

**Constitution Making.**

*82. Prelude.*—Contrary to all expectations, the sharp conflicts of 1856 were the last serious disturbances known in the disputed ground around the Territorial

capital, the Free-state town, and the villages of the North-eastern border. Though the fairness and firmness of Gov. Geary and of his successor, Robt. J. Walker, ultimately drove them from their positions, they held contending parties in check long enough for all to begin to realize that moral forces were working out the salvation of the Territory more rapidly than could the sword.

**83. Changes.**—In February, 1857, the House of Representatives declared all Acts of the Territorial Legislature to be void, on the ground that they were cruel and oppressive, and that the Legislature was not elected by the legal voters of Kansas, but was forced on them by non-residents. In May occurred the trial of Gov. Robinson and other officers under the Topeka Constitution. At the close of the first week all the charges were withdrawn. About the last of June, the Free-state men carried the city election in Leavenworth. In July, Lawrence refused to recognize a charter issued by the Lecompton Legislature, and organized an independent government—and no invasion followed! Evidently the end was at hand.

Under Gov. Walker's assurance that the October election should be fair and free, and in spite of the protest of the more radical leaders, enough Free-state ballots were cast for members of the Territorial Legislature to secure control of that body by nearly a two-thirds vote. The Pro-slavery men never came into power again.

At the Legislative session in 1858, the most obnoxious of the bogus laws relating to slavery were repealed. At the next session, in 1859, an Act was passed granting general amnesty for all past political offences—which was so construed as to cover nearly all offences committed thus far in the Territory—and repealing the bogus laws. A bill abolishing and prohibiting slavery was not signed by the

Governor. The session closed at midnight, a huge bonfire was built, and copies of the bogus laws were burned. Both these sessions were held in Lawrence, after adjourning from Lecompton.

**84. The Constitutions.**—Four Constitutions were created by the people before the Territory became a State. These are, in their order, that of Topeka, of Lecompton, of Leavenworth, and of Wyandotte; under the last of which Kansas was admitted to the Union.

**85. The Topeka Constitution** was adopted in December, 1855; and under it, in the following month, was completed the first State organization. As has been stated elsewhere, it prohibited slavery, but limited suffrage to white males and to civilized Indians who had adopted the habits of the white man.

The radical Free-state men, under the lead of Gov. Robinson, clung to this organization. When it became evident, after the election of 1857, that their principles could be advocated with but little doubt of success through the Lecompton, or Administration, Legislature, and that this gave them a definite legal status, their ranks steadily grew weaker; till in May, 1859, a second Big Springs Convention showed conclusively that they had lost their hold on popular interest. The last meeting of the Legislature was in March, 1858. Not enough members were present to form a quorum.

**86. The Lecompton Constitution.**—During the last session of the Territorial Legislature before the Free-state men came into power, steps were taken to secure, if possible, the admission of the Territory under a Pro-slavery Constitution. The Convention met in September, 1857, and was composed entirely of Pro-slavery men—their opponents having refused to take any part. The Consti-

tution asserted that "the right of property is before and higher than any Constitutional sanction," and "the right of the owner . . . to a slave . . . is the same and as inviolable as the right of the owner of any property whatever." Suffrage was extended to "every male citizen of the United States"—meaning to limit citizenship of the Union to whites. "Free negroes shall not be permitted to live in this State under any circumstances." The Legislature was to have no power to emancipate slaves without consent of the owners, and then only on full compensation. The word "freeman" was substituted for the word "person" in the usual Bill of Rights. No amendment to the Constitution adverse to slavery could be made.

Before the day appointed for the election on this Constitution, it became evident that the Free-state men were in the majority in the Territory. They had already secured possession of the Territorial Legislature. But so determined were they in their policy of refusing all recognition of the bogus Legislature, and so much did they still fear invasion, that they very generally refrained from voting on this Constitution. Of course, the Pro-slavery men carried the day, and by a majority of 5500 votes. More than a third of the entire ballot was fraudulent.

But the better class of Democrats now joined with the Free-state men in denouncing the Constitution; and even the State officers elected under it signed a memorial to Congress asking it to refuse to admit the Territory under such an organization. In January, 1858, it was again submitted to the people, and buried under a majority of more than 10,000.

The more radical Pro-slavery members of Congress insisted on offering it, and the result was a sharp conflict, ending with a compromise bill, offered by Wm. H. English, of Indiana. This virtually sent the Constitution

back to the people once more, with the threat that if not adopted they must wait for 93,000 population before admission. This was known as the "English Swindle," or "Lecompton Junior." It was re-submitted in August, and in a general vote was buried under nearly 10,000 majority, with no hope of a resurrection. This ended the struggle to make Kansas a slave State.

**87. The Leavenworth Constitution.**—Before all this came about, however, the Free-state men were anxiously looking for something with which to supplant it. The Topeka Constitution was, for reasons already given, a poor weapon with which to go into the fight. They must have something by which to beat back all attempts to conquer the State under the Lecompton Act. If Congress betrayed them, then they would put an independent organization in force, and appeal to the people. With this thought in mind a Constitutional Convention was called by the Territorial Legislature—now in the hands of the Free-state men.

It met at Minneola, in March, 1858. There was much ill-feeling about the location—said to have been chosen as the site of the Capitol through the influence of certain landowners and lot-bribes; and the Convention at once adjourned to the city from which it takes its name. The work was speedily accomplished—the Assembly adopting the Topeka Constitution with a few changes, but these important. Opposed to the words and interpretation of "all freemen" in the Lecompton Constitution, stood the assertion "the right of all men to control their persons exists prior to law and is inalienable." Slavery was expressly prohibited. The franchise clause was identical with that of the Lecompton Constitution, but the meaning was far different—the thought being that every man born on our soil is an American citizen.

The Constitution was adopted in May, but with the defeat of the Lecompton measure ceased to have any cause for being, and the movement was quietly dropped.

**88. *The Wyandotte Constitution.***—The Territory would have been a State some years earlier than the date of its final admission, but for the make-up of the United States Senate. The opposition there steadily denied its petition. But the successful organization of the National Republican party, and the rapid change in public sentiment, again made success seem possible; and on July 5th, 1859, the delegates to the Wyandotte Convention assembled.

The members of the Topeka and Leavenworth Conventions were largely prominent Free-state men. But at the last Convention it was noticed that nearly all the pioneers were absent. The men who were to bring the Territory into the Union at last, were very generally young men and quite as noticeably new-comers. More than two-thirds were under thirty-five years of age, more than one-third under thirty, and less than one-third over forty. One-half had been in the Territory less than two years, and very few had previously represented the people in any assembly. But there was less jealousy, less wrangling, and more work. On the 29th, the Convention adjourned.

Some important features of this Constitution connect it with this narrative, and deserve especial mention. Slavery was prohibited. Suffrage was restricted to white males, with the usual limit as to age. The Convention rejected a proposition to exclude free negroes from the State. It will be seen that a conservative temper prevailed. The Constitution of Ohio was selected as a model; but the changes and adaptations showed much originality and strength.

**89. *Conclusion.***—The Constitution was adopted, by a vote of 10,000 to 5,000, early in October of the same year. Two months later came the election of State officers, Gov. Robinson again heading the successful ticket. But public affairs were destined to remain a year longer in the hands of the Territorial Legislature. Not till the shadows of civil war darkened the land, and the Senators from the South abandoned their seats at Washington to strike at the Government which had protected and cherished them, was the oft-repeated request granted. On January 21st, 1861, with the cloud that had obscured its own horizon now covering the entire sky, and with the roar of the approaching storm distinctly heard, the long-tried Territory realized that for which men had endured privation, suffering, and death, and became A FREE STATE.

GOD SAVE THE COMMONWEALTH!

---

**Review Questions.**

- 1.** What is the geographical position of Kansas? What is its area? Describe its system of water-courses. Describe its surface. What are its principal products? Name its leading cities. Why is its history of peculiar interest?
- 2.** When and where was slave-labor introduced into the United States? What was the feeling about slavery at the time of the Revolution? How does the Constitution recognize slavery? What were the terms of the first fugitive-slave law? What invention helped to strengthen slavery, and how? What was the work of the Colonization Society? What was the Missouri Compromise? What was the purpose of the Wilmot Proviso? Give the terms of the Compromise of 1850. State the early occupation of Kansas.
- 3.** What was the doctrine called "Squatter Sovereignty"? What two parties arose under this doctrine? State the preparations

made to control Kansas. Where, when, and by whom was the first Free-state settlement made? Name and describe the first newspapers. Which party carried the first election, and how?

4. Describe the election in the spring of 1855. What was the first personal outrage springing from political motives only? What were the Bogus Laws, and under what circumstances were they enacted? Where was the Territorial capital? Where was the first Free-state Convention held, and with what result? Where was the first Constitutional Convention held, and what was done? Name the leaders in this. Give the causes and events of the Wakarusa war.

5. What outrages occurred in the early part of 1856? Describe the sacking of Lawrence. What was the Pottawatomie massacre? Where and when was fought the first pitched battle on Kansas soil? Who dispersed the Free-state Legislature, and why? What town was entirely destroyed in this year, and by whom? Who was the third Governor, and what was his character? What was his work, and what were its results?

6. What town was the center of the struggle in the southern part of the Territory? Describe the land troubles. Who was the Free-state leader in the South? What were his followers called? Give an account of the Trading Post massacre. Describe the subsequent troubles at and around Fort Scott.

7. What were the changes in 1857 which favored the Free-state party? Name the Constitutions of Kansas. Who favored the Topeka Constitution, and how long? State the provisions of the Leecompton Constitution respecting slavery. What became of this Constitution? Why was the Leavenworth Constitution adopted? How did it treat the question of slavery? Why was it not put in force? When and where was the Constitution drawn under which Kansas became a State? Describe the members of this Convention. What was its attitude towards slavery? When was Kansas admitted to the Union? Why was it not admitted sooner? Who was the first Governor, and what had been his connection with the history of the Territory?

## LOCAL GOVERNMENT IN KANSAS.

JAMES H. CANFIELD.

*"Of all systems of government \* \* \* it may be asserted without fear of contradiction, that the most difficult to establish and render effective, \* \* \* the one which evidently requires the greatest maturity of reason, of morality, of civilization, in the society to which it is applied, \* \* \* is the federative system of the United States of America."—GUIZOT.*