

TRANSACTIONS

OF THE

KANSAS STATE HISTORICAL SOCIETY

EMBRACING THE THIRD AND FOURTH BIENNIAL REPORTS,

1883-1885.

TOGETHER WITH COPIES FROM EARLY KANSAS TERRITORIAL RECORDS, AND OTHER HISTORICAL PAPERS. ALSO THE PROCEEDINGS OF THE KANSAS QUARTER-CENTENNIAL CELEBRATION, JAN. 29, 1886.

VOL. III.



TOPEKA:

KANSAS PUBLISHING HOUSE: T. D. THACHER, STATE PRINTER.
1886.

from the year 1828 to the period of the opening of the Territory for settlement, in the year 1854—1165.

McFARLAND, JAMES M., Topeka: 116 manuscript papers of the State Agricultural Society for the years 1862, 1863 and 1864; Record book of the Kansas State Agricultural Society from March 5, 1862 to 1869—117.

MARSH, WM. W., Schooley's Mountain, N. J.: Biographical sketch of Gov. Andrew H. Reeder, written by Hon. G. P. Lowrey.

MORTON, JOHN T., Topeka: Copy of record of the Executive Council of the Wyandotte Nation, from October 24, 1855, to July 9, 1862.

PADDOCK, JOSEPHINE A., Netawaka: Deed of conveyance of Elgin Richards to Washington Town Company—Geo. G. Pierce, David E. Ballard, Thos. M. Bowen and ——— Lott—of the land embracing the town site of Washington, Washington county, Kansas, dated August 4, 1860.

PATTEE, F. J., Smith Center: Four letters written by him while a prisoner of war at Danville, Va., to his father, in 1863—1864.

PHILLIPS, WM. A., Salina: Letter of A. D. Richardson, relative to sketch of Sequoyah—1.

PIERCE, G. T., Ottawa: Autograph of John Lawrence, dated April 29th, 1765—1.

POWERS, MRS. ELIZABETH, Florence, Italy: Photographic copy of a poem by John Quincy Adams, dedicated to Hiram Powers, sculptor; written at Washington, March 25, 1837—1

REIMANN, ERNEST A., Wichita: His biography, dated November 15, 1882—1.

RITCHIE, GEN. JOHN, Topeka: Sketch of battle at Fort Titus, August 16, 1856—1.

ROBINSON, MRS. GOV. CHARLES, Lawrence: Manuscript of an address of Lewis T. Litchfield, entitled "Kansas and its Defenders," delivered at Leominster Lyceum, Massachusetts, in 1857.

RUSSELL, S. C., Lawrence: Certificate of share in capital stock of New England Emigrant Aid Company, in the name of Sheldon C. Russell, dated Lawrence, Kansas Territory, December 3, 1856.

SHARP, GEO. O., Kickapoo: Record book of the Kickapoo Town Association, from August 28th, 1854, to October 1st, 1858, 104 pages—1.

SPRINGER, M. C., Philadelphia, Pa.: Copy of proceedings of Neosho Railroad Company, Fort Scott, January 11th, 1870; Fac simile of bill of exchange, dated October 15th, 1767; Fac simile of discharge papers of Benjamin Taylor, a soldier, signed by George Washington, and dated June 9th, 1783; Fireman's appointment of George Warner, dated New York City, July 2d, 1787; Fac simile of certificates of election in New York City, May 31st, 1797; Autographs of the Burgomasters of New York City in 1658 and 1660—5.

STARK, ANDREW, Topeka: Record of orders and proceedings of the Home Guards, Military District of Shawnee county, Kansas, during the Price raid,

should continue to be the policy, unless in rare instances a purchase should be made by approval of a vote of the Society, or of the Board of Directors.

The relic spoken of is one connected with the most stirring incidents of our early history. It was brought to Kansas from Missouri by the Pro-Slavery party, and was present at the sacking of Lawrence, May 21, 1856. It was subsequently kept at Kickapoo, in Leavenworth county, in the care of the Kickapoo Rangers. It was present at the polls at that place, to influence the vote at the election under the Lecompton Constitution of January 4, 1858; but a night or two after that it was captured by Free-State men from Leavenworth. After that it remained for a time in concealment at Leavenworth and Lawrence. Subsequently it remained in the care of the Turners' Society at Leavenworth, during which time it was burst in some operation in the bottom of the Leavenworth coal shaft. The Board has approved the action of its members in saving this relic.

A number of war relics, may well be mentioned, among which are the sword of Major Lee H. Utt, of the Seventh Regiment of Kansas Volunteers (Cavalry), now a resident of Los Angeles, California; the sword of Colonel H. T. Titus, of Territorial fame; and a Beecher rifle. The first of these was contributed by Mr. John H. Utt, of White Cloud; the second by Mrs. Eunice A. Allen, now of Barnum, Colorado, who was the wife of the late Colonel James A. Harvey, who came into possession of the sword at the sacking of Titus's fort, near Lecompton, August 16, 1856. This interesting relic was brought in from Colorado by Col. S. N. Wood. The Beecher rifle was given to the Society by Hon. S. A. Baldwin, of Wabaunsee, who brought it to Kansas in 1856 as a member of the Connecticut Kansas Colony.

SCOPE OF WORK.

The early history of Kansas was peculiar, and the men and women who took part in putting in writing or in print some record of that history were widely scattered and very numerous. Hence there is scarcely a limit to the labor which may be expended in making up a historical collection. The correspondence in soliciting contributions, and in making acknowledgments, is only limited by the amount of time and labor within the command of the Society. It is by correspondence and travel that the most valuable of collections are made. Within the pigeon-holes, old boxes and nameless receptacles, and in out-of-the-way places, all over the country, are the materials of Kansas history which it is the province of the Society to hunt up and bring into its collections. Constant inquiry, examination and outlook appertain to this work. The examination of one paper, in print or in manuscript, brings to light a name, or mention of an event, which suggests inquiry and research, often involving no little time and labor; but labor seldom fruitless of good results.

In the current work of the Society, that of saving the materials of the history of the present, is not the least important. A library is being made up containing copies of every newspaper, periodical, pamphlet, catalogue,

VOTAW, DANIEL, Independence, Kansas: Cabinet photo. portraits of himself, wife Eunice, and son Levi Votaw; cabinet photo. portraits of Ellwood Votaw and Nathan J. Overman and wife.

WAUGH, REV. L., Petaluma, Cal.: Cabinet photo. portrait of donor.

WEIGHTMAN, MATHEW, Topeka: Cabinet photo. portrait of donor.

WICKMILLER, C. P., Topeka: 6 large photo. views illustrating Capt. D. L. Payne's Oklahoma invasion, in February, 1883.

WILDER, D. W., Hiawatha, Kansas: Cabinet photo. of donor.

WOODMAN, SELDEN J., North Topeka, Kansas: Large portrait of John Brown, copper-plate from his oil painting.

DONORS OF CURRENCY, SCRIP, COIN AND MEDALS.

BAKER, CLIFF C., Topeka: One-hundred-dollar Confederate bank note, procured from H. B. Seeley, of Chillicothe, Mo., an ex-prisoner of war.

BAYLEY, SAMUEL, Hartford: Confederate bond, \$1,000, dated Richmond, March 2, 1863.

DROWNE, HENRY T., New York city: Two pieces fractional currency, (25 and 50 cents,) Bank of the State of South Carolina, 1863.

FIELDS, HENRY C., Leavenworth: Piece of Leavenworth Constitutional Convention scrip, in favor of Mr. Fields, autographs of M. F. Conway, president, and Samuel F. Tappan, secretary, dated April 3, 1858.

HALM, J. K., Topeka: Five-dollar note of Bank of East Tennessee, dated June 10th, 1863.

HORNBECK, E. A., Topeka: Confederate and other disused money, 97 pieces of denominations from 5 cents to \$500, (conditional deposit.)

KNOX, REV. JOHN D., Topeka: Medal commemorating the one-hundredth anniversary of the first Methodist preaching in this country, by Philip Embury in New York city, in 1776.

SOULE, J. S., Olathe, Kansas: Piece of Chetopa city scrip, amount, \$2, without date.

THOMPSON, GEORGE F., Manhattan, Kansas: Five-dollar note of Merchants' and Mechanics' Bank of Monroe, Michigan.

MISCELLANEOUS CONTRIBUTIONS.

ALDRICH, C. W., Washington: Posters, cards, &c., of the Northwestern Kansas Fair Circuit, 1884, for Clyde, Washington, Frankfort, Concordia, Clay Center, and Beloit.

ALLEAUME, ALBERT, Topeka: Fragment of coarse bread of the Commune, Paris, France, 1870-71; Fragment of shell burst on Rue de Belzance, May 23, 1871; Ball fired from a mitrailleuse, by the Communists.

ALLEN, MRS. EUNICE A., Barnum, Colorado: Sword of Col. H. T. Titus, taken August 16, 1856, when Col. Titus with nineteen other Pro-Slavery men, were taken prisoners at his block-house near Lecompton, by Free-State forces under Col. Samuel Walker, given for deposit with the State Historical Society to Col. S. N. Wood, by Mrs. Allen, who was the wife of the late Col. J. A. Harvey, who received the sword at the capture.

His official services terminated with his resignation, which was forwarded to the President from Lecompton, August 18th, 1856. He continued to reside at Lecompton, whither the executive office had been removed in the spring of 1856. He entered actively into the practice of the law, in the higher courts of the Territory. Subsequently he removed to Lawrence, where he continued to live, leading a life of unblemished purity, and continuing to be the leading member of his profession in Kansas until the day of his death, which occurred peacefully at his home on the 30th day of August, 1877.

The children of Governor Shannon, now living, are Hon. Osburn Shannon, of Lawrence, Kansas, and Mrs. S. R. Keeler and Mrs. John A. Walsh, both residing in Washington, D. C.

EXECUTIVE MINUTES.

MINUTES RECORDED IN THE GOVERNOR'S OFFICE DURING THE ADMINISTRATION OF GOVERNOR WILSON SHANNON, INCLUDING ALSO THOSE RECORDED IN THE INTERVALS IN WHICH SECRETARY DANIEL WOODSON WAS ACTING GOVERNOR.

[Daniel Woodson took the oath of office, as Secretary of Kansas Territory, at Washington, D. C., September 28th, 1854. At different times during his term of office, he had devolved upon him the powers of Governor of the Territory. The organic act provided that, "In case of the death, removal, resignation, or absence of the Governor from the Territory, the Secretary shall be, and he is hereby authorized and required, to execute and perform all the powers and duties of the Governor during such vacancy or absence, or until another Governor shall be duly appointed and qualified to fill such vacancy."

The first occasion in which either of the exigencies contemplated by the act occurred, was that of the absence of Governor Reeder, on a visit to the East, from April 17th to June 23d, 1855. The Executive Minutes show only two official acts during this period—one, May 29th, that of filing election returns, for the action of the Governor upon his return to the Territory; the other, the issuing of an executive warrant, on a requisition from the Governor of the State of Indiana.

On the removal of Governor Reeder from office, August 16th, 1855, Secretary Woodson became acting Governor, and served till September 7th, 1855, when Governor Shannon took the oath of office and entered upon its duties. On the departure of Governor Shannon on a visit to St. Louis, June 24th, 1856, Secretary Woodson again became Acting Governor, and served until July 7th, possibly later. The minutes do not show the day of the return of Governor Shannon. On the resignation of Governor Shannon, August 18, 1856, Secretary Woodson again became Acting Governor, and served until September 11th, when Governor John W. Geary assumed the duties of the office. On the departure of Governor Geary from the Territory, March 12th, 1857, Mr. Woodson again became Acting Governor, and continued as such until April 16th, when he was succeeded by Frederick P. Stanton, who had been appointed Secretary of the Territory.]

AUGUST 10, 1855.—Wilson Shannon, of the State of Ohio, is commissioned Governor of the Territory by the President of the United States.

RECORD OF OATH.

UNITED STATES OF AMERICA, }
 TERRITORY OF KANSAS, } ss.

I, Daniel Woodson, Secretary of said Territory of Kansas, do hereby certify that Wilson Shannon personally appeared before me, on this seventh day of September, A. D. 1855, at my office in said Territory, and was by me duly sworn according to law to support the Constitution of the United States, and faithfully to discharge the duties of the office of Governor of said Territory. Given under my hand, this seventh day of September, A. D. 1855.

DANIEL WOODSON, *Sec'y Kansas Territory.*

SEPTEMBER—, 1855.—Commission issued to Allen P. Tibbitts, as Probate Judge of the county of Arapahoe.

Commission issued to James Stringfellow, as Clerk of the Probate Court of the county of Arapahoe.

SEPTEMBER 6, 1855.—Commission issued to John Donalson, as Auditor of Public Accounts.

SEPTEMBER 17, 1855.—Resignation of G. W. Berry, as Sheriff of Shawnee county, received.

SEPTEMBER 21, 1855.—Commission issued to William A. Heiskell, as Clerk of the Tribunal for the Transaction of County Business, for the county of Lykens.

Commission issued to A. H. McFadden, as Coroner for the county of Lykens.

Commissions issued to Martin White and William Lebon, as Justices of the Peace for the county of Lykens.

Commissions to Barnett Hall and Peter J. Potts, as Constables of the county of Lykens.

SEPTEMBER 21, 1855.—Commission issued to Alexander McPherson, as Justice of the Peace for Shannon township, in the county of Atchison.

SEPTEMBER 22, 1855.—Commission issued to Thomas L. Fortune, as Justice of the Peace for Mount Pleasant township, in the county of Atchison.

Commission issued to J. C. Mannion, as Justice of the Peace for Shannon township, in the county of Atchison.

Commission issued to Andrew J. Francis, Notary Public for the county of Jefferson.

Commission issued to Thomas Reynolds, Notary Public for the county of Riley; also, to Mack Andrews, Notary Public for the county of Leavenworth.

JULY 28, 1856.—Commission issued to Frederick J. Thibault, Commissioner of Deeds for Kansas Territory in the State of California.

AUGUST 5, 1856.—Commission issued to Fox Booth, County Commissioner for the county of Riley.

Commission issued to Nathan Adams, Justice of the Peace for the county of Jefferson.

Commission issued to H. T. Titus, Colonel Second Regiment, Southern Division, Kansas Militia, *vice* Geo. W. Johnson, removed from the Territory.

AUGUST 6, 1856.—Newcomb J. Ireland commissioned Probate Judge of the county of Atchison, *vice* James A. Headly, resigned.

Commission issued to F. G. Palmer, County Surveyor for the county of Atchison.

AUGUST 13, 1856.—Commission issued to A. P. Walker, Quartermaster Second Regiment, Southern Division, Kansas Militia.

AUGUST 18, 1856.—Governor Shannon this day resigned the office of Governor of the Territory of Kansas, and forwarded his resignation by mail to the President of the United States, having previously visited the town of Lawrence, at the imminent hazard of his life, and effected the release of Col. H. T. Titus and others, who had been forcibly taken there by the armed organization of outlaws whose headquarters are at that place, and who had on the day before battered down with artillery the house of said Col. Titus, robbed his premises of everything valuable, and then burned his house to the ground, killing one of his companions, and taking the remainder, with Col. Titus and their plunder, to their fortified headquarters—Lawrence—at which place said Titus was put on trial for his life, and sentenced to die; which sentence would doubtless have been executed, but for the timely interposition of Governor Shannon, who, in consideration of the release of said Titus and his companions, consented to release *five men* held in custody in Lecompton under legal process, charged with being engaged in the late midnight attack and sacking of the town of Franklin—the outlaws having *peremptorily refused* to release said Titus and others, upon his demand as the executive officer of the Territory.

Other parties of a similar character have been molesting the citizens north of the Kansas, on the Stranger and Grasshopper, and we learn that these parties have now concentrated in Lecompton; that they burnt the house of Mr. Snider Sunday evening, and other buildings in the vicinity, and that the peace of the entire community is threatened by these marauders. In accordance with the authority vested in you, respectively, we ask of you to remove or disperse them without delay, and thereby secure the mutual peace and harmony of our people.

In behalf of the Kansas State Central Committee.

WM. HUTCHINSON.

H. MILES MOORE.

P. S.—Since the above was penned, four other houses have been burned, on and near the California road, by the same party from Lecompton.

W. H.

LECOMPTON, KANSAS TERRITORY, EXECUTIVE OFFICE, Sept. 3, 1856.

To Messrs. Wm. Hutchinson and H. Miles Moore, "in behalf of the Kansas State Central Committee"—GENTLEMEN: Your communication of yesterday, addressed to Col. Cooke and myself, was received about five o'clock last evening, and I embrace the first opportunity of returning you an answer.

One would suppose from the manner in which you write, that you and those whom you represent were entirely unacquainted with the existing unhappy state of things in the Territory, and that you were peaceable, law-abiding citizens.

You cannot be uninformed of the fact that Gen. James H. Lane has recently marched into the Territory a large body of armed men, obtained chiefly in the Northwestern States, after canvassing those States for some time for them, avowedly for the purpose of setting at defiance our Territorial laws, and of subverting by force and violence the regularly established government of the Territory. At the time these men arrived in our midst, everything was comparatively peaceable and quiet. As soon as they crossed the northern boundary of Kansas they began the erection of a cordon of block-houses or forts, extending to Topeka, on the Kansas river, a town commonly known as the capital, for the time being, of the so-called State of Kansas. Soon after crossing the Kansas river these men, aided by lawless military combinations heretofore existing in the Territory, commenced, in pursuance of threats previously made, the bloody work of exterminating or driving from the Territory such of our citizens as had sought to enforce the Territorial laws, by attacking at midnight the law-abiding citizens of the town of Franklin with an overwhelming force of armed men, well supplied with Sharp's rifles and other deadly weapons; and finally succeeded by the application of the torch in driving the few citizens from the hotel—a log house into which they had been driven for self-protection by threats of violence previously made. The house was then robbed of almost everything valuable, as well as the store of Dr. Skillback, and the post office. The U. S. muskets left there for a volunteer company under the law were even taken away. This attack, it is now known, was headed in person by Gen. James H. Lane, under the assumed cognomen of "Col. Cook."

Soon after this a similar attack was made on the New Georgia Colony, every man of whom was compelled to flee the Territory to save his life, whilst their houses were burned to the ground.

The settlement on Washington creek was next threatened with extermination, and the settlers, driven by the instincts of self-preservation into the log house of James P. Saunders, Esq., one of the oldest and best citizens of Douglas county, began to fortify it; but finding a large army of outlaws advancing upon them with artillery, they were compelled to flee for their lives, and take refuge in the adjoining State of Missouri. The house of 'Squire Saunders, after being robbed of everything in it,

including the U. S. muskets furnished by the Government for a volunteer militia company of which he was captain, was then burned to the ground.

This army of outlaws next turned their course toward Lecompton, with the intention of attacking it, but were induced by some of their leaders not to do so at that time. They then attacked the house of Col. Titus, firing upon it with Sharp's rifles and artillery, killing one man and severely wounding a gentleman then residing with Col. Titus, who was also badly wounded, besides taking and holding as prisoners all persons found on the place, and a gentleman who was intercepted a mile distant, while engaged in taking a dispatch from Gov. Shannon to Maj. Sedgwick of the U. S. Army. This gentleman was robbed of his horse, and then marched with the prisoners taken at the house of Col. Titus to your own town of Lawrence, where they were detained as prisoners until an exchange was effected by Gov. Shannon, in consideration of his releasing certain persons held in custody here under a legal process for being implicated in the midnight attack and robbery of the citizens of Franklin—your, or a somewhat similar committee, positively refusing to surrender them upon his demand as the executive officer of the Territory.

It is unnecessary to add that Col. Titus's house was robbed of everything valuable, even the wearing apparel of his negroes, and then consigned to the flames.

Many other depredations scarcely less atrocious, committed by Lane's men and the lawless military combinations heretofore existing in the Territory, might be adverted to, but these will suffice; for all of which certain presses in the Northern and Eastern States seem to have been prepared in advance by numberless letter-writers in the Territory, charging upon persons called "Missourians" the intention of committing similar outrages upon "innocent Free-State settlers," and thus seeking to justify in advance their own crimes; thus showing conclusively a long-meditated and systematic invasion of the Territory, and insurrection against the constituted authorities and government thereof, and the bloody work was only postponed, as is now manifest, until the arrival of Lane and his men.

It is passing strange that those who have thus defied the Territorial laws and who have thus attempted to subvert by force and violence the existing government of the Territory, should at this time, as if oblivious of their fatally lawless conduct, apply to those very laws, and the very government they have been, and are still, seeking to subvert by force and violence, for protection. Protection by the Territorial laws and authority, you, gentlemen, must be aware, cannot be afforded to those in open rebellion and insurrection to such laws and authority, but only to peaceable, law-abiding citizens.

It has become my duty, as the acting Executive of the Territory, to take all the legal measures in my power to suppress all such lawless and insurrectionary combinations against the peace and quiet of the Territory, as well as the very existence of the Territorial Government itself, of which I cannot believe you to be ignorant; but as you seem to be, I herewith inclose you a copy of the proclamation issued from this office on the 25th August, and of the general orders previously issued to Maj. Genls. Richardson and Coffey. Orders have subsequently been issued positively forbidding the burning of houses in any case, under the severest penalties. It is not surprising, however, that persons who have been robbed and burnt out of houses and homes by your men, should seek to retaliate.

No one deplores the existing unhappy state of things more than I do, but peace, quiet and harmony can only be restored by a due enforcement of our Territorial laws. Forcible resistance to their execution, or invasive and insurrectionary military combinations to subvert the existing government, can never effect that desirable end. If peace and harmony are what you want, gentlemen, it can be speedily obtained by giving a sufficient guaranty on the part of those you represent of implicit

obedience to the laws of the Territory until they are modified or repealed by competent authority, or declared invalid by the courts.

Respectfully,

DANL. WOODSON,
Acting Governor Kansas Territory.

SEPTEMBER 3, 1856.—The following letter was received by the acting Governor:

LAWRENCE, K. T., Sept. 2, 1856.

To His Excellency D. Woodson and Col. Cooke—GENTLEMEN: Circumstances that we doubtless mutually deplore have made it our duty to confer together several times during the last few weeks relative to our own security and protection. In conformity to all law and justice, even in times of war, such deputations have been welcomed and allowed to return without molestation, until last Thursday. We then sent S. Southerland, G. W. Hutchinson and a young man from Leavenworth, to you to recite you the condition of our teams. Their drivers and eight passengers went to Leavenworth last Tuesday in accordance with your own suggestion, (or that of Col. Johnson,) and the outrages they have since suffered you are probably familiar with. We learn with much regret that after Messrs. Southerland and Hutchinson had conferred with Governor Woodson, they were taken just in front of his office by a mob, and by them are still retained in Leecompton. We have not learned that any legal charges are preferred against them, and we now ask you why they are retained? Whether merely as prisoners of war, and whether you thereby say to us that civil war now exists? Unless you take this ground, we claim of you their immediate and unconditional release.

We send their wives to-day as the bearers of this, and as a consolation to the imprisoned; and would ask of you most respectfully to grant them such an escort or protection while among you or near your town as their own safety may require.

In behalf of the Kansas State Central Committee.

(Signed)

WM. HUTCHINSON.
H. MILES MOORE.

To this letter the acting Governor replied as follows:

LECOMPTON, KANSAS TERRITORY, EXECUTIVE OFFICE, Sept. 3, 1856.

Messrs. Wm. Hutchinson and H. Miles Moore, "in behalf of the Kansas State Central Committee"—GENTLEMEN: In reply to your communication of yesterday, which was received late last night, complaining of the retention here of a deputation of several gentlemen on the part of your committee, I have to state that no such "deputation" have made any application whatever to me, nor has any such deputation been detained here. It is true that Mr. Hutchinson and Mr. Southerland called at this office on Friday evening last and complained of certain alleged depredations upon their property—one on account of outrages said to have been perpetrated upon his wagons or teams near Leavenworth, and the other upon his hack and passengers. They did not represent themselves as a "deputation" in behalf of your "committee," or of any persons whatever, except themselves individually, each one making his own complaint. They were courteously and kindly received by myself, and the legal remedy pointed out to them. Nothing whatever was said in regard to their being deputed to act for any other persons than themselves, and nothing of the character was dreamed of by me, or in any way intimated to me, until I received your letter of yesterday.

They were arrested by order of Genl. Marshall as spies, he doubtless having the authority in the present insurrectionary state of the country to do so. They have been and are still very kindly treated.

I will simply add that with their wagons or teams and hack — or rather, as it appears from your letter, your wagons, &c.— were found two persons who were recognized as being engaged in the attack on Col. Titus's house, and the burning thereof, and with whom some of Col. T.'s property, of which he was then robbed, was found.

Very respectfully, yours,

DANL. WOODSON,

Acting Governor Kansas Territory.

SEPTEMBER 5, 1856.—Commission issued to James Adkins, Sheriff of Atchison county, *vice* Eli C. Mason, resigned.

Commission issued to C. L. Newman, Adjutant Third Regiment, First Brigade, Northern Division, Kansas Militia.

Commission issued to Samuel C. Glenn, Justice of the Peace for the county of Marshall.

SEPTEMBER 6, 1856.—Commission issued to Wm. N. Glenn, Sheriff of Marshall county, *vice* George T. Hubbard, removed from the county.

Commissions issued to the following-named officers of the Fourth Regiment, Second Brigade, Northern Division, Kansas Militia:

To Wm. Ewing, First Lieutenant of the "Southern Rangers."

F. Rucker, Second Lieutenant of the "Southern Rangers."

Greenlee Butter, First Lieutenant of the "Coote Guards."

H. E. Hardy, Second Lieutenant of the "Coote Guards."

N. W. Hodges, First Lieutenant of the "Round Prairie Guards."

S. F. Rhea, Second Lieutenant of the "Round Prairie Guards."

Dr. J. E. Bennett, Surgeon of the Regiment.

CORRESPONDENCE.

LAWRENCE, KANSAS, September 6, 1856.

To His Excellency Governor Woodson, and Col. Cooke, Commander of the U. S. Troops near Leocompton—GENTLEMEN: The roads leading to Leavenworth and Westport are beset with bands of armed men, who seize our men, and arrest all trains of wagons going to either point. These thoroughfares furnish the only avenues by which provisions can be introduced into Kansas. Our people are suffering for provisions. We have our trains and money prepared to supply ourselves. We respectfully for our people request that these roads be immediately opened by the troops, subject to your order or command, or at least an escort of the same furnished to our trains that are now waiting to start. We trust that not a moment will be lost in responding to this call. Our people will quietly submit no longer.

In behalf of the Kansas State Central Committee.

WM. HUTCHINSON,
J. BLOOD.

H. MILES MOORE, *Secretary Kansas State Central Committee.*

LECOMPTON, K. T., EXECUTIVE OFFICE, September 7, 1856.

To Messrs. Wm. Hutchinson and J. Blood, "in behalf of the Kansas State Central Committee"—GENTLEMEN: Your communication of yesterday, addressed to Col. Cooke and myself, asking that the roads leading from Lawrence to Leavenworth and from Lawrence to Westport should be opened, so that you can get provisions for your people, was received to-day about noon.

If the roads in question are closed at this time, gentlemen, (which I do not doubt,) to the convenience and necessities of your people, you must be aware that it is the natural and inevitable result of the present lawless and revolutionary position in which you have of your own accord most unfortunately placed yourselves. So long as you continue to hold yourselves in such a position, it is unnecessary for me to say to you, the Government cannot comply with your request. If you really desire the protection of the Government, it is your obvious duty to respect and submit to the laws of the Territory, organized by the Government of the United States, and to cease at once and forever all attempts to subvert by force and violence that Government and establish upon its ruins your so-called "State Government."

But give a sufficient guaranty to this effect, gentlemen — that you will quietly submit to the enforcement of the Territorial laws, the Territorial officers, until said laws are modified or repealed, or declared invalid by the courts, and I assure you and your people that your request will not only be promptly complied with, but that the whole civil and military power of the Government will be exerted to protect you fully in all your lawful rights of persons and property; and I would take the liberty of invoking you in the name of our common country, and for the sake of all that is near and dear to American citizens, to do so at once, that peace and harmony may once more prevail.

Very respectfully yours,

DANL. WOODSON,

Acting Governor Kansas Territory.

REPORT OF THE SECRETARY TO THE PRESIDENT.

LECOMPTON, KANSAS TERRITORY, SECRETARY'S OFFICE, Sept. 20, 1856.

To His Excellency Franklin Pierce, President of the United States — SIR: I have the honor to transmit to your Excellency the following report and accompanying documents in regard to the unhappy disturbances in this Territory.

It will be seen from the official report, marked "A," of Brig. Gen. Marshall, of the First Brigade, Northern Division, Kansas Militia, that one Gen. James H. Lane invaded the Territory with an armed force of some 800 or 1,000 men, all well supplied with every instrument of war, for the purpose, as avowed by themselves, of "revolution and of destroying the force and integrity of the present laws, by setting them at defiance and protecting all in the violation of them, and to avenge what they term the wrongs of the Abolition party in the Territory — to take a fearful vengeance on the officers and others who are and have been instrumental in the preservation of the Government — law and order. They would keep up their military organization, divided throughout the election districts, and control and determine the fall election."

When Gov. Shannon received intelligence that these lawless men had approached the Nebraska line in military array and for the purposes above set forth, he immediately requested General Smith, of the U. S. army, to station his command on the northern frontier to intercept them or prevent their entering the Territory. This officer, however, not believing the account to be authentic, declined to act. Brigadier General Marshall, under authority vested in him by law, (Kan. Stat., ch. 110, sec. 26,) ordered out his brigade to repel the invasion, but in consequence of the "great distance between the settlements and points of command constituting the First Brigade, could not have a serviceable coöperation of the law-abiding citizens to repel this most violent and lawless invasion of the peace of the Territory."

Lane's army came in without interruption or resistance, erecting, I have been reliably informed, as they came, a cordon of forts or block-houses extending from the Nebraska line to Topeka, on the Kansas river, a town known as the capital at present of the so-called "State of Kansas." Soon after they came into our midst, aided

by lawless military organizations heretofore existing in the Territory, they began, in pursuance of threats previously made, the bloody work of exterminating or driving from the Territory the law-abiding citizens, by attacking at midnight with an overwhelming force, armed with Sharp's rifles and other deadly weapons, the citizens of Franklin, who assembled in a log house known as Crane's Hotel, for the purpose of protecting themselves. Here they successfully resisted the outlaws for four hours, who then changed their mode of attack, and driving up in front of the house a wagon loaded with hay, set it on fire, the flames from which soon communicated to parts of the building and compelled the inmates to cry for quarter. Some were taken prisoners, whilst others made their escape. The building was then robbed of many valuables, and the post office, as well as the store of a Dr. Skillback. The muskets furnished by the Government to a volunteer company of militia, and a cannon which the citizens had procured for their own protection, were also forcibly taken. It has since been ascertained that this attack was headed in person by General James H. Lane, under the assumed cognomen of "Col. Cook."

Soon after this, a similar attack was made on the "New Georgia Colony," every one of whom, including the women and children, were compelled to flee the Territory to save their lives, whilst their houses were burned to the ground.

The settlement on Washington creek was next threatened with extermination, and the settlers, driven by the instincts of self-preservation, into the log house of James P. Saunders, Esq., one of the oldest and most reputable citizens of Douglas county, began to fortify themselves; but finding a large body of outlaws advancing upon them with artillery, they were compelled to flee for their lives and take refuge in the adjoining State of Missouri. The house of 'Squire Saunders, after being robbed of every thing in it, including the muskets furnished by the Government to a volunteer militia company, of which he was captain, was then set on fire and burned to the ground.

This body of outlaws next turned their course towards Lecompton, with the intention of attacking that place, but for reasons best known to themselves, declined doing so at that time.

They then attacked the house of Col. Titus, firing upon it with Sharp's rifles and artillery, killing one man and severely wounding a gentleman then residing with Col. T., who was also badly wounded. They then robbed the house of everything in it and burned it to the ground, taking and holding as prisoners all persons found on the premises, and a gentleman (see affidavit No. 1,) who was intercepted a mile distant whilst engaged in bearing a dispatch from Governor Shannon to Maj. Sedgwick of the U. S. Army, encamped about a mile and a half south of the house of Col. Titus. This gentleman was robbed of his horse and marched with the plunder and prisoners to the town of Lawrence, where they were detained as prisoners (see affidavit of Dr. A. Roderique, and corroborating statement of Gov. Shannon, marked No. 2,) until an exchange was effected in consideration of certain persons being released, who were then held under legal process in Lecompton, as implicated in the midnight attack and robbery of the citizens of the town of Franklin — the "Committee" of outlaws at Lawrence positively refusing to release them upon the demand of Gov. Shannon, as the executive officer of the Territory, and by insisting upon the exchange, which was finally agreed upon, to all effect and purposes proclaimed themselves and those for whom they acted, in a state of insurrection and rebellion. (See again affidavit No. 2.)

As the Territory was thus not only invaded by an armed force who were laying waste the country with fire and sword, and spreading desolation and terror wherever it best comported with their fell purposes to do so, all in open violation and utter contempt of the President's proclamation of the 11th February, 1856, but were also in an ad-

mitted state of insurrection and rebellion, (see affidavit No. 2, and the report of the Marshal of the Territory, marked No. 3,) I felt it to be my duty, and I believed I was fully authorized by the instructions of the Secretary of War to Col. Sumner of the 15th February last, to make a requisition upon Col. Cooke, commanding the U. S. troops near this place, to use his command in such a way as would repel the "aggressive invaders," and suppress the "insurrection and rebellion." (See letter to Col. Cooke, and his reply, marked No. 4.)

Upon this requisition Col. Cooke declined to act, for reasons stated in his letter, which, however satisfactory they may appear, I am constrained to believe impelled him to a most unfortunate conclusion. Topeka was known to be the capital of the so-called "State of Kansas," and as such, the headquarters of the army of "aggressive invaders," whose object was to subvert by "force and violence" the lawful Territorial Government, and establish upon its ruins what is termed a "State" under the illegal and fraudulent "Topeka" Constitution. From Topeka detachments were sent out at will to exterminate or expel from the Territory such settlements of law-abiding citizens as the outlaws might see proper to make an example of. From the same point, it was well known, came large numbers of those engaged in expelling the settlers on Washington creek from the Territory, and robbing them, and burning their houses, and who afterward attacked the house of Col. Titus, within a mile and a half of a camp of U. S. dragoons, with all the implements of war, killing one man, and wounding several others — after which they robbed the house of everything valuable, and consigned it to the flames. They then returned to Topeka, from which point they have since repeatedly sallied forth, robbing and plundering at will the adjacent country. (See affidavit No. 5.)

It was wholly impracticable to identify such outlaws and traitors in advance of arrests by legal writs, for the obvious reason that personally they were almost wholly unknown, many of them being strangers in the country; and whenever one happened to be known, and a civil officer with a posse was sent to arrest him, they would invariably fail to find him, he being safely secreted by his associates, who were not identified. It was indispensable, then, that these "aggressive invaders" and "insurrectionists" should be first arrested and disarmed, and an end thus put to their bloody work, before legal proceedings could be successfully instituted against them, or peace and quiet restored to the country; and it was only such persons that Col. Cooke was required by my requisition to arrest, which could only have been done at Topeka by investing the town.

As the acting Executive of the Territory, and as such, conservator of the peace, I felt not only authorized by the instructions of the Secretary of War above referred to, but imperatively called upon by every consideration of duty — not the least of which was a sincere desire to avoid as far as possible the effusion of blood — to make said requisition upon Col. Cooke. Had my wishes prevailed, I am fully persuaded that much difficulty and trouble would have been averted. Certain it is that the wholesale pillaging of the country on both sides of the Kansas river, since, by marauding parties then concentrated at Topeka, would have been prevented, and the marauders themselves made to appear before the judicial tribunals of the country, to answer for their crimes, without bloodshed, as it is believed U. S. troops would not have been resisted.

This much accomplished at Topeka, it would have been a comparatively easy task to have the same done at all other disaffected points, by which means peace and quiet would have been, speedily restored. The local militia that had been ordered out by Generals Richardson and Marshall to repel the invasion, as well as those called out by myself, would have been speedily disbanded, there being nothing left for them to do; whilst the people on the Missouri border, finding that their friends

in the Territory were protected by the Government in their lawful rights, would have had no pretext, and I verily believe no disposition, to enter the Territory in hostile array.

There being no other available means with which to repel the "invasion" or suppress the "insurrection" then staring us in the face, the local militia had of necessity to be used as best they could, or the Territory surrendered to outlawry and vandalism.

In consequence of the sparsely settled condition of the country and the entire want of efficient organization, the militia could not be brought promptly and efficiently to act. It is a matter, too, of much regret that some unruly persons attached themselves to some of the commands, whose excesses could not be foreseen or the guilty perpetrators identified, although every effort was made to prevent the one and ferret out the other.

The sudden and unexpected appearance of Lane and his men in a hostile attitude in the very heart of the Territory had the very natural effect of driving from it temporarily at least, a vast number of law-abiding citizens. It is estimated by competent judges that not less than five or six hundred were driven from Douglas county alone, and in Franklin, Anderson and Lykens, it is said, scarcely a family was left.

I have thus given a succinct account of the most unfortunate state of affairs existing in this Territory for a short time previous to the arrival of Governor Geary, and of the course I have deemed it my imperative duty to take in relation to them. All of which is most respectfully submitted.

With Governor Geary it will be my pleasure, as well as duty, cordially to cooperate in executing the laws and in carrying out the policy he has adopted, which I am happy to state thus far gives substantial assurance of the most auspicious results.

Very respectfully, your obedient servant,

DANL. WOODSON,

Secretary of Kansas Territory.

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