of the Territory of Kansas, Passed at the Fifth Session of the Legislative Assembly; Begun at the City of Lecompton, on the 1st Monday of Jan’y, 1859, and Held and Concluded at the City of Lawrence (Lawrence, Herald of Freedom Steam Press, 1859), pp. 81-85.
the sum was Amos Lawrence's gift—151 town lots in Lawrence and elsewhere, 170 acres of land adjoining the townsit, and 1,200 acres in other parts of the territory. The institution was to be called Monumental College as a monument to the Free-State cause and its partisans. The Congregational association was to choose the trustees.39

Such offers confused the plans for the college. A Congregational school would require either a new charter or a change in the old one that only the legislature of 1860 could make. Congregation- alists in Topeka claimed that the general association had cheated them of the college, and began to squabble with both the association and their coreligionists in Lawrence.40 Meanwhile, the Lawrence University trustees had scraped together enough money to build a foundation for the college structure. The more optimistic among them had hoped to open the school in April, 1859, but that proved impossible; not until October did they lay the cornerstone. Into it went a copy of the Presbyterian Confession of Faith, for the trustees were still relying on hopes of Presbyterian aid. It never came. Hard times and the dubiousness of the whole enterprise made the general assembly's board of education unable and unwilling to send money to Lawrence. By the spring and summer of 1860, the Lawrence leaders had given up on the Presbyterians, and were scouring the East for Congregational dollars. None of the money that Amos A. Lawrence had contributed in 1857 to common schools and Sunday schools had been spent because the trustees of Lawrence University in Wisconsin had not paid it. In November, 1859, Amos Lawrence had assented to the use of the fund for a Congregational college. He himself was a "pretty rigid Episcopalian," he had said the year before, but he had no prejudice against "any body of men who love the Lord Jesus Christ," which certainly included the Congregationalists. Promissory notes were not cash, however, and cash was scarce everywhere.41

In January, 1861, the Lawrence leaders made their last gambit. Presbyterians and Congregationalists being equally poor, they turned to the Episcopalians. Late in the month, Acting Gov.

40. Ibid., p. 76.
George M. Beebe signed a bill to charter the Lawrence University of Kansas. Half of its trustees were to be chosen by the standing committee of the Episcopal diocese of Kansas, on nomination by the bishop. Among the first trustees, named in the act, were Charles Robinson, Charles E. Miner, the Rev. Charles Reynolds, and James Blood, all of whom had been trustees of the Lawrence University in its Presbyterian phase.42

It no longer mattered, however, which denomination backed the college. By 1861 Lawrence men believed either the state capitol or the state university a more attractive adornment than a private institution. When Kansas became a state, the college cause and the college building were no farther advanced than they had been in October, 1859. Drought and depression in Kansas had made it impossible for the citizens to help themselves. During the next two years, the Episcopalians were unable to aid the institution. The Lawrencians had dreamed nobly, but their dreams had failed. Thus they turned to the last possible source of aid available—the state legislature.

On January 14, 1863, Gov. Thomas Carney, the state’s new chief executive, delivered his inaugural message. In it he urged the legislature to set about establishing a state university. Noting that the constitution required the institution, he called the attention of the legislators to the Morrill act, passed by congress the year before. The law gave to each state 30,000 acres of government land for each senator and representative to which the state was entitled under the apportionment of 1860. After selling the land, the states were to use the receipts as an investment fund whose returns were to support at least one college. The “leading object” of the colleges was to teach such branches of learning as were related to “agriculture and the mechanic arts,” in such manner as the state legislatures might prescribe, in order to “promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.” But the law also stated that “scientific and classical studies” might be taught in the colleges.43 Carney naturally assumed that the Kansas legislature would establish one institution that would both take advantage of the Morrill act and fulfill the provision of the state constitution requiring a university. “A wise combination of the interests of the State, and a just application

42. Private Laws Passed by the Legislature Assembly of the Territory of Kansas, for the Year 1861: Commenced at the City of Lecompton January Seventh, and Adjourned to and Concluded at the City of Lawrence (Lawrence, Sam. A. Medary, Public Printer, 1861). pp. 29-32.
43. United States Statutes at Large, v. 12, pp. 503, 504.
of the means which the General Government should grant," he told
the lawmakers, "will enable us to do for education all that an in-
telligent people could ask or desire." It was for the legislature to
"perfect this combination." 44

Carney's idea was not only natural but sensible. The Kansas
constitution envisioned one university, which would include a de-
partment—that is, a school—of agriculture, and the governor was
interpreting it in the only reasonable way. But the legislature of
1863 was divided into three parts on the question of where the
school should stand, with the adherents of Manhattan, Lawrence,
and Emporia still seeking satisfaction. Thanks in part to the Morrill
act, it proved possible to please them all. Manhattan came first.
On February 3 Carney signed a joint resolution of the legislature
by which the state accepted the terms of the Morrill act and agreed
to follow its provisions. Scenting a victory, the trustees of Blue-
mont College and their Manhattan backers had once more offered
their land and building to the state, this time in return for the agri-
cultural college. Between January 29 and February 7, a bill to
locate the new institution on the Bluemont College grounds, intro-
duced by Henry W. Ide of Leavenworth, moved routinely through
the house to unanimous passage. The senate debated the matter
for a time, briefly entangling the bill with the contest between
Emporia and Lawrence for the university, and on February 13, also
approved it unanimously.45

While one part of the originally contemplated University of
Kansas was heading west to Riley county, other parts of it headed
east to Lawrence and south to Emporia. The climax of the two-
year struggle to locate the institution was furious. By the end of
January the house of representatives had a Lawrence bill and an
Emporia bill to deal with. The former was introduced by George
Ford of Douglas county, the latter by Charles V. Eskridge of Em-
poria. Lawrence was now offering less than it had in 1862; the
$15,000 Lawrence fund and the 20 acres of land were in the bill,
but not the $10,000 worth of land. Emporia, by contrast, had in-
creased its promised gift from 40 to 80 acres. Despite the more
attractive terms of the Lawrence proposal, on January 31, the house
committee on public institutions, whose members very likely knew
that the Lawrence town fathers did not have the $15,000 actually

44. Thomas Carney, "Inaugural Message of Gov. Thomas Carney," State of Kansas,
45. State of Kansas, House Journal, 1863, pp. 145, 148, 162, 213, 216; State of Kansas,
Senate Journal, 1863, pp. 193, 140, 142, 158, 159, 170-172; State of Kansas, General
Laws, 1863, pp. 10-12.
in hand, recommended the rejection of the Lawrence bill and the
passage of the Emporia measure. This was a blow to the Lawrence
hopes, but during the next ten days the city’s supporters formed a
massive lobby to secure passage despite the committee’s disap-
proval. Their most effective inducement to the legislators, of
course, was the promised $15,000. After the contest was over and
the Lawrence men were victorious, Charles Robinson told Amos
Lawrence that the fund was chiefly responsible for the triumph.
“It was with great difficulty that the location was secured here,”
Robinson wrote, “and nothing saved us but the inducement of your
fund.”

Possibly Robinson was correct. But if several of his contem-
poraries were also correct, there was political jobbery involved as
well. In a later year, a brother of one of the Lawrence lobbyists
recalled that the Lawrence men had bought as many votes as they
could at the going rate of around $5 apiece to get the university.
William Miller claimed that his brother Josiah, the Lawrence post-
master, had actually saved the institution for his own town when
he accidentally discovered two un bribed members of the house and
paid for their ballots with $4 that he happened to have in his
pocket at the time. Charles V. Eskridge stated in the house on
February 10 that on the streets of Topeka men were talking about
the use of “corrupt means” to procure passage of the Lawrence
bill, and demanded an investigation. In the absence of any specific
charges, however, the house refused to act. At the same time,
rumors were common in Topeka that the Lawrence men had made
a deal for an exchange of votes with men interested in securing the
state insane asylum for Osawatomie in Miami county, and that they
had done the same thing with representatives of the northern tier
of Kansas counties who desired a railroad to connect with the
great transcontinental line. The Pacific railroad bill which congress
had passed in 1862 included a section—the so-called “Henderson
Amendment”—which allowed the Kansas legislature to decide
whether the Hannibal and St. Joseph Railroad of Missouri might
lay track west through Kansas from St. Joseph, ultimately to join
with the main line which moved west from Omaha. The amend-

46. H. B. 81, Legislature of 1863, “An Act to Locate the State University,” and H. B.
122, Legislature of 1863, “An Act to Locate the State University at Emporia,” “Legisla-
tive Collection,” Kansas State Historical Society Archives; State of Kansas, House Journal,
1863, pp. 82, 92, 119, 149, 165; Charles Robinson to Amos A. Lawrence, February 22,
47. “Notes on Father’s Talk to Miss Minnie Moodie,” January 29, 1917, in account
taken down by Mrs. E. M. Owen, Lawrence, from her father William Miller, brother of
Josiah Miller, “Josiah and William Miller Papers,” Watson library, University of Kansas;
ment was the product of a struggle for economic supremacy between St. Joseph and Atchison. If the state legislature forbade the extension of the Hannibal and St. Joseph road, Atchison would win a notable victory, for the congressional act authorized the Hannibal and St. Joseph to build through that city. In the absence of a railroad west from St. Joseph, Atchison might well become the railroad hub of the region. Naturally enough, the northern counties of Kansas wanted a railroad west from St. Joseph very badly indeed.48

It was impossible to say, however, exactly what factors influenced the individual members of the house in the maneuvering which led to Emporia’s defeat and Lawrence’s victory. After several days of debate and delay, the house took up Eskridge’s bill on February 9 in the committee of the whole. After hours of bitter argument, the house found itself evenly divided. In the course of debate, the Lawrence supporters, led by James S. Emery, George Ford, and William Foster, managed to get the bill amended to provide for the university’s location at Lawrence instead of Emporia, providing that Lawrence gave $15,000 and 40 acres of land to the state in return. When the amended measure came to a vote in the committee of the whole, the house was tied, 33 to 33. Luckily for Lawrence, Rep. Edward Russell of Doniphan county was speaker pro tem, and he cast his tie-breaking ballot for Lawrence. Having recommended the amended bill for passage, the committee of the whole rose, the house beat down a motion to adjourn by a vote of 37 to 36, and by a vote of 38 to 35 ordered the bill engrossed for a third reading and final action. On February 10 the measure passed the house, 38 to 32. The final balloting gave credibility to the idea of a deal between the Lawrence backers and the supporters of the northern railroad line. Every one of the 11 representatives from Doniphan, Brown, Nemaha, Marshall, and Washington counties—the extreme northern tier—favored the measure; the role played by Representative Russell was obviously crucial. All except seven of the other 27 affirmative votes came from the two eastern tiers of counties south of the Kansas river. The Lawrence promoters won the votes of all the representatives from Douglas, Franklin, Miami, Anderson, Linn, and Allen counties. In addition they picked up votes from two of the three representatives from Johnson county, and one of the three from Bourbon county. Beyond those, there were four votes from Leavenworth county, two from Jefferson

county, and one from Osage county. The opposing votes came in part from Atchison and Leavenworth counties to the north and east of Lawrence, but mainly from the counties lying to the west and southwest, whose representatives saw no particular advantage in locating the university in Lawrence.49

The senate proved to be far more hospitable to the Lawrence bill than the house had been. On February 13 its committee on public institutions and buildings recommended the measure for passage. On the 17th it survived its crucial test. In a last effort, Sen. Perry B. Maxson of Lyon county moved to strike out all of the bill after the enacting clause and to substitute the original Emporia measure, but the senate defeated his proposal decisively, 18 to 7. The next day the senate passed the Lawrence bill, 19 to 4. On February 20 Governor Carney signed it.50

If the new act was an obvious victory for Lawrence, it was not necessarily a triumph for the university itself. Now that both Manhattanites and Lawrencians had been satisfied in their desires for state institutions, there seemed to be no reason not to satisfy Emporia as well. On February 19 Representative Eskridge introduced a bill to establish, locate, and endow a state normal school at Emporia. The bill passed both houses easily; early in March, Governor Carney obligingly signed it, too.51 Kansas now had three state institutions of learning, two of which had been unforeseen until 1863. Both the agricultural college and the state normal school were properly parts of the university. If the university fulfilled the provisions of the state constitution, Kansas would have two agricultural schools and two normal schools. There might be a higher wisdom at work amid the local rivalries and the dismemberment of the university, but it was hard to discover.

According to the university law, Governor Carney was to appoint three commissioners to locate the institution at "some eligible point" in or near Lawrence on a site of not less than 40 acres of land. In addition the citizens of Lawrence were to raise $15,000 for an endowment fund which they had to deposit with the state treasurer within six months after the 40-acre site had been given to the state. Failing the deposit of the money, Emporia instead of Lawrence would get the university, providing that its citizens contributed 80 acres of land.52

52. Ibid., pp. 115, 116.
Carney appointed Simeon M. Thorp and Josiah Miller of Lawrence and Isaac T. Goodnow of Manhattan as the commissioners. Thorp had just completed a year’s term as state superintendent of public instruction; Goodnow, who had once been principal of Blue- mont College, was his successor. Miller was the Lawrence postmaster. On their first official inspection of possible sites in and around Lawrence, the three men canvassed a number of places, but none of the others was as attractive as the obvious one atop the highest part of Mount Oread. The land belonged to Charles and Sara Robinson. However much the Robinsons desired a college or university in Lawrence, they were not at all willing to donate 40 acres to the state. In March and April the commissioners, the Robinsons, and the Lawrence city council worked out a scheme by which everyone seemed to gain something. Charles and Sara had originally been willing to sell the 40 acres for $2,000. The logical purchaser would have been the city itself or a group of citizens who would have given the land to the state. But surplus capital both public and private was hard to find. A subscription drive having failed to raise all the money, the Robinsons and the city council arranged two swaps and a payment in cash. In return for 22½ acres, Charles Robinson received half a block of land from the city. Sara yielded 17½ acres for $600 and 10 acres of land on another part of Mount Oread. With these arrangements perfected, Charles and Sara bestowed the 40 acres directly on the state.

After the site had been chosen, the Lawrence residents had until November 1, 1863, to raise $15,000. On February 22, two days after Governor Carney signed the Lawrence bill, Charles Robinson wrote to Amos A. Lawrence to ask permission to use the money owed by Lawrence University in Appleton, Wis., to secure the state university. Robinson had already told the citizens that he believed that Amos Lawrence would consent; as a result, Robinson wrote, they were relying on his approval. Amos Lawrence agreed at once, and even offered to bring whatever pressure he could on his Wisconsin debtors to pay up. In spite of their desire to honor their obligations, however, the Lawrence University trustees simply could


not do so. Because it was utterly impossible to raise the money in Lawrence, Kan.—especially after William Clarke Quantrill's devastating raid on August 21—Robinson and his colleagues asked Amos Lawrence for a gift of $15,000. In return for it, they promised, they would surrender the notes they held. This was boldness indeed, and it was partially successful. Lawrence agreed to furnish $10,000 in cash, if the Lawrence citizens would raise the rest. With November 1 drawing ever closer, there were public spirited men ready enough to make pledges, but the law demanded cash. After a frantic search, the Lawrence leaders found that Governor Carney would advance the money from the personal wealth that he had accumulated as a wholesale grocer in Leavenworth. He took the notes of the citizens for $5,000, and thus the Lawrence men scraped in under the deadline. On November 2 Carney formally announced that Lawrence had met the requirements made by the legislature and that the university was in Lawrence to stay.

Having been extremely generous, Carney and his debtors then worked carefully to get their money back from the state. In his message to the legislature of 1864, the governor asked the lawmakers to reimburse the Lawrence citizens for the money they had in effect just contributed. His justification was that the people of Lawrence had lost much in Quantrill's raid through no fault of their own. As he contemplated their sufferings and pleaded on their behalf, he grew almost maudlin. Their $5,000 gift had been "noble as well as generous." In a "fell hour," he said, "they lost, as it were, their all. Rebel assassins did this fatal work. Where, then, the patriot heart in the State, that would not say promptly, 'Return to these public-spirited men the generous gift, which, when wealthy, they promised, and which promise, when poor, they fulfilled?' Where the legislator, knowing these facts so honorable to them and to humanity itself, who would hesitate in meeting this wish of the people, and of doing a duty which the State owes to herself?"

There were patriot hearts aplenty among the legislators. The relief bill, introduced by Rep. James S. Emery of Lawrence, passed the house, 55 to 0, and the senate, 16 to 0. In relieving the Lawrence citizens of their indebtedness, and Carney of his fear that he might go unpaid, however, the legislature put yet another burden

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on the future University of Kansas. For Emery's bill took the money from the endowment fund itself, reducing it by slightly over $5,000. The money had made a swing from Carney to the Lawrence citizens to the state to the Lawrence citizens and back to Carney. Before the university opened—before it had a charter, for that matter—the institution was already over $5,000 poorer than it should have been.  

But at least and at last, the University of Kansas had a home. The legislature of 1864 would also give it a form by passing a charter law which Governor Carney signed on March 1. As the first stage in the university's history ended, however, and the next stage began, the institution was already different from the one that the framers of the Wyandotte constitution and many sympathetic Kansans had expected. Thanks to the existence of the schools at Manhattan and Emporia, there was a real doubt that the university would ever contain an agricultural school and a normal school as the constitution required. Although Lawrence might be an "eligible" point for the university's location, it was anything but a "central" point in the state as a whole. Precisely because of its location in Lawrence, the university's endowment fund was a third smaller than the original location law required. Neither the Lawrence citizens nor the state legislature had committed themselves to any material assistance. Kansans who were sincerely interested in the cause of state-supported higher education could only hope that the future would be happier than the past.