

# INDIANA MAGAZINE OF HISTORY

VOLUME XXV

JUNE, 1929

NUMBER 2

## The Transitional Period in the Career of General James H. Lane\*

By WENDELL HOLMES STEPHENSON

Indiana, like other states of the Old Northwest, made an important contribution to the free-state population of territorial Kansas. Among the emigrants from that state were men destined to become leaders in the struggle with pro-slavery forces. Chief of these was James H. Lane, eager for political advancement. The purpose of this study is to reveal Lane in transition from Indiana conservatism to Kansas radicalism, and to indicate the forces that brought about his rapid evolution.

Amos Lane of Lawrenceburg, the father of James H., was an eminent lawyer of southeastern Indiana, and an ardent supporter of Andrew Jackson. He served in the state legislature, became speaker of the house, and represented his district in congress during Jackson's second term. James studied law in the office of his father, was admitted to the bar, and entered politics as a Democrat.<sup>1</sup> In the Mexican War he served as colonel of the "Steadfast Third," and made a commendable contribution to Taylor's victory at Buena Vista.<sup>2</sup> Later he returned to Indiana where he raised the fifth Indiana regiment which was attached to Scott's command in the campaign for Mexico City.<sup>3</sup>

Lane's brilliant military record recommended him to the Democratic party as a candidate for lieutenant governor, and

\* Read before the American Historical meeting at Indianapolis, December 28, 1928.

<sup>1</sup> For a brief sketch of Lane's early career, see the *Crusader of Freedom* (Kansas), February 3, 1858.

<sup>2</sup> General Taylor's report of this battle was published in the *Vincennes Western Sun and General Advertiser*, May 1, 1847; General Joseph Lane's supplemental report in the *Indiana State Sentinel*, June 19, 1847; and Colonel James H. Lane's in the *New Albany Democrat* (tri-weekly), August 19, 1847.

<sup>3</sup> For a brief account of the fifth regiment, see Thomas Bailey, "Diary of the Mexican War," in *Indiana Magazine of History*, XIV, 134-147.

he was elected to that office in 1849.<sup>4</sup> He canvassed the state for Pierce in 1852, and served as elector at large.<sup>5</sup> In the same election he was chosen to represent the fourth district in congress.<sup>6</sup>

As a member of the National House of Representatives, Lane stood firmly upon the doctrine that the duty of a representative was to follow closely the instructions of his constituency.<sup>7</sup> In March, 1854, he became involved in a controversy with certain southern members over this issue. Augustus R. Sellers, a Maryland Whig, asserted that he would control his constituents by moulding public opinion, rather than be controlled by them.<sup>8</sup> Lane answered this declaration with a sarcastic reference to the nature of the people whom Sellers represented: "I do not doubt that the gentleman from Maryland has the ability to mould the opinions of that portion of his constituency that requires five men to count as three. I am thankful that I represent no such constituency. I am here representing an independent constituency whose opinions cannot be moulded by any influences."<sup>9</sup> Such a statement was naturally resented by southern members of the house. Especially was it offensive to Theodore G. Hunt, a Louisiana Whig, who rebuked Lane for using expressions tending to disparage members representing slaveholding states. This personal thrust brought the impulsive Hoosier to his feet, who amid cries of "order!" replied: "I will say to the gentleman from Louisiana that if he intends to apply the term rebuked to me for any sentiment I have uttered, I laugh it to scorn! Yes, Mr. Chairman, to scorn! I have uttered no expression intended to disparage members upon this floor representing bond or free territory."<sup>10</sup>

But the matter did not end here. A few days later Hunt obtained the unanimous consent of the house to make a personal explanation. He pointed out that the *Globe* had failed to record the most offensive portion of Lane's remarks. The

---

<sup>4</sup> *Senate Journal*, 1849, 31.

<sup>5</sup> *Indiana State Sentinel*, February 25, 1852.

<sup>6</sup> *New Albany Daily Ledger*, October 27, 1852.

<sup>7</sup> He announced this policy as early as June 18, 1849, in a speech at Vincennes. *Western Sun and General Advertiser*, June 23, 1849.

<sup>8</sup> *Cong., Globe*, 33 Cong., 1 Sess., Pt. I, 604.

<sup>9</sup> *Ibid.*, 605.

<sup>10</sup> *Ibid.*, 606.

member from Indiana, in alluding to Sollers' constituency, had said: "The gentleman *may mould the sentiments of his curly-heads; but thank God I represent a constituency that does not require five men to count as three.*"<sup>11</sup> He then called upon Lane to state whether the language of scorn and defiance in reply to the rebuke were directed at him.

The house again readily gave its consent to a personal explanation, for the clash was more than an individual affair. Partisan and sectional feeling were embodied in this war of words between an Indiana Democrat and a Louisiana Whig.

Lane replied: "*I did intend the language used by me on Friday last, to apply in response to the remark made by him on that occasion. He is to be the judge as to the application.*"<sup>12</sup>

This sharp retort was preceded by a general statement in which Lane explained his attitude toward slavery. "I am no advocate of slavery," he said, "I am no slavery propagandist; and yet my history will prove that I have gone as far . . . to maintain the constitutional rights of gentlemen representing slave States upon this floor . . . as any man. I hail from a State that occupies the summit of the conservative position . . . I shall go as far as any of you in trampling out agitation in the North, and as far as any of you in trampling out agitation in the South, which is calculated to disturb the harmony of the Union."<sup>13</sup> This statement demonstrates clearly that he was then in sympathy with the compromise policy of Douglas for the maintenance of friendship between the two sections.

The outstanding measure before the session of 1853-54 was the Kansas-Nebraska bill. It was said that Lane opposed the measure at first, but after receiving petitions from his constituents he voted for it,<sup>14</sup> although he recorded his opposition to the introduction of slavery into the new territories.<sup>15</sup>

Lane did not stand for reelection, declaring that feeble health prevented him from being a candidate.<sup>16</sup> It is entirely probable that he had determined to emigrate to Kansas before he rejected a nomination.

Various aspects of Lane's Indiana career harmonize with

<sup>11</sup> *Ibid.*, 610.

<sup>12</sup> *Ibid.*, 611.

<sup>13</sup> *Ibid.*, 611.

<sup>14</sup> A statement made by James Rogers of Topeka, December 20, 1878, preserved in the Kansas Historical Society's *Manuscript Collections*, throws some light on Lane's attitude.

<sup>15</sup> *Indiana Daily Sentinel*, March 24, 1854.

<sup>16</sup> *Ibid.*, July 3, 1854.

that which began with his removal to the territory. He was emphatically a man of the people. He sought to discover the trend of popular thought, and then used every resource he possessed to accomplish the results desired by the people. The same determination and courage which he displayed at Buena Vista also served him in contests with "border ruffians" from Missouri. The daring but spontaneous assertions made upon the floor of the house in reply to the Maryland Whig who expressed a principle antagonistic to his own, his fiery retort to the rebuke of the Louisiana Whig, the readiness to defend his personal honor at the point of the sword, all reflect an impulsive spirit which became even more manifest in the "grim chieftain" of Kansas history.

Yet when these analogies are pointed out the fact remains that there is little in his Indiana career which foreshadows his strenuous and spectacular course after 1855. The striking characteristics displayed in Kansas had for the most part lain dormant in the conservative Indiana politician. The need for an aggressive leader who could bring organization to a territory in chaos and disorder, brought out that imperious and dominant will that defied all opposition and pursued "objects with an energy and force that wrung success from adverse circumstances and reluctant fortune."<sup>17</sup>

A year's residence in Kansas territory wrought so many changes in the man that it may appropriately be called the transitional period in his career. During that time he became a recognized leader of the free-state movement, abandoned the party he had supported for twenty years, repudiated his former political associates, and acquired a radicalism which stamped itself plainly and indelibly upon the history of his adopted community.

In emigrating to the frontier Lane had two objects in mind. First, it is entirely probable that he saw in territorial Kansas a road which would lead to a seat in the United States senate. Second, as a means to that end, he desired to organize the Democratic party there, perhaps as the agent of Stephen A. Douglas.

Contrary to his anti-slavery declaration as a congressman from Indiana, the rumor now became current that he had made a speech at Westport, Missouri, "where he stopped when on his way to Kansas, in which he said that he would as soon

---

<sup>17</sup> *Cong. Globe*, 39 Cong., 1 Sess., Pt. V, 3904.

buy a negro as a mule, and that the question of the success of slavery in Kansas depended upon the suitability of the country to produce hemp."<sup>18</sup> If the new territory "was a good hemp growing country," he was reported to have said in conversation with a group of friends soon after his arrival, "he was in favor of making Kansas a Slave State; if it was not adapted to the growing of hemp, he was in favor of making it a free State."<sup>19</sup>

Shortly after his appearance in the territory, Lane sought to organize the Democratic party with a view to receiving political preferment at its hands. On June 27, 1855, the "National Democracy" assembled in the office of Dr. John P. Wood at Lawrence.<sup>20</sup> Lane was called to the chair and explained the object of the meeting. It was resolved that in the opinion of those present, "the best interests of Kansas require an early organization of the Democratic party," and the originators of the movement pledged themselves "to use all honorable exertions to secure such a result."<sup>21</sup>

Two months later a Democratic mass meeting was announced to assemble at Tecumseh for the same purpose. The notice was signed by seventy Democrats, but Lane's name was not among them.<sup>22</sup> This convention assembled on August 30, but it succeeded no better than that of the preceding June. The movement touched "no responsive chord" among the settlers of the territory, and was likewise opposed by the pro-slavery Democracy of Missouri, which already had a strong organization in Kansas recognized by the administration.<sup>23</sup>

Meanwhile leaders of the various free-state factions were advocating a general convention representing all shades of anti-slavery political opinion in the territory. It was believed that the views of the extremely radical<sup>24</sup> might drive the more conservative into the pro-slavery organization unless a closer union of free-state men could be formed. Several of the disaffected assembled in the office of the *Kansas Free State* on July 17, but soon adjourned to the shade of a cottonwood on

<sup>18</sup> William E. Connelley, *James Henry Lane* (Topeka, 1899), 46.

<sup>19</sup> *Herald of Freedom*, May 8, 1858. See also a speech by Samuel F. Legate, in Charles S. Gieed, ed., *The Kansas Memorial* (Kansas City, 1880), 60.

<sup>20</sup> The place of the meeting indicates that the number present could not have been large.

<sup>21</sup> Reports of this meeting were published in the *Herald of Freedom*, June 30, 1855; *Kansas Free State*, July 2, 1855.

<sup>22</sup> *Kansas Territorial Register*, August 18, 1855.

<sup>23</sup> A. T. Andreas, *History of the State of Kansas* (Chicago, 1883), 106.

<sup>24</sup> See Charles Robinson, *The Kansas Conflict* (New York, 1892), 144-152.

the river bank.<sup>25</sup> They invited all they met on their way to the conference, among them "Colonel Lane, fresh from attendance upon the bogus legislature."<sup>26</sup> Evidently he was not yet ready to act openly with such a group, for he consented to join them upon condition that his participation should not be divulged. It was decided at this conference that the situation demanded a general convention "in which every locality should be fairly represented, and free from domination from local influences." No longer could a dangerous and radical policy such as that enunciated by the Lawrence abolitionists be imposed upon the masses without "consultation and authority."<sup>27</sup>

Perhaps a fourth of the score of men present believed that a trap was being laid designed "to lead the unwary masses into the Democratic fold." The call for a general assemblage to meet at Big Springs was therefore duplicated by a Lawrence convention of August 14. This last mentioned meeting, the seventh political convention to convene at Lawrence since June 8,<sup>28</sup> assembled at the request of the free-state members of the legislature, supplemented by a public call of many citizens.<sup>29</sup> It was the first free-state gathering of any significance in which Lane participated. In view of his support of the Kansas-Nebraska bill in congress, and his recent attempt to organize the National Democracy in the territory, it was only natural that his presence should be looked upon with suspicion by other members.<sup>30</sup> Lane's speech on this occasion was earnest and conservative and he counseled moderation. "I believe it is the duty of each of us to define our position," he said. "I am here as anxious as any of you to secure a free constitution to Kansas. . . . It is represented that I came to Kansas to retrieve my political fortunes; but gentlemen should

<sup>25</sup> The fullest account of this conference is found in Robert G. Elliott, "The Big Springs Convention," in *Kansas Historical Collections*, VIII, 368-370. The author was the editor of the *Free State*.

<sup>26</sup> The rumor was current in Kansas that Lane had intended to support the pro-slavery territorial legislature until his request for a divorce was denied at the first session of that body in July, 1855. Years later (1879) John H. Stringfellow, speaker of the house in 1855, was reported to have said that "Jas. H. Lane attended a Democratic caucus at Pawnee and assured the Speaker that he should act with that party in Kansas, but in a quiet way." *Troy Kansas Chief*, January 23, 1879, in *Kansas Scrap Book* (Biography S), V, 208. The writer has searched both the *House Journal* and *Senate Journal* for 1855, but found no mention of Lane's petition for a divorce in either. However the legislature passed a concurrent resolution declaring that it would not entertain petitions for, nor grant divorces in any case. See *House Journal*, 1855, 109, and *Senate Journal*, 1855, 87. Documents relative to the divorce, which was granted to Mrs. Lane in Indiana, were published in the *Lecompton Union*, August 30, 1856.

<sup>27</sup> Elliott, "The Big Springs Convention," in *op. cit.*, 369.

<sup>28</sup> Leverett W. Spring, *Kansas* (Boston, 1907), 62.

<sup>29</sup> *Herald of Freedom*, August 18, 1855.

<sup>30</sup> Isaac T. Goodnow, "Personal Reminiscences and Kansas Emigration," in *Kansas Historical Collections*, IV, 252.

know that I was urgently solicited to be a candidate for another term to Congress but I positively declined.<sup>31</sup> I would vote for the Kansas-Nebraska bill again. I desire Kansas to be a free State. I desire to act with my brethren, but not in a manner to arouse the passions of the people of other States. I would not repudiate the Legislature; but the acts of that Legislature which contravene the right of popular sovereignty."<sup>32</sup>

It is evident that Lane was already beginning to shift his position. Although he constantly watched the political horizon for signs of ultimate change, this speech demonstrates that his evolution could have been natural and sincere. He was not yet accepted, however, as a leader of the free-state party, then in the process of forming.<sup>33</sup> It was said that at this meeting he repeated his earlier declaration that "if Kansas had been a good hemp and tobacco state he would have favored slavery, but as it was he would favor a free state provided it was white."<sup>34</sup>

The Big Springs convention assembled on September 5. Lane was a delegate from the Lawrence district,<sup>35</sup> though stoutly opposed in the election as a "black-law" man. Five committees were appointed, chief of which were those on plat-

<sup>31</sup> In a letter addressed to the voters of his congressional district in Indiana, June 29, 1854, Lane declared that feeble health prevented him from again being a candidate. *Daily Indiana State Sentinel*, July 3, 1854.

<sup>32</sup> *Herald of Freedom*, August 18, 1855. This speech is quoted in William E. Connelley, *Kansas and Kansans* (Chicago, 1918), I, 426.

<sup>33</sup> John Speer, *Life of Gen. James H. Lane* (Garden City, Kansas, 1896), 42, says that Lane, seeking to establish himself more firmly among free-state men, announced that he would speak the evening of the adjournment of the Lawrence convention upon the issues of the day, and would champion the free-state cause. A contemporary of Lane, Milton W. Reynolds, thus described the meeting thirty years later:

"The crowd was immense. They came from their cabins on the prairies . . . from the valleys and the hills. They wanted to know from his own mouth the 'Grim Chieftain's' position on political questions . . . Lane was in his best mood. He was prepared for a vituperative, sarcastic, ironical and intensely personal speech. Such the crowd usually likes, or used to in the early days, when men were walking arsenals and crept over volcanoes. Such an analysis of character was never before or since heard in Kansas. It was equal to John Randolph's best effort in that line. His late Democratic associates were denounced, burlesqued, ridiculed and pilloried in a hysteria of laughter by an excited, cyclonic crowd. No one ever afterward doubted where Lane stood. He crossed with a leap the Rubicon of radical politics and burned all his bridges behind him. He was not baptized, —he was immersed in the foaming floods of radicalism. As the whitecaps rose higher on the stormy and tumultuous political sea, Lane contended the stronger and baffled them." Milton W. Reynolds, in the *Kansas City Times* (1885), quoted in Connelley, *Kansas and Kansans*, I, 426-427.

While there is truth in this description, the writer has evidently woven into his story much that occurred later. Lane had not yet acquired the sobriquet of "Grim Chieftain." Further, it is hard to believe, in view of the fact that he was posing as the agent of the National Administration, that he denounced his "late Democratic associates" in such unguarded terms. Finally, though Lane was shifting his position, he had not yet acquired that radicalism which was to make his political career distinctive. Reynolds told the story as it had taken shape in his mind through the years, but his memory was very faulty.

<sup>34</sup> Charles Robinson, "Topeka and her Constitution," in *Kansas Historical Collections*, VI, 294. A white state was demanded by a great number of western men in Kansas. In some of their native states there were laws or constitutional provisions forbidding the entrance of free negroes. See Speer, *op. cit.*, 42-43.

<sup>35</sup> *Kansas Free State*, August 27, 1855.

form, resolutions, and state organization, with Lane,<sup>36</sup> James S. Emery, and Robert G. Elliott as chairmen. The anomalous "bifurcated committee on resolutions" is explained by Elliott, a secretary of the convention and an active participant in all its proceedings.<sup>37</sup> The branch of which Lane was chairman was "charged with furnishing the necessary material for a broad and substantial platform;" and was by far the more conservative of the two. The second, technically called the committee on resolutions, with Emery as chairman, was designed "to furnish explosives and projectiles . . . too dangerous to be inserted in the platform and too radical to be imposed upon the masses." The purpose of such an arrangement was to accommodate Governor Andrew H. Reeder, who could thereby assert his indignation at removal by the President at the instance of the territorial legislature.

The free-state platform reported by Lane is an important document in the annals of Kansas. It asserted that minor issues of partisan politics were to be ignored in order to form an organization for the recovery of their dearest rights guaranteed by the constitution and organic act. The coöperation of all, whether Whigs or Democrats, native or naturalized, was to be promoted, although without any sacrifice of their respective political creeds. The energies of the party thus created were to be devoted to the exclusion of the institution of slavery and to the securing of a free constitution for Kansas. A reasonable and fair provision was to be made for all slaves within the territory, but upon the organization of a state, all negroes, bond or free, were to be excluded by stringent laws. Finally, "the stale and ridiculous charge of abolitionism, so industriously imputed to the Free-state party," was denied in forceful language.<sup>38</sup>

While Lane's persuasive oratory was necessary to secure the adoption of the platform, the report of the committee on state organization presented even a more difficult problem. That committee, headed by R. G. Elliott, reported adversely, deeming the movement for a constitutional convention preparatory to application for statehood as "untimely and in-

<sup>36</sup> Spring, *op. cit.*, 64-65, states: "Lane intrigued himself into the chairmanship of a committee of thirteen to which the construction of a platform was intrusted. The question of slavery brought on an all-night discussion in which he persuaded the committee to adopt violent anti-negro principles." For a reply to these charges, see Elliott, *loc. cit.*, 373.

<sup>37</sup> *Ibid.*, 374-375.

<sup>38</sup> The text of the Big Springs platform was published in Daniel W. Wilder, *Annals of Kansas* (Topeka, 1875), 60-61; *Herald of Freedom*, September 8, 1855.



expedient." Lack of popular support and paucity of population were cited as sufficient reasons for the recommendation. Why the report of the committee was not adopted is explained by the chairman:

Lane permitted Hutchinson,<sup>39</sup> Foster,<sup>40</sup> of Ossawatimie, Judge Smith<sup>41</sup> and other trained advocates of the measure to exhaust their ammunition with no apparent effect. Then rising to the occasion, under a shadow of threatened defeat, he gave an exhibition of that magic faculty by which he controlled primitive assemblies, convincing them against their judgment and bending them against their will.

His ideal was a state, not antagonistic, but harmonizing, rising legitimately out of the popular sovereignty clause of the organic act.<sup>42</sup>

It was in this debate upon the report of the state organization committee that Lane revealed his affiliation with the Pierce administration, although this was not the first time that he represented himself as its official spokesman in Kansas. At the Lawrence convention of August 14, he had declared that Attorney General Cushing and President Pierce were as anxious as those assembled before him to make Kansas a free state. "Frank Pierce," he confided, "would give his right arm to-day, to insure freedom to this Territory."<sup>43</sup> Now at Big Springs he hinted very strongly that he knew the mind of the Administration and again counseled moderation.<sup>44</sup> He believed it impolitic to resist the territorial legislature. Governor Wilson Shannon had asserted that he recognized the laws of the existing assembly as legally enacted and intended to enforce them. The answer to the problem that confronted free-state men was a constitutional convention and state organization. It appeared to an eastern editor, from Lane's account that Douglas was "in a fright lest the Kansas question destroy his popularity, and with it his prospect to succeed Mr. Pierce in the Presidency."<sup>45</sup> Wishing to be rid of the Kansas question and at the same time to quiet the agitation raised

<sup>39</sup> John Hutchinson, a delegate from Lawrence and a member of the lower house in the first territorial legislature.

<sup>40</sup> Charles A. Foster, later a secretary of the Topeka constitutional convention.

<sup>41</sup> George W. Smith of Lawrence, president of the convention.

<sup>42</sup> Elliott, "The Big Springs Convention," in *op. cit.*, 374.

<sup>43</sup> *Herald of Freedom*, August 18, 1855.

<sup>44</sup> The editor of the *Parkville (Mo.) Democrat* reported Lane as saying at Big Springs, which convention the editor seems to have attended, that, "The only way to settle the question is to admit Kansas as a free State. The North has a majority of two in the Senate—some with pro-slavery proclivities—but that, situated as Douglas is, he would do anything to get Kansas in as a free State; that on the passage of the Kansas bill, not a northern man had the remotest idea of its ever being admitted as a slave State." Quoted in the *Mobile Advertiser*, September (n.d.), 1855, in *Webb Scrap Book*, V, 237.

<sup>45</sup> *Evening Post* (New York), September 21, 1855, in *Webb Scrap Book*, V, 192-193.

over the North by the "Nebraska fraud," he desired that the people of Kansas be persuaded to form a state constitution and apply for immediate admission into the union. The editor of the *Kansas Free State* makes the positive claim that Lane "bore the parting admonition of Douglas: 'For God's sake, do something to save the Democratic party.'"<sup>46</sup> If these words be true it is evident that Lane stood close to the administration, and firmly believed that his course in Kansas would be fully approved at Washington. Not only on this, but on later occasions, he dropped suggestive hints that he knew the mind of Douglas, and was pursuing a policy that had been worked out before he emigrated to Kansas territory.<sup>47</sup> Unfortunately for the investigator, however, no evidence has been found that was left either by Pierce or Douglas that Lane was a special agent of the administration to manage its interests in Kansas.

After an hour's recess the convention reassembled and a substitute for the report of the state organization committee was adopted. This endorsed the call for a delegate convention to be held on the 19th at Topeka "to consider the propriety of forming a State Constitution."<sup>48</sup>

The Big Springs convention had yet to consider the resolutions reported by Emery's committee but actually written by Governor Reeder. These embodied a violent attack upon the legislature which had recently passed a slave code. That body was condemned as representing "lawless invaders" and "demagogues of Missouri," and their actions were repudiated as "the monstrous consummation of an act of violence, usurpation, and fraud." If peaceable remedies failed the odious laws were to be resisted "to a bloody issue."<sup>49</sup> Lane, Marcus J. Parrott, and other moderate men sought to modify the resolutions, but without success.

<sup>46</sup> Elliott, "The Big Springs Convention," in *op. cit.*, 374.

<sup>47</sup> The honor of originating the scheme of state organization is claimed for both Lane and Robinson. Elliott says: "The scheme for a state government was the proposition of Lane, suggested by him on the day of his arrival in Lawrence to the writer, while the free-state men were staggering under their recent defeat and groping for some active policy for relief. He attested that it was approved by Douglas, Dickinson and other leading Democrats in Washington, with whom he had had personal consultation."

Though not offered by Lane in a public assemblage, this plan became current on his authority, and was met with approval by few, but discarded by most, who were suspicious of its origin, as a scheme to entrap and democratize the free-state party. It was finally redeemed from disrepute by John Speer, who became sponsor for it before the 14th of August convention, with Lane in anxious readiness to support it and press it with all his force to adoption." *Ibid.*, 387.

Spring, *op. cit.*, 59, on the other hand declares that the "line of policy adopted—repudiation of the territorial legislature as an illegal, usurping, 'bogus' concern, and organization forthwith of a state government and application to Congress for admission to the Union—emanated from Robinson."

<sup>48</sup> Wilder, *op. cit.*, 61-62.

<sup>49</sup> These resolutions are quoted in *ibid.*, 61.

Following the convention at Big Springs, Lane began an active campaign to convince free-state adherents that statehood was the only solution of the Kansas question.<sup>50</sup> At the "People's Convention" which assembled at Topeka on September 19, a constitutional convention was called, and Lane was made chairman of an "Executive Committee of Kansas Territory."<sup>51</sup> As this committee was instructed to exercise a "general superintendence of the affairs of the Territory" in its quest for statehood, it assumed the functions of a provisional government.<sup>52</sup> Its first task was to work out in detail arrangements for the election of members of a constitutional convention.<sup>53</sup> Fifty-one delegates were chosen on October 9, and while all now belonged to the free-state party, twenty-one had formerly been Democrats, nine had been Whigs, four had been Republicans, two had been Independents, and one had been a Freesoil Democrat.<sup>54</sup>

The constitutional convention met at Topeka on October 23, and the next day proceeded to elect a president. The correspondent of the *New York Times* reported that "Col. J. H. Lane, of Indiana, with characteristic modesty, had demanded the place for himself," and that by flattery, promises, and threats, he succeeded in getting himself elected.<sup>55</sup> By virtue of Lane's own assertions that he enjoyed the confidence of Pierce and Douglas, his election was regarded as a move on the part

<sup>50</sup> For reports of speeches see: *Kansas Territorial Register*, September 22, 1855; *Daily Democrat*, October 22, 1855, in Webb Scrap Book, VI, 65-66; *Herald of Freedom*, October 23, 1855; *Buffalo Commercial Advertiser*, October 24, 1855, in Webb Scrap Book, VI, 75.

<sup>51</sup> The records of the executive committee, together with other important documents relating to the Topeka movement, were preserved by the secretary of the committee, Joel K. Goodin, and were published in the *Kansas Historical Collections*, XIII, 125-249.

<sup>52</sup> Andreas, *op. cit.*, 112-113.

<sup>53</sup> *Kansas Historical Collections*, XIII, 132-141.

<sup>54</sup> The roll of the convention, containing the names of all who signed the constitution except that of Martin F. Conway, was published in *ibid.*, 164. Lane recorded his birth-place as Kentucky. The distribution of members by place of birth according to the roll follows:

Pennsylvania .....	6	Massachusetts .....	2
Kentucky .....	5	North Carolina .....	1
Ohio .....	5	Illinois .....	1
New York .....	4	Virginia .....	1
Indiana .....	2	Maryland .....	1
Tennessee .....	2	England .....	1
Maine .....	2	Ireland .....	1
South Carolina .....	2		

<sup>55</sup> *New York Daily Times*, November 5, 1855, in Webb Scrap Book, VI, 158. Robinson says that Lane "was a candidate for president of the convention, and the only reason he urged for his candidacy was a scandal in Lawrence with which his name was connected. He claimed his election would endorse him and put a quietus upon the scandal and he was elected upon that issue. But the scandal would not down, and a duel was inaugurated." His opponent was G. P. Lowry, ex-Governor Reeder's private secretary. The duel was never fought. Robinson "Topeka and her Constitution," in *Kansas Historical Collections*, VI, 296. See also Robinson, *The Kansas Conflict*, 176-179.

of the administration to control the convention.<sup>56</sup> A correspondent of the *New York Tribune* suggested that while some of the National Democrats "want to endorse and declare 'Squatter Sovereignty,' he wants to act it. In his speeches he occasionally drops precious morsels, such as that *he knows* that the application of Kansas, if in this shape, will receive favor at Washington; speaks of letters he has had, and assurances given, in a manner infinitely suggestive. Whenever this topic is touched in any shape, he leaves the chair, and no member has spoken half as often on this floor as the president of the convention."<sup>57</sup>

The delegates had hardly assembled at Topeka when factions began to appear. A conservative or administration group, including Lane, Parrott, Mark W. Delahay, and William Y. Roberts, established headquarters at the Garvey House. The radical wing, led by Robinson, Emery, John A. Wakefield, and Phillip C. Schuyler, held caucuses at the Chase House.<sup>58</sup> The chief test of strength came when Delahay presented a resolution endorsing the principle of squatter sovereignty as embodied in the Kansas-Nebraska bill. After "much persuasion on the part of Col. Lane and others, and the assurance that its passage would secure the friendly coöperation of Douglas, it was carried by a majority of two votes."<sup>59</sup> Of the seventeen who voted in the affirmative, all but one had signed the roll of the convention as having formerly belonged to the Democratic party. Fifteen voted in the negative, four of whom had been Democrats, eight had been Whigs, two had been Republicans, and one had been an Independent.<sup>60</sup> It seems clear, therefore, that the question of endorsing the basic principle of the Kansas-Nebraska act revived to some extent the "former politics" of the members of the convention. However, on the following day, after speeches by Robinson and

<sup>56</sup> *Boston Journal*, November 18, 1855, in *Webb Scrap Book*, VI, 196.

<sup>57</sup> *New York Daily Tribune*, November 20, 1855, in *Webb Scrap Book*, VI, 243.

The situation was stated very clearly by John H. Byrd, who wrote to the *National Era* from Leavenworth on September 20 of Lane: "He affirms that Douglas would make any sacrifice to secure the immediate admission of Kansas to the Union as a free State; and in his opinion, it would result in the election of the Senator to the Presidency."

Democrats here hold that the salvation of the Democratic party requires that this question be settled immediately, and that this alone will secure the Democrat party from defeat in the next Presidential election. With this question settled, it is expected that the honors and spoils of office will continue in his [Lane's] hands; and the evidence probably is, that these views originated with the party leaders abroad." *National Era*, October 5, 1855, in *Webb Scrap Book*, VI, 12.

<sup>58</sup> Robinson, *The Kansas Conflict*, 176. See also, by the same author, "Topeka and her Constitution," in *Kansas Historical Collections*, VI, 295.

<sup>59</sup> *Vermont Phoenix* (Brattleboro), December 1, 1855, in *Webb Scrap Book*, VII, 71.

<sup>60</sup> Samuel C. Smith, "Journal of the Topeka Constitutional Convention," in *Kansas Historical Society Manuscript Collections*.

Emery, the matter was reconsidered and a motion to postpone the resolution indefinitely passed by a vote of nineteen to twelve.<sup>61</sup>

The question of excluding free negroes from Kansas was also the occasion for a heated debate in the convention.<sup>62</sup> The Lawrence delegates had been instructed to support submission of the issue to the voters separately from the constitution, "their decision to operate as instructions to the first Legislature upon that subject."<sup>63</sup> Lane presented such a resolution, which was adopted. The admission of negroes into the militia, urged by Dr. Robinson, was defeated by a vote of seven to twenty-four.<sup>64</sup> The constitution was adopted on November 10, and the convention adjourned two days later.<sup>65</sup>

But the movement toward statehood was not destined to proceed without interruption. For more than a year free-state and pro-slavery settlers flowed into the territory, but moderation and self control prevented hostile encounters between the contestants for a time. The pro-slavery party captured the territorial government at the beginning, and the free-state men, ignoring the constituted authorities, inaugurated the Topeka movement. In November, 1855, occurred an "untoward" event which brought the opposing forces face to face in hostile military array, and only the sound judgment and tact of leaders on both sides ended the affair without considerable bloodshed. In this "Wakarusa War," Lane played a conspicuous part.

The opening of hostilities resulted from the killing of a free-state settler by a pro-slavery squatter following a quarrel over a land claim.<sup>66</sup> Because of the active leadership of a friend of the slain man in detecting the murderer and alleged threats against his associates, Sheriff Samuel J. Jones of Douglas county<sup>67</sup> proceeded to arrest him. As the sheriff was taking his prisoner to Lecompton he and his posse were stop-

<sup>61</sup> *Ibid.* For discussion of this question see the *Indianapolis Daily Journal*, November 26, 1855; *New York Morning Express*, November 27, 1855, in *Webb Scrap Book*, VII, 12; *Daily Free Press*, November 28, 1855, in *Webb Scrap Book*, VII, 15.

<sup>62</sup> See Lane's "Card," published in the *Kansas Tribune*, May 12, 1856.

<sup>63</sup> Smith, *op. cit.* See also *Daily Kansas Freeman*, November 1, 1855.

<sup>64</sup> Smith, *op. cit.*

<sup>65</sup> The text of the constitution is available in Wilder, *op. cit.*, 74-88. It was published widely in contemporary newspapers: *Kansas Free State*, November 26, 1855; *Kansas Freeman*, November 28, 1855; *Kansas Territorial Register*, December 1, 1855; *New York Daily Tribune*, December 8, 1855, in *Webb Scrap Book*, VII, 121-124; *Kansas Tribune*, December 10, 1855.

<sup>66</sup> A free-state account of the outbreak of hostilities was published in the *New York Daily Tribune*, December 8, 1855, in *Webb Scrap Book*, VII, 118. A pro-slavery account is available in the *Cincinnati Gazette*, December 5, 1855, in *Webb Scrap Book*, VII, 88.

<sup>67</sup> Samuel J. Jones had been postmaster at Westport, Missouri, before he became sheriff of Douglas county.

ped by free-state men who "persuaded" Jones to surrender his captive. The sheriff proceeded to Franklin, and after sending a dispatch to Colonel Boone at Westport, Missouri, for assistance, he wrote Governor Shannon that "open rebellion" had commenced, and called upon the executive "for *three thousand* men to carry out the laws."<sup>68</sup> A disorganized militia was immediately ordered to report for service, and in a short time some 1,200 Missourians, together with a few Kansans, assembled at Franklin on the Wakarusa river.<sup>69</sup>

The governor was soon convinced by free-state emissaries, however, that the controversy was more complicated than he had supposed, and concluded that the seriousness of the affair demanded his presence. Arriving at the Wakarusa camp he requested the aid of United States troops to prevent the Missourians from attacking Lawrence. *They are beyond my power,*" he wrote, *"or at least soon will be."*<sup>70</sup>

To defend itself the town of Lawrence assumed a military aspect. A public meeting was called, and Dr. Robinson, with characteristic caution, advised "disavowal of all responsibility in the matter, . . . and adoption of a strictly defensive attitude."<sup>71</sup> A committee of public safety was appointed, and Robinson was made commander-in-chief with the rank of major general. He then authorized Lane, as brigadier general, to take charge of the field force,<sup>72</sup> a work for which he was qualified because of his experience in the Mexican War under Taylor and Scott.<sup>73</sup> Lane soon recruited six or eight hundred volunteers,<sup>74</sup> many of them from other settlements, and proceeded to erect fortifications and discipline the men under his command. Every afternoon there was drill parade, and both Lane and Robinson frequently addressed the men. "On such occasions Lane was fiery," says a contemporary, "and his remarks calculated to rouse the men up to the fighting point. Robinson, on the other hand, restrained them. He

<sup>68</sup> Samuel J. Jones to Wilson Shannon, November 27, 1855, in Connelley, *Kansas and Kansans*, I, 500.

<sup>69</sup> For a free state description of the Missourians, see the *New York Daily Times*, December 13, 1855, in Webb *Scrap Book*, VII, 147.

<sup>70</sup> Wilson Shannon to Colonel E. V. Sumner, December 6, 1855, in Connelley, *Kansas and Kansans*, I, 507.

<sup>71</sup> Spring, *op. cit.*, 90.

<sup>72</sup> William Phillips, *The Conquest of Kansas, by Missouri and her Allies* (Boston, 1856), 175-176.

<sup>73</sup> See G. Douglas Brewerton, *War in Kansas* (New York, 1856), 340; *Herald of Freedom*, December 15, 1855.

<sup>74</sup> *Albany Evening Journal*, December 10, 1855, in Webb *Scrap Book*, VII, 126. Phillips, *op. cit.*, 203, says that besides "the citizens of the town, there were nearly five hundred men under arms from different parts of the territory."

urged them to avoid making any attack."<sup>75</sup> This inveterate difference between the two important leaders of the free state forces precluded any great degree of coöperation, except when the situation absolutely demanded it.<sup>76</sup>

Governor Shannon eventually arranged a settlement, urging both parties to acquiesce "by inducing their men to retire quietly."<sup>77</sup> The Missourians left reluctantly,<sup>78</sup> claiming to have been sold out by the Governor.<sup>79</sup> On December 11, the volunteers at Lawrence disbanded after farewell addresses by Robinson and Lane. Evidently the two rival leaders, whose minds seldom traveled the same path, forgot for the time being their mutual and personal animosity, and competed in paying suitable tribute, each to the other. "To the experience, skill and perseverance of the gallant Gen. Lane all credit is due," said Robinson, "for the thorough discipline of our forces, and the complete and extensive preparations for defense. His services cannot be overrated; and long may he live to wear the laurels so bravely won." Not to be outdone by his ranking officer, Lane said in the course of his speech: "From Major-General Robinson I received that council and advice which characterizes him as a clear-headed, cool and trustworthy commander. He is entitled to your confidence and esteem."<sup>80</sup>

The Wakarusa War was a turning point in Lane's career. The transition prior to the events of November and December had been gradual, and was due not only to the fact that he wished no place in a minority party, but also to the general trend of affairs in the territory, which caused many who had gone to Kansas with preconceived political ideas to change their courses. Lane was essentially a conservative until the Wakarusa crisis presented a proper background for radical leadership. In battle array, the belligerent Lane was in his element, especially since many of the volunteers under his command were western men amenable to his influence. The

<sup>75</sup> Phillips, *op. cit.*, 204.

<sup>76</sup> See, for example, the *St. Louis Evening News*, December 28, 1855, in *Webb Scrap Book*, VII, 232-233.

<sup>77</sup> Governor Shannon wrote a detailed account of his negotiations which were published in the *New York Herald*, January 9, 1856, in *Webb Scrap Book*, VIII, 84.

<sup>78</sup> Senator David Atchinson and Colonel Boone used their influence to persuade the Missourians to return home. Atchinson was reported to have said to them: "The position of Gen. Robinson is impregnable; not in a military point of view, but his tactics have given him all the advantage as to cause of quarrel. If you attack Lawrence now, you attack it as a mob, and what will be the result? I tell you it would cause the election of an abolition President, and the ruin of the Democratic party. What a little—now you cannot destroy these people without losing more than you would gain!" *Walley Whig*, December 29, 1855, in *Webb Scrap Book*, VII, 242-243.

<sup>79</sup> *St. Louis Evening News*, December 28, 1855, in *Webb Scrap Book*, VII, 232-233.

<sup>80</sup> Both speeches are quoted in Speer, *op. cit.*, 67-70.

fiery and impulsive spirit, which had on occasion manifested itself in Indiana, now reappeared, intensified by the hysteria of exciting events. The more conservative Kansans, according to Robinson, no longer trusted him after his advocacy of an aggressive policy against the Missourians.<sup>81</sup> But the radically inclined, who had confidence in his military capacity, became his political constituents.

About the middle of January the free-state party held a convention at Lawrence, and Lane was made chairman of a committee to report resolutions. It was here resolved that the motto of the party should be: "A Free State government in Kansas without delay, emanating from the people, and responsible to them; non-interference with the institution of Slavery in the States where it now exists, and *opposition to its further extension.*"<sup>82</sup> Lane was reported to have made a speech in favor of the resolutions "in which he repudiated Squatter Sovereignty and mounted 'fairly and squarely' the Republican platform."<sup>83</sup> If true, he may have been courting favor with the Republicans, although there is evidence to show that he still desired to be considered a National Democrat.<sup>84</sup> He was criticized for his inconsistency in now supporting the underlying principle of the Republican party,<sup>85</sup> whereas only a few months before he had fought so ardently to secure endorsement of the principle of popular sovereignty in the Topeka constitutional convention.<sup>86</sup>

The Topeka movement was not seriously delayed by the Wakarusa conflict. Four days after the disbandment at Lawrence an election was held in which the Topeka constitution was adopted, together with a general banking law and instructions to the first legislature to exclude free negroes.<sup>87</sup> A nominating convention assembled at Lawrence on December 22,

<sup>81</sup> Robinson, *The Kansas Conflict*, 220; *Herald of Freedom*, December 29, 1855.

<sup>82</sup> *Herald of Freedom*, January 19, March 1, 1856.

<sup>83</sup> Unidentified clipping in *Webb Scrap Book*, VIII, 247. See also the *Worcester Daily Transcript*, January 23, 1856, in *Webb Scrap Book*, VIII, 186; *New York Times*, January 29, 1856, in *Webb Scrap Book*, VIII, 245.

<sup>84</sup> *The Kansas Free State*, March 24, 1856, states that Lane was a delegate to the Democratic national convention at Cincinnati, but no evidence has been found that he attended that convention. He was in Ohio, however, for on June 21, 1856, he made a speech at Cleveland in which he said that "he was yet a Democrat, but could no longer sanction the action of the party that now operates under its name,—its leaders and supporters were traitors and not Democrats." *Cleveland Evening Herald*, June 23, 1856, in *Webb Scrap Book*, XIII, 172.

<sup>85</sup> This free-state convention cannot be construed, however, as originating the Republican party, in name at least, in Kansas. It was not until 1859 that the free-state party was supplanted there by a Republican organization.

<sup>86</sup> *Kansas Freeman*, February 2, 1856.

<sup>87</sup> Wilder, *op. cit.*, 73.



and three weeks later "state" officials were elected.<sup>88</sup> Lane assisted in organizing a "state" government on March 4,<sup>89</sup> and the would-be legislature soon elected him, along with Reeder, to the United States Senate.<sup>90</sup> Lane now repaired to Washington armed with a memorial, framed by the "Senators and Representatives of the General Assembly of the State of Kansas," praying for admission into the union. The prayer for statehood met with a favorable reception in the House, but was rejected by the Senate, where Douglas and other Administration leaders pronounced it an impudent fraud and a forgery, largely upon technical grounds.<sup>91</sup> Lane demanded such satisfaction from Douglas as would vindicate his integrity, but the Illinois Senator found no facts that would relieve him of all imputation of fraud in connection with the memorial.<sup>92</sup>

This break with the administration, together with the attempt of pro-slavery Missourians in the summer of 1856 to close the Missouri river to free-state emigrants, determined that Lane's radicalism should become more pronounced. It continued to develop until he broke entirely with the past and announced that his efforts would not cease until the Democratic party was shattered, "and when, from the waters of the Yellowstone on the North, to the warm waves of the Gulf on the South, one long line of Free States shall rear themselves an impenetrable barrier against which the western waves of this curse of Slavery shall dash in vain. *Until that time,*" he declared, "*I am a crusader for freedom.*"<sup>93</sup>

<sup>88</sup> *Ibid.*, 88-89.

<sup>89</sup> "Journal of the House of Representatives of the State of Kansas," published as part of "The Topeka Movement," in *Kansas Historical Collections*, XIII, 166-167.

<sup>90</sup> *Ibid.*, 205-206.

<sup>91</sup> *Cong. Globe*, 34 Cong., 1 Sess., Pt. I, 826-827, 847-864; *Appendix to the Cong. Globe*, 34 Cong., 1 Sess., 378-395.

<sup>92</sup> See the *Cincinnati Daily Gazette*, April 29, 1856; *Indianapolis Daily Journal*, May 1, 1856; *Daily Illinois State Register*, May 5, 1856; *New York Daily Times*, April 26, 1856, in *Webb Scrap Book*, IX, 169-170.

<sup>93</sup> *Smoky Hill and Republican Union*, November 21, 1861. This excerpt from a speech made by Lane in July, 1857, is quoted in slightly different form on the title page of Connelley's *James Henry Lane*.