NPS Form 10-900
Oct. 1990

OMB No. 10024-0018

United States Department of the Interior
National Park Service

NATIONAL REGISTER
LISTED

JUL 15 2008

See attached: Supplementary Listing Record

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in *How to Complete the National Register of Historic Places Registration Form* (National Register Bulletin 16A) Complete each item by marking "x" in the appropriate box or by entering the information requested. If an item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-9000a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of Property

Historic name Constitution Hall–Topeka

Other name/site number Free State Capitol

2. Location

Street & number 429 S Kansas Avenue ☐ not for publication

City or town Topeka ☐ vicinity

State KS Code KS County Shawnee Code 177 Zip code 66603

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this ☒ nomination ☐ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property ☒ meets ☐ does not meet the National Register criteria. I recommend that this property be considered significant ☒ nationally ☐ statewide ☐ locally. (☐ See continuation sheet for additional comments.)

6-2-08

Signature of certifying official/Title Date

Kansas State Historical Society

State or Federal agency and bureau

In my opinion, the property ☒ meets ☐ does not meet the National Register criteria. (☐ See continuation sheet for additional Comments.)

Signature of commenting official /Title Date

State or Federal agency and bureau

4. National Park Service Certification

I herby certify that the property is — Signature of the Keeper — Date of Action

☐ entered in the National Register.
☐ See continuation sheet.
☐ determined eligible for the National Register
☐ See continuation sheet.
☐ determined not eligible for the National Register
☐ removed from the National Register
☐ other, (explain:)

Constitution Hall–Topeka
Name of Property

Shawnee County, KS
County and State

5. Classification

Ownership of Property
(Check as many boxes as apply)

- [x] private
- [ ] public-local
- [ ] public-State
- [ ] public-Federal

Category of Property
(Check only one box)

- [x] building(s)
- [ ] district
- [ ] site
- [ ] structure
- [ ] object

Number of Resources within Property
(Do not include previously listed resources in the count.)

Contributing	Noncontributing	
1		buildings
		sites
		structures
		objects
1		total

Name of related multiple property listing
(Enter "N/A" if property is not part of a multiple property listing.)

N/A

Number of contributing resources previously listed in the National Register

0

6. Function or Use

Historic Functions
(Enter Categories from instructions)

GOVERNMENT: capitol
DEFENSE: supply depot
SUBSISTENCE: storage

Current Functions
(Enter categories from instructions)

WORK IN PROGRESS: historic site / heritage tourism

7. Description

Architectural Classification
(Enter categories from instructions)

OTHER: frontier masonry

Materials
(Enter categories from instructions)

Foundation: Limestone
Walls: Limestone
Roof: Polyurethane membrane
Other: Wood

Narrative Description
(Describe the historic and current condition of the property on one or more continuation sheets.)

Constitution Hall–Topeka
Name of Property

Shawnee County, KS
County and State

8. Statement of Significance

Applicable National Register Criteria
(Mark "X" in one or more boxes for the criteria qualifying the property for National Register

☒ **A** Property is associated with events that have made a significant contribution to the broad patterns of our history

☐ **B** Property is associated with the lives of persons significant in our past.

☐ **C** Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

☐ **D** Property has yielded, or likely to yield, information important in prehistory or history.

Criteria Considerations
(Mark "x" in all the boxes that apply.)

Property is:

☐ **A** owned by a religious institution or used for religious purposes.

☐ **B** removed from it original location.

☐ **C** a birthplace or grave.

☐ **D** a cemetery.

☐ **E** a reconstructed building, object, or structure.

☐ **F** a commemorative property.

☐ **G** less than 50 years of age or achieved significance within the past 50 years

Narrative Statement of Significance
(Explain the significance of the property on one or more continuation sheets.)

Areas of Significance
(Enter categories from instructions)

POLITICS / GOVERNMENT

ETHNIC HERITAGE: BLACK, Underground Railroad

Period of Significance

1855-1860

Significant Dates

1. 1855 2. 1856 3. 1858

Significant Person
(Complete if Criterion B is marked above)

N/A

Cultural Affiliation

N/A

Architect/Builder

Weymouth, William (carpenter); Bowker, William (mason)

9. Major Bibliographical References

Bibliography
(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

Previous documentation on file (NPS):
- ☐ preliminary determination of individual listing (36 CFR 67) has been requested
- ☐ previously listed in the National Register
- ☐ previously determined eligible by the National Register
- ☐ designated a National Historic Landmark
- ☐ recorded by Historic American Buildings Survey #_____
- ☐ recorded by Historic American Engineering Record #_____

Primary location of additional data:
- ☐ State Historic Preservation Office
- ☒ Other State agency
- ☐ Federal agency
- ☐ Local government
- ☐ University
- ☐ Other

Name of repository:

Kansas Historical Society Research Library

Constitution Hall–Topeka
Name of Property

Shawnee County, KS
County and State

10. Geographical Data

Acreage of Property Less than one acre

UTM References
(Place additional UTM references on a continuation sheet.)

	Zone	Easting	Northing
1	15	268740	4325925
2			
3			
4			

☐ See continuation sheet

Verbal Boundary Description
(Describe the boundaries of the property on a continuation sheet.)

Boundary Justification
(Explain why the boundaries were selected on a continuation sheet.)

11. Form Prepared By

Name/title William Seale, PhD Historian

Organization N/A Date 6-01-06

Street & number 4000 Cathedral Ave NW, Apt 32B Telephone D.C: 202 298-6457 Texas: 409 384-4512

City or town Washington State D.C. Zip code 20016-5275

Additional Documentation

Submit the following items with the completed form:

Continuation Sheets

Maps

A **USGS map** (7.5 or 15 minute series) indicating the property's location.

A **sketch map** for historic districts and properties having large acreage or numerous resources.

Photographs

Representative **black and white photographs** of the property.

Additional items

(Check with SHPO or FPO for any additional items)

Property Owner

Name Friends of the Free State Capitol attn: Chris Meinhardt

Street & number PO Box 2551 Telephone 785-234-4464

City or town Topeka State KS Zip code 66601

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16) U.S.C. 470 et seq.).

Estimated Burden Statement: Public reporting burden for this form is estimated to average 18.1 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, P.O. Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reductions Projects (1024-0018), Washington, DC 20503

Narrative Description

Summary

Constitution Hall–Topeka is a frontier Vernacular style building built by antislavery Kansas pioneers. It was the first stone building in the future state capital. Although begun as a commercial building in the spring of 1855, the building was used for the Free State constitutional convention that fall. It is since known for this and subsequent important events. Never restored, it is not yet open to the public.

Topeka is that state capital and Shawnee County seat. It is located 65 miles west of Kansas City on Interstate 70. The town was settled in December, 1854 and has grown steadily. The metro area population is now 172,000. State government, light manufacturing, and railroading are its core historic and contemporary economic base.

The building is 44 feet wide and 60 feet deep with two stories and a basement. Two shallow-peaked shed roofs drain to a central valley. Construction methods are improvised using native materials and farmstead objects put to use. This nature of construction is apparent throughout the building. Enclosing walls are native limestone in need of restoration. Floor components are hewn and rough-sawn timber. The present façade is a later period element with brick facings on the second story; at street level, a temporary metal frame secures storefronts of various periods, which significant parts including doors are missing. This temporary wall is painted to depict the historic Dispersion of the Free State Legislature. An early period one-story room, with a basement, is an addition on the west side.

Demolition by a private developer was scheduled in 1997. This was averted when citizens objected and the applicant, a not-for-profit preservation organization, acquired the property with State of Kansas contributed funds in 1998. Building stabilization was followed by efforts of research, feasibility study, and roof protection. The purpose of continuing efforts is to restore this sole Free State Territorial Capitol and artifact of the antislavery settlement of Kansas. Historic site restoration was recommended by William Seale, PhD in a 2003 independent study funded by the *National Underground Railroad Network to Freedom Program.* The Kansas Preservation Alliance lists Constitution Hall-Topeka among the most endangered historic properties in Kansas.

Around 1995, the previous owner abandoned the building. Property deterioration ensued, but was considerably slowed by 1999. Today the need to begin restoration is urgent. Constitution Hall retains historic integrity evaluated under Criterion A and Rare Examples of a Type. Comparison with other buildings is not possible, as Constitution Hall is historically and physically unique. National Register listing will in particular encourage funding to save the property. Support for this is demonstrated by the award of preliminary stabilization funds, letters by leading state officials,[1] and citizen volunteer efforts. The building is a primary site in the Freedoms Frontier National Heritage Area. Restoration would follow a master preservation plan and the Secretary of the Interior Standards.

[1]See attached letters supporting restoration, by elected officials of the State of Kansas and Kansas members of the U.S. Congress.

Setting

Constitution Hall is on the west side of the 400 block of S. Kansas Avenue. This is the "Original Town" plat and in a row of buildings dating from the 1860s. Three blocks north is Interstate 70, following the historic Oregon Trail and Kansas River. The old Federal Building is across the street and one block further east is the Frank Carlson Federal Building. Three blocks west is Topeka Avenue, or Highway 75 business route through Topeka. In the historic period, Highway 75 North was the Lane Trail to Freedom, which operated out of Constitution Hall. Five blocks south is the Kansas Statehouse now under restoration. Adjacent on the northwest is the town's original residential district, identifiable today by the twin steeples of St. Joseph's church. Riverfront redevelopment planning is in progress and already brought speculative pressures on property around Constitution Hall.

The land lot is 44 feet wide fronting on S. Kansas Avenue. Lot depth from the front sidewalk to the service alley is 150 feet. Kansas Avenue, its sidewalks and parking lanes, and the rear alley are features original to the setting. By 1864, Constitution Hall was among buildings and called State Row. Incomplete today, they housed the Kansas Statehouse from 1863-1869. The Kansas River geography setting today compares with views in the period and commercial and professional activities typical of the district continue today.

Building

The building's historic name comes from its first use, the Topeka Constitutional Convention, of October ,1855. This name and historical association continue today. The property's developer, Loring Farnsworth, wrote that native limestone from a ravine behind the building was laid-up with lime mortar. The original walls show this method, in the period is called "cement" construction. One interior bearing wall rises from the basement to the second floor level and divides the building in the cellar and first floor.[2]

Spot testing for wall footings indicate clay earth. Enclosing walls are batter color limestone and laid-up as raw rock. Stone is roughly cut for quoining, but the rest mostly split and broken off. Today it is mellow and patched. Among a history of small changes is a doorway blocked in. Timber floor and rafter framing is crudely joined. Some wood is sawn and some axe hewn. Knee braces connecting rafters and ceiling joists throughout are cut from contemporary farm implements known as corn planters. This unique detail appears throughout the building, probably to compensate for shortcomings in structural framing materials, including varying quality of native wood. It is noted that manufactured building materials were scarce due to proslavery trade blockade against antislavery settlers.[3] A raised floor is above part of the original second floor, all of which remains. Wood components throughout the building show

[2] Also significant is a buttressed wall along and below the south basement wall of the property adjacent on the north. This retains the higher elevation earthen footing of the north wall of Constitution Hall, which retention would not have been required unless to protect such a pre-existing footing. It is recorded in period accounts that no other building than Constitution Hall was on this block before 1863. This retaining wall is clearly inside the perimeter of 425 S. Kansas Avenue.

[3] As for wood, this part of Kansas was at no loss for timber, if one reads the newspapers of the time it existed in some quantity. But this building was erected hastily; its start was interrupted and completion hurried using settler labor and much scrap wood, including the hundreds of pieces cut from farming implements. These appear throughout the building today.

deep swirls of the circular saw from the New England Emigrant Aid Society. In the record, the saw is called "unreliable," in all likelihood, it is the one proudly featured in Topeka's first sawmill.[4]

The two cellar rooms have dirt floors. Ceilings are the underside of the first floor wood flooring. Center "summer" beams are un-milled tree trunks. In both rooms they span the depth of the building and carry the floor joists. The walls here were not plastered, which rooms served first as stores and arms for defense. Above these are the two first floor rooms used as stores until the early 1990s. The wall in the south room is the part of the west wall under restoration. The north store is partially lined with wallboard. A single room added on the west side, also of stone, is plastered on the first floor and exposed stone in the basement.

The second floor interior, originally open as one room, was partitioned in the mid 20th century. These were largely demolished by the previous owner. Wood flooring rests on wood furring, in period practice, to stop floor debris from falling into rooms below. This affirms that the building predates the arrival of tongue and groove flooring by rail car, first arriving in 1866. Crafted, chamfered, wood trim is on the original four wood posts supported by the center bearing wall and carrying the roof beam. This is easily viewed today among remnants of later partition framing between the posts. Located on the second floor only, these posts suggest a possible change in plan during original construction for the open assembly room. The Topeka Town Association had arranged to complete the building in exchange for use to host the constitutional convention. All this work, unique in reflecting the record of privations endured under Free State vs. proslavery strife–and therefore rare even for its own time–is compatible with vernacular approaches on the western frontier.

The roof is in two plates with structural elements composed of wood. The original split timber sheathing throughout the building is visible from inside the second floor. The two sections of the building are covered by two shallow shed roofs running front to back with a flat bottom valley between, hipped on the west side. Nothing apparent explains this complicated double roof other than that the shed roof type prevailed in the period and that the builders might have preferred the option of selling the building as two. This roof and its unusual fabrication makes the upstairs appear all the more unusual.[5] Given the slight pitch of the roof, heavy canvas, common in the period, would have been the roofing material. The present polyurethane sheet roofing installed in 2005 resembles a heavy canvas. The rafters are topped with decking composed of broad, thick boards placed very close together. Canvas, tarred at the seams, is

[4] See Frank W. Blackmar, Kansas: *A Cyclopedia of State History*, vol. II, Chicago: Standard Publishing Company, 1912, and F.W. Giles, *Thirty Years in Topeka, A Historical Sketch*, Topeka: Geo. W. Crane & Co, 1886, pp. 34-35. Also, see Treadway, *Cyrus K. Holliday*, p. 34, quoting a letter from Holliday, written at Topeka, February 18, 1855, two months before Constitution Hall was begun: "We have our mill almost erected. It will be done in about two or three weeks; then we will go to cutting boards and building houses; and I trust make something of a show for a town."

[5] Another possible reason for the central valley was that Farnsworth wanted to control the fall of water into a single leader pipe, to carry roof water to a central basin or cistern. The date or dates of possible cisterns on the property are yet to be determined.

suggested in the recollection of a settler who described tar dripping down on her dress while present at a church service there in 1856.[6]

In further analysis of the original structure, a more obvious roof solution is one that slopes from front to rear. These are seen throughout the old sections of downtown Topeka. Had Constitution Hall been replaced when the State Row buildings were built alongside in 1863, the replacement would have possessed this less complex treatment, as do the remaining State Row buildings. It is unusual that the Constitution Hall roof drains to the sides, but the State Row was a speculative venture by various owners, undertaken in the Civil War when funds were scarce.[7]

The original wrought-iron tie-rods are in place. These structural binders needle the building together and would have been unnecessary had the building been originally erected within a block of others for lateral stability. This architectural condition in the existing structure, combined with written primary sources, affirms that Constitution Hall was a stand-alone building until 1863.

The brick façade today reflects the two sections of the original structure. It is glazed buff in color on the south and mottled dark brown on the north half, c. 1925, with four punched windows. Period lithographs show a continuous original façade. There is good indication it was dressed stone. Appropriately directed investigation will likely bring valuable clues and possibly reveal original materials at the ground level. The building retains its original, commercial Greek-Revival Style plan.

The second floor stairwell is yet present on the south wall. When adjacent buildings were completed, this stairwell became an interior feature. On the west, the stone wall is under restoration, which original material is stored for reinstallation over a wood frame shear-wall to withstand wind loads. Wood lintels crown the windows at the back of upstairs meeting room, however; lintels on the adjacent 1863 buildings are limestone. Wall restoration is delayed pending identification of funding, but the west elevation today relates period character and conditions of the property.

[6] From at least the seventeenth century this was very common on roofs and ships' decks, and interiors had "oilcloth" or "floor cloth" that spread wall to wall. On roofs it was tarred down, not sewn and tacked as on interior floors. The settler who suffered the drop of tar inside Constitution Hall in 1856 was Maria Martin. Her account can be found in the Old Settlers' Files, Shawnee County, Kansas State Historical Society.

[7] Kansas newspapers from the 1850s reveal that ready building materials were relatively rare. Constitution Hall is crudely constructed by comparison to buildings that followed it in 1863, which show corbelling, arched windows, and manufactured cornices.

Statement of Significance

Summary

There is no other building in the United States like Constitution Hall in Topeka. No other served as the Free State Capitol on the Kansas Territory. Constitution Hall, in need of restoration, authenticates the essential role of Free State Territorial government in eradicating slavery nationwide, as well as nationally significant events of the Kansas Underground Railroad. It is important to tell this history where it occurred.

Just over a year after the United States opened the Kansas Territory in 1854, the Topeka constitutional convention was held and the Topeka Constitution written within the building's stone walls. Ratified in December of 1855, this first of the Kansas constitutions is in long shadow a paradox: Rejected by a Southern dominated Congress and therefore not accepted by the territory's proslavery officials, across the nation it lit an emotional wildfire that hastened the coming of the Civil War. The Topeka Constitution set the course for the Wyandotte Constitution under which Kansas became a state in 1861. The preceding seven years were among the most challenging the nation has ever known. The national slavery conflict–long balanced in the halls of Congress–was transferred to Kansas soil, which became a battleground.

On the Fourth of July in 1856, with John Brown and his partisans looking on, the Free State Legislature was dispersed by federal troops while meeting in the building. In a key pattern of events, Constitution Hall was the southern terminus and headquarters for operation of the Lane Trail to Freedom. Named for James H. Lane, whose militia protected the trail, this was the chief escape route to freedom in the North.[1] It was at the same time the main road into the territory for arriving antislavery Kansas settlers.

NRHP Criterions A and D were narrowed for consideration. In analysis for the latter, a research question might be how antislavery settlers survived in the face of trade inhibitions against antislavery settlement. However, whether the property might yield this or any research data would be speculative without justification based on approved research design or testing. Criterion D significance is thus not claimed in this application. However, readily affirmed by documentary research and property examination, Constitution Hall is historically significant. Criterion A eligibility in the area of events and patterns of events is the basis for this application. The property is significant in the national context of abolition, in the areas of politics and government, transportation, and black ethnic heritage of the Underground Railroad.

[1] Constitution Hall–Topeka is listed by the National Park Service, *National Underground Railroad Network to Freedom Program.*

The documentary and physical record supports evaluation for historic integrity. This was analyzed under Criterion A instructions and accompanying Bulletin 15 and 16 discussion on rarity of a type and threatened properties of national significance. Constitution Hall is a threatened property and it is the sole antislavery government capitol on the Kansas Territory, and it is nationally significant.

NRHP listing is imperative to Kansas officials in key positions to appropriate needed funds. The Kansas legislature granted property purchase and stabilization funds in 1998. Its continuing support for restoration is evidenced in current letters by Kansas Senate President Steve Morris and Kansas House Speaker Melvin Neufeld. Letters by United States Senator Pat Roberts and United States Representative Nancy Boyda, speak for Kansas Congressional delegation support for National Register listing and restoration.[2] These letters are included within this Section of the application, because they specifically demonstrate that key officials support restoration if Constitution Hall is recognized for its historical significance in the National Register.

National Historic Context

Vivid in American chronicles of the 1850s are the fiery episodes following the Kansas-Nebraska Act that organized the Territory of Kansas. They are the stuff of legends and color the history of the High Plains. Passed by the Congress on May 30, 1854, the ill-starred Kansas-Nebraska Act was the result of five months of debating and maneuvering by Senator Stephen A. Douglas, with the support of the Democratic Party in the Congress, as well as the presidential administration of Franklin Pierce. Pierce was one of two presidents whose political stands would deepen the wounds of "Bleeding Kansas." The Act tabled the slavery issue in the Kansas Territory until the citizenry was sufficient in number to decide for themselves. A similar arrangement had been made for New Mexico in the Compromise of 1850.[3] By its provision for possibly extending slave territory, the Kansas-Nebraska Act annulled the Missouri Compromise of 1820, and its prohibition of slavery north of latitude 36/30, which became the southern border of the Kansas Territory. An issue long believed settled was thus opened again. In Congress, opposition to the bill was heated and over the months of debate on its passage, emotions stirred to fury on both sides. The dominant Democratic Party, fairly unified since the days of Andrew Jackson, was torn asunder. On Kansas soil a frontier war erupted that cast a lurid glare over settler efforts for a system of laws. In so doing, the leading step toward Kansas statehood was the Topeka Constitution, written and ratified within the stone walls of Constitution Hall.

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[2]See these accompanying letters by State of Kansas officials and Kansas congressional delegation members, in this Section following their listing on page 7.

[3]The difference in the instance of New Mexico was that of territorial status, not statehood.

Placed in the climate of increasing political power built up by the abolitionists and intensifying hostility over the part of a threatened South, the Kansas-Nebraska Act polarized public opinion, pro and con, on the slavery issue to an extent not known before. From Missouri in the spring of 1855, thousands of so-called "border ruffians" swarmed to the territorial capital at Shawnee Indian Mission near Kansas City, and by intimidation and stuffing ballot boxes in pro slavery towns, pushed Kansas settlers aside. It was to be called the "overthrow of popular sovereignty in the Territory."[4]

The resulting outrage on the part of the settlers matched the chagrin of territorial governor Andrew H. Reeder, an appointee of President Pierce. He had to recognize the Shawnee legislature that, like him, had authority based on presidential backing. Reeder learned quickly not to trust this bogus[5] legislature and made every effort to block it. Railroad magnate Cyrus K. Holliday wrote to his wife in Pennsylvania; "It is the unanimous disposition of the settlers to resist any, every, and all laws that the present Assembly may pass."[6]

A de facto constitutional convention was held by the Free State people of Kansas in the fall of 1855 at the town of Topeka, located some sixty-five miles west of Shawnee Indian Mission. This was a move to establish a Free State government, and then boldly appeal to Congress to support it. The Topeka convention was composed of Kansas settlers, some of whom would have been legislators at the Shawnee Mission had the March 30, 1855, election not permitted the fraudulent voting by border ruffians. Charles Robinson, the nationally recognized antislavery leader, was the acknowledged head of the of the Free State movement.[7] He had been present at the Monterey convention in September, 1849, that framed California's Free State constitution. There the initiative had been taken to create a state government before Congress authorized it, and victory came within a year. California's convention provided both a model and a hope for Kansas; however, James Lane from Indiana was selected as convention president. By this time an ardent Free State advocate, Lane was a dramatic orator with an energetic presence. He was very visible in the proceedings.

The Free State "Topeka Movement" developed according to the age-old pattern of citizen compact. Preliminary meetings produced an executive committee, which resolved to meet in Topeka on September 19, 1855. The Free State voice grew stronger as summer ended and settlers endured bloody guerilla attacks on their farms and towns. They watched the pro-slavery assembly at Shawnee Mission closely. In August, 1855, the Shawnee legislature ordered the government moved to Lecompton, about 18 miles from Topeka. The Free State convention in Topeka was called to order on October 23 and met until November 11, 1855, occupying

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[4] T. Dwight Thatcher, *Kansas Constitutional Convention*, Topeka, Kansas State Printing Plant, 1920, p 701.

[5] The term "bogus legislature" was universally applied to the Shawnee legislature by the Free State party.

[6] Cited by William E. Treadway, in *Cyrus K. Holliday: A Documentary Biography*, Topeka: Kansas State Historical Society, 1979, p. 43.

[7] Robinson would in 1861 become the first governor of Kansas.

the unplastered building from then onward called Constitution Hall. Topeka was only ten months old. The building's rubble-course walls and wooden elements attest to its time and place. Although intended for commercial use, during construction it had been adapted as a forum for the convention.

Footed in the New York and Ohio constitutions, the Topeka constitution was forward-looking. It adopted modern ideas of community property and homestead protection.[8] Slavery was prohibited, and Negro and mulatto indentures within the state were invalidated.[9] This first effort to create a Kansas government passed 1731 to 46 in a popular election held December 15, 1855. An issue of excluding free Negroes from the territory was not included in the constitution.[10] The Topeka Constitution was sent to the Congress with a plea for acceptance.[11] Meanwhile, at Constitution Hall in Topeka, "State" business began; Charles Robinson was elected governor, scrip was issued.

The Topeka Constitution so vociferously condemned by President Pierce was presented in the U.S. Senate by Senator Lewis Cass of Michigan, and in the House by Daniel Mace of Indiana. With its constitution the Topeka government had thrown itself on the mercy of the Congress over the immovability of a hostile president. The Free State citizens held to their constitution tenaciously in the increasing chaos that surrounded them. Symbolically, the Fourth of July, 1856, was set for reconvening the first Topeka legislature.

On July 2, the U.S. House gave approval by two votes. Meanwhile, proslavery governor James Woodson affirmed the President's February, 1856, proclamation forbidding the meeting of the Topeka legislature. Colonel Edwin V. Sumner, in command of Fort Leavenworth, was called to make certain the body did not assemble on July 4, and if it did, break it up. Assemble it did and the entire building was put to use; a downstairs room served for the House of Representatives while the Senate met in a large room upstairs.[12] Sumner, following the command of the president and in communication with Secretary of War Jefferson

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[8]See Thatcher, pp. 697-698.

[9]See Sections 6 and 21, *Topeka Constitution*, Article I, Bill of Rights: "...There shall be no slavery in this state, nor involuntary servitude, unless for the punishment of a crime."

[10]Samuel C. Smith, October 31, 1855, *Journal #570*, Kansas State Historical Society Archives. On instructions by the people of the 2nd representative district, having met in Lawrence on October 7 1855, "the question of excluding Free Negroes from the Territory" was to be submitted to a vote of the people. Not allowed to be in the Topeka Constitution, the measure passed. The situation, common to most western states in that time, was to ensure that Kansas not be terrorized by bounty-hunters paid to capture escaping slaves. An effect in favor of escaping slaves, however, which free state settlers were doubtless aware, was safer travel on the Kansas Underground Railroad.

[11]On January 24, 1856, President Franklin Pierce sent a message to Congress declaring the Topeka constitutional convention an act of rebellion against the "constituted authority of the Territory of Kansas."

[12]In 1903, the Daughters of the American Revolution, state chapter, placed a commemorative tablet in front of these rooms. This was a project guided by Miss Zu Adams, the founder and longtime archivist of the Kansas Historical Society Research Library. She conducted interviews with Kansas pioneers and studied Kansas and Washington documents, including Colonel Sumner's account.

Davis, marched four hundred dragoons to Topeka on Independence Day, 1856, in a solemn show of military power. It was quite a performance in the new town, in front of Constitution Hall, the only building of consequence then standing.[13] He "planted two pieces of artillery at the head of Kansas Avenue, the gunners holding lighted matches. The dragoons were arranged in the streets in military order. Col. Sumner dismounted and entered the 'Hall of the House,' then upstairs to that of the senate…"[14] He appeared before the legislature and with admirable diplomacy told them they must disperse. This they did as peaceful citizens, before a great gathering of some five-hundred free-soil spectators in the street, not the least being John Brown and his band of men looking on from a thicket of wild sunflowers.[15] This event on July 4, 1856, gives brilliant color to Constitution Hall's distinguished history.

On July 8, 1856, Stephen A. Douglas took up the issue of the Topeka Constitution and presented a counter bill to that of Senator Cass. This threw the issue back upon the people of Kansas; they were to have a vote on the constitution they wanted in accordance with the provisions of the Kansas-Nebraska Act. A majority in Congress was pleased; the bill quickly passed, and by this maneuver Douglas saw to it the Topeka constitution was rejected. The mandate for a Kansas constitution, however, was moved front and center.

Back in Kansas, ever-greater numbers of immigrants, mainly from nearby states, were pouring into Kansas over the Lane Trail to Freedom. Collectively known as Lane's Army of the North, they looked to the Topeka Constitution as a positive effort at organizing the territory. With renewed determination, the Topeka legislature again convened in Constitution Hall on January 5, 1858. Laws were passed. The Topeka Constitution was once more sent to the Congress, but no action was taken. The Free Staters based in Topeka had advanced their cause since January 1856, when President Pierce denounced them as revolutionary and one month later, ordered "all persons engaged in unlawful combinations against the constituted authority of the Territory of Kansas, or of the United States, to disperse and retire peacefully to their respective abodes."[16]

The proslavery Territorial legislature based in Lecompton held presidential recognition firmly in its clutch and tried to enforce a pro slavery government. Responding to the Senate mandate for a Kansas

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[13] See J.P. Root letter, July 4, 1879, to Franklin Adams, Kansas Historical Society archives.

[14] *Kansas Tribune*, July 5, 1856.

[15] These figures are from the *Kansas Weekly Herald*, a hotly pro-slavery, Leavenworth newspaper, as published July 12, 1856. The reporter had interviewed Sumner and received the figures from him. The paper went on to say "… the Topeka bogus Legislature has proved a miserable humbug, a failure, and was only gotten up to keep up the strife and discord in the Territory and make political capital for the Black Republicans in the Presidential contest." As for John Brown being a trouble maker, it should be noted that his sons Jason and John Brown, Jr., had been arrested the previous June and jailed in Lecompton for their guerilla activities. Their arrest led to some bloody attacks, the most notorious at Osawatomie, which marked the peak of Kansas violence, but it was by no means the end of it.

[16] Franklin Pierce, *Proclamation*, February 11, 1856.

constitution in January, 1857, it called for an election of delegates to assemble a formal convention for that purpose. In this election the Free Staters refused to participate, for it was to be led by pro slavery factions. The Lecompton convention was called to order in September, 1857, in a wooden building that still stands.[17] To avoid opposition from the numerous new antislavery immigrants to the territory, the convention disenfranchised settlers who had arrived since March 15. The resulting Lecompton Constitution, created entirely by proslavery men, was endorsed by President Buchanan and passed the Senate. It failed in the House over issues of residency by voters.

The Free State legislature under the Topeka Constitution sponsored a convention of its own at Leavenworth on March 15, 1858. A new constitution, patterned after the Topeka document, was drawn up and adopted as the Leavenworth Constitution. Reconvening in Topeka on May 18, 1858, the Free State legislature ratified the "Leavenworth Constitution." Three months later, voters rejected the Lecompton Constitution and pro slavery partisans began to drift away. The Topeka and Leavenworth Constitutions became the basis for the Wyandotte Constitution, of 1859, under which Kansas entered the Union on January 29, 1861.

In a key pattern of events, the Kansas Territory was tied with the antislavery North through an important transportation route essential in making Kansas a free state. On this route, called the Lane Trail to Freedom, Constitution Hall was the southern "terminus." From Topeka to Civil Bend, Iowa the trail was operated by James H. Lane (the state's first U.S. Senator) and was in the period named for him. Stored in Constitution Hall were firearms[18] contributed by Northerners, brought into the territory via the Lane Trail by Preston Plumb and delivered to Joseph Miller. Miller's signed receipt for one such shipment is in the state archives. Miller lived in Constitution Hall and had his butchery and tinsmith businesses in the two basement rooms. These spaces are little disturbed today. During the years of Missouri River trade embargo against Free State settlement, the Lane Trail was vital in Northern efforts to sustain antislavery settlers, who used it to enter the territory. Together they were known as "Lane's Army of the North" It was also the chief fugitive escape route into the North. UGRR Conductors relied on the Topeka Guard, headquartered in Constitution Hall, for protection;

> Constitution Hall…was the quarter-masters depot for that section of the free-state force. It may be safely affirmed that every residence–with any exception scarce noticeable–would turn out its quota of men armed for service at the first roll of the drum in front of Constitution Hall. The Free-state military organization at Topeka known as Company B, Second Regiment, Kansas Volunteers, constituted 1/5 of the actual force in the territory.[19]

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[17]The Lecompton Constitution Hall is a state owned historic site, fully restored and open to the public on a regular basis.

[18]These included shipments of so-called "Beecher's Bibles."

[19]John Rastall, *Kansas Magazine*, February 1873. This publication was the immediate forerunner of the KSHS Quarterlies.

Closing Summary

From 1863-1869, Constitution Hall was among the "State Row" buildings that served as the State Capitol. The Territorial period, second floor assembly hall seated the Senate, while the House met in a new building adjacent on the South, sharing the original stairway up from Kansas Avenue and into Constitution Hall. When the State moved into the present Capitol five blocks away, this oldest building among the row continued in use for office and store functions. Its survival—and the public's awareness of its history—are consistently tracked in the record up to our own day.

The historic location of Constitution Hall is well established in the primary documentary record and by its physical features. Through a history of small changes since construction, prevalent original methods of construction convey its Vernacular design, along with the majority of main building elements including original enclosing walls and the roof, floor plates, and attic. The setting retains its original commercial function, circulation, and geographic features. Construction details throughout the building show methods of workmanship that distinguish the building from any other. The Kansas Avenue façade is a later period element from the first quarter of the 20th century. This will be afforded professional attention in master preservation planning. The important west façade, though not yet restored, conveys the feeling and association of the building when through its basement doors was the place of refuge for free state settlers and storage of goods brought in across the Lane Trail to Freedom. From the west for as far away as five blocks, the original building appears unmistakably in single view. There is no doubt that a person familiar with the building in the historic period would today recognize this as Constitution Hall.

For Constitution Hall in particular, National Register listing is an essential step, for its condition brings the aspect of urgency to identification of public and private funds. The goal is to bring Constitution Hall to its proper place as a landmark in national history. Its restoration is envisioned and supported by citizen, historian, and state and local governments. When open to the public, Constitution Hall will authenticate and interpret the major role of Free State Kansas settlers in making the nation free of slavery.

Letters of Support by Officials:

1. Pat Roberts, United States Senator, 1st District Kansas Page 1
2. Nancy Boyda, United States Congress, 2nd District Kansas Page 2
3. Stephen Morris, Senate President, State of Kansas Page 3-4
4. Melvin Neufeld, Speaker, Kansas House of Representatives Page 5-6

Major Bibliographical References

Andreas, Alfred Theodore, History of the State of Kansas. Chicago: A. T. Andreas, 1883

Daniel W. Wilder, The Annals of Kansas. Topeka: G.W. Martin, 1875

Fry W. Giles, Thirty Years In Topeka, A Historical Sketch. Topeka: Geo. W. Crane and Co., 1886

Kansas Daily Freeman, *Proceedings of the Convention*, Topeka (October-November 1855)

Kansas State Historical Society, *The Topeka Movement*, Topeka (1914)

Robinson, Sara T. D., Kansas; Its Interior and Exterior Life (Ninth Edition). Boston: Crosby, Nichols & Co., 1857

T. Dwight Thatcher, Kansas Constitutional Convention. Topeka: Kansas State Printing Plant, 1920

Topeka Constitutional Convention, *Topeka Constitution*, Washington: 34th Congress, 1st Session (1856)

Geographical Data

Verbal Boundary Description

The south 19 feet of contemporary Lot 135 and all of contemporary Lot 137, Original Town subdivision, city of Topeka, Shawnee County, Kansas. This parcel is shown on the accompanying base map.

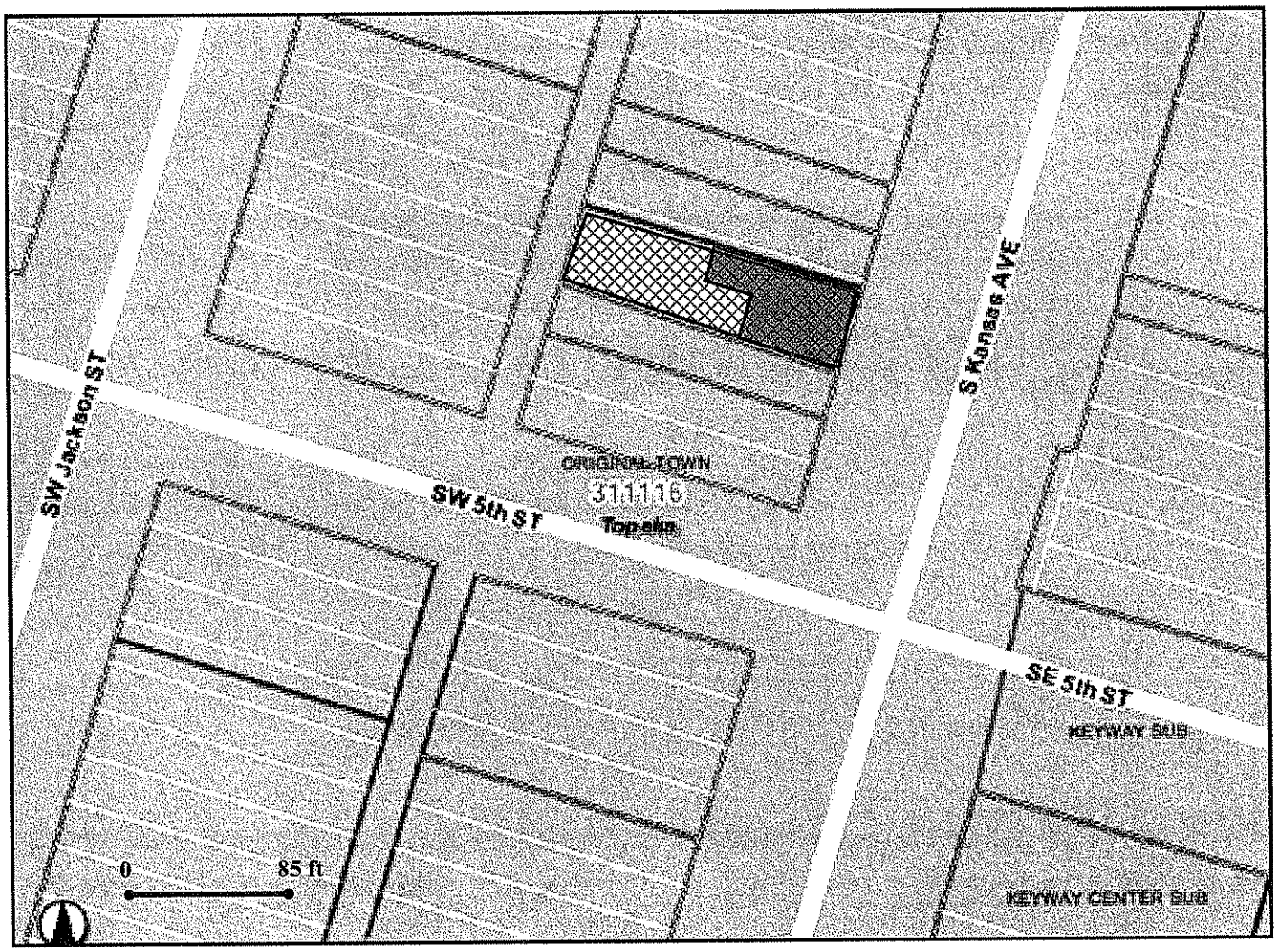
Boundary Justification

The described nominated property includes and is historically associated with the building, Constitution Hall–Topeka.

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Geographical Data
Continued

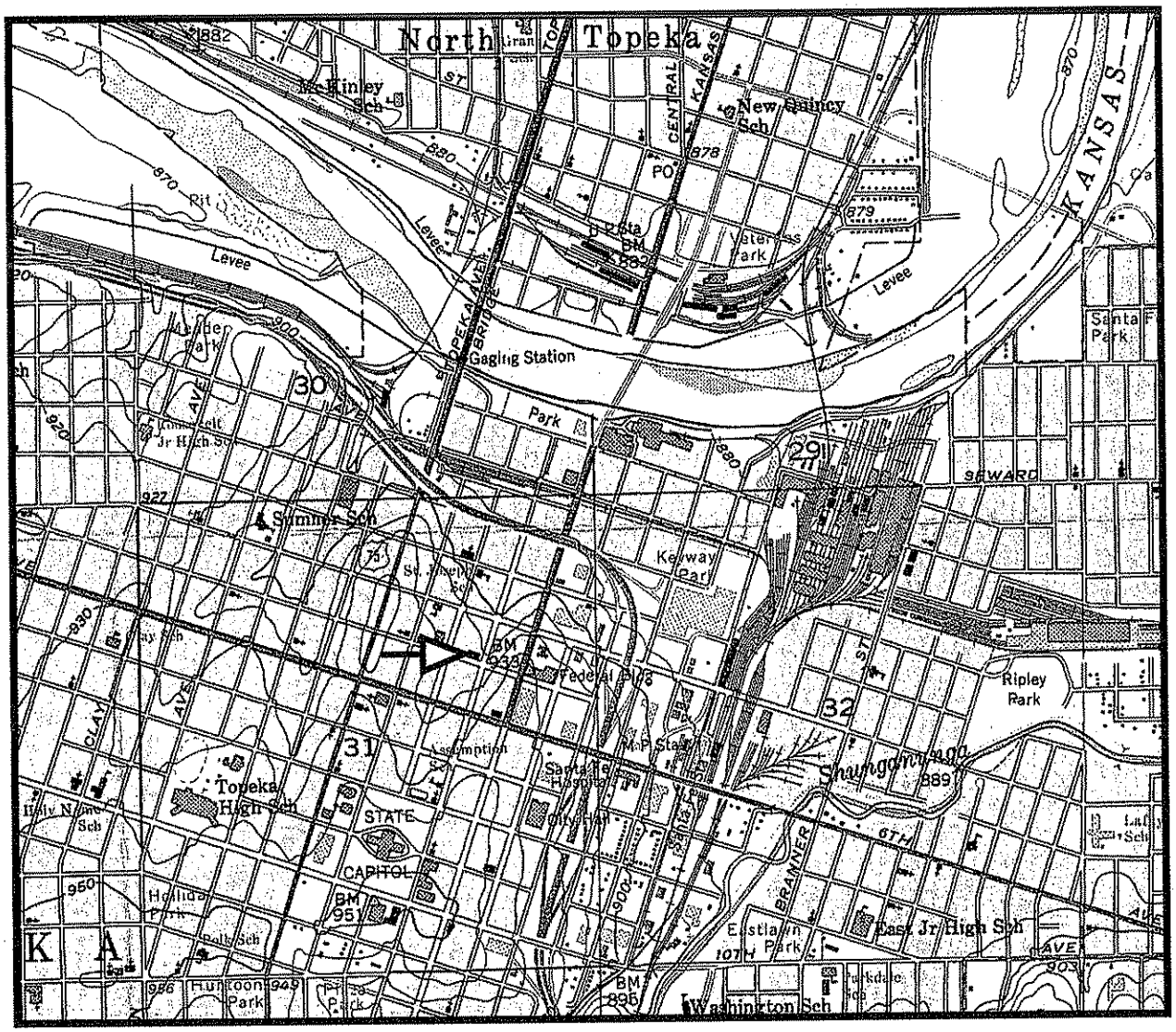


- Property area is cross-hatched. Constitution Hall–Topeka is the shaded portion of cross-hatched area.
- Light narrow lines indicate city lots.
- Light wide lines indicate public vehicle and pedestrian right-of-ways.
- Dark lines show land parcel boundaries. The nominated property is a single parcel.
- Mid-block alleys are between the back ends of lots.

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Geographical Map



Graphic arrow shows Quadrant 31, Shawnee County, Kansas location of the nominated property
Scale: 1 : 24 000

Property name: **Constitution Hall–Topeka**
Location: **429 S. Kansas Avenue, Topeka, Kansas**
UTM Reference:

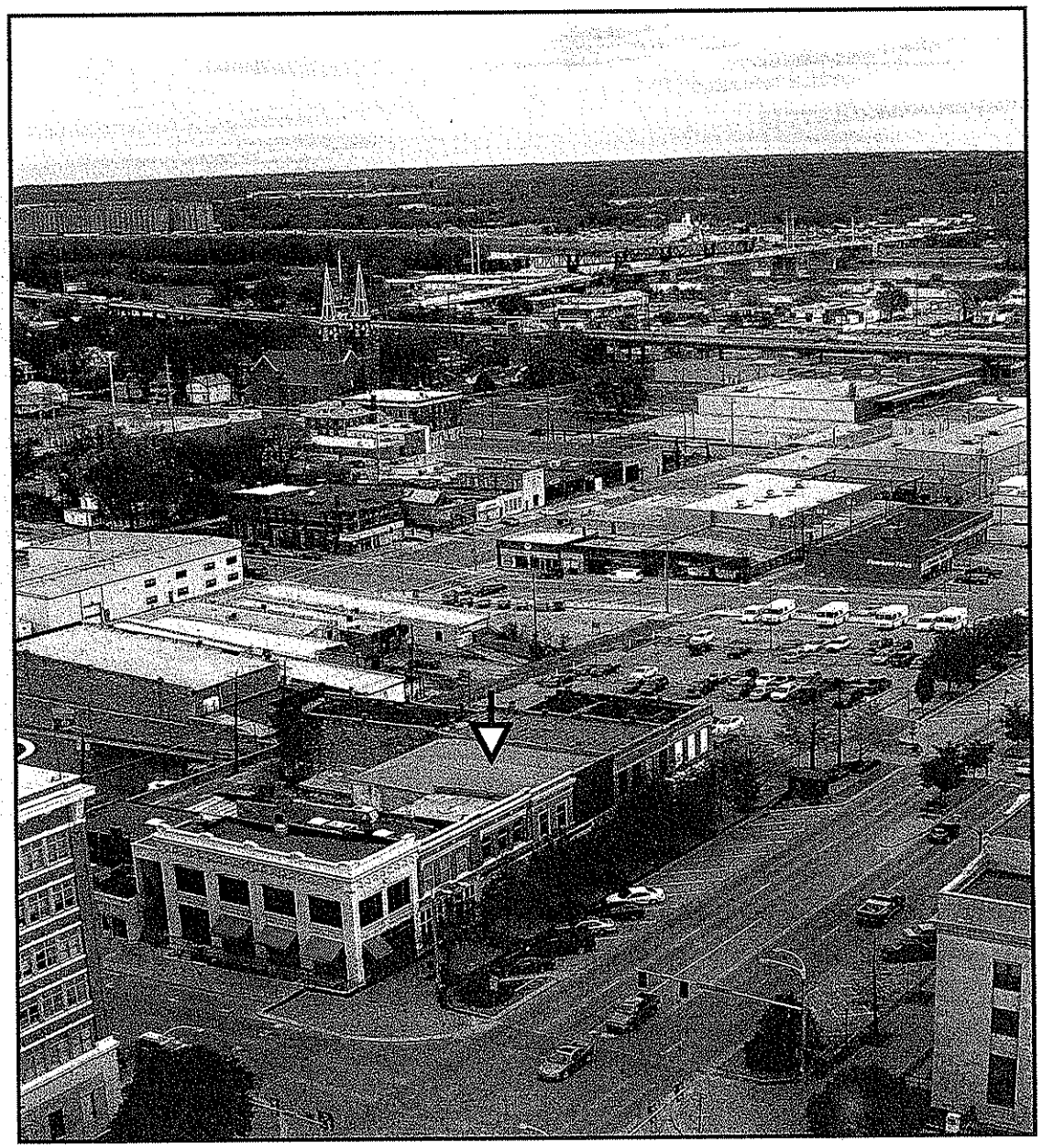


Image 1: Aerial view looking northwest at site, with Constitution Hall shown under graphic arrow.

ALL PHOTOGRAPHS & IMAGES
Date: April 2008
By: William Seale, PhD
Location: Archives, Friends of the Free State Capitol

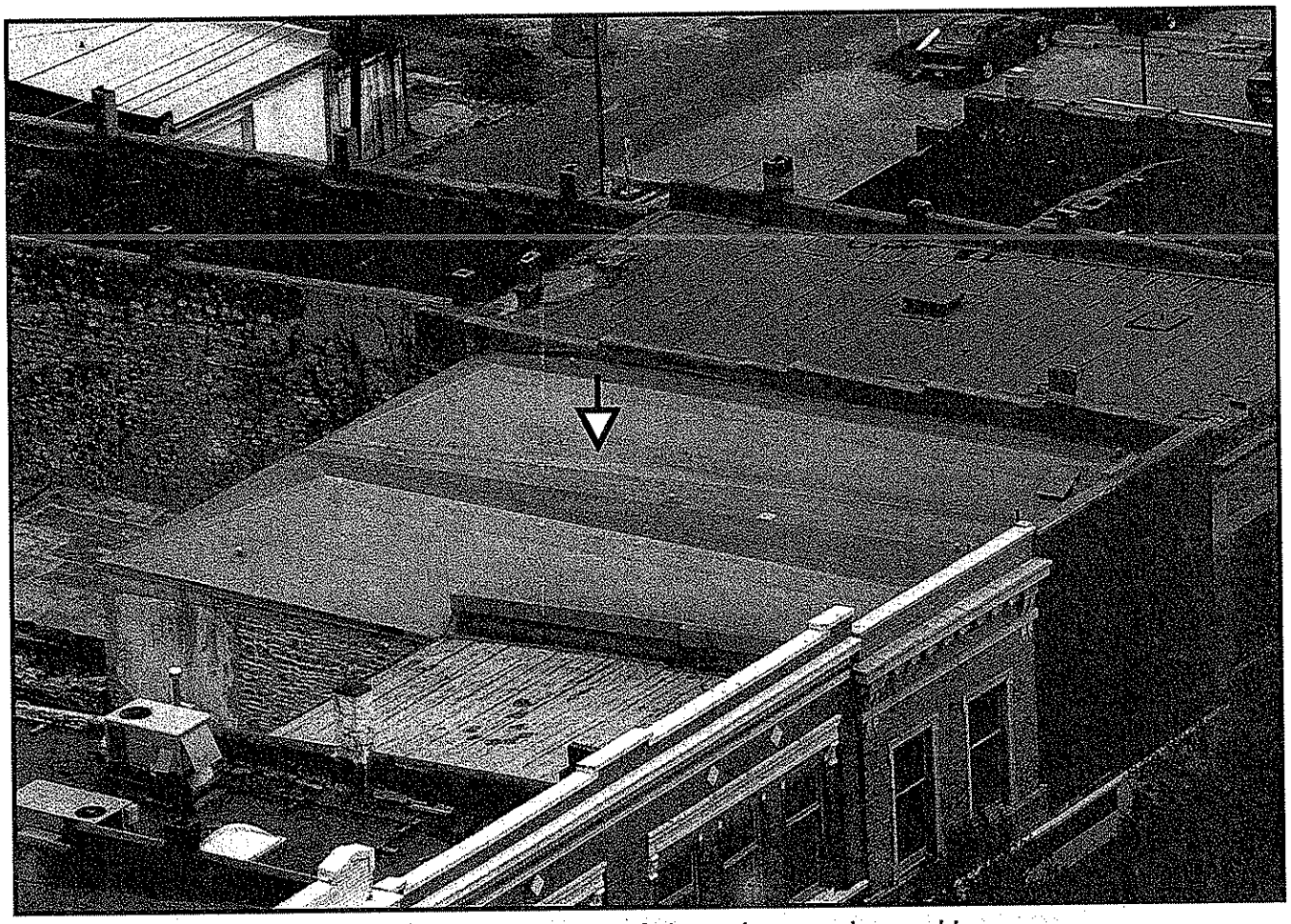


Image 1: Aerial view looking northwest at original roof plate, shown under graphic arrow.

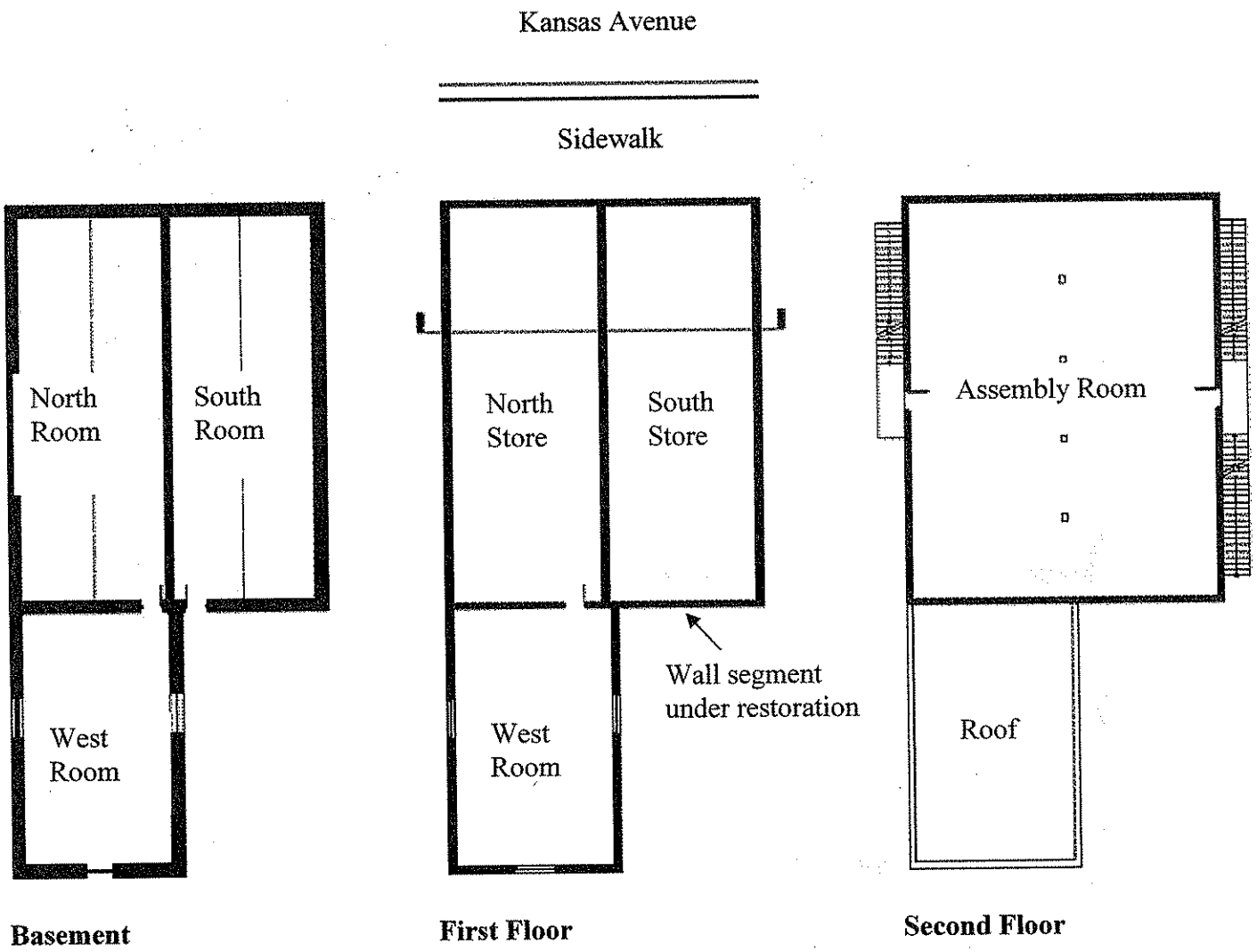


Image 2: Diagrams showing original floor plans, which layout exists today on each level, and with historic room functions named. Not drawn are the salvage and remains of 20th century partitions on the second floor. The first and basement levels have never been partitioned.

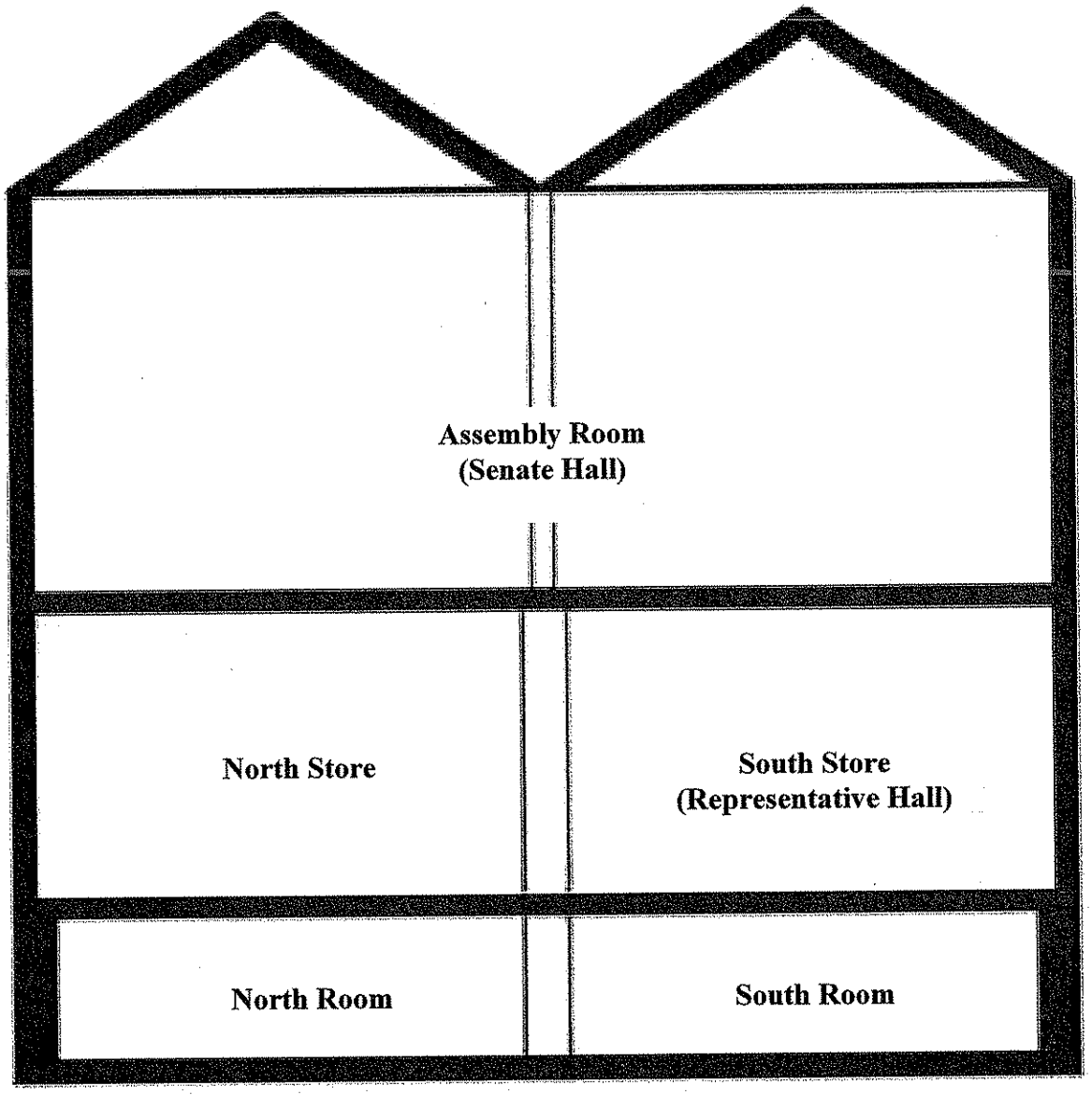


Image 3: Lateral Section looking east, showing floors and roof with original spatial arrangement intact today. Not drawn are the remains of 20th century partitions on the second floor. The first and basement levels have not been partitioned.

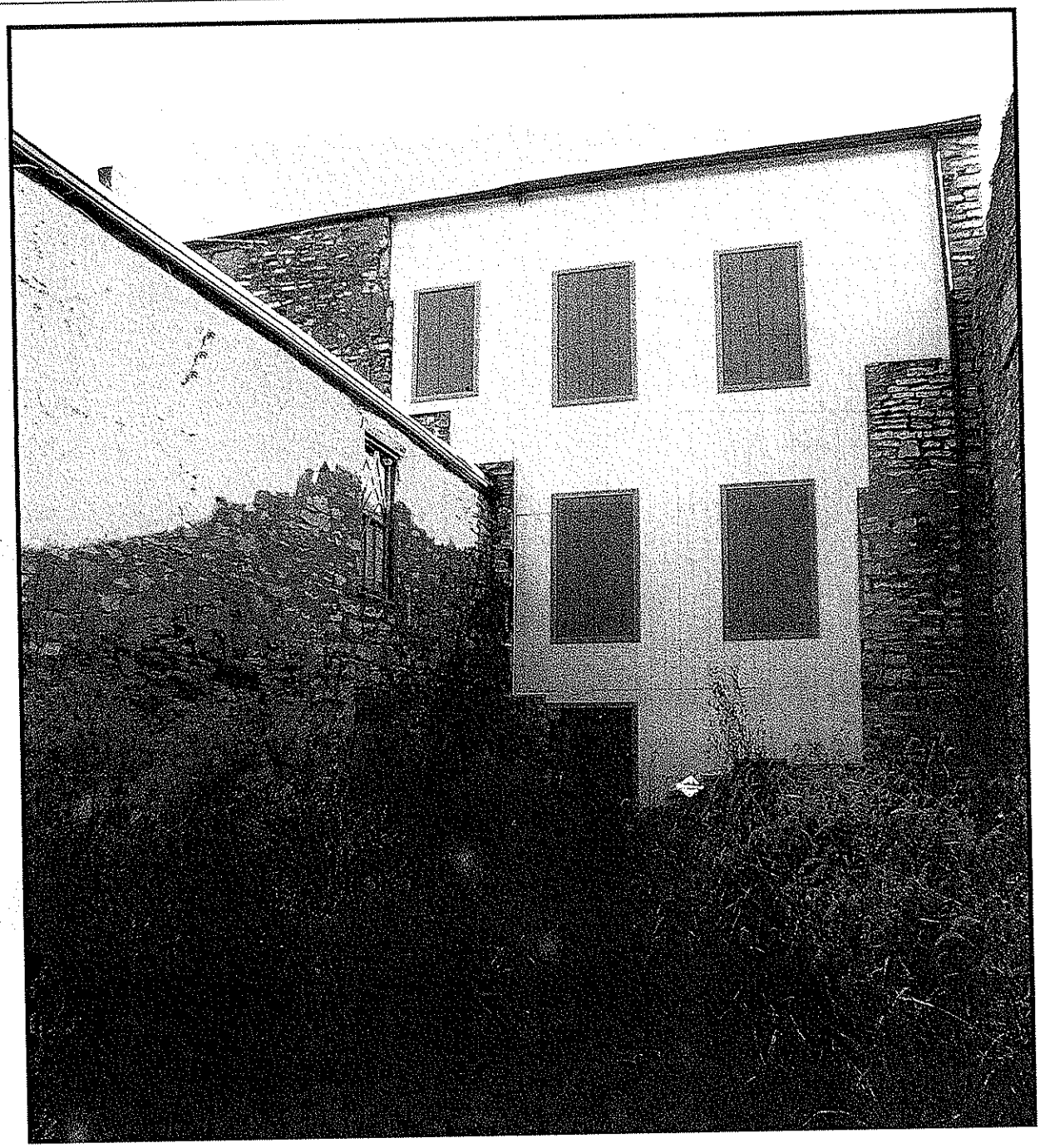


Image 4: Looking east at West facade, showing wall restoration project in progress with painted temporary sheathing over to receive stone masonry. The one story and basement addition is at left.

Image 5: Looking west at east façade, showing c. 1920 storefront installations and July 2006 mural over framed wall covering damaged and missing storefronts. Mural depicts first floor of the original storefronts.

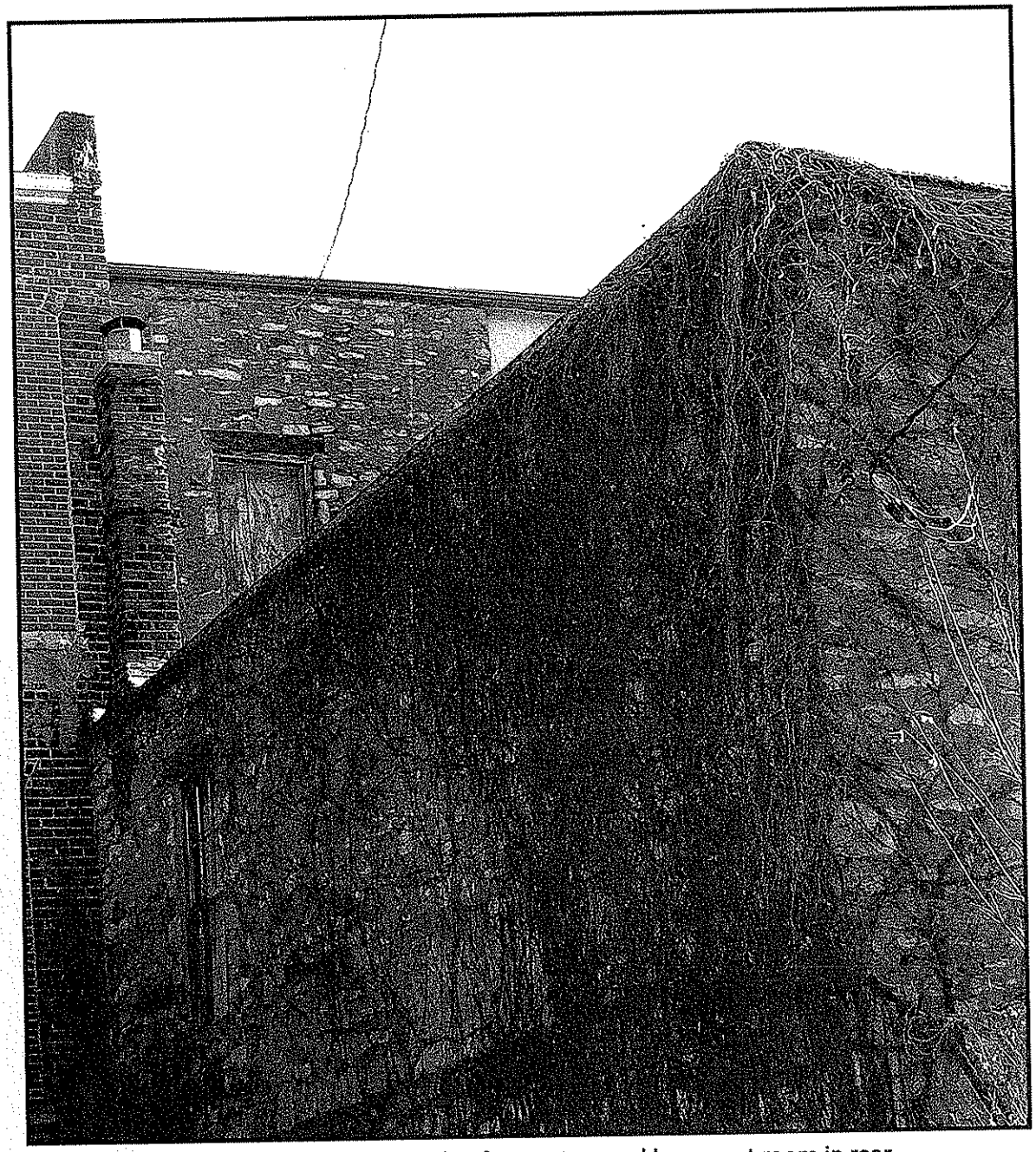


Image 6: Looking southeast at North side of once story and basement room in rear.

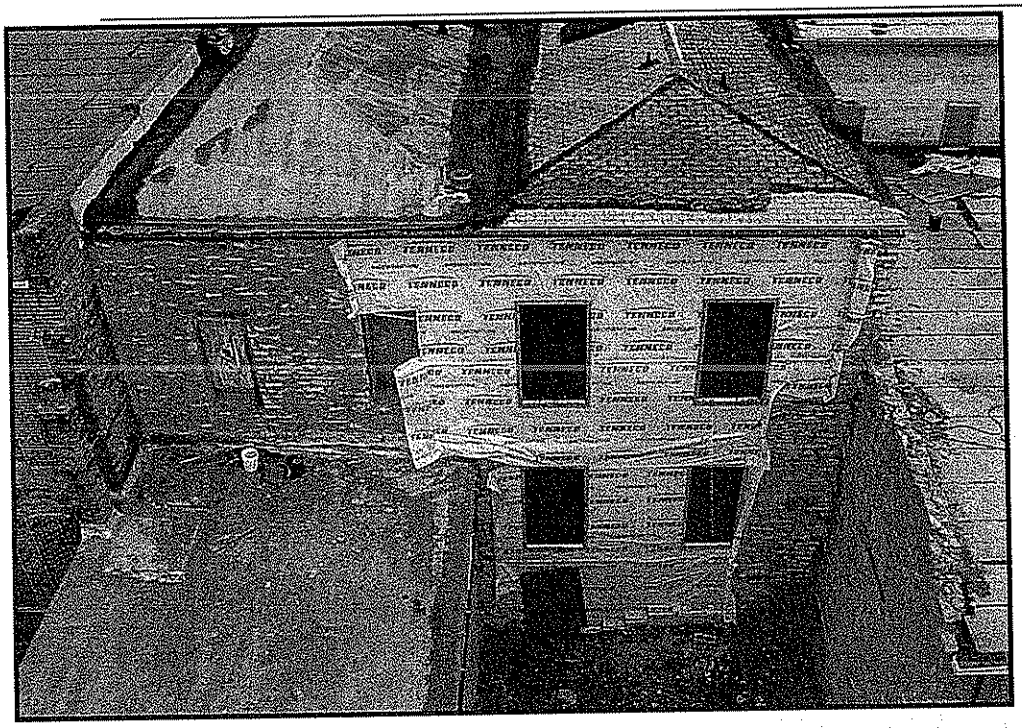


Image 7: Aerial looking east at west façade in 2005, immediately before roof stabilization and installation of synthetic membrane, and during first phase of masonry restoration. NOTE: this image dates from 2005.

Image 8: Looking east in north attic, showing original roof rafters and Assembly Room ceiling joists.

Image 9: Looking north from south side of second floor, viewing center partition between the four original posts. Conditions of partially demolished partitions and open ceilings are typical throughout building.

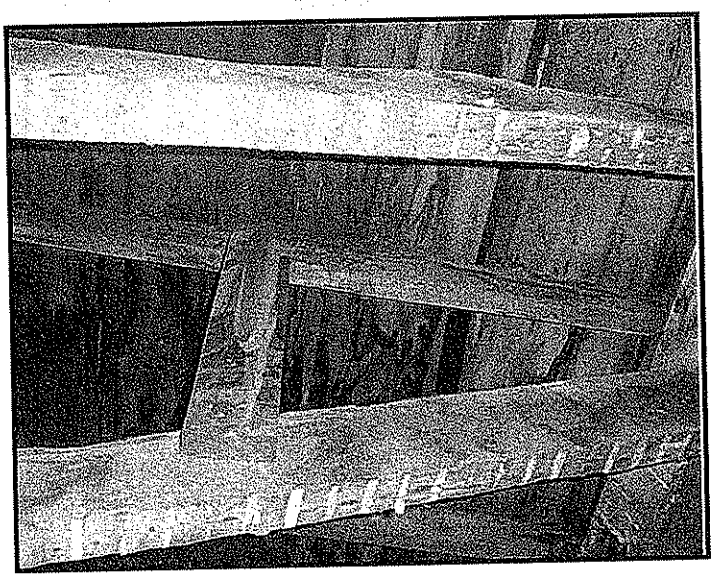


Image 10: Looking up into south attic, at one of scores of an item used as a knee brace, which is a segment of an agricultural tool called a "corn Planter." These appear throughout both attics.

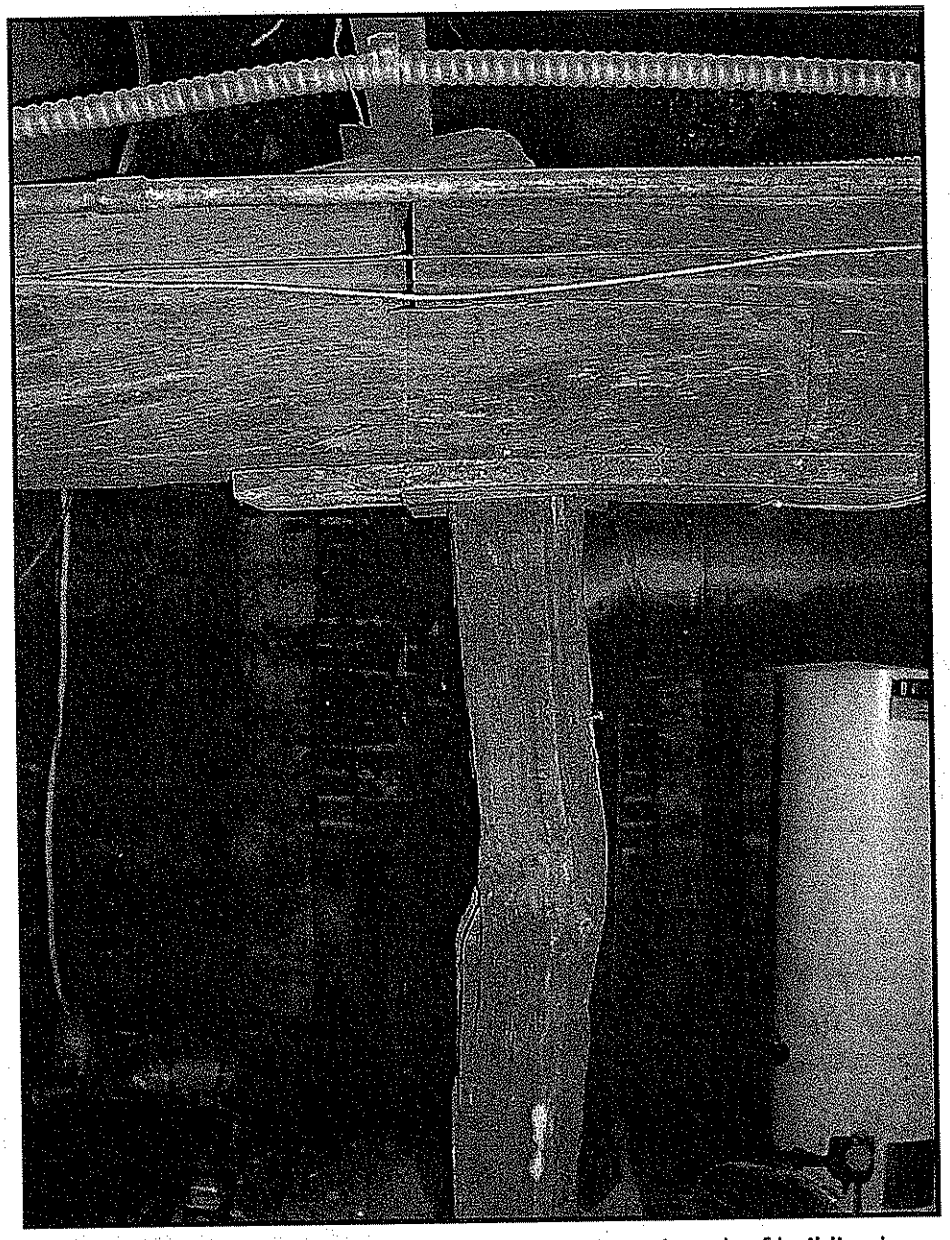


Image 11: Basement "Summer" beam, typical down length of building in both rooms.

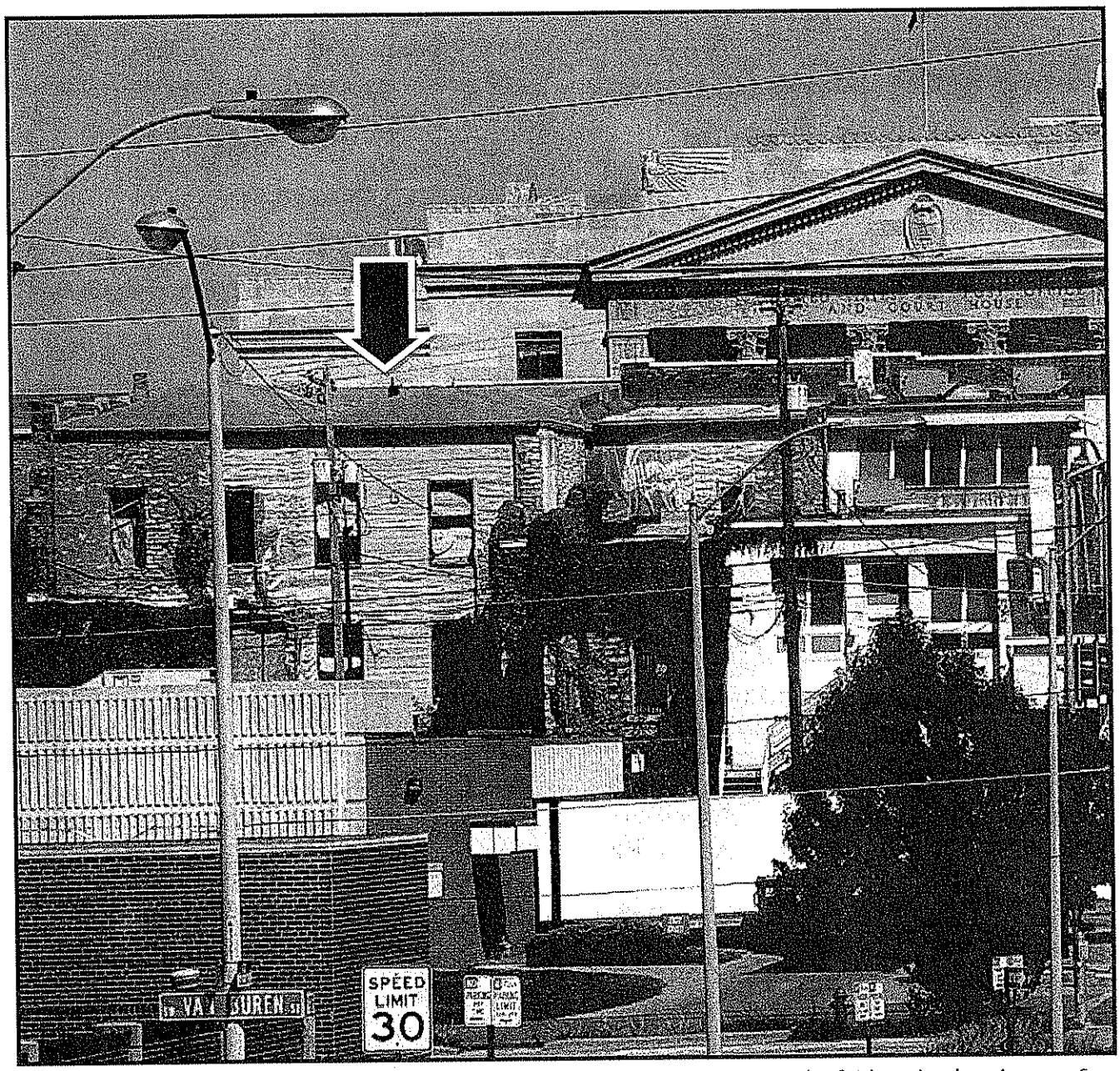


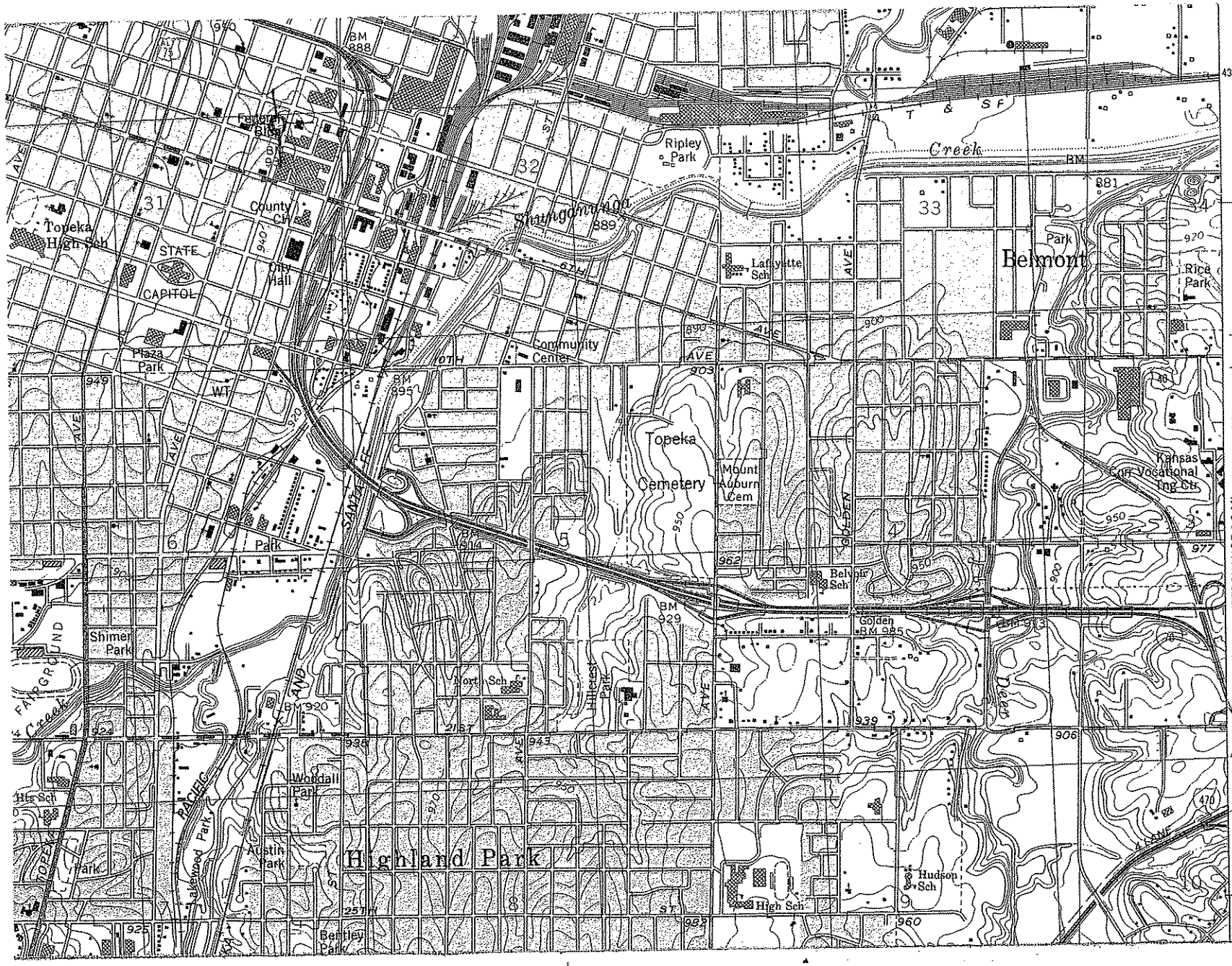
Image 12: Looking east toward the Old Federal Building, site of the Brown V Bd. of Education hearings leading to the landmark federal case of 1954. Constitution Hall is at left mid-ground, awaiting re-installation of stone masonry. NOTE: This image dates from 2007.

PHOTOGRAPHS

Property: Constitution Hall – Topeka
Location: 429 S. Kansas Avenue, Topeka, Shawnee County, KS
Photographer: Kristen Johnston (Photos 1-5); William Seale, PhD (Photos 6-8)
Date: August 2007 (Photos 1-5); April 2008 (Photos 6-8)

Negatives are filed at the Kansas State Historical Society (Photos 1-5) and with the property owner (Photos 6-8)

Photo 1: Looking west at east façade, showing c. 1920 storefront installations and July 2006 mural over framed wall covering damaged and missing storefronts. Mural depicts first floor of the original.
Photo 2: Elevated position, looking west at east facade
Photo 3: Streetscape looking west at east façade
Photo 4: Elevated position, looking northeast at the rear, top story of the building
Photo 5: Looking east at west façade, showing wall restoration project in progress with painted temporary sheathing over to receive stone masonry. The one story and basement addition is at left.
Photo 6: Basement view showing stone foundation and wood beams
Photo 7: Looking north from south side of second floor, viewing center partition between the four original posts. Conditions of partially demolished partitions and open ceilings are typical throughout building
Photo 8: Attic, showing original roof rafters and ceiling joists



Constitution Hall - Topeka
Topeka, Shawnee Co, KS
15: 268740E
4325925N

SUPPLEMENTARY LISTING RECORD

NRIS Reference Number: 08000669

Property Name: Constitution Hall--Topeka

County: Shawnee State: Kansas

Multiple Name: N/A

This property is listed in the National Register of Historic Places in accordance with the attached nomination documentation subject to the following exceptions, exclusions, or amendments, notwithstanding the National Park Service certification included in the nomination documentation.

July 10, 2008

Signature of the Keeper Date of Action

Amended Items in Nomination:

Section 6. Function

Please replace "SUBSISTENCE: storage" with the more appropriate historic function, "COMMERCE: warehouse."

Section 7: Description

The following statement is, hereby, entered at the close of paragraph 4 on page 7.1:

"A copy of Dr. Seale's report has been appended to this nomination."

Section 8: Significance

The following paragraph is, hereby, added between the first and second paragraphs on page 8.2:

"Despite the loss and replacement of the principal street-side façade, there are several reasons the building possesses sufficient historic integrity of location, design, materials, workmanship, feeling and association for National Register listing at the national level. The property is importantly associated with well-documented and highly important events of national importance that focused the nationwide attention of slavery proponents and abolitionists on the issue of Kansas sovereignty and territorial law. This issue became one of the nation's leading and most widely debated political crises in the years prior to the Civil War, and this property alone represents the important events related to the Free Soil Movement and the drafting of the first anti-slavery constitution that took place in Topeka between 1855 and 1860. The significance of this property is based on historical events and activities that in large part were related to the interior use of the building, thus the condition of the interior space is a more important determinant of historic integrity than the building's external appearance. The building's original construction methods and materials remain visible in the interior spaces of the cellar and first floor. The open, undivided, and roughly finished character of the second story (where the first Free State constitution was drafted) remains intact and can be restored by completely removing the partitions which divided the space after the period of significance. In this case, significance is also attached to the west, or service, elevation which directly reflects the building's role as a major supply depot. It has undergone little alteration since the period of significance, and the original limestone walls (now undergoing restoration), storage functions, and rear entrances that defined this elevation historically remain intact and vividly recall the period of its association with the Free State movement, the Underground Railroad, and James Lane's Trail to Freedom.

Section 9: Major Bibliographical References

The following reference is hereby added to the Bibliography:

Seale, William. "Constitution Hall—Topeka: Historical Investigation and Proposal for a Museum." Topeka: Committee to Restore Constitution Hall, 2004.

Accompanying Materials

A copy of the report "Constitution Hall—Topeka: Historical Investigation and Proposal for A Museum," by William Seale, PhD, is, hereby, added to the nomination as an Appendix. The report provides additional information about the building's original and current condition, addresses the feasibility of restoration, and substantiates the nomination's claim that the property possesses sufficient integrity of materials, design, association and feeling for listing in the National Register of Historic Places at the national level of importance.

The National Register staff of the Kansas State Historic Society was notified of this amendment.

DISTRIBUTION:

National Register property file

Nominating Authority (without nomination attachment)