# HERALD OF FREEDOM.

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"TRUTH CRUSHED TO EARTH SHALL RISE AGAIN."

A Family Newspaper--Independent on All Subjects.

BY G. W. BROWN & CO.

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## Poetry.

### Ho for the West.

Ho! for the glad, the glorious West!
The pleasant fields of toil,
Ho! for the land by Heaven blest,
Ye monarchs of the soil!
A voice is in her rushing streams,
Her wooded hills and slopes,
Which calls you from your golden dreams
To realize your hopes.
It calls—the voice of wave and wind—
It cannot call in vain—
For every earnest soul will find
An echo in the strain!
And where along their quiet bed
The singing waters glide,
And where the wild bear lifts his head
In fearless, tameless pride,
The sound of toil will wake the woods
And fill the startled air,
And busy humming multitudes
Will proudly gather there;
And men will come from distant climes,
The followers of fame,
To make them in the coming times
A fortune and a name!
And youth and sire will track the deer
Along the shining rills,
And childhood's laughter, gay and clear,
Will echo on the hills,
And there will pass the pleasant joke,
When daily labor's o'er—
The hardy settlers chat and smoke
Around the open door.
For God will bless their honest toil,
Upon the flood and field,
And bid the rich and fertile soil
A plenteous harvest yield;
And unto all who nurse that germ
Which blossomed but to bless,
"The West" will be another term
For wealth and happiness!


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*Written expressly for the Herald of Freedom*

## A COMPLETE HISTORY OF KANSAS,

FROM ITS

**First Discovery by the French, to the Close of the Year 1857.**

BY THE EDITORS.

### CHAPTER XIX.

THE WAKARUSA WAR—CONTINUED—ITS DIPLOMACY AND INCIDENTS.

On Sunday, by agreement of the parties, Samuel C. Smith, and Samuel F. Tappan Jr., were arrested by "Sheriff Jones," and taken to Lecompton. It will be remembered, that at the rescue of Branson, these persons came up in the second party, and as they were well known to the "Sheriff," he appealed to their patriotism, and their fears to induce them to surrender the prisoner; he threatened to raze thousands of men from Missouri and destroy Lawrence and expell the whole Yankee Abolition rebel population of Kansas, unless they complied with his demands. "Sheriff Jones" knew perfectly well that the people of Kansas had had no part in making the laws, and as a matter of course they would not execute them; and it was for this reason he sent to Missouri for aid.—And it was for this reason also that he did not arrest any one in Lawrence before he assembled his forces. After the glorious dispersion of his robber band, he came into Lawrence and by consept of the parties, arrested Tappan and Smith, who consented to the process in order to carry the whole ruffian proceedings of Kansas before the United States Court at Washington.

On Monday after the arrest, they were examined before a Mr. Shepherd, a Justice of the Peace, by authority of the Shawnee Legislature. The only witness against them was Jones, who testified that on the 25th of November a prisoner was taken from his custody by several persons, among whom he recognized the prisoners. The prisoners did not introduce any rebutting testimony, neither did they give bail, but insisted on an immediate trial. This was during the regular term of Court. Judge Lecompte being indisposed, did not make his appearance, and the Court was adjourned over. Hugh Hutchinson, Jones and two others of the rescuers were arrested and examined and admited to bail in the sum of $500, each. Smith and Tappan were retained until the 22d of Dec., when they were released on parole of honor for three months. At the expiration of that time, all the prisoners appeared before Lecompte, and their cases were postponed until the next term of Court, since which nothing has been done about it.

No respectable lawyer, in Kansas or out of it thinks there is any sacredness or vitality in these laws which should command the obedience of the people. And Judge Lecompte by suffering these cases to go by, and hundreds of others like them, performed the most commendable deed of his life. In fact the only one in Kansas which can be looked upon with approbation.

It was noticed; that the Governor and suit started, as they entered the Free State Hotel and passed the door where lay the corpse of the murdered Barber. They had heard of his death by the hand of a Government officer, and knew of the fierce revenge which it had engendered in every manly bosom. Barber was looked upon as a victim to the slave power. They had sacrificed him on the altar of their ambition, and lust of office. He was a plain man, one of the people, a quiet unobtrusive man; and no reasons existed for killing him, that did not lie equally strong against every farmer and mechanic in Kansas. The people felt it like an electric shock. The consciousness that they were outlawed and were liable at any moment to be shot down like mad dogs, or runaway negroes, united them as one man in defence of their rights, and against their oppressors. The plan of subjugation was a whole. It was well matured in Washington before it was adopted in Kansas. The pro-slavery party resolved to elect the Legislature; to pass laws, and then to execute them. They had done the first and the second. The third was now attempted. A party of men, part of them Missourians, started out of Lecompton, with the determination to shoot down every man whom they met, who would not yield obedience to the laws passed by the usurpers at the Shawnee Mission. It was the company of men who met Thos. W. Barber, his brother Robt. F. Barber and Thomas M. Peirson, on their way to their homes, and shot Thos. W. Barber.

The account of it is thus given by Robt. F. Barber.

On the 6th of Dec., 1855, at 1 o'clock, P. M., I left Lawrence, K. T., in company with my brother, Thomas W. Barber, and my brother-in-law, Thomas M. Peirson; we were all mounted; I was provided with a Colt's Navy Revolver, and Peirson had a small 5 inch Colt's Revolver, but Thomas W. Barber was entirely unarmed. We were on our way to our homes, distant about seven miles from Lawrence, and had ridden some three and a half miles, when we observed a party of from twelve to fifteen mounted men to the right of the California road, in which we were traveling. This party was apparently making directly for it. They were over half a mile from us when we first saw them. We then left the California trail, to take a cross road, to the left, which was the shorter one to our residences; this was immediately after we discovered the horsemen. We had at this time no idea that they intended to interrupt us, nor did we quit the highway for the purpose of avoiding them. We had left the main road by some half a mile, when we saw two of these mounted men advancing before the rest, as if to cut us off; this they did by approaching us on the right, and placing themselves in front of us, or nearly so.—They came up at a trot, while we were walking our horses. The remainder of the approaching party had in the meanwhile halted in full sight of us, but at a distance from two to four hundred yards.

One of the men who rode up to us was mounted on a grey horse; he was heavily built, with a broad face, and I believe whiskers. The other seemed a tall, well-made person, dressed, if I remember right, in dark clothing, and mounted on a sorrel horse.

I think that the man on the grey horse acted as spokesman; when they came up and halted, the man on the sorrel stood a little off the road, but close to it, and to the left of his companion who had checked his animal in the road, not more than a couple of yards from our horses' heads, and directly in front of us. The man on the grey horse then ordered us to halt, and we did so immediately. Upon coming to a stand, the position of our party was as follows:—

My brother Thomas W. Barber, was beside me, and on my right, while my brother-in law, Peirson, was a little to my left, and in our rear; we were all in the road.

After halting us, the rider of the grey horse asked, "Where are you going?"—My brother Thomas W. Barber—who answered for our party—replied. "We are going home." He then asked us, "Where are you from?" my brother answered, "We are from Lawrence." "What is going on in Lawrence?" was the next question. "Nothing in particular," said my brother. "Nothing in particular, hey?" replied the man. He then added, "We have orders from the Governor to see the laws executed in Kansas." Thomas W. Barber then asked, "What laws have we disobeyed?" Upon hearing this, the rider of the grey horse raised his hand and pointed towards his party, at the same time exclaiming, "Then, turn your horse's heads and go with us." My brother then said, "We won't do it." "You won't hey?" said their spokesman, at the same time starting off with his horse so as to bring him on the right side of my brother—who moved his horse's head slightly toward him, as he did so. The man drew his pistol as he started, but halted as he reached his new position to the right of my brother—I can't say what the rider of the sorrel was doing in the meanwhile, for their spokesman rode between him and my brother, and my attention was at that moment taken up with the drawing of my own pistol, which was belted on behind my back, in such a manner that I was obliged to seize it with my left hand; this I did under the belief that we were about to be attacked.—As I was changing it in my right hand to fire, I saw their spokesman—the man on the grey horse—discharge his pistol at my brother. I did not think at the time that my brother was hit. This man, after firing at my brother, rode right round in the road, and halted some ten paces in our rear. I wheeled my horse and shot at him, but missed; I cannot say that he returned my fire, but on changing my position I saw the smoke of the pistol of the man on the sorrel, who was still in his old position. I then fired a second barrel at him, but missed, as I had done before.

After I had fired at the man on the sorrel horse, he rode up to his companion, and on reaching him they exchanged a a word or two which I could not distinctly hear, and then galloped off towards their party. As they started I fired at them again, for the third time, but with no better success. We still stood firm in our tracks, not having moved our horses except to wheel them, from the beginning to the end of the affray.

The main body of the horsemen was still halted, but full in sight. Thomas W. Barber then turned to us and said, "Boys, let us be off;" we started accordingly, at a gallop, on our road. At this time the two men were still galloping towards their party. My brother and myself rode side by side; my brother-in-law, Peirson, who had a slower horse, following in our rear. After riding in this manner for about a hundred yards, my brother said to me, "That fellow shot me;" he smiled as he said so. I asked him, "Where are you shot?" He pointed to his right side.—I then remarked "It is not possible, Thomas?" To this he replied, "It is," at the same time smiling again. I do not think that he realized how badly he was hurt. After uttering these—his last words—he dropped his rein, and reeled in his saddle; seeing that he was about to fall, I caught hold of him by the left shoulder, grasping the loose overcoat which he wore. I held him thus for nearly a hundred yards; I could then hold him no longer, and he fell to the ground; as he did so, I slipped from my horse, at the same time calling out "Whoa;" both horses stopped immediately; I bent over my brother, and found that he was dead, and felt that we could do nothing for him. As Peirson and myself stood in the road consulting, we saw the other party riding towards us, and thinking that we could accomplish nothing by remaining where we were, I said to Peirson, We had better be off."—He objected, saying, "If we ride away, they may overtake and kill us; we had better stay where we are, and let them take us prisoners." I replied, "I will die before they shall take me prisoner." He then agreed to go, saying. "Let us be off as fast as we can." We galloped on accordingly. After riding nearly a mile, Peirson asked me if I saw any one coming?—I looked back, and discovered two men galloping in pursuit. Pierson turned his head and perceived them also. This was the last I saw of them. I am confident some af the pursuing party must have discovered my brother's body, as they were riding upon the hill where it lay. This transaction took place, from beginning to end, in an open prairie country, where there was no timber to shut out the view.

Peirson had his revolver in his pantaloons pocket, on the right side. He says that he could not get it out in time to shoot. He certainly did not fire during the affair. He lost his pistol, however and overcoat; the pistol he has never seen since, as he tells me.

After riding about three miles, and finding that my horse was "giving out," I dismounted, feeling confident that the animal had been wounded in the affray; I did not stop to examine him at the time, but supposing that I was still pursued, left him standing in the road, and continued my way home wardson foot. I afterwards learned that the horse had been shot low down behind the fore-shoulder, on the right side. The horse died that night. I do not know the size of the ball which killed the animal; I did not look for it. The carcass has been dragged away and eaten by the wolves.

I think that the man on the grey horse, who shot at my brother, used a small five inch Colt's revolver.

The man who thus wantonly shot down a good and worthy citizen, was Major Clark, the Indian Agent for the Potowatomies. Clark boasted of this deed as one of the most notorious of his life. His companion, Col, Burns of Weston, Missouri, shot Robt. Barber's horse, instead of the rider as he intended. × × —

At this time these three men were members of the Bloomington Company, (D,) of the 1st. regiment, Kansas Volunteers, then serving in Lawrence to defend that place against the Pro-Slavery mob, which had come up from Missouri to destroy it; and were then camped on the Wakarusa, about five miles off. No one presumes that Clark and Burns had any right to *demand* and *compel* the surrender of Barber and his companions. It was simply an act of malicious murder done at the bidding of the slave power, to establish and secure its control in Kansas, and for which there is no legal or moral justification; and every Free State man, would at this time have been shot down, with equal ferocity, could it have been safely done. But so long as they kept their arms it was not considered safe to attempt it; for in such a case there might be shots to take as well as shots to give.

BURIAL OF BARBER.

On Sunday, the 8th of December, the funeral of Barber took place at the Free State Hotel. The house was crowded.—The relations, the neighbors and citizens generally followed him to the grave.—The grief of the widow was heart-rending to witness. For days and weeks she was scarcely known to sleep. A person who visited her several weeks after this event writes as follows.

But come—let us change the scene; forget for a time, the mere party interest in this matter, and gaze with us upon that darker picture, which, alas! for poor Humanity, so seldom struggles out into the light; bear with us then, for a moment, while we tell you of our visit to *the widow's desolated* home.

It stands upon the bleak prairie; a shelter—for it merits no better title—of two rooms. We entered in company with the brother of the deceased, just as the darkness of a stormy winter evening was gathering over the snow-clad slopes of of the long, treeless prairie rolls. The room into which we were shown seemed comfortlessly furnished, not from any lack of means, but from the difficulty of procuring such matters in a newly-settled country; two or three females and children were crowded up to the stove, for the night was bitter cold, and even a large wood fire scarce heated an appartment so slightly walled. Between a heavy pine table, on which a flaring candle stood flickering and sweltering in its socket, and a half-curtained window, against which the sleet and biting winter wind beat drearily, sat a woman of some forty years of age, plainly clad in a dress of coarse dark stuff; she was leaning forward as we entered, and seemed unmindful of all about her. It needed no introduction to tell us that this was the widow of Thomas W. Barber, the sole victim of the otherwise "Kansas War." No, the thin hand which supported the aching head, and half shielded the tear-dimmed eyes, as well as the silent drops that came trickling slowly down those wasted cheeks, had already told the story. Hear what she says:—

"*They* have left me a poor forsaken creature, to mourn all my days. Oh, my husband! they have taken from me all that I held dear—one that I loved better than I loved my own life."

These are her very words. We have added nothing to them, nor have we taken ought from them.

There are circumstances connected with the life and character of the man Barber, which make his death more particularly to be deplored. He adds another to the long list of victims who have sacrificed to the demon of political excitement. Barber is spoken of as a quiet, inoffensive, and amiable man; domestic and unexceptionable in his habits, and deeply attached to his wife, to whom he had been married between nine and ten years. He was, moreover, the leading man among the agriculturalists in his neighborhood; a lover of fine stock; and a careful, pains-taking farmer; such at least is the reputation which he bore in Ohio, the State from whence he emigrated. He was unarmed when he received his death-wound, and on his way to his home. His wife, to whom he had written to inform her of his coming, was expecting him. She is said to have loved her husband with more than ordinary devotion. Her sister-in-law tells us that they used to rally her, upon her almost girlish affection and solicitude for Thomas. It was her habit, when she saw him coming back from his work, to leave the house, and go forth to meet him on his way. If he failed to return at the time indicated, she grew anxious; and if his stay was prolonged, oftentimes passed the night in tears; when ill—the same informant tells us—she would hang over his bed, with all the anxiety of a mother for her child. She would seem, too, to have had a presentiment of some impending evil, for after exhausting every argument to prevent her husband from going to join the Free State forces at Lawrence, she said, "Oh, Thomas, if you should be shot, I should be all alone indeed; remember I have no child—nothing in the wide world to fill your place." And *this* was their *last* parting.

With such griefs as these, fresh burning on the heart, it is matter of astonishment that excesses were not committed. Whoever lookes upon this community of high-toned, outraged freemen, with power in their hands to punish their enemies, and see them forbear for the sake of the principle, and looks upon the obedience to their self enforced discipline and the respect paid to the officers of their own choosing, will gain confidence in the ability of the people for self government, and the power of intellectual discipline over that of brute force.

A few incidents will illustrate the intense feeling of the people, the difficulties of the officers in restraining them, also the power of the sober second thought of an intelligent population.

A gentleman, than whom no more honorable name can be mentioned in Lawrence, came down stairs as Gov. Shannon was addressing the people from the steps of the Free State Hotel. With all these injuries fresh in his mind and feeling that Shannon was the cause of them either by his power or his weakness, drew his revolver and was about to fire when a friend interfered and prevented him.—His feelings were so wrought up it was with the utmost difficulty he could restrain them. Gue. G. W. Brown × ×

On the Monday evening which followed, Sheriff Jones and others were invited to the festival. Mr. H., a neighbor of Barber's and member of the same company, stood in the recess of the door during the whole evening to shoot "Sheriff Jones." A person who was aware of his intention, stood by him and prevented him from seeing Jones, so that he passed in and out in safety.

When a fight was expected and the officers began to look to their resources, it was discovered that amunition was alarmingly scarce. This matter being mentioned in the presence of Mrs. G. W. BROWN, she stated that her father, Mr. GLEASON, residing about ten miles south of Lawrence, had a keg of powder which he had brought from Pennsylvania the spring previous. As it was unsafe for the men to go out of town unless strongly guarded, she proposed, that if a carriage was furnished her, to obtain powder, she would go, and call, on her return, at Mr. Abbot's, near Blanton's bridge, and get some caps for Sharp's rifles and a quantity of lead which was deposited there.

The conveyance was furnished, and Mrs. S. N. WOOD accompanied her on her journey. Beyond the bridge they were passed by a couple of Shannon's militia but their sex saved them from detention. The powder was procured and emptied into pillow cases, and disposed of as ladies only know how to get rid of such matters. The caps and lead were similarly adjusted, and save a few moments detention about a mile north of the bridge by a couple of the mob soldiery who appeared to be rather inquisitive, they returned to town with their treasure unmolested.—Those who lifted them out of the buggy observed that they had greatly increased in weight, since entering the carriage in the morning, and it was jocularly remarked among the crowd that they had considerably increased in size. Leaving these remarks to take care of themselves the amunition was duly received, and would have played an important part in the affray in case of a collision.

From the first arrival of emigrants in Kansas, up to this time, threats of violence and expulsion were made against the Free State settlers. After the election in March, it became evident that we must arm for the common defence. Rifles, muskets, cannon and amunition were freely sent by sympathising friends from the east. At this time a good brass howitzer, a twelve pounder, was lying in the warehouse at Kansas city with amunition to match. The road was blockaded and no passing to or from Lawrence was permitted. Travelers were arrested—citizens were made prisoners—the U. S. Mail was stopped, and every precaution taken to prevent information or supplies from passing to or from Lawrence.

At this critical time Major Buffum, of Massachusetts, offered his services to go down to Kansas City and bring up the cannon. He was accordingly furnished with wagon and mules and started. No one doubted his ability to perform what he had undertaken. He passed the lines successfully, and appeared before the commission merchant at Kansas City. Here imitating the simple *down east Yankee*, in conversation and manner, "He guessed he could carry that ere box up to Lawrence, if it would be any accommodation to him. He was going up there anyhow, and he hadn't no load. The merchant thought it all right, so taking the Major's receipt allowed him to load up.

At this point the merchant began to grow suspicious, and doubt the propriety of letting the boxes go. The wagoner told him he guessed there want nothing but in 'em no how. He 'spected, like enough there might be a buggy and some other fixin's which the man was expecting. But if you'll hand me up that are ax I'll knock 'em open and let you see for yourself. The ax being handed he knocked off a part of the cover which discovered the wheels. There mister, said our teamster triumphantly, I told you so; just see for yourself. There is the very wagon wheels I told you about.—The merchant being satisfied, allowed the wagon, loaded with cannon and amunition, to return on its way to Lawrence. The shrewd Major however first covered his heavy load with light articles, buckets, baskets and *Yankeenotions* generally.

For greater safety the wagoner had been instructed to cross over the ferry to Wyandott, and come up to Lawrence on the river road. In doing this, while ascending the Wyandott Hill the wagon stuck fast. So setting down upon the side of the road, the Major waited patiently for somebody to pass. He had not waited long till a company of Missourians made their appearance on their way to the Wakarusa camp.

The Major rising up, called out in his best vernacular. "I say Captain, you wouldn't mind lettin' some o' your men help a feller up the hill would you? I am stalled you see."

At this civil request several men volunteered, and soon drew the wagon to the top of the hill. After much caution and avoiding of public roads, and watchfulness to escape scouts, the cannon and amunition were delivered safely in Lawrence.

The Delaware Indians were of service to the Major through their territory as guides. After the cannon came over, the Delawars offered their services to our people, but the officers concluded not to accept them, unless Indians were employed on the other side. A company of Shawnees also tendered their services, but were not accepted till further developments should render it necessary.

Maj. Clark, the Indian agent for the Potowatomies brought down a reinforcement of those Indians to join the mob at Lecompton. He declared when passing through Topeka that they should not return without a pair of scalps on each shoulder.

The enemy appeared on the opposite side of the Kansas river, on Saturday 150 strong to prevent succor from that quarter, also to prevent a retreat in case of a battle.—They showed a black flag, and declared it their intention to fight under that till the Abolitionists were exterminated. They had the same kind of a flag at the Wakarusa camp.

They also showed a flag with a lone star on it, and declared their intention to raise that when the Yankees were out of the way.

In order to arm themselves, the Missourians broke into the arsenal at Liberty, Mo., and robbed it of every variety of war implements; and these were the weapons used against the citizens of Kansas.

On Tuesday after the marauders had left, the Free State Forces were reviewed and finally formed into a hollow square where they were addressed by their officers, Generals Robinson and Lane. They spoke of the patriotism, self-denial and hardships; they commended, their discipline and bravery; and concluded amidst many hearty cheers of the citizen soldiers. As the different military companies left Lawrence they were escorted by the Lawrence Rifles and seperated with the liveliest feeling of satisfaction.

[TO BE CONTINUED.]

### Preserve the Fort.

Mr. THOMAS, of Indiana, who has been traveling in Kansas, suggests, in a letter that in his opinion measures ought to be taken by the people of Lawrence, and indeed of the Territory to preserve the stone fort on Mt. Oread, from destruction. He says that it should remain as a monumental testimonial of the bloody times through which we have passed, confirming historical descriptions with which the country abounds. He thinks it the most complete refutation of the aspersions of the enemies of Kansas which can be employed. Will the friends of Kansas consider this matter, and take such action as their judgment approves?

☞ We are apprehensive the nervous must be very much incommoded by the din of Lawrence, kept up all over the town by the mechanics engaged in the erection of buildings. Instead of abating as the season advances the work is pushed on with greater vigor than during the heat of summer. If the season shall keep open there will be an unusually heavy amount of work done between this and the middle of December.

☞ The American Congregational Union has recently made an appropriation for building six churches in Kansas, and one in Nebraska.

### Voting in Kansas.

ROSEDALE, K. T., Sept. 7, 1857.

*To the Editor of the National Era:*

We heartily congratulate you upon the fact, that the policy that for months past you have so earnestly and independently advocated for the furtherance of the Free State cause in Kansas, has at length triumphantly *prevailed*—the people in Mass and Delegate Convention, held recently at Grasshopper Falls, unanimously adopting the same, and resolving to take part in the October election, and make an effort to obtain possession of the Territorial Legislature. Many of the most true-hearted Free State men in Kansas have all along favored this movement—but some of those who held the leading strings of the party have tried to drive them from the position, by denouncing them as traitors to the cause of Freedom, and prescribing them (because they dared to think for themselves) as "Pro-slavery" tools of the Democracy. These "leaders" have seemed determined to force the Free State cause into the "Circumlocution Office," but their favorite policy of "how not to do it" did not take at all with our intelligent and reflective community, and it was very gratifying to see these "circumlocutionists" wheel round into "rank and file" when they found the popular voice deciding in favor of the measures they had condemned.

Many anticipate a warm time at the election, but we hope and trust that Gov. Walker will redeem his pledges to us, and then we doubt not that our cause will triumph, and a permanent peace be inaugurated in Kansas.

Very respectfully, &c.

We must confess our glorification at the new position taken by the Free State voters of Kansas. Our only regret is, that they did not adopt it in regard to the Constitutional Convention. It was objected to by them in that case that, voting under rules and regulations prescribed by the spurious Legislature, they would recognize the authority of a body which they had denounced as having no authority, and that the disabilities imposed on them were such as to secure the power to their adversaries. It would seem as if these objections had been reconsidered and set aside. The Territorial election to be held in October will be conducted under rules and regulations prescribed by the spurious Legislature; and the apportionment made by it is unfair, being evidentiy intended to disable the power of the Free State men. But, as the alternative is to vote, or to submit without a struggle, they have determined to vote. Everybody knows that they have not changed their opinions concerning the illegitimacy of the so-called Legislature. They still regard it as the offspring of usurpation, without lawful authority, but it is a Legislature *de facto*, though not of *right*; they conform their action to a *fact*, still protesting against the usurpation and fraud which gave it birth. As to disabilities, what else can they expect? They must encounter these just so long as their opponents have the power. If they wait, inactive, till the pro-slavery party consent to give them a fair field, they will wait forever. No matter what the disadvantage they labor under, they must engage in the struggle, or lie down like slaves at the feet of their masters. They may not succeed this time, but let them try it again. They will have organized, ascertained their numbers, learned to confide in each other, determined how much the real, how much the fictitious strength of the enemy, and caused an exposure of the fraudulent manner by which they were defeated. If they are five to one, as some claim, if two to one, nay, if they have simply a decided majority, firmness and perseverance will at last give them the victory.

What other course can they pursue? Submit and protest? No party was ever held together by such a policy. If adopted, in less than two years there would be no Free State organization in Kansas.—Would you fight? Whom? What? Not the Territorial officers, not the Territorial Government, but the United States, the Federal Government, with its treasures and arms, wielded by your enemies. You never were prepared for this, you are not now. He who advises such a course, on the supposition that the people of the States, who sympathize with you, will rush to the rescue, is a madman, or worse.

Organize, then, and vote. Perfect your organization, vote again, and stick to it, till you have wrung power out of the hands of your opponents. And yet, we cannot go quite so far as the N. Y. *Tribune*, which, last summer, an opponent of the voting policy, now goes all lengths in support of it.

"We trust few (Free State men) will be repelled by their natural repugnance to paying the tax imposed on them by the border ruffian usurpers. Let them pay anything, do anything, to wrest the weapon of legality out of the hands of their oppressors."

We should say, "let them pay anything," but not, "let them do anything." For example, should an unconstitutional oath to support the Fugitive Slave Act be required as a condition to vote, we should say, Let them reject it, and then, erect their own polls, cast their votes at them, make an accurate record, and then forward to Congress a memorial embodying all the facts. Not even to "wrest the weapon of legality out of the hands of their oppressors," is it right or necessary to violate one's conscience, to swear to support what we intend not to support. It is quite possible to be practical, and yet always right.

Nor can we agree with our cotemporary, as to the alternative, he presents, should the Free State men fail at this election:

"Should they fail in this effort, through the frauds of their adversaries or otherwise, their only remaining choice would seem to lie between civil war and submitting to see Kansas enter the Union as a slave State."

We cannot see how civil war is to prevent such a result, unless it should go so far as to break up the next Congress; nor should the admission of Kansas into the Union as a slave State, lamentable as such an act would be, be for a moment, considered as a final settlement of the question. True, the Constitution may contain clauses prohibiting emancipation without the consent of the owner, and throw as many obstacles as possible in the way of amendments, but the power of numbers, steadily exerted, must in the end prevail.—Kansas, even if admitted as a slave State, cannot remain so, if the Free State party be as large as it is represented, and if it be true to itself. With the accession it may receive from the free States, it would, in time, inevitably obtain the control of the popular vote and the legislative power, and find a legitimate way to carry out what would then be the popular will.

After all, turn the question as we may, we must come to the ballot-box. That is the chosen instrument of freemen. The party that can poll the greatest number of votes, must, in the long run, carry the day.—*National Era.*

### Senator Buchanan vs. President Buchanan.

In his late extraordinary letter to President Woolsey, Prof. Silliman and others, Mr. Buchanan lays great stress on the act of the bogus Territorial Legislature of Kansas, providing for electing delegates to a convention to form a State Constitution. He not only has no doubt of the authority of that body of ruffians to *pass laws* for such an object; but he goes out of his way to eulogize the provisions of that "law" as eminently "fair and just," when he must know and does know that three-fourths of the actual *bona fide* inhabitants of Kansas were by that law disfranchised, and that half the counties were the Free State men are proportionally most numerous, were not included in any voting precinct whatever! And this the President of the United States stoops before the slave power to pronounce "fair and just!" And the refusal of the people to have any part or lot in so obviously outrageous a trick of the slaveocrats, he denominates "lawless resistance to the regular Territorial Government!" And declining to vote under regulations that must insure the triumph of the ruffians, is made the excuse for "employing the troops of the United States," to dragoon the people into submission!

This may pass for good Democracy now. But there was a time, even since Mr. Buchanan professed to be a Democrat, when such doctrine would have passed for nothing better than the rankest "federalism." This not the first time a similar question has arisen. It is not the first time Mr. Buchanan has been called to decide on the *power* of a Territorial Legislature to "pass a law" for electing delegates to form a State Constitution. In the case of Michigan, two Constitutional Conventions were held, and two Constitutions were formed—one by authority of the Territorial Legislature, and the other by the authority of the people. Both were sent to Congress, asking admission into the Union. It was in 1835, and Mr. Buchanan was then in the U. S. Senate. So was Mr. Calhoun, at that time a bitter and unrelenting opponent of the Democratic party. Mr. Calhoun went for admitting the State under the Territorial Legislative Constitution. Not so Mr. Buchanan. He, with the other Democratic Senators, went for admitting the State under the People's Constitution, which had been formed and adopted in utter disregard of the Territorial authorities; as emphatically so as has the Topeka Constitution.

In the debate which arose, Mr. Buchanan took the very ground now occupied by the friends of the Topeka Constitution—that the PEOPLE are sovereign, and that the Territorial Legislature have *no right whatever to pass laws enabling the people to elect delegates to a Convention to form a State Constitution.* The People were above the Legislature, and, they having acted, it was the duty of Congress to recognize them. Here is Mr. Buchanan's language:—

"Suppose we were to admit that their (the people's) proceeding had been irregular, ought that to exclude her from the Union? On this subject we ought to act like statesmen acquainted with the history of our own country. We ought not to supply the rigid rules of abstract political science too rigorously to such cases. It has been our practice heretofore to treat our infant Territories with parental care, to nurse them with kindness, and when they had attained the age of mankood, to admit them into the family without requiring from them a rigid adherence to forms. The great questions to be decided are: do they contain a sufficient population? have they adopted a republican constitution? and are they willing to enter the Union upon the terms which we propose?

"If so, all the preliminary proceedings have been considered but *mere forms*, which we have waived in repeated instances. They are but the scaffold of the building, which is of no further use after the edifice is complete. We have pursued this course in regard to Tennessee, to Arkansas, and even to Michigan. *No Senator will pretend that their Territorial Legislatures have any right whatever to pass laws enabling the people to elect delegates to a Convention for the purpose of forming a State Constitution.* IT WAS AN ACT OF USURPATION ON THEIR PART."

This language applies, it will be observed, not to bogus Territorial Legislatures, imposed upon an unwilling people by fraud and violence; but to *all* Territorial legislatures. Doubly and truly does it apply to the Kansas Territorial Legislature, which never was elected by the people of that Territory, and never represented their views or principles. No such objection was made against the legislatures named by Mr. Buchanan. They were regular and legitimate. And yet, the man who now confesses to employing the troops of the United States to compel obedience to the Border Ruffian legislature of Kansas, *then* pronounced similar acts of the *regular* Territorial legislatures of Tennessee, Arkansas and Michigan "ACTS OF USURPATION."

They *are* acts of usurpation. Neither under the Constitution or laws of the United States have Territorial legislatures the slightest authority to take the initiative in the formation of a State. The forty delegates, more or less, now assembled at Lecompton, as a Constitutional Convention, have no more authority to form a State Constitution for Kansas than have any other forty men, whether at Lecompton, Leavenworth or elsewhere. Nor will any instrument that body may agree upon, be, in any respect, more regular, more legal, or more Constitutional than is the Topeka Constitution. And the President has no more right to employ the army of the United States to defend or sanction the proceedings of the Lecompton Convention, than he has to employ the army to defend or sanction any equally numerous convention in any portion of Kansas. The act of the bogus Legislature, even admitting it not to be *bogus*, was passed, to use Mr. Buchanan's words above quoted, *without authority*, and is neither more nor less than "an act of usurpation." And Mr. Buchanan's act of employing the troops of the United States, to enforce that "act of usurpation," is an *act of treason* to Liberty and the Constitution. Out of his own mouth is he judged and condemned.—*Independent Democrat.*

### Important.

The Commissioner of the General Land Office has just issued a very important circular in relation to pre-emptions allowed contractors carrying the mails through the Territories West of the Mississippi, under the general provision for that purpose, in the Act of Congress, approved March 3, 1855, and the special Act of March 3, 1857.

The principal points in the circular are:

1st. That to constitute a right of pre-emption under the law, the mail route on which the claim is based, must form a part of a system, stretching literally across the Territory, being a link in, or part of, a connected route from the line of the States West of the Mississippi to the Pacific.

2d. The party preferring a claim must furnish a map showing the "station," with a certificate sworn to by the postmaster nearest to each of the "stations," showing that said stations are between the points designated in the contract; and the map must be filed in the District office, and be accompanied by evidence from the Post Office Department that the party claiming is a "contractor" on the route indicated.

3d. The mail contractor or claimant must file in the proper district office his written declarations of his intention to claim the benefits of the law within three months from the selection of his "stations," if on unsurveyed lands; if they be not surveyed at time of selection, then such declaration must be filed within three months after the return of the township plat to the district office.

4. Satisfactory proofs, showing the extent of the improvements on each station, and that they are of a character to fully subserve the purpose of the "station," must be furnished the local land officers.

5th. There can be but one "station" for every twenty miles of the route; the distance may exceed, but can not be less than twenty miles between the tracts pre-empted, and proofs on these points must be required.

6th. Upon unoffered land the claim must be proved up and paid for during the existence of the contract, and before the day fixed by the President for the public sale of the land; otherwise any right which the party may have had will be forfeited.

7th. Each contractor being himself within the law is entitled to a pre-emption not exceeding 640 acres in contiguous tracts, to include his own improvements, but of course not embracing mineral or other reserved lands.

8th. Notice to adverse claims to any portion of the land selected as a "station" must be given in writing, and should be served in time to allow at least a day for every twenty miles the party may have to travel in going to the place of taking testimony.

The administration of the act of 1857 rests upon the same principle as the act of 1855, except that it restricts the stations to ten miles apart, and the pre-emption to 320 acres.

### Is He a Demagogue.

The N. Y. *Times* will not add any laurels to its reputation by employing *Randolph* alias *Wm. Hutchinson* as its Kansas correspondent. In a letter dated Sept. 14th, speaking of our county nominations, and of the Legislative ticket to be nominated the next day, said:

"As far as heard from, the Hunker wing of the Free-State Party, who would be in favor of propitiating the Territorial Government, and of which the *Herald of Freedom* may be regarded as the organ, has been defeated, and, without doubt, the candidates nominated will be mostly Topeka-Constitution men. *It makes but little difference, however, in my view, for I have no faith in the movement, and believe it will end in a stupendous defeat.*"

The author of that paragraph must feel particularly *mean* when he reviews it, and sees his own *simple* views repeated there.

"The *Herald of Freedom* defeated." The author must be a consumate—we wont say it, but leave it with the reader to fill up the word which he deems the most appropriate. "No faith in the movement, but believe it will end in a stupendous defeat."

A wise politician that must be who is all the time predicting "*defeat.*"

Who ever heard of a general when harranging his soldiers, as they were going out to battle, "Fellow soldiers, the enemy are formed in line to receive us. They do not equal us in numbers. In fact we are more than ten to one, yet by superior prowess there is no doubt we shall meet with a "stupendous defeat!" Would not every soldier from one end of the line to the other declare their general incompetent to lead them? More than that, we'd they not have driven him out of camp, and elect some person better supplied with hope to fill his place?

And will not the Free State people of Kansas discard all these croaking politicians, these hangers-on to the Free State party, mere leaders sapping the life's blood, and fill their places with *men?*

If *Wm. Hutchinson* desires to run a tilt with the *Herald of Freedom* we have no objection. He shall not write his bombast, however, over an anonymous signature, and think to escape public odium by their ignorance of his name. The people of Lawrence will remember him as the author of the "*National Democrats*, rowdies, and drunkard" letter.

### Wheat.

We discover that the farmers in all parts of the Territory have sowed some winter wheat, a considerable part of this was sowed early and is looking well. Some are putting in late wheat. The experiment will be fairly tried this year between early and late sowing, and we hope to be able to note the result.

× × "I think it was Burnes, of Weston, Mo., who shot Barber." G. W. Brown.

× × Joel Grover was the man.