

GOVERNOR GEARY AND THE KANSAS JUDICIALS.—We notice by the Leavenworth Herald that a controversy has arisen between Gov. Geary and the judicial officers of Kansas. It appears that Judge Lecompte, (formerly of Baltimore,) of the U. S. District Court for that territory, admitted to bail a man named Hays, who had been indicted by the grand jury for murder. This, it is said, he was induced to do on the representation that at most it was only a suspicion against Hays, and further that he could prove his absence from the place at the time the murder was committed. The Herald says:

The Judge, we understand, assumes it to be the law, as well as precedent in higher cases, that in the U. S. Courts a Judge, in his discretion, may bail in a case of murder. We learn complaint is made by some against Judge Lecompte that he refused to hear argument for bail in the case of others, but in this case heard counsel and then admitted Hays to bail. We know nothing of this, but presume Judge Lecompte has some justifiable reasons for what he has done. The Governor being absent at the time bail was allowed, on his return the Marshal called to see him on business, when the Governor ordered him to arrest Hays, upon the ground that murder is not aailable offence.

Marshal Donaldson at first made some excuse, but finally objected to make the arrest. The Governor then ordered Col. Titus, who is in command at that place of a portion of volunteer forces in the United States service, to take the writ and arrest Hays. He proceeded to execute the writ in obedience to the orders of the Governor. We have learned that Col. Titus arrested

Hays, and has lodged him in jail at Leecompton. The Governor we understand will lay the facts before the President, and says he will resign if Judge Lecompte and Marshal Donaldson do not resign, or are removed. This is a question between the Executive and the Judiciary, involving a legal point in which we are not competent to judge, as we are no lawyer. But the authorities give us precedence for bailing by the judge of a United States court for murder, and even on a charge of treason. In the case of Aaron Burr, charged with treason, one of the highest offences known to our laws, he was bailed. Judge Lecompte bailed Robinson, Brown and others, who were charged with treason. We regret exceedingly to hear of this difficulty, and believe it has grown out of a misconception of the powers that each one possess.

Marshal Donaldson gives the following reasons for refusing to make the arrest:

1st. As a ministerial officer I am unwilling to arrogate to myself the power to contravene or set aside the acts of a Court of Justice, even if I disapprove of the acts of such court, and more especially as I am not advised of any law conferring such power upon me.

2d. Because I am clearly of the opinion that my act would be in violation of the law I have sworn to support and execute.

3d. In making such arrest, without a legal warrant, or other circumstances as would otherwise justify it, it is most clear to my mind that I would lay myself liable to a suit of damages which might involve and ruin my securities.

The correspondent of the St. Louis Democrat—none of the best authority—says that Gov. Geary has suspended Judge Lecompte and Marshal Donaldson. Another and later statement, however, is to the effect that Chief Justice Lecompte has adjourned his court till after the land sales at Leavenworth which were to commence on the

at Leavenworth, which were to commence on the 17th. Some 30 of the prisoners indicted under his instructions have succeeded in obtaining a change of venue to Judge Cato's Court, which opened at Tecumseh.
