

# "WENT AT NIGHT TO HEAR HON. ABE LINCOLN MAKE A SPEECH"

## Daniel Mulford Valentine's 1859 Diary

*edited by M. H. Hoeflich and Virgil W. Dean*

**A**mong the items listed in the catalog for a recent auction of Civil War related documents at Lone Jack, Missouri, was a daily diary for 1859. Upon examination at the preview, the first free front end paper verso revealed the name "D.M. Valentine" and the place "Fontanelle Adair County Iowa." On this same page was a bookseller's stamp of "Rickey & Bros., Booksellers & Stationers, Des Moines, Iowa." The pocket diary itself, published by Denton and Company of Cambridgeport, Massachusetts, was designed specifically, as the title page states, "for the use of merchants, mechanics, manufacturers, housekeepers, and professional men." This made it perfect for Daniel M. Valentine, who removed to Leavenworth, Kansas Territory, at mid-year and became an eminent Kansas jurist. He was in 1859 both a surveyor and a newly minted lawyer. The diary is complete except for a few blank pages at the end of the chronological portion that seem to have contained some case notes Valentine made but which have been torn out.<sup>1</sup>

The diarist, Daniel Mulford Valentine, was born on June 18, 1830, in Shelby County, Ohio. His family came to the United States from England in 1644, settling first in New York and then New Jersey, where his father, John W. Valentine, was born in 1804. Soon, however, D.M. Valentine's grandfather, Daniel Valentine, joined the westward migration and moved the family to Shelby County. In 1836 John W. and his wife, Rebecca Kinkennan Valentine, moved their young family to Tippecanoe County, Indiana, where their eldest son grew up and was educated. Eventually, he studied law and surveying, and

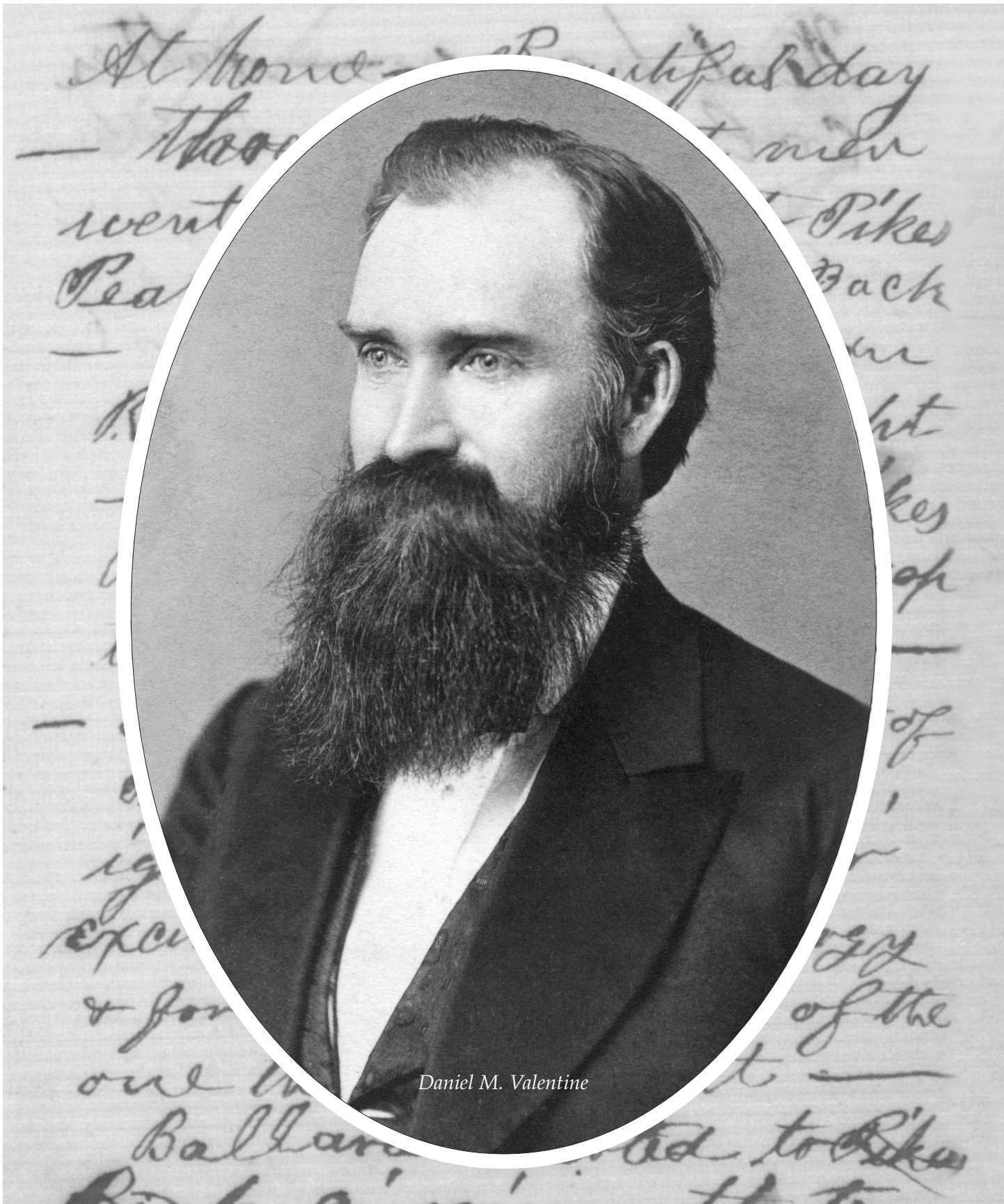
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M.H. Hoeflich is professor of law and former dean of the University of Kansas School of Law; Virgil W. Dean has been editor of *Kansas History: A Journal of the Central Plains* since 1991.

1. Mike Hoeflich attended the February 2006 auction and discovered the diary. Upon reading the provenance remarks he became quite excited, since D.M. Valentine was a name he knew well from his research into Kansas legal history. Fortunately, others at the auction did not recognize the name, and for \$85.00 he was able to purchase the diary, which he has since donated to the Kansas State Historical Society. The recovery of such documents and their donation to appropriate research institutions is just what Hoeflich prescribed as a remedy for the dearth of Kansas legal history in "Why Kansas Legal History Has Not Been Written. Presidential Address," *Kansas History: A Journal of the Central Plains* 26 (Winter 2003): 264–71. In his remarks, delivered at the November 7, 2003, meeting of the Kansas State Historical Society, Hoeflich called for an active effort to catalog, preserve, and collect the sources of the state's legal history.

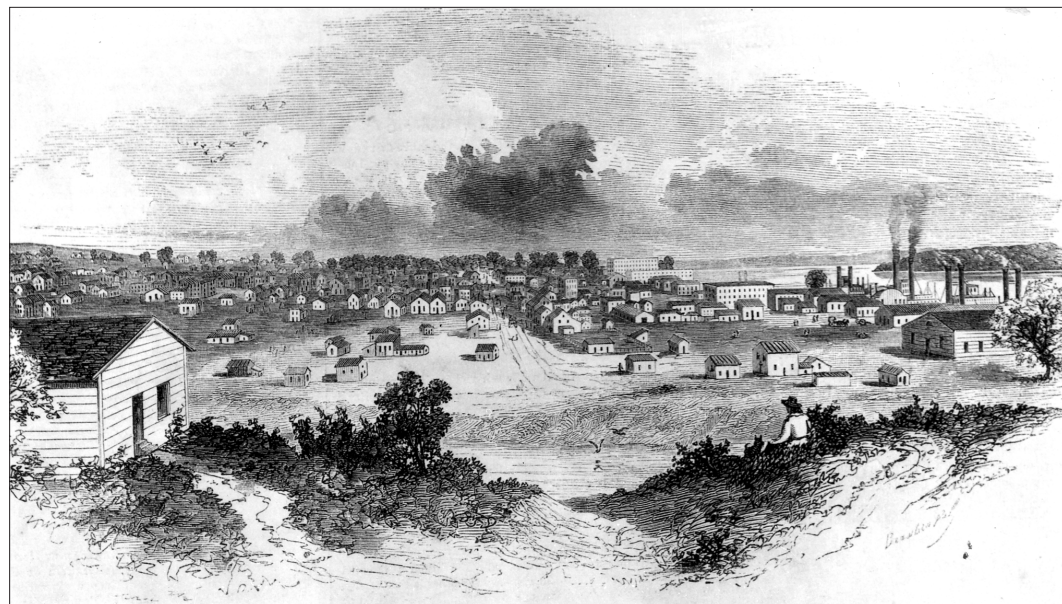
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*Kansas History: A Journal of the Central Plains* 29 (Summer 2006): 100–115.



Daniel M. Valentine





This early view of Leavenworth appeared in the December 25, 1858, issue of Frank Leslie's Illustrated Newspaper, just months before Valentine and his family moved to that city from Iowa.

in 1854 moved to southwestern Iowa, settling in Madison and then Adair County. There D.M. Valentine established himself as an attorney and surveyor and in 1855 married Martha Root. Together they raised twelve children, all but one of whom were born in Franklin or Shawnee County, Kansas.<sup>2</sup>

In July 1859, the year from which this diary dates, the Valentines moved to Kansas. First they settled at Leavenworth, but in 1860 they moved to Peoria City in Franklin County, and subsequently followed the seat of county government to Ohio City (near present Princeton) and then to Ottawa in 1865. Valentine served in the Kansas militia during the Civil War and on several occasions was away from home on active duty. In 1862, 1863, and 1864 he also served in the Kansas legislature and as judge of the fourth judicial district from 1865 to 1869. First elected to the Kansas Supreme Court in November 1868, Daniel M. Valentine served on the three-justice tribunal from 1869 until 1893, personally writing 1,572 opinions. After leaving the bench, Justice Valentine practiced law in Topeka, where he died on August 5, 1907, at age seventy-seven.<sup>3</sup>

2. The couple actually had thirteen children; their second, a son, died a few hours after birth in Fontanelle, Iowa; three others, all boys, died within a year of their births. Several useful biographical sketches on the life of Daniel M. Valentine were published before and soon after his death: see especially, "Report of Memorial Committee," *Bar Association of the State of Kansas, Proceedings Twenty-Fifth Annual Meeting* (Topeka, January 30–31, 1908), 14–16; A.T. William G. Cutler and Alfred T. Andreas, *History of the State of Kansas* (Chicago: A. T. Andreas, 1883), 1:581; "In Memoriam," *Kansas Reports*, 1908, 78 (1909), vi–ix; see also *Genealogy of Richard Valentine of New Jersey, and a Portion of His Descendants* (Topeka, Kans.: Hamilton, Woodruff & Co., 1882).

3. "In Memoriam," vi. See also Mrs. D. M. Valentine, "Home Life in the Early Days," *The Club Member* 6 (February 1908): 5–9.

Although numerous Civil War era diaries exist, very few of them record the everyday life of a lawyer in mid-nineteenth-century Kansas. Even had Daniel Valentine recorded no special events in his diary for 1859 it would still be of immense value for the legal history of Kansas Territory. But 1859 was a very special year for Leavenworth, Kansas. The bloodiest days of the Kansas conflict had passed, and the battles that remained to be fought between free-state and proslavery partisans were now being waged at the polls, mostly between Republicans and Democrats. The Valentine diary documents several important Kansas elections and much local politicking, but it also records some unique details of an event of national significance—Abraham Lincoln's 1859 visit. The Illinois lawyer and politician, with well-known designs on his Republican Party's 1860s presidential nomination, came to Leavenworth in early December to deliver the last two of his Kansas speeches, speeches that foreshadowed his famous Cooper Union address of February 1860 in New York, New York.<sup>4</sup> Daniel M. Valentine attended both those speeches and recorded his impressions.

When Judge Valentine died it seems likely that the diary was still in his or his close family's possession. Excerpts dealing with Lincoln's visit to Kansas were reprinted as part of an article in the November 22, 1908, issue of

4. On Lincoln's trip to Kansas, which included stops in Elwood, Troy, Doniphan, and Atchison, as well as Leavenworth, see Carol Dark Ayers, *Lincoln and Kansas* (Manhattan, Kans.: Sunflower University Press, 2001); Charles Arthur Hawley, "Lincoln in Kansas," *Journal of the Illinois State Historical Society* 42 (June 1949): 179–92. See also Roy P. Basler, ed., *The Collected Works of Abraham Lincoln, Vol. 3, 1858–1860* (New Brunswick, N.J.: Rutgers University Press, 1955), 495–504.

the *Topeka Daily Capital*. Subsequently, the diary seems to have disappeared from view and the *Daily Capital* excerpts were forgotten.<sup>5</sup> The diary is now part of the permanent collection at the Kansas State Historical Society.

The following passages from Valentine's 1859 diary were selected based upon their historical interest. The diary is almost full, with some notation for nearly every day. Many of these simply record the weather or the fact that Valentine spent the day "loafing" (something he seems to have done quite often). Most such entries are not reproduced here. The selected passages appear as they were written, with only a very few minor corrections or changes for the convenience of our readers. A link to the complete, unaltered transcript, as well as a digital image of the entire Valentine diary, can be found on *Kansas History's* Web page (<http://www.kshs.org/publicat/history/new.htm>).

SELECTIONS FROM THE DIARY OF  
"D. M. VALENTINE FONTANELLE, ADAIR CO. IOWA"  
AND LEAVENWORTH, KANSAS TERRITORY

January      MONDAY 10      1859

Took a notion to go to Winterset [Madison County] on Wednesday 12<sup>th</sup> & to Pikes Peak, Sonora or Cincinnatti in the Spring go to Pikes Peake to dig gold, or get gold Some other way or get Some office &c. To Sonora to buy cheap Spanish claims Supposing it will Sometime be annex[ed] to the U.S. & to Cincinnati to Study law &c.<sup>6</sup>

January      WEDNESDAY 12      1859

Very warm & Pleasant at home – took degree of Fellow Craft Mason<sup>7</sup> —

5. *Topeka Daily Capital*, November 22, 1908. The excerpts describing Lincoln's Leavenworth speeches are not mentioned in Ayers, *Lincoln and Kansas*.

6. Like many others of his generation, Valentine was constantly on the look out for opportunities for professional and financial advancement in the West. The Pike's Peak gold rush captured the imaginations of thousands of Iowans, Kansans, and Americans generally during the late 1850s; Valentine mentions it frequently during the first six months of 1859. See Calvin W. Gower, "Gold Fever in Kansas Territory: Migration to the Pike's Peak Gold Fields, 1858–1860," *Kansas Historical Quarterly* 39 (Spring 1973): 58–74; Gower, "The Pike's Peak Gold Rush and the Smoky Hill Route, 1859–1860," *Kansas Historical Quarterly* 25 (Summer 1959): 158–71; David Lindsey, editor, "The Journal of an 1859 Pike's Peak Gold Seeker," *Kansas Historical Quarterly* 22 (Winter 1956): 321–41.

7. Membership in the Masonic Order was commonplace for professional men in antebellum America; see H. Paul Jeffers, *Freemasons: A His-*

January      MONDAY 17      1859  
Very Pleasant Weather commenced reading 4<sup>th</sup> Vol. Blackstones commentaries<sup>8</sup>

January      TUESDAY 18      1859  
Weather very warm and fine –Reading Blackstone

January      MONDAY 24      1859  
Went to old man Roots – ground ax – got Comstocks Elocution took a replevin Suit for T.M. Ewing – Jake Eby started to Keokuk to get goods & my trunk &c.<sup>9</sup>

January      TUESDAY 25      1859  
Writing and loafing – fine weather – Reading

January      FRIDAY 28      1859  
At Home – commenced T.M. Ewings Suit against Isaac Gift. Wrote letter to Horace Greeley & Co. – did not sleep much<sup>10</sup>

January      SATURDAY 29      1859  
At Home – Weather Pleasant & rather cool – Marion Ammon and Irelands Trial – A.J. Ross attachment Suit vs. R.E. Ewing – McPherson up – Got up late in the morning<sup>11</sup>

February      WEDNESDAY 2      1859  
At home – cold & very windy – thought some of taking grocery & groceries &c. to Pikes Peak

*tory and Exploration of the World's Oldest Secret Society* (New York: Citadel Press, 2005), 35–50.

8. Valentine here refers to William Blackstone, *Commentaries on the Laws of England*, first published in 1765–1770 in England and reprinted many times in Britain and the U.S.

9. An action in replevin is a court action to recover property unlawfully detained by another. The "old man" Root mentioned here and throughout Valentine's 1859 diary is almost certainly his father-in-law, Azariah Root of Adair County, Iowa, himself a farmer and one-time county judge. See, *U.S. Census, 1860*, Summerset, Adair County, Iowa; "Report of Memorial Committee," 14–16.

10. Horace Greeley, editor of the *New York Tribune*, was one of the most important figures of his time. He also played a role in Kansas politics in 1859, attending the Republican Party's organizing convention at Osawatomie in May. See Martha B. Caldwell, "When Horace Greeley Visited Kansas in 1859," *Kansas Historical Quarterly* 9 (May 1940): 115–40.

11. A suit of attachment was a suit to seize property.



February THURSDAY 3 1859

Cold – Richard Lee all night at my house – Abe Lee was to start for Pikes Peak on the 19<sup>th</sup> Jan. 1859

February MONDAY 7 1859

at Home – Pleasant day Attend to Law Suit John M. Moore vs. J. J. Standley and J. J. Leeper Ex<sup>Pr</sup> [exparte ], Estate of Harris Standley Deceased [I] talked a great deal . . . nearly all day. gained the Suit. the biggest lawsuit I ever attended to as Att’y about 17 witnesses amt of Judgement \$15.00 for coffin minus \$2.73 for beef equal to \$12.27

February SATURDAY 12 1859

At home – loafing wrote letter to G.G. Evans Philadel J.K. Valentine executed Power of Att’y to Rebecca Valentine – wrote letter to Sarah I. Valentine<sup>12</sup>—————

Evans & Co. 677 Broadway New York City. Publishers sends catalogues of 60. 800 pages free of Postage, gift concern –

February WEDNESDAY 23 1859

At home – pleasant wrote letters to J. P. Mendum Boston Mass. & Banks & Brothers 14.4 Nassau Street New York<sup>13</sup>

February THURSDAY 24 1859

At home – cloudy and Stormy in the afternoon wrote deeds for [John] Ammon & J.K.V.

12. Almost certainly, the three Valentines mentioned here, all frequent correspondents of the diarist, can be identified as follows: James Kinkennon Valentine, a brother and also a resident of Adair County (his wife, Ellen Root, was Martha Valentine’s sister); Rebecca Kinkennon Valentine, D.M. Valentine’s mother, who was still living in Tippecanoe County, Indiana, with several of her children; these included the nineteen-year-old Sarah Isabel Valentine, who moved to Adair County, Iowa, herself in 1863, a couple years after their mother’s death. Interestingly, Valentine never mentions family relationships in the diary, except in the case of his wife Martha, who is referenced only six times during the entire year. See, *Genealogy of Richard Valentine of New Jersey*, 8–10; *U.S. Census, 1850*, Wayne Township, Tippecanoe County, Indiana; *ibid.*, 1860.

13. It is interesting to note how many entries refer to book catalogues and to ordering books. Several of the publishers and booksellers mentioned, such as Banks and Brothers in New York, specialized in books for lawyers.

February FRIDAY 25 1859

At home — J.K. Valentine & Ammon traded farms Snow on the ground

March FRIDAY 4 1859

At home – Lyttle Faurote up to Fontanelle – Played chess and checker with W.B. Hall at night – Pleasant – Rec’d a letter and note, from Sarah Valentine and catalogue of Books from Derby & Jackson 117 Nassau St. New York

March WEDNESDAY 9 1859

At home – Pleasant Weather – wrote letter to Evans & co. 677 Broadway N.Y. city

March THURSDAY 10 1859

At home Cloudy & Raining in the morning but cleared off[f] nice – Rev T. M. Goodfellow and other Persons went through going to Pikes Peak –

March FRIDAY 18 1859

At home – received letters from Banks & Brothers – Rec’d \$5.00 from W.R. Hendricks

March THURSDAY 24 1859

At home – cold & windy – Received catalogue of Books & 4 copys of Boston Investigator from J.P. Mendum No. 45 Cornhill, Boston, Massachusetts 4 of us Masons meet for instruction 3 took Secret Monitors degree

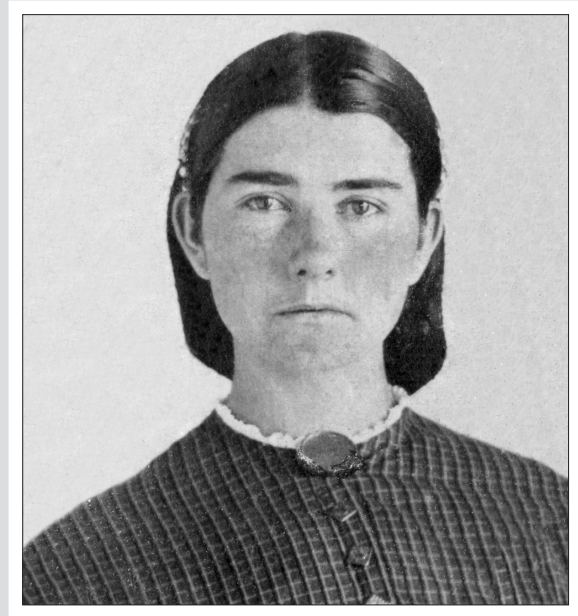
March FRIDAY 25 1859

At home – Thos. N. Johnson Wanted me to take a Suit for him – Ireland got my horse “Sam” – went to Dr. M. Mosne’s at night – fine day –

March SATURDAY 26 1859

At home – Beautiful day – three hand cart men went through going to Pikes Peak. F.H. Whitney Back – went to Old man Roots, Staid all night — Faurote going to Pikes Peak to buy cattle cheap took about \$4,000.00 – All money made out of Peoples – whims or caprices, ignorance, necessity or excitement & the energy & foresight & luck of the

According to the Genealogy of Richard Valentine of New Jersey, D. M. Valentine had four sisters. Rachel and Elizabeth, who both died as young children; Margaret, known as Maggie (b. 1847); and Sarah Isabel (b. 1840), with whom Valentine corresponded during 1859. This photo is labeled "Sallie, sister of Judge D. M. Valentine," and very likely is Sarah.



one that makes it – Ballard started to Pikes Peak Cincinnati  
to buy goods

April TUESDAY 26 1859

attending court – a big trial for forgery from Fremont  
county tried – Deft. acquitted –

April WEDNESDAY 27 1859

Attending court – made my first Speech that I ever  
made in the District Court – White vs. Jones – My first trial  
in Dist court I had 7 Suits in court lost five gained 2

May MONDAY 2 1859

At home – rainy day – making calculations about  
going to Kansas

May SATURDAY 7 1859

At Winterset – Rainy day – Settled with Vawter Mc-  
Night & Printing office – Paid off all demands – got Har-  
ness fixed –

May MONDAY 9 1859

At Home – fine day Money on hands \$457.83 owe-  
ing Chapman 7.00 leaves \$450.83 – from close calculations  
I find that it costs me \$550.00 a year or / \$1.50 per day / to  
live and live very economically too

May THURSDAY 19 1859

At home — Pleasant day — let Vawter have \$400.00  
— Connable in Fontanelle — wrote letter to W. P. Warren  
— It has cost me just one and one half dollars per day to  
live for the last 243 days that is \$365.00 for 243 days or  
\$365 for eight months and I have lived extremely econom-  
ical from close calculations I find that it has cost me on the  
average more than \$1.50 per day to live ever since I was  
married. . . .

May FRIDAY 20 1859

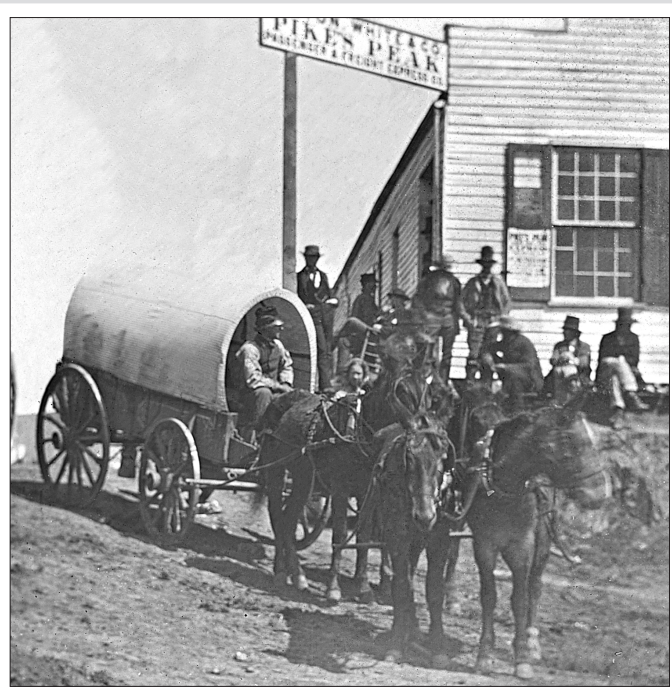
At Home — Rainy day — good many Pikes Peake  
teams returning — Re[a]ding & c. Kansas Herald<sup>14</sup>—

May MONDAY 23 1859

At Home — Rec'd letter from J.E. Chapman & circu-  
lar from Hon. S.R. Curtis — Paid Dr. Moore Seven dollars  
for Chapman — Started for Kansas — left four dollars  
with Martha and took \$40.35 along — took dinner at  
Cranes — rained on me & I stopped at Chaplins —  
Stayed all night at Neals [in] Quincy [Adams County,  
Iowa] — Saw Watters, Davis, Treasurer & Clk — talked  
Politics with Watters castor oil 15 cents — Slept in same  
room with A.B. Moore — dried my clothes

14. The *Kansas Weekly Herald* had been published in Leavenworth since September 15, 1854.





Through the early months of his diary, Valentine mentions travelers going through the area on their way to Pike's Peak. This 1859 photograph captures a wagon of Pike's Peak gold seekers just north of Leavenworth in St. Joseph, Missouri.

May TUESDAY 24 1859

At Quincy – got Bart King to shoe my horse — Lodging \$1.00 & horse shoing \$0.75 Staid all night ten miles South of Hawlyville [Page County, Iowa] & 28 from Maryville [Nodaway County, Missouri]

May THURSDAY 26 1859

At Mr. Bakers [in] Nodaway Co. Mo. 16 Mi. from Savannah & 14 Miles from Maryville — a very rainy day — talked Politics &c. — I caught a very bad cold — Started on my road about 2 O'clock Staid all night at a tavern 1½ miles north of Savannah the old site of Whitehall the old co. seat nights lodging 1.00 extremely cold in the afternoon — met Abe Rutt — extremely bad roads —

May FRIDAY 27 1859

At Whitehall Tavern — Sun Shining — nights lodging \$1.00 — went on through St. Joseph — St. Joseph Build up a hollow &c — Staid all night at slave-holders by the name of Ross 20 miles from St Joseph & 8 miles from Weston & 15 miles from Leavenworth Fine day — extremely very bad roads

May SATURDAY 28 1859

At Ross'es – Fine day went on through Weston & to Leavenworth – nights lodging \$1.25 ferriage \$0.58 –

Stopped at Mansion House kept by Kiser & Insley – 20cts for collars – went to the Political meeting – heard Thos Ewing Jun. & others speak<sup>15</sup> – 172 or 175 miles from Fontanelle to Leavenworth & 25 to Quincy, 25 to Hawleyville, 40 to Maryville, 30 to Savannah, 17 to St. Joseph, 35 to Leavenworth

25  
25  
40  
30  
17  
35  
172

May SUNDAY 29 1859

At the Mansion House Leavenworth Kiser & Insley Proprietors – fine morning & day – went to hear John O cane [O'Cane] Preach – Boot Black 10

May MONDAY 30 1859

At Mansion House – fine warm day – Attended court – Saw Judge [John] Pettit. [Samuel D.] Lecompte, Jas. H.

15. Thomas Ewing Jr, a prominent, thirty-year-old Leavenworth attorney from a politically connected Ohio family, removed to Kansas Territory in 1857 and identified with the conservative wing of the free-state movement and newly organized Republican Party. See biographical sketch at <http://www.territorialkansasonline.org/cgiwrap/imlskto/index.php?SCREEN=personalities>.

Lane and others<sup>16</sup> – Hunted to find out how houses rents &c.

1. 16 x 32, 4 rooms \$16.00

1.. 16 x 28 2 rooms \$20.00

1 16 x 20.2 rooms \$12.00

Herald \$.05

1 16 x 30. 3 rooms \$18.00

went to hear O’Cane Preach at night

May TUESDAY 31 1859

At Mansion House – gloves \$.25 hat \$1.00 Horse shod 80 – left Leavenworth at ten o’clock A.M. Started home – hot day Took dinner at Weston – better houses in Weston than in Leavenworth – Ferriage .50 dinner \$1.00 Staid all night at Bohannon’s 1½ miles north of Bloomington [Buchanan County, Mo., near St. Joseph] –

June FRIDAY 3 1859

At Winner’s – very cold & rather windy day nights lodging .60 dinner 10 got dinner at Perregrine’s – a Poor Campbellite Preacher Staid all night at Neals tavern Quincy<sup>17</sup>

June SATURDAY 4 1859

At Quincy – went home to Fontanelle – fine day – nights lodging \$1.00 – total expenses to Leavenworth & back \$14.57 going down \$.65 while there \$2.40 coming back \$5.70 lost \$0.35 – Money now on hands \$25.78

June WEDNESDAY 15 1859

At Home – fine day Wrote letter to D.B. Cook &co. 111 Lake St. Chicago for Law Books Sent \$75.00 Sent it by

16. John Pettit, Leavenworth, was the last chief justice of the territorial supreme court, serving from March 9, 1859, to February 9, 1861; his predecessor on the court was Samuel Dexter Lecompte, also of Leavenworth, who served as chief justice from December 5, 1854, to March 9, 1859. James Henry Lane, Lawrence, was one of Kansas Territory’s best-known and most controversial free-state leaders. See “Official Roster of Kansas, 1854–1925,” *Kansas Historical Collections, 1923–1925* 16 (1925): 659; Nicole Etcheson, “James H. Lane: Radical Conservative, Conservative Radical,” in *John Brown to Bob Dole: Movers and Shakers in Kansas History* ed. Virgil W. Dean (Lawrence: University Press of Kansas, 2006), 33–45.

17. Campbellites were followers of the Irish American émigré church leader Alexander Campbell. Campbell, who came to America in 1809, led the movement that became known as the Restoration Movement and spread throughout the United States before the Civil War. See entry for November 3.

McPherson to J G Vawter to have him send it by express – Capt. F.C. Nichols got home from St. Joseph Mo. –

June SUNDAY 19 1859

At Home — cloudy day Meeting in Town did not go — in the last nine months I have Spent \$411.75 — at that rate I Spend \$549.00 a year \$45.75 a month \$1.50.4 per day :16.3 per hour & 1 mill per minute \$10.52 per week

June THURSDAY 30 1859

At Roots — Wrote letters to Rebecca Valentine (& Sent Power Att’y) & Davies & Talbott — gave J.C. Gibbs three notes for collection — Started to Kansas — Staid all night at Ammons — on hands \$287.81 gave Ammons Rect for \$3.00

July FRIDAY 1 1859

At Ammons — went through Quincy — Staid all night 2.5 miles from Quincy — warm day

July SATURDAY 2 1859

Very hot day — ~~Broke my Buggy~~ — Staid all night at Maryville night’s lodging \$1.25

July SUNDAY 3 1859

At Maryville — cool morning but warm day — Broke my Buggy Shaft nights lodging 2.25 — Stopped for dinner & staid all night at Davises

July MONDAY 4 1859

At Davises — got my Buggy fixed & horse Shod — nights lodging 1.25 Buggy & horse shoeing &c 60 & dinner at Pibyers 75 — Staid all night at F.C. Nichols in St Joseph –

July TUESDAY 5 1859

At Nichols – took dinner at Bloomington corn .35 Dinner &c. 1.50 – Staid all night at Weston –

July WEDNESDAY 6 1859

At Weston – at St. George Hotel. G W Dye Proprietor Nights lodging 450 ferriage 60 – total expense from



Fontanelle to Leavenworth \$13.05 lost \$1.05 = \$14.10 money on hand when I arrived at Leavenworth \$273.71 – Stopped at Mansion House – rented house & paid \$20.00 for it one month

July THURSDAY 7 1859

At the Mansion House – Jake Ely Brought my things & I moved – Spent in Leavenworth \$39.25 – Moved on to Main St. between Osage and Pottawattamie Streets the third house from each street –

July FRIDAY 8 1859

At Home – warm day Buying furniture &c. – Spent \$23.90 – on hands 210.56

July MONDAY 11 1859

At Home – warm day my Books came from D. B. Cooke & Co. & from G. G. Evans — I spent to day 210.50 & lost my Pocket Book with \$33.00 in it & some papers –

July TUESDAY 12 1859

At home – Rained a little fine day – bought chairs & carpet – 21.80 – 131.96

August THURSDAY 4 1859

At Home – Rained – at court – rented house – moved — Bought fire wood – got copy of Laws of Kansas & sign

August THURSDAY 11 1859

At Home – Hot day Admitted to the Bar to Practice Law<sup>18</sup> – Wrote Letters to J.E. Gibbs and J.G. Vawter

August MONDAY 15 1859

At Home — fixed up my compass — Went to Hear J.H. Lane speak at night — M. F. Conway also Spoke<sup>19</sup> –

18. During this period the procedure for admission was very informal. The bar examination was not introduced in Kansas until nearly fifty years later.

19. Martin F. Conway, a journalist and attorney from Baltimore, Maryland, was a Douglas Democrat who supported the Kansas-Nebraska Act before moving to Kansas Territory in 1854 and settling in Lawrence. Soon he joined the free-state movement and as a member of

August SATURDAY 20 1859

At Home – Rec'd letter from J.K. Valentine – Attended court – Bought Leavenworth directory – Attended Democratic Ratification mass meeting<sup>20</sup> –

August SUNDAY 21 1859

At Home – warmer – It takes two minutes to read one page of common Legal cap – An hours Speech would contain 30 pages or 7½ Sheets

August MONDAY 22 1859

At Home – Pleasant day Bought foolscap Paper & Copy of City ordinances – Attended court – Wrote letter to D.B. Cooke & Co. – commenced taking Leavenworth Times

September THURSDAY 1 1859

At Home – fine cool day – got Chittys Pleading & Kents Com'ys [Commentaries] from D.B.<sup>21</sup> Cooke & co. – went to Democratic Meeting. O.B. Holman Dr. Davis and others Spoke –

September FRIDAY 2 1859

At Home – cool morning At court –

September SATURDAY 3 1859

At Home – cool morning (P'd. for times) – Dist court adjourned – hot times – one months Lease expired – great deal of confusion in Court – went to Republican & Democ-

the Free State Party (and later the Republican Party) held numerous leadership positions, including delegate to the Big Springs Convention and president of the Leavenworth Constitutional Convention of 1858. For a biographical sketch of Conway, see, among others, <http://www.territorialkansasonline.org/cgiwrap/imlskto/index.php?SCREEN=personalities>.

20. Although he quickly identified with Kansas's infant Republican Party, after moving to the territory in the summer of 1859, Valentine frequently attended both Democratic and Republican meetings.

21. Joseph Chitty was one of the most important nineteenth century English legal writers. His textbooks were used throughout the U.S. Chancellor James Kent of New York, judge, professor, and jurist known as the "American Blackstone," was the author of the *Commentaries on American Law*, published in numerous editions beginning in 1826 throughout the nineteenth century.

On September 3 Valentine notes he attended a political meeting that erupted into "a riot and a fight" between Democrats and Republicans. This article from the September 5, 1859, issue of Leavenworth's Daily Times offers an account of this "shameful and disgraceful disturbance."

**The Disturbance.**

A most shameful and disgraceful disturbance took place on Saturday night, resulting so far as we can learn, in no deaths, but in a good many wounded heads and bruised bodies.

The facts are simply these. Through the whole week, the Democracy have held nightly rallies at various places, with music, bonfires and speeches. These meetings have passed off with entire quiet, not interrupted or interfered with. During the day of Saturday, handbills announced a Republican rally to be held on the corner of Second and Delaware that evening—the first and only meeting to be held by the Republicans during the campaign. At the appointed hour a large number were collected—the bonfire was lighted—

rat meetings. Democrats & Republicans had a riot and a fight<sup>22</sup>

September SUNDAY 4 1859

At Home – cool morning — Wrote letter to J.E. Chapman Rebecca Valentine & A. Root – very cool in the evening

September MONDAY 5 1859

At Home – cool morning Muciple [sic] Election day – Both Parties worked hard – got Some quinine for Martha –

September TUESDAY 6 1859

At Home – fine day Rented office on Shawnee bet. Main and 2 – just two months since I got to Leavenworth. – engaged table 500 cards & ½ ream letter heads –

September FRIDAY 9 1859

At Home – Cloudy & Windy – got Table (office) – Em-

22. The *Times* called this "riot" a "most shameful and disgraceful disturbance. . . resulting so far as we can learn, in no deaths, but in a good many wounded heads and bruised bodies." *Daily Times* (Leavenworth), September 5, 1859.

ployed Dr. O'Brien to Doctor Martha<sup>23</sup> – Made Book case – Paid O'neal \$8.00 one months rent –

September SATURDAY 10 1859

At home – windy & warm day – moved my Books &c. into my office – got ½ ream letter heads –

September THURSDAY 22 1859

At home & at court — Tried Spencer for aiding & assisting Charley Fisher to Escape<sup>24</sup> — Frank Wilcox married

September FRIDAY 23 1859

At home and at court – Tried Wicked Jenny for assault &c. in Recorders court –

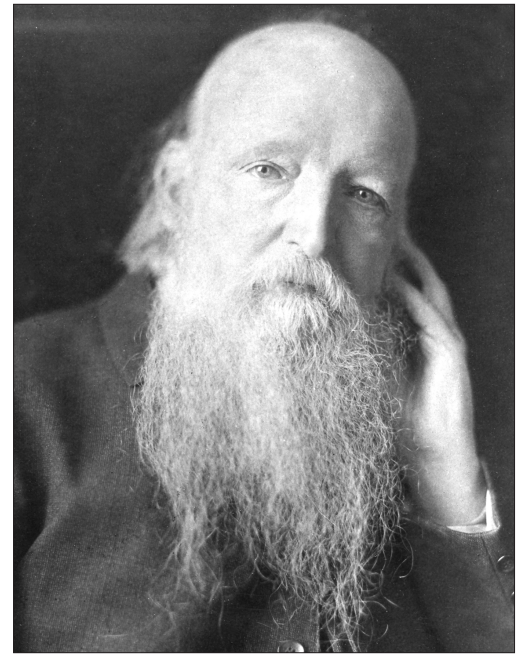
23. By September 17 his "wife" was "getting well."

24. The Charley Fisher incident (or "rescue," as it is often called) began in January 1859 when Fisher, a "free-born mulatto" barber working at Planter's Hotel in Leavenworth, was kidnapped, presumably with the intent of selling him into slavery. Fisher made his own escape, returned to Leavenworth, and was assisted by some friends. Litigation against both sides in the local courts continued for more than a year. Nicole Etcherson, *Bleeding Kansas: Contested Liberty in the Civil War Era* (Lawrence: University Press of Kansas, 2004), 204; Cutler and Andreas, *History of the State of Kansas*, 427–28.





Among the many political speakers Valentine heard during 1859 were Marcus J. Parrott (left), a Leavenworth attorney and a leader of the Free State Party, and his Democratic Party challenger for territorial delegate, Saunders W. Johnston (right).



September SATURDAY 24 1859

At Home & at my office Reading – Went to hear Fred P. Stanton speak on the [Wyandotte] constitution, he made a pretty good speech<sup>25</sup> – warm day –

September FRIDAY 30 1859

At Home – Beautiful day – Went at night & heard the Hon. Anson P. Burlingame make a Speech at Stockton's hall. [Stockton's Hall] – he was eloquent. a Speech consists more in the Language used & the manner of using it than anything else. he told very little that was new to me yet but few men could have told it so eloquently – he is so eloquent but not fluent he often had to pause for words. But when the words came they were beautiful – he was like Goodfellow he used eloquent passages such as found in the Poets & Poetic Speeches<sup>26</sup>

25. Frederick P. Stanton, a Virginia native, was territorial governor of Kansas in 1857, but unlike his predecessors and successors in that appointive post, Stanton staid for several years after being fired on December 21 and remained active in Kansas affairs. He vigorously pursued one of the U.S. Senate seats to which Kansas would be entitled once admitted to the Union, but lost out in March 1861 to James H. Lane and Samuel C. Pomeroy. Although he was a Democrat, Stanton's reasoned support of the proposed free-state constitution also impressed the editor of the Leavenworth *Daily Times*. *Daily Times*, Leavenworth, Kansas, September 26, 1859; Homer E. Socolofsky, *Kansas Governors* (Lawrence: University Press of Kansas, 1990), 55–58.

26. Anson Burlingame was a prominent Boston lawyer, Republican politician, and a three-term Member of Congress from Massachusetts, 1855–1861. Subsequently, President Abraham Lincoln appointed him as

October SATURDAY 1 1859

At Home — fine day — Heard Thos Ewing & Chas Robinson speak at night<sup>27</sup> –

October MONDAY 3 1859

At Home – fine warm day – heard Marcus J. Parrott and S.W. Johnston speak at night at corner Shawnee and 2<sup>nd</sup> St. about 1500 2000 persons out<sup>28</sup> –

minister to China. Burlingame's late September-October visit to Kansas, Leavenworth and Topeka, was recorded in D. W. Wilder, *The Annals of Kansas* (Topeka: G.W. Martin, 1875), 279, 281; see, among others, *Biographical Directory of the United States Congress, 1774–Present*, online at <http://bioguide.congress.gov/biosearch/biosearch.asp>.

27. For Ewing, see footnote 15; Charles Robinson, who led the first party of immigrants sponsored by the New England Emigrant Aid Company to Kansas Territory and helped establish Lawrence, the "Free State Fortress," was elected governor of the unrecognized state of Kansas under the Topeka Constitution on January 15, 1856 and would soon capture that office in the December 6, 1859, election for state officials under the Wyandotte Constitution. At the same time, Kansas voters elected Ewing the state's first chief justice. See biographical sketches at <http://www.territorialkansasonline.org/cgiwrap/imlskto/index.php?SCREEN=personalities>.

28. Marcus J. Parrott, another Leavenworth attorney, removed to Kansas in 1855, became a leader of the Free State Party, was elected territorial delegate to Congress under the Topeka Constitution and was the victorious Republican candidate for that position in the November 8, 1859, territorial election; Saunders W. Johnston, Parrott's Democratic Party challenger for territorial delegate, served as associate justice of supreme court of Kansas Territory. Although Parrott won the election by over 2500 votes, Johnston carried Leavenworth County, 1,391 to 1,109. *Daily Times*, Leavenworth, October 3, 4, 5, 1859; Wilder, *Annals of Kansas*, 282; <http://bioguide.congress.gov/biosearch/biosearch.asp>.

October TUESDAY 4 1859

At Home – very windy – Election day to vote on the Wyandotte constitution<sup>29</sup>–

October THURSDAY 6 1859

At home – cool but very fine day – Horses sold at auction very cheap – 3 months since I moved to Schillys house – Politicians on the corners electioneering – At a Republican meeting at the Mozart house They had a hot time. A part were for H.P. Johnson delegates & a part for H.J. Adams delegates – Meeting Adjourned until tomorrow. – Johnson got a majority Because Shotwell & Adams Friends wanted [to] cheat the People & have a appointed to say who the people should vote for.<sup>30</sup>

October FRIDAY 7 1859

At Home – Pleasant day – warm – went to the Theater at night Play of the French Spy – Adams got the majority this time because Some one of Johnson’s Friends Stuffed the Ballot Box last night

October SATURDAY 8 1859

At Home – very cool day But still Indian Summer – At county Republican Convention fight nominally between Johnson & Adams but really between Johnson & Office Seekers who expect Some petty offices provided they give the office of Governor to Topeka or some other place. The convention adjourned without doing anything –

29. The Wyandotte Constitution, adopted by convention in July and ratified at the polls by a two to one vote on October 4, made Kansas a free state when it entered the Union on January 29, 1861. As a rule, Kansas Democrats opposed the document at the convention (among those in opposition were the ten Democratic delegates from Leavenworth) and during the campaign leading up to the October referendum; it passed in Leavenworth County by only 55 votes, 1,143 to 1,088. G. Raymond Gaedert, *The Birth of Kansas* (Lawrence: University of Kansas Publications, 1940).

30. Henry J. Adams and H. P. Johnson were competing for the Republican Party’s gubernatorial nomination that eventually went to Charles Robinson of Lawrence. Leavenworth ultimately sent two slates of delegates to the party convention held in Topeka on October 12. See Wilder, *Annals of Kansas*, 280; Socolofsky, *Kansas Governors*, 81–85.

October FRIDAY 14 1859

At Home – very Pleasant day – got acquainted with old Mr. Cozzens – Paid B. Cranston \$5.00 office rent – finished Reading 1<sup>st</sup> Parsons Contracts –<sup>31</sup>

October THURSDAY 20 1859

Got out of bed about 4 O’Clock A.M. & went to see the fire — A great fire on main St. between Delaware & Shawnee Sts.<sup>32</sup>

October FRIDAY 21 1859

At home — very fine day — not doing much — came very near rooming with Mr. Cozzens — Attended King Solomons Lodge No. 10 for the first time that I Attended a lodge of Masons in Leavenworth

October SATURDAY 22 1859

At home. very fine & warm day — wrote letter to R. G. Tileston — Received a letter from J. K. Valentine — Attended a Republican convention to nominate county officers for Territorial Election –

October SATURDAY 29 1859

At home – cool day – Went at night to hear Old Gov. Sam. Medary make a Speech at Stockton’s Hall he is not a very good Speaker. his mind is probably impaired somewhat by age, he had little to say about first principles, it was principles concerning the events of the day of the times & in favor of himself<sup>33</sup>

31. Theophilus Parsons, Jr. was a Harvard Law professor and author of the standard nineteenth century works on contracts: *A Treatise on the Law of Contracts*, first published beginning in 1853–1855.

32. Newspaper reports of fires were relatively common, but the Leavenworth fire of Thursday morning, October 20, was an especially “terrible conflagration” that resulted in “the laying in ashes of a large portion of Main, between Shawnee and Delaware streets.” See *Daily Times*, Leavenworth, October 21, 1859.

33. Samuel Medary was Kansas’s last official territorial governor, and he wanted to be its first state governor. The fifty-eight-year-old Democrat from Pennsylvania captured his party’s nomination but lost the December 6 balloting to Robinson, 7,848 to 5,401; Medary carried Leavenworth County by 400 votes, out of 2,400 votes cast. Wilder, *Annals of Kansas*, 286; Socolofsky, *Kansas Governors*, 72–74.

October SUNDAY 30 1859

At home – cool day – Reading – & thinking about writing an address on liberty –

November WEDNESDAY 2 1859

At Home – very fine day – At Recorders court A great deal of Business Before the Recorder –

November THURSDAY 3 1859

At Home – extremely windy and dusty – Went to hear the Rev. Alexander Campbell Preach,-he is an old man 71 years old White hair & beard, not eloquent, preaches with his arms folded a good part of the time, nose prominent & slightly roman. high cheek bones, forehead retreating, face not Broad but upper part prominent. uses good but not very flowery language — Could excite a crowd, aims to convince by cumbrous facts.<sup>34</sup>

November MONDAY 7 1859

At home — very windy & dusty — Reading &c. — Went at night to a Democratic rally Dr. [James] Davis, Judge [S.W.] Johnston, W. G. Matthias & Thos P. Fenlon Spoke.<sup>35</sup> Fenlon is a very wordy rather Eloquent But I think not very deep Speaker. in eloquence he will favorably compare with the best Speakers of Leav— but I think he lacks the mind that a great many of the others have. Matthias has a very earnest way of Speaking<sup>36</sup> –

34. See June 3 entry and footnote 17. Campbell was born in Ireland on September 12, 1788, but educated at the University of Glasgow, Scotland.

35. Elected district attorney for the First Judicial District (Wyandotte, Jackson, Jefferson, and Leavenworth counties) in the general election of November 5, 1861, Thomas P. Fenlon, a native of Pennsylvania who removed to Leavenworth, Kansas Territory, in the spring of 1859, remained active in the practice of law and politics until his death at Leavenworth on February 3, 1901. He was elected Leavenworth county attorney in the fall of 1859. Fenlon became a leader of the local and state Democratic Party and served several terms in the state legislature, as a delegate to the Democratic National Convention, and as deputy collector for the U.S. Internal Revenue Service. He was an unsuccessful candidate for a seat in U.S. Congress in 1876 and again in 1884. *Leavenworth Daily Times*, September 12, 1876; Cutler and Andreas, *History of the State of Kansas*, 214; Wilder, *Annals of Kansas*, 327, 435, 475, 722, 1097, passim.

36. William G. Mathias of Leavenworth, a thirty-one-year-old, proslavery Democrat from Maryland, had been a member of the first territorial legislature of 1855 (the so-called “Bogus Legislature”), speaker of the House of Representative for the 1857 legislature, and the nominee for the position of lieutenant governor under the infamous, ill-fated Leecompton Constitution. Wilder, *Annals of Kansas*, 170, 200; “Official Roster of Kansas, 1854–1925,” *Kansas Historical Collections*, 1923–1925 16 (1925): 659;

November TUESDAY 8 1859

At Home — cloudy & windy Election day for Delegate [to Congress] & county officers &c. under the Territorial government, A great many “Split” tickets circulated by both Parties, Republicans had both bands, on one band wagon was “Freedom & Republicanism” on the other was “Democracy & Slavery”, very peaceable Election George Still & some others had a little row, a Red Ticket circulated headed Know Nothing &c. ~~M~~ Moving — Moved a part of our things — Made Mrs. O’neal & Mrs. Linahen mad about dusting some clothing — fine afternoon

November MONDAY 14 1859

At Home – Pleasant & warm, a quick change in the Weather – Reading &c. – Plastering falling from the ceiling overhead on to the carpet – wrote letter to H.L. Welck N.Y. city

November TUESDAY 15 1859

At home – fine day – Took a walk through the city. Ladies with their wide spread hooped skirts promenading the Sts & Gentlemen & Lawyers out also enjoying the fine weather – went out to the Cincinnati track to the races, horse races, not many there. did not agree as to the fairness of the race – came back, offered my horse Frank and buggy at \$110. horse 60 buggy 50 – Buggy Spoiled . . . Indian Summer – Went at night to hear the Hon. Fred. P. Stanton make a Speech<sup>37</sup> –

Mr. Stanton is not very eloquent – his language is good, it is his own. it is original. not quotations. He seems to be fair & candid in all he Says. His speech is argumentative. It is practical. He discusses Present issues & questions but in doing so he reverts back to the causes of those questions and differences of Opinions.

November FRIDAY 18 1859

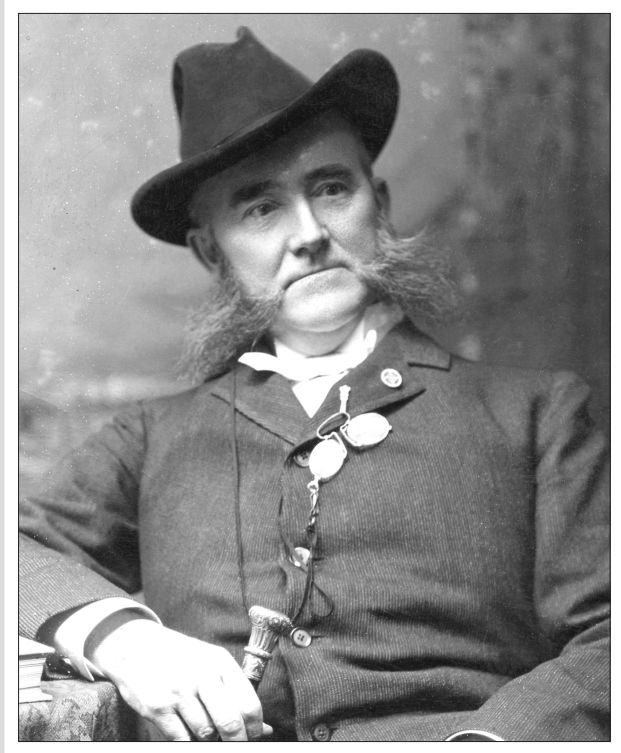
At Home — cool & cloudy — Paid Rent to Dec. 4<sup>th</sup> \$7.55 — got \$50.00 for my horse Frank. a miserable low

“Executive Minutes . . . of Governor Andrew Reeder,” *Kansas Historical Collections*, 1881–1884 3 (1886): 271, 278; *U.S. Census*, 1860, First Ward, Leavenworth, Leavenworth County, Kansas.

37. See footnote 19. The remainder of Valentine’s description of the Stanton speech was recorded at the bottom of the previous page for November 14.



In his diary Valentine refers to Thomas P. Fenlon (right), a leader of the local and state Democratic Party, as "very wordy rather Eloquent," but one who "lacks the mind that a great many others have."



price, a contemptable sum — the auctioneer got \$52.50 for him — I have owned Eleven ~~ten~~ different Horses & I have not made anything on any of them but have lost money on nearly every one, I got my money back on some of them but lost feed & time — I have owned 7 different yoke of oxen & lost on all — Bought Chequer Board & Men 85 cts

November SATURDAY 19 1859

At Home — cool frosty & foggy morning — visited McLaughlins commercial college, McLaughlin is a perfect humbug But I think he is not competent to humbug many — At Democrat County Convention. It was quiet & Peaceable —

November MONDAY 21 1859

At home — cloudy but warm day — unwell and dreamt all last night — at Records Court — Rev — Kearney & complained on by Mr. Beebee — got \$42.75 for Buggy & harness, Auctioneer got \$45.00 Money now on hand \$125.85 — At the Dem. Dist con. just as it adjourned, W. C. McDowell nominated<sup>38</sup> —

38. William C. McDowell, the son of a prominent Hillsborough, Ohio, lawyer and politician, was himself admitted to the Ohio bar and recognized as a great stump speaker before removing to Kansas Territory. The thirty-one-year-old Leavenworth attorney served as a delegate to the Wyandotte Constitutional Convention in July 1859; he was nominat-

November THURSDAY 24 1859

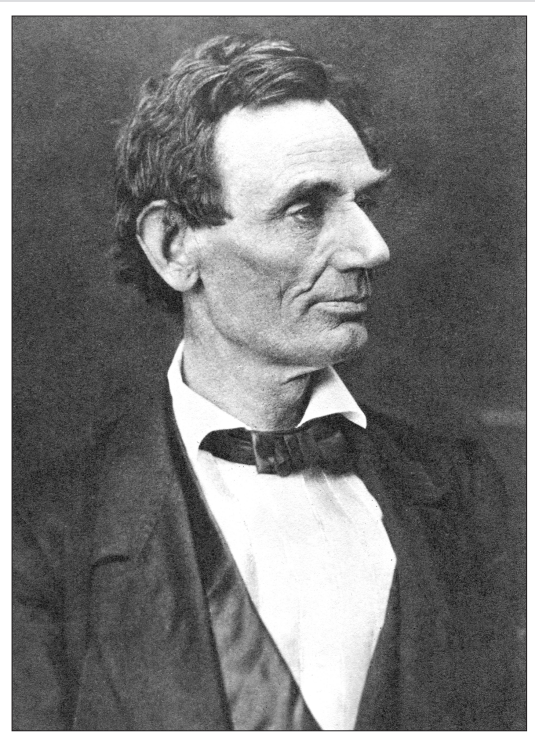
At Home — Cloudy & Rainy but warm day — Cranston says that Garnbell was once an agent for an bogus insurance company That Matthias owes him yet for office rent, & That Allen Peirse owes him for house rent & that he ejected Peirse, That Delahay drinks. That Dr. Renick is hard up & broke up, Peirse was a defaulter at St. Paul, Minnesota,<sup>39</sup>

November SATURDAY 26 1859

At Home — Looking around for houses to rent — A very beautiful day Sunshiny — Went to hear M. F. Con-

ed for and won election as first district judge under the Wyandotte Constitution at the December 6 election. Wilder, *Annals of Kansas*, 290, 459; *U.S. Census, 1860*, First Ward, Leavenworth, Leavenworth County, Kansas; Benjamin F. Simpson, "The Wyandotte Constitutional Convention," *Kansas Historical Collections, 1875-1880* 1-2 (1881): 243.

39. We have been unable to identify most of the men mentioned in this entry, but "Delahay" likely is Mark W. Delahay, an Illinois lawyer and one time supporter of Abraham Lincoln, who moved to Leavenworth in 1855. Although he was a Democrat, Delahay quickly became active in the free-state Topeka movement and established a short-lived but important newspaper, the *Kansas Territorial Register*. Delahay began his switch to the Republican Party after the 1856 election and by 1859 was championing Lincoln's presidential nomination. For Delahay's role in early territorial politics, see Rita G. Napier, "The Hidden History of Bleeding Kansas: Leavenworth and the Formation of the Free-State Movement," *Kansas History: A Journal of the Central Plains* 27 (Spring-Summer 2004): 44-61.



In his December 3 diary entry (right) Valentine notes attending a reception for Abraham Lincoln during the time Lincoln campaigned in northeast Kansas Territory. Valentine refers to the candidate as "an Old man Tall Slim and awkward and farmer looking."

Reception — afternoon  
 went down in town —  
 Jenny Cole & another promenading  
 the Streets — Went to the  
 Lincoln's reception at Man-  
 sion House — He is an  
 Old man Tall Slim and  
 awkward and farmer  
 looking, Col. Vaughan has  
 made reception speech  
 and Lincoln replied in a  
 few remarks. There were  
 quite a number out perhaps  
 500 — Went at night to  
 to hear Hon. Abe Lincoln  
 make a speech. Stocktons  
 Hall was crammed full,  
 all parties out, the old  
 23 See opposite page

way make a Speech at Stocktons Hall at night, He is not a very great Speaker, he answered complaints against him, that he was not a "Tool" for emigrant aid Society, in Favor of Jim Lane, and abolitionist, an insurrectionist, an adventurer, He was commonly dressed rather cheaply dressed, with a dark shirt & white collar, I think he has probably a good education, his language indicates it

November TUESDAY 29 1859

At Home — Very fine day a most beautiful day — bought some flour &c. — Went to hear Mr. A. D. Richardson Read a Lecture on "Out West." He is nothing uncommon, The Lecture was in the conversational Style, It was in the main a true picture of Western life and of the causes that induce men to emigrate to the West — Shields Guards marched to day<sup>40</sup> —

40. Albert Deane Richardson, a reporter for the *Cincinnati Gazette* and *Boston Journal*, covered Bleeding Kansas and then located in Sumner in March 1857; he helped organize the Kansas Republican Party in May 1859 and covered the trial of Dr. John Doy in Leavenworth for the *Gazette*. After the Civil War, Richardson worked for the *New York Tribune* and authored *Beyond the Mississippi: From the Great River to the Great Ocean: Life and Adventure on the Prairies, Mountains, and Pacific Coast, 1857-1867* (Hartford, Conn.: American Publishing Co., 1867). Shields Guards was a Leavenworth military company attached to the Fourth Regiment, Second Brigade, Northern Division, Kansas Militia. "Executive Minutes, Governor Denver's Administration," *Kansas Historical Collections, 1891-1896* 5 (1896): 501; Wilder, *Annals of Kansas*, 168, 214, 258, 294, 454, 510.

November WEDNESDAY 30 1859

At Home – cloudy morning Warm day Rained a little in the evening –

December THURSDAY 1 1859

At Home all day – Very cold, a very sudden change in the weather last night – Reading Burns Poems –

December FRIDAY 2 1859

At Home all day Reading – very cold day –

December SATURDAY 3 1859

At home in forenoon Reading – afternoon went down in Town – Jenny Cole & another promenading the Streets – Went to the Lincoln's Reception at Mansion House – He is an Old man Tall Slim and awkward and farmer looking, Col. [John C.] Vaughan made reception Speech and Lincoln Replied in a few remarks. There were quite a number out perhaps 500 – Went at night to hear Hon. Abe Lincoln make a speech. Stocktons Hall was crammed full, all parties out, the old man spoke 2 hours. It was a sound deep & logical speech, he is not eloquent like Burlingame, —his language is not so beautiful, his periods not so nicely turned his questions not so graceful, his hands were placed one on the other & both at his belly at the com-

mencement, towards the conclusion he kept them on his groins or upper part of his thighs one on each thigh the most of the time, he occasionally made gestures with his hands, he is not Poetical, he states everything fairly. His forte is (after stating his opponents a-views and arguments fairly & justly) to reduce those views & arguments to a palpable absurdity & to Show them in a ridiculous & Ludicrous light, The Points he touched on were as ably handled as I have ever heard or seen them handled. I think it as able a speech as I ever heard he had a few notes to look at, the first part of his speech was historical to show that the Fathers of the Republic thought Slavery very wrong, The most of his speech was in opposition to popular sovereignty & those that think Slavery a matter of indifference<sup>41</sup>

December SUNDAY 4 1859

At Home all day Reading – River froze over froze up tight Saturday or Saturday night

December MONDAY 5 1859

At Home – At Recorder’s court – Mary Ann Adams, Sarah Thornton, Josephine Rhino, Amanda Wrong, Elizabeth Thayer, Lizzy Burch were fined – Went to Hear Hon. Abe Lincoln make another speech – he has the actions of a Kentuckian he aims to say something funny but he does not try to use beautiful Language, he got off several good hits, his Language is his own & Original – Do all Kentucky orators try to say something funny? — Dist court met Organized and adjourned till Wednesday

December TUESDAY 6 1859

At Home — very cold day, Thermometer 5 or 10 below zero — Election day of State Officers &c. —

41. This particular passage was written on four different pages in the original diary: November 30–December 3; it is unified here for the reader’s convenience. Colonel John C. Vaughan was publisher of the *Leavenworth Times*. His son Champion helped edit the newspaper and was active in territorial politics.

moved my office from Shawnee Street to S.E. Cor. Delaware & 2<sup>nd</sup> Sts. With Esq. S.B. Williams — Quite a Row at the Polls of 1<sup>st</sup> Ward in the Evening. considerable confusion — This is the Sixth Election since I came to the city 2 R R 1 constitution 1 Municipal 1 Territorial 1 State

December THURSDAY 13 1859

At Home — At Dist. & Records Court — Two Dist. Courts running at the same time & hearing a Suit in vacation — The great McLanathan Suit going off — A contested Election Suit from Atchison County being tried — J. M. Alexander at my office telling his N. York experience — got an extremely bad cold — Weather getting colder — Lib. Watson & Lib. Berry fined

December WEDNESDAY 14 1859

At Home — At Court Cool day —

Judge Means & O.B. Holman made Speeches on McLanathan Attachments Suit Judge Means a good speaker, O.B. Holman an excellent speaker. clear, lucid, Logical he takes up on point & disposes of it, then another & so on until he gets through, he does not repeat or recapitulate, he seldom says an unnecessary thing, he says a few words & then makes a pause & then says a few more words & then makes another pause & then a few more words & then another pause

& the Pauses are each about 2 seconds long, he tells one straight forward continuous Story, he discusses only the difficult points he says nothing or little about those points that he thinks every body knows. he uses a rather high loud monotonous tone all the way through, he uses tolerable good language, is I presume a good scholar, & a good lawyer. his style of Reasoning is excellent. he looks at all sides of a question, & raises intricate questions to be decided he makes few but suitable gestures [KH]